Policy Review and Development Committee

Notice of Meeting & Agenda
5 December 2019

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.
Policy Review and Development Committee
Notice of Meeting

Dear Committee Members

The next Ordinary Meeting of the Policy Review and Development Committee will be held in the Ocean Room, 2-4 Stephen Street, Bunbury on 5 December 2019 at 10.30am.

Signed:
Greg Golinski
Manager Governance

Agenda
5 December 2019

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.

Committee Members:

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Representing</th>
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<tbody>
<tr>
<td>Mayor Gary Brennan</td>
<td>City of Bunbury</td>
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<tr>
<td>Cr Michelle Steck</td>
<td>City of Bunbury</td>
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<tr>
<td>Cr James Hayward</td>
<td>City of Bunbury</td>
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<tr>
<td>Cr Cheryl Kozisek</td>
<td>City of Bunbury</td>
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<td>Cr Tresslyn Smith</td>
<td>City of Bunbury</td>
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Ex-officio Members (non-voting):

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Representing</th>
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<tbody>
<tr>
<td>Mr Mal Osborne</td>
<td>Chief Executive Officer</td>
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<tr>
<td>Mr Dave Chandler</td>
<td>Director Strategy and Organisational Performance</td>
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Support Staff:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Mr Greg Golinski</td>
<td>Manager Governance</td>
</tr>
<tr>
<td>Mrs Leanne French</td>
<td>Senior Governance and Risk Officer</td>
</tr>
</tbody>
</table>
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1. **Declaration of Opening**

As this is the first meeting of the Policy Review and Development Committee since the 2019 local government elections, the committee is required to elect a Presiding Member from amongst themselves in accordance with Section 5.12 of the *Local Government Act 1995*.

The Chief Executive Officer will call for nominations for the position of Presiding Member.

2. **Disclaimer**

Not applicable to this committee.

3. **Announcements from the Presiding Member**

4. **Attendances**

4.1 **Apologies**

4.2 **Approved Leave of Absence**

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.

6. **Confirmation of Minutes**

Committee Decision: Moved ___________ Seconded ___________

The minutes of the Policy Review and Development Committee Meeting held on 29 August 2019 are confirmed as a true and accurate record.

CARRIED/LOST
7. Method of Dealing with Agenda Business
8. Reports

8.1 Schedule of Meetings – Policy Review and Development Committee

<table>
<thead>
<tr>
<th>File Ref.</th>
<th>COB/525</th>
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<tr>
<td>Applicant/Proponent:</td>
<td>Internal</td>
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<tr>
<td>Responsible Officer:</td>
<td>Greg Golinski, Manager Governance</td>
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<tr>
<td>Responsible Manager:</td>
<td>Greg Golinski, Manager Governance</td>
</tr>
<tr>
<td>Executive:</td>
<td>Dave Chandler, Director Strategy and Organisational Performance</td>
</tr>
<tr>
<td>Authority/Discretion</td>
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<tr>
<td>☐ Review ☒ Quasi-Judicial ☐ Information Purposes</td>
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<tr>
<td>Attachments:</td>
<td>Nil</td>
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</tbody>
</table>

Summary

The purpose of this Report is for the Committee to establish an agreed schedule for the next two years up to the October 2021 local government elections.

Executive Recommendation

That the Policy Review and Development Committee set the following meeting schedule for the period up to the next ordinary local government elections:

1. 9am Thursday 27 February 2020
2. 9am Thursday 30 April 2020
3. 9am Thursday 25 June 2020
4. 9am Thursday 27 August 2020
5. 9am Thursday 29 October 2020
6. 9am Thursday 28 January 2021
7. 9am Thursday 25 March 2021
8. 9am Thursday 27 May 2021
9. 9am Thursday 29 July 2021
10. 9am Thursday 30 September 2021

Voting Requirements: Simple Majority required

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

N/A
Background

The terms of reference requires the committee to review all Council policies within a two-year period, in line with Council elections. To facilitate this, it is suggested that the Committee meet every two months.

Council Policy Compliance

N/A

Legislative Compliance

N/A

Officer Comments

As foreshadowed above, it is suggested that this committee meet every two months for the next two years.

In keeping with the timing of this meeting, it is proposed to hold meetings at 9.00am on the last Thursday of each applicable month. The schedule would therefore be:

1. 9am Thursday 27 February 2020
2. 9am Thursday 30 April 2020
3. 9am Thursday 25 June 2020
4. 9am Thursday 27 August 2020
5. 9am Thursday 29 October 2020
6. 9am Thursday 28 January 2021
7. 9am Thursday 25 March 2021
8. 9am Thursday 27 May 2021
9. 9am Thursday 29 July 2021
10. 9am Thursday 30 September 2021

Analysis of Financial and Budget Implications

There are no financial or budgetary implications arising from the recommendations of this report.

Councillor/Officer Consultation

This report seeks to consult with members of the Policy Review and Development Committee to establish a suitable meeting schedule for that committee.

Timeline: Council Decision Implementation

N/A
8.2 Proposed Council Policy – Welcome to Country

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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Isabell Evans, Manager People &amp; Place</td>
</tr>
<tr>
<td>Responsible Officer:</td>
<td>Isabell Evans, Manager People &amp; Place</td>
</tr>
<tr>
<td>Executive:</td>
<td>Gary Barbour, Director Sustainable Communities</td>
</tr>
<tr>
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<tr>
<td>Attachments:</td>
<td>Appendix 1A: Draft Council Policy Welcome to and Acknowledgement of Country</td>
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<td></td>
<td>Appendix 1B: Draft Corporate Guideline Welcome to and Acknowledgement of Country</td>
</tr>
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</table>

Summary

The purpose of this report is for the Policy Review and Development Committee to consider introducing a new Council Policy and Corporate Guideline around the welcome to and acknowledgement of country.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the new Welcome to and Acknowledgement of Country Council Policy and Corporate Guideline as presented.

Voting Requirement: Simple Majority Vote

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 1.4 A welcoming community, where diverse cultures are valued, and residents have a sense of belonging

Regional Impact Statement

The proposed new Council Policy and Corporate Guidelines relate only to the City of Bunbury however are presented in line with actions identified within the Bunbury Geographe Reconciliation Action Plan – Reflect, of which the Shires of Harvey, Dardanup and Capel are signatories.

Background

The Bunbury Geographe Reconciliation Action Plan (RAP) – Reflect was endorsed by Reconciliation Australia (RA) on Friday 21 June 2019 following endorsement by the signatory Local Government Authorities of the City of Bunbury and Shires of Harvey, Dardanup & Capel. This endorsement was the first time in its history RA had supported a cross-organisational RAP,
with the development process also supported by the South West Development Commission and led by Edith Cowan University.

RA’s RAP Framework provides organisations with a structured approach to advance reconciliation. There are four types of RAP that an organisation can develop: Reflect, Innovate, Stretch, Elevate. Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey, and as this is the City’s first RAP, it is a Reflect document.

A Reflect RAP clearly sets out the steps required to prepare an organisation for reconciliation initiatives in successive RAPs. Committing to a Reflect RAP allows the City to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, decide on its vision for reconciliation and exploring its sphere of influence, before committing to specific actions or initiatives. This process will help to produce future RAPs that are meaningful, mutually beneficial and sustainable as reconciliation is a long-term journey.

The Bunbury Geographe RAP – Reflect contains nine actions and 23 deliverables over four focus areas; Relationships, Respect, Opportunities and Governance & Tracking Progress. The proposed Council Policy and Corporate Guideline are proposed in line with action seven, deliverable 7.3 as follows:

Action 7 Raise internal understanding of Aboriginal and Torres Strait Islander cultural protocols
Deliverable 7.3 Raise awareness and understanding of the meaning and significance behind Acknowledgement of Country and Welcome to Country protocols (including any local cultural protocols)

**Council Policy Compliance**

This report proposes the introduction of a new Council Policy.

**Legislative Compliance**

Not applicable.

**Officer Comments**

As the experts in reconciliation, Reconciliation Australia provide organisations with a number of evidence-based actions and deliverables relevant to each individual reconciliation journey. The Bunbury Geographe RAP – Reflect encompasses the majority of these actions and deliverables.

Since RA’s endorsement of the RAP officers have conducted the following activities:
- Development of relationships with the Greater Bunbury Elders Group and standing attendance at their monthly meetings;
- Preparation of this Council Policy on Welcome to and Acknowledgement of Country in order to embed into the organisation the significance of these protocols;
- Development of a street name and dual naming project;
- Submission of a proposal for funding support for a SW Noongar Art Exchange Project;
- Meetings across the City’s diverse and varied teams to increase internal knowledge of reconciliation.
It is noted that RAP deliverables were scheduled to commence from February 2019, however the document was not endorsed by RA until late June 2019. As such, although the RAP Reflect process is generally a twelve month one, RA understand that the City may not commence the RAP Innovate process until the latter part of 2020.

The draft Council Policy and Corporate Guideline reference the South West Aboriginal Land and Sea Council (SWALSC) as the native title representative body of the Noongar people, and the City engages with the Council through the Gnaala Karla Booj (GKB) Working Party who are the Native Title Agreement Group for the Indig enous Land Use Agreement for the GKB area as part of the wider South West Native Title Settlement.

As Gnaala Karla Booj encompasses Kwinana in the north-west, Corrigin in the north-east, Kojonup in the south-east and Capel in the south-west, on a local level it is noted that the Greater Bunbury Elders Group are the City’s primary indigenous stakeholder group for the implementation of the RAP.

As part of the City’s reconciliation journey and implementation of RAP actions, Noongar Elder Aunty Gloria Dann performed a Welcome to Country at the first Ordinary Council Meeting of the new Bunbury City Council on Tuesday 29 October 2019.

Analysis of Financial and Budget Implications

Cost associated with Welcome to Country ceremonies are already built into relevant budgets for existing events, for example Christmas in the City, Skyfest Australia Day Celebrations and various Mayoral events. PR-4337 Prepare, Implement and Deliver Reconciliation Action Plan Initiatives has $25,000 to deliver RAP actions and will be used to fund any Welcome to and Acknowledgement of Country expenses in the short term however in the longer term it is anticipated that these costs will be incorporated into project budgets.

Community Consultation

Officers now attend the monthly Greater Bunbury Elders Group meeting hosted by Goomburrup Aboriginal Corporation. The proposed Welcome to and Acknowledgement of Country process was discussed with the Elders and received their approval on 26 September.

Councillor/Officer Consultation

The City’s Management and Executive Leadership teams have been consulted and are aware of this report, which is now presented to the Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Following Council endorsement Welcome to Country and Acknowledgement of Country ceremonies will be incorporated into all relevant activities effective immediately.
8.3 Review of Council Policy: Elected Member Entitlements

Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy Elected Member Entitlements.

Executive Recommendation

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

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

N/A

Background

This policy was last reviewed by Council in October 2018, and is presented to the Committee with some proposed modifications that have been identified over the past year. A tracked change copy of the revised policy is contained at Appendix 2.

Council Policy Compliance

This report facilitate a review of an existing Council Policy.

Legislative Compliance

Relevant statutory elements relating to Elected Member entitlements are contained within the revised policy.
Officer Comments

As the name suggests, the policy covers particulars to which Elected Members of Council are entitled, both legislatively and locally to assist Members in the discharge of their duties.

Officers have reviewed the current policy and propose minor changes as follows:

1. Updating the technical requirements for electronic devices used for Council purposes (s.2.1); and
2. Clarifying the process for payment of the annual ICT allowance in election years (s.2.1).

A tracked change copy incorporating the changes above is contained at Appendix 2.

Analysis of Financial and Budget Implications

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

Community Consultation

N/A

Councillor/Officer Consultation

This matter is presented to the Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Following Council endorsement, the revised policy will become effective immediately.
8.4 Review of Council Policy: Corporate Revenue Debt Collection

<table>
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<tr>
<th>File Ref:</th>
<th>COB/525</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>David Ransom, Manager Finance</td>
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<tr>
<td>Responsible Officer:</td>
<td>David Ransom, Manager Finance</td>
</tr>
<tr>
<td>Executive:</td>
<td>Dave Chandler, Director Strategy and Organisational Performance</td>
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<tr>
<td>Attachments:</td>
<td>Appendix 3A: Council Policy Corporate Revenue Debt Collection Appendix 3B: Corporate Guideline Corporate Revenue Debt Collection</td>
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</tbody>
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Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy Corporate Revenue Debt Collection.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Corporate Revenue Debt Collection, with no changes recommended.

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

N/A

Background

This policy (and associated Corporate Guideline) was last reviewed by Council in January 2018, and is now presented to the Committee for its biennial review. A copy of the current policy and corporate guideline are at Appendix 3A and 3B respectively.

Council Policy Compliance

This report facilitate a review of an existing Council Policy.

Legislative Compliance

The Local Government (Financial Management) Regulations 1996 apply.
Officer Comments

Officers have reviewed the current policy and corporate guideline, and don’t consider that any changes are necessary at this time.

Ratepayers are issued an annual rate notice and are given 35 days to pay in full or the first instalment. Before any debt collection can commence, this policy currently requires staff to give an additional 14 days.

Analysis of Financial and Budget Implications

Nil

Community Consultation

N/A

Councillor/Officer Consultation

This matter is presented to the Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Pending Council endorsement, any changes to the policy will become effective immediately.
8.5 Review of Council Policy: Annual Performance and Salary Review

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<tr>
<th>Applicant/Proponent:</th>
<th>Internal</th>
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<tbody>
<tr>
<td>Responsible Officer:</td>
<td>Odetta Robertson, Manager People and Safety</td>
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<tr>
<td>Responsible Manager:</td>
<td>Odetta Robertson, Manager People and Safety</td>
</tr>
<tr>
<td>Executive:</td>
<td>Mal Osborne, Chief Executive Officer</td>
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<tr>
<td>Attachments:</td>
<td>Appendix 4A: Council Policy Annual Performance Appraisal and Salary Review&lt;br&gt;Appendix 4B: Draft CEO Standards</td>
</tr>
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</table>

Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Annual Performance and Salary Review (Appendix 4A).

Executive Recommendation

The Policy Review and Development Committee recommend that Council:

1. Note the Draft CEO Standards as presented and that they will be applicable to all local governments; and
2. Maintain the status quo regarding existing Council Policy Annual Performance and Salary Review until such time as the CEO Standards are applicable.

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.

Background

This policy was last reviewed by the PRDC in August 2019, where it was recommended to Council that it be revoked. Council resolved to refer the policy back to the PRDC for further consideration (refer Council Decision 259/19).

The rationale for the previous recommendation to revoke the policy was on the basis that all elements within the policy (with the exception of 1) were covered either through legislation or contractually through the CEO’s employment contract.

The one aspect that was not covered is the ability (currently) for the CEO to be able to appoint an Elected Member of their choosing to be a member of the CEO Performance Review Panel. The
CEO has indicated that he is happy to forego this entitlement, and accordingly it was suggested the policy be revoked.

**Council Policy Compliance**

This report facilitates a review of an existing Council Policy.

**Legislative Compliance**

- **Local Government Act 1995 and Associated Regulations**
- **Salaries and Allowances Act 1975 and Associated Regulations**
- **Department of Local Government and Communities Guideline Number 10**

**Officer Comments**

The current suite of changes to the *Local Government Act 1995* include the introduction of mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers (CEO Standards).

The Department of Local Government, Sport and Cultural Industries (DLGSCI) is currently preparing some guidelines that will apply to all local governments to ensure best practice and greater consistency in these processes. A copy of the draft guidelines is attached at Appendix 4B.

It is expected that these (or a variation thereof) will be finalised in March 2020, following which the Council will have 3 months to adopt the minimum standards and any additional provisions. Until this time, it is suggested that the current policy remain in place.

**Analysis of Financial and Budget Implications**

There are no budget implications resulting from the recommendations in this item.

**Community Consultation**

Not applicable.

**Councillor/Officer Consultation**

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

Immediately prior to Council resolving to refer the policy back to the PRDC for further consideration, the Acting CEO and Manager People and Safety held open meetings with Elected Members on Friday 13 September 2019 and Tuesday 17 September 2019 to hear concerns around the recommended removal of this Policy.

**Applicant Consultation**

Not applicable.
8.6 Review of Council Policy: Disaster Relief Reserve Fund

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<th>File Ref:</th>
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<td>Dave Chandler, Director Strategy and Organisational Performance</td>
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<td>Attachments:</td>
<td>Appendix 5: Council Policy Disaster Relief Reserve Fund</td>
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</table>

**Summary**

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy Disaster Relief Reserve Fund.

**Executive Recommendation**

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Disaster Relief Reserve Fund, with no changes recommended.

*Voting Requirement: Simple Majority Vote*

**Strategic Relevance**

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

**Regional Impact Statement**

N/A

**Background**

At the Ordinary Council Meeting held 12 December 2017, Council requested (refer decision 446/17) Policy Review and Development Committee develop a policy that guides the collection, accrual and distribution of funds by the City of Bunbury Disaster Relief Fund.

The current policy was adopted on 1 May 2018 (refer decision 128/18), and is now presented to the Committee for review as part of the biennial review schedule for all Council policies.

The policy proposes some criteria to be considered when determining whether funding should be provided to certain causes, as well as proposing that such determinations could generally be made by an informal group comprised the Mayor, Deputy Mayor and Chief Executive Officer to ensure timeliness in decision-making.

**Council Policy Compliance**
This report facilitate a review of an existing Council Policy.

**Legislative Compliance**

N/A

**Officer Comments**

Officers have reviewed the current policy, and consider that it is still contemporary and that no changes are necessary at this time.

**Analysis of Financial and Budget Implications**

Any payments approved under the terms of this policy are made from the specific reserve account for that purpose.

**Community Consultation**

N/A

**Councillor/Officer Consultation**

This matter is presented to the Committee for consideration.

**Applicant Consultation**

Not applicable.

**Timeline: Council Decision Implementation**

Pending Council endorsement, any changes to the policy will become effective immediately.
8.7  **Motion on Notice Update – Smoking at the Koombana Bay Foreshore**

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<th>File Ref:</th>
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<td>Applicant/Proponent:</td>
<td>Internal</td>
</tr>
<tr>
<td>Responsible Officer:</td>
<td>Sarah Upton, Manager Community Law, Safety and Environmental Health</td>
</tr>
<tr>
<td>Responsible Manager:</td>
<td>Sarah Upton, Manager Community Law, Safety and Environmental Health</td>
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<tr>
<td>Executive:</td>
<td>Gary Barbour, Director Sustainable Communities</td>
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<td><img src="on" alt="Box" /> Legislative □ Review □ Quasi-Judicial □ Information Purposes</td>
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<td>Attachments:</td>
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**Summary**

The purpose of this report is to provide the Committee with an update regarding a Council motion relating to the creation of a local law to govern smoking on the Koombana Bay foreshore.

**Executive Recommendation**

That the Policy Review and Development Committee:

1. Note the information as presented.
2. Note that the relevant elements of Council resolution 178/19 will be incorporated into the current review of the City of Bunbury Local Government Property local law, which will be presented to the Policy Review and Development Committee in February 2020.

**Voting Requirement: Simple Majority**

**Strategic Relevance**

<table>
<thead>
<tr>
<th>Theme 4</th>
<th>Our City</th>
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<tr>
<td>Goal</td>
<td>Civic leadership, partnerships and sound governance in delivering with and for the community.</td>
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<tr>
<td>Objective 4.3</td>
<td>Trusted leadership and robust decision-making</td>
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**Regional Impact Statement**

Nil

**Background**

At the Ordinary Council meeting held on 25 June 2019, Council resolved as follows in response to a motion on notice put by Cr Kelly (refer council decision 178/19):
1. That Council resolves to develop, adopt and apply a local law that bans the smoking of tobacco products at the Koombana Bay foreshore.

2. That Council directs the CEO to draft an appropriate policy position and local law to enact part 1 of this motion.

A subsequent report was put to Council via the Policy Review and Development Committee on 17 September 2019, where Council decision 261/19 noted in part: That Council note that the relevant elements of Council resolution 178/19 will be incorporated into the City of Bunbury Local Government Property local law, which will be presented to the Policy Review and Development Committee in November 2019.

Council Policy Compliance

Nil

Legislative Compliance

Nil

Officer Comments

In enacting council decision 178/19, Officers propose to incorporate the requisite elements of the motion into a revised Local Government Property local law, which is currently being reviewed. This course of action is deemed to be most suitable, as desktop research of other local government local laws indicates that provisions around smoking are typically contained within Local Government Property local laws, as opposed to a standalone instrument that deals specifically with smoking. It is therefore felt that housing such provisions within a Local Government Property local law gives the best chance of success for such provisions to be approved by the Joint Standing Committee for Delegated Legislation.

It was hoped that the drafting of the revised/new local law would be complete in time for the current meeting of the Committee (in accordance with Council decision 261/19), however given the complexities in drafting an instrument that covers all areas of the City’ operations, this has not been possible.

The complexities are not so much in those clauses to enact Council decision 178/19, but rather the other aspects of the Local Government Property local law that deal with street trading, outdoor eating areas, events permits, verge treatments et al.

Accordingly, it is expected that a completed Local Government Property local law, which incorporates the requisite elements of Council decision 178/19, will be finalised in time to be presented to the next meeting of the Committee, which will be in February 2020.

Analysis of Financial and Budget Implications

There are no budget implications resulting from the recommendations in this item.

Community Consultation
Any future local law will be required to go through, as a minimum, the statutory 42 day advertising process.

**Elected Member/Officer Consultation**

This information is provided to inform the Committee as to the status of the recent motion on notice adopted by Council (178/19).

**Applicant Consultation**

Not applicable.

**Timeline: Council Decision Implementation**

Any recommendations from the Committee will be presented to Council at the next round of meetings.
9. **Questions from Members**

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

Nil

9.2 **Questions from Members**

10. **Urgent Business**

Nil

11. **Date of Next Meeting**

10am, Thursday 27 February.

12. **Close of Meeting**

The Presiding Member closed the meeting at __________.
POLICY STATEMENT

The City of Bunbury (“the City”) recognises the Wardandi Noongar people as the traditional owners of the land upon which the City is situated and respects the ongoing relationship these original custodians have with their land.

The City is committed to achieving genuine reconciliation in the community through strong relationships, recognition of traditional land owners and celebration of our rich cultural diversity and history.

The City acknowledges the cultural importance of Welcome to Country and Acknowledgement of Country for Wardandi Noongar people and its importance to Bunbury’s heritage and identity.

POLICY SCOPE

This policy applies to all staff and Elected Members organising events, ceremonies, commemorations and public functions and meetings as well as documentation on behalf of the City where Welcome to Country and Acknowledgement of Country should be included.

Activities where it is appropriate for a Welcome to Country to be performed include:

- Major City-led events and conferences;
- Openings of significant new City public buildings, facilities and developments;
- Welcoming new Councillors;
- Citizenship ceremonies;
- City-led award ceremonies;
- City-led NAIDOC and Reconciliation Week events.

Activities where it is appropriate for an Acknowledgement of Country to be performed include:

- Council meetings;
- Council Committee and working/advisory group meetings;
- City-led exhibition openings;
- Significant City-led policy, report or project launches;
- Large meetings where significant external stakeholders are present;
- Whole-of-organisation functions;
- City-funded events;
- Invitation-only Mayoral events.

Locations where it is appropriate for an Acknowledgement of Country to be included include:
• Strategic plans, strategies and studies;
• Council and committee agendas and minutes;
• Staff and Elected Member email signatures;
• Plaques erected on City-owned facilities;
• City of Bunbury websites.

POLICY DETAILS

The South West Aboriginal Land and Sea Council (SWALSC) is the native title representative body of the Noongar people, the traditional owners of the South West of Western Australia. Among other duties, the SWALSC advances and strengthens Noongar culture, language, heritage and society.

The City of Bunbury lies within the Gnaala Karla Booja Indigenous Land Use Agreement Area and is the traditional home to the Wardandi Noongar dialectical group.

According to the SWALSC;

“A Welcome to Country ceremony gives traditional owners, the Noongar peoples, the opportunity to formally welcome people to their land. This ceremony should be undertaken by Elders acknowledged as such by their family and community.

An Acknowledgement of Country is a way that non-Aboriginal people can show respect for Noongar heritage and the ongoing relationship of traditional owners of the land. The Chair of the meeting, or the principal speaker begins the meeting by acknowledging that the meeting is taking place in the country of the traditional owners.”

The SWALSC produces a Noongar Protocols document which outlines how organisations can give recognition to the first people of the south west region of Australia. The City shall use the guidelines contained within this document when organising Welcome to and Acknowledgement of Country in collaboration with the Greater Bunbury Elders Group.

COMPLIANCE REQUIREMENTS

ORGANISATIONAL

• Bunbury Geographe Reconciliation Action Plan “Reflect”
• Strategic Community Plan 2018 – 2028
• South West Aboriginal Land & Sea Council Noongar Protocols

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<td><strong>Reviewer:</strong> Manager People &amp; Place</td>
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CORPORATE GUIDELINE: Welcome to and Acknowledgement of Country

OVERVIEW:

This Corporate Guideline expands on the Welcome to and Acknowledgement of Country Council Policy and explains the procedure for both protocols.

GUIDELINES:

As outlined in the abovementioned Policy, the following activities are deemed appropriate for each of these protocols:

Activities where it is appropriate for a Welcome to Country to be performed include:

- Major City-led events and conferences;
- Openings of significant new City public buildings, facilities and developments;
- Welcoming new Councillors;
- Citizenship ceremonies;
- City-led award ceremonies;
- City-led NAIDOC and Reconciliation Week events.

Activities where it is appropriate for an Acknowledgement of Country to be performed include:

- Council meetings;
- Council Committee and working/advisory group meetings;
- City-led exhibition openings;
- Significant City-led policy, report or project launches, either by invitation or not;
- Large meetings where significant external stakeholders are present;
- Whole-of-organisation functions;
- City-funded events;
- Invitation-only Mayoral events.

Locations where it is appropriate for an Acknowledgement of Country to be included include:

- Strategic plans, strategies and studies;
- Council and committee agendas and minutes;
- Staff and Elected Member email signatures;
- Plaques erected on City-owned facilities;
- City of Bunbury websites.

The South West Aboriginal Land and Sea Council (SWALSC) is the native title representative body of the Noongar people, the traditional owners of the South West of Western Australia extending from Leeman in the north-west to Cape Arid in the south-east. The land on which the City of Bunbury sits is originally owned by the Wardandi people, one of the fourteen different language groups that comprise the Noongar nation.

Among other duties, the SWALSC advances and strengthens Noongar culture, language, heritage and society. The SWALSC has produced a document on Noongar Protocols which the City will follow.
PROCEDURE:

The following advice is adapted from the abovementioned SWALSC document.

Organising a Welcome to Country
A Welcome to Country ceremony gives traditional owners the opportunity to formally welcome people to their land. This ceremony should be undertaken by Elders acknowledged as such by their family and community. Goomburrup Aboriginal Corporation ("Goomburrup") should be contacted to facilitate the selection of an available Elder. If there are no Elders available or willing to give a Welcome to Country, authority to do so may be delegated by the Elders group.

There is no exact wording when conducting Welcome to Country. The content of the ceremony should be negotiated between the City, Goomburrup and the Elder to ensure it references the nature of the event and the Elder is comfortable. Generally, the Elder will offer provide local Wardandi Noongar history and cultural information followed by a welcome to attendees to their land, however they may vary from a single speech in language or English, a cultural performance, smoking ceremony or a combination.

It is important that organisers allow enough time to discuss with Goomburrup and the Elders what form of welcome will be undertaken and whether there are any particular protocols that must be observed.

A Welcome to Country is a cultural service wherein Aboriginal people use their intellectual property. As such they must be appropriately remunerated. The exact amount of payment is negotiated between the City, Goomburrup and the Elder however may range from $400 to $1,000 depending on the nature of the ceremony.

Organisers must provide equipment where appropriate, for example a microphone. The first speaker/master of ceremonies should always invite the Elder to perform the Welcome to Country, and then acknowledge and thanks the Elder for their contribution after the ceremony is complete.

It is the responsibility of the relevant staff member to organise a Welcome to or Acknowledgement of Country ceremony with the Community Partnerships Team providing a conduit to Goomburrup and the Elder.

Organising an Acknowledgement of Country
An Acknowledgement of Country is a way in which non-Aboriginal people can show respect for Noongar heritage and the ongoing relationship traditional owners and custodians have with their land.

It is the responsibility of the first speaker/master of ceremonies/meeting chair to begin the meeting by acknowledging that it is taking place in the country of the traditional owners. Whilst the SWALSC provides examples of typical Acknowledgement of Country statements, the City will use the following:
‘I/we/The City wish/es to acknowledge the traditional owners of the land, the Wardandi Noongar people, and pay my/our/its respects to Elders past, present and emerging.’

It is the responsibility of the document owner to ensure the abovementioned statement is listed on all appropriate documentation.

LEGISLATION AND OTHER REFERENCES:

- Bunbury Geographe Reconciliation Action Plan “Reflect”
- Strategic Community Plan 2018 – 2028
- South West Aboriginal Land & Sea Council Noongar Protocols

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<th>Authority:</th>
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<td>Guideline Owner:</td>
<td>Manager People &amp; Place</td>
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<tr>
<th>Document</th>
<th>Date</th>
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</table>

DRAFT
POLICY STATEMENT

To outline the support that will be provided to Elected Members through the payment of allowances, reimbursement of expenses incurred, insurance cover and supplies provided in accordance with the Local Government Act 1995 while performing the official duties of office.

POLICY SCOPE

This policy applies to Elected Members.

POLICY DETAILS

1. Allowances

1.1 Mayoral Allowance
[Local Government Act 1995 s.5.98(5)]

The Mayor shall be entitled to an annual local government allowance within the applicable band range as determined by the Salaries and Allowances Tribunal. The exact quantum of the Mayoral Allowance is determined annually by Council when adopting the annual budget, and within the prescribed range.

1.2 Deputy Mayor Allowance
[Local Government Act 1995 s.5.98A]

The Deputy Mayor shall be entitled to an annual local government allowance equivalent to 25% of the Mayoral Allowance.

1.3 Meeting Attendance Allowance
[Local Government Act 1995 s.5.98(1)(b)]

The Mayor and Elected Members shall be entitled to an annual Meeting Attendance Allowance within the applicable band range as determined by the Salaries and Allowances Tribunal. The exact quantum of the Meeting Attendance Allowance is determined annually by Council when adopting the annual budget, and within the prescribed range.

1.4 ICT Expenses Allowance

Elected Members shall be entitled to an annual Information Communication and Technology (ICT) allowance equal to the maximum amount permitted to be paid as determined by the Salaries and Allowances Tribunal to cover all information and communications technology costs that are a kind of expense for which Elected Members may be reimbursed as prescribed by Regulations 31(1)(a) and 32(1) of the Local Government (Administration) Regulations 1996.
2. Information and Communication Technologies (ICT)

2.1 iPad/Tablet Electronic Device

The City of Bunbury recognises the benefits of digital communications and information sharing. The City’s preferred technology for disseminating and managing Council documentation is via an online format utilising Apple iPads (or similar devices) any Windows 10 based device with at least 8GB of memory and Wi-Fi Connectivity, and include Microsoft Office 365 and Docs on Tap software.

Each Elected Member is responsible for sourcing a suitable device as soon as possible following election to Council. In an ordinary election year, retiring and newly Elected Members will receive the ICT Allowance on a pro-rata basis, which will be paid as soon as practicable following the election. The cost of the device will be reimbursed to the Elected Member from their ICT Expenses Allowance. Alternatively, in non-election years, the ICT Allowance will be paid in June of that financial year.

At the Elected Members request, the City can provide advice regarding the various devices available on the market and their compatibility with City systems, may purchase a device on their behalf, and will deduct the cost from their ICT Expenses Allowance.

Elected Members are responsible for all data expenses associated with their iPad/tablet device.

The City will install requisite Docs on Tap and email software on individual devices at the earliest opportunity post election. The software and applications installed on the iPad/tabletelectronic device by the City are required to remain on the device in usable condition and be readily accessible at all times. From time to time the City may contact Elected Members regarding upgrades or additional software applications, and as such Elected Members are requested to provide their device to the City for periodic updates and synchronising.

It is suggested that iPad/tablet electronic devices be replaced every 2 years, to enable City systems to advance at the same or a similar rate as technology.

2.2 Business Cards

The City will provide each Elected Member with a quantity of 500 printed business cards for relevant City business use within each term of office. The business card format will be in accordance with the City’s Style Guide.

2.3 Letterhead

An electronic letterhead template will be provided to each Elected Member for relevant City business use within each term of office.

3. Reimbursable Expenses

3.1 Travel Expenses

(Local Government Act 1995 s.5.98(2)(b) and (3) and Local Government (Administration) Regulations 1996 Reg.31(1)(b))
Elected Members shall be entitled to reimbursement of travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of their office, subject to claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:

a. Council Meetings, Civic functions, Citizenship Ceremonies or briefings called by Council, the Mayor or the Chief Executive Officer.

b. Committees to which the Councillor is appointed a delegate or deputy by Council.

c. Meetings, training and functions scheduled by the Chief Executive Officer or Directors.

d. Conferences, organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate or a deputy to the delegate.

e. Functions and presentations attended in the role as an Elected Member or whilst deputising for the Mayor, that are supported by a copy of the relevant invitation or request for attendance.

f. Gatherings or events (i.e. funerals, local business or community events), approved by the Chief Executive Officer for attendance by the Mayor or the Mayor’s nominated deputy as a representative of the City.

g. Any other occasion in the performance of an act under the express authority of Council.

h. Site inspections in connection with matters listed on any Council Agenda paper (Members to state the Item Number listed on any Council Agenda paper along with the date and time of the visit on the claim form).

i. In response to a request to meet with a ratepayer/elector, but excluding the day of Council Elections. (Members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).

Reimbursement will be in accordance with the requirements outlined in annexure D.

3.2 Intrastate or Interstate Travel and Accommodation

[Local Government Act 1995 s.5.98(2)(a) and (3) and Local Government (Administration) Regulations 1996 Reg.32(1)]

a. The cost of accommodation for Elected Members and staff when staying on Council business either:

   i. overnight in a hotel or motel; or

   ii. at a place other than a hotel or motel;

   shall be reimbursed to the maximum amount stated in the Public Service Allowance Schedule I – Travelling, Transfer and Relieving Allowance (shown at Annexure C).

b. All costs are to be fully substantiated by receipts and invoices; or if staying in accommodation other than a hotel or motel, a signed statutory declaration with certification from the owners of the premises shall be provided.

c. All costs for breakfast, lunch, dinner and other incidental costs shall be paid in accordance with the rates stated in Annexure C.
d. In addition to the rates contained in Annexure C, Elected Members and staff members shall be reimbursed reasonable incidental expenses such as train, bus and taxi fares, official telephone calls and IT expenses and laundry and dry cleaning expenses, on production of receipts.

e. Where an Elected Member or staff member is accompanied at an event, all costs for or incurred by the accompanying person, including, but not limited to, travel, breakfast, lunch and dinner, registration and/or participation in any event programs, are to be borne by the Elected Member or staff member or accompanying person and not by the City. The cost for an accompanying person attending any official event dinner where partners would normally be expected to attend shall be met by the City.

f. An accompanying person’s registration, or accompanying person’s program fee, is to be paid to the conference organiser, at the time of registration. The City will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the City in advance for the accompanying person.

g. Expenses will generally be reimbursed from the time an Elected Member or staff member leaves home to attend an event to the time the Elected Member or staff member returns home. Should a person extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the person could have returned following the event, reimbursements will be paid:
   i. for the days of the event only (including travel periods); and
   ii. for the cost of travel to and from the airport to the accommodation to be used for the event.

3.3 Child Care Costs
[Local Government Act 1995 s.5.98(2)(a) and (3) and Local Government (Administration) Regulations 1996 Reg.31(1)]

Elected Members shall be entitled to reimbursement of the lesser amount of actual child care costs or the amount prescribed by the Salaries and Allowances Tribunal for care of children, of which they are parent or legal guardian, whilst attending a Council meeting or a meeting of a committee of which he or she is a member.

Any reimbursement of costs under the terms of this Policy shall be made within 30 days of being invoiced for such expenditure.

4. OTHER SUPPORT / SUPPLIES

4.1 Insurance

The City will insure or provide insurance cover for Elected Members for:

a. Personal accident whilst engaged in the performance of the official duties of their office, however, the cover does not include medical expenses.

b. Spouses/partners of Elected Members are entitled to the same level of cover when attending meetings, conferences or functions with the express approval of the Chief Executive Officer.

c. Professional indemnity for matters arising out of the performance of the official duties of their office provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, against the interests of the City or otherwise in bad faith.
d. Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the policy of insurance.

4.2 City Vehicle provided to the Mayor

Private use of the Mayoral Vehicle will be in accordance with the Council Policy: Private use of Mayor Vehicle.

4.3 Name badges

The City will provide each Elected Member with a name badge to be worn at official functions and meetings.

4.4 Car Parking

The City will provide each Elected Member with an annual car parking permit which enables free car parking whilst on Council-related business within the specified areas of the permit.

4.5 Clothing

The City will provide each Elected Member with an embroidered City of Bunbury blazer upon request. A maximum of two blazers per member per elected term will be made available.

The City will provide each Elected Member with two polo shirts upon request. Options available will be in accordance with the City’s nominated colours/style. The City’s logo with the word MAYOR or COUNCILLOR underneath the logo will be embroidered on the shirts. A maximum of two polo shirts per member per elected term will be made available.

4.6 General

The Mayor shall, in carrying out the duties and responsibilities of that Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances approved by Council under Section 5.98, 5.98A, 5.99 and 5.99A of the Local Government Act 1995:

1. Access to the Marion Hudson room lounge and refreshments;
2. Suitable contemporary office accommodation within the Administration Building; and
3. Administrative assistance associated with any Council functions, meetings, publications and the like, that relate to the discharge of the duties of the Officer of Mayor.

The Deputy Mayor and Elected Members shall, in carrying out the duties and responsibilities of their Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances under Section 5.98, 5.98A, 5.99 and 5.99A of the Local Government Act 1995:

1. Access to the Marion Hudson room lounge and refreshments;
2. Access to suitably equipped shared office accommodation, reading room, meeting and conference rooms within the Administration Building with photocopying, printing, facsimile, internet and telephone facilities via the Executive Assistant to the Mayor; and
3. Some administrative support as resources allow, including limited word processing, photocopying, and postage, that relate to the discharge of the duties of the Officer of Deputy Mayor or Councillor.
All equipment, facilities and support listed above are provided to the Mayor, Deputy Mayor and Councillors on the absolute understanding that they will not be used for any election purposes.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Salaries and Allowances Act 1975*
- *Salaries and Allowances Tribunal Determination on Local Government Elected Council Members Dated 11 April 2017*

INDUSTRY

ORGANISATIONAL

- *Council Policy: Private Use of Mayoral Vehicle*
- *Annexure A: Accommodation and Incidental Allowances Claim Form*
- *Annexure B: Private Vehicle Allowance Claim Form*
- *Annexure C: City of Bunbury Travelling Allowance Schedule*
- *Annexure D: City of Bunbury Motor Vehicle Allowance Schedule for Elected Members*
Annexure A

### Accommodation and Incidental Allowances Claim Form

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<thead>
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<th>DEPARTMENT</th>
<th>EMPLOYEE NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>GL NUMBER</td>
<td>ADDRESS</td>
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**CLAIM PARTICULARS – Please ensure receipts or invoices are attached**

I hereby make claim for expenses incurred whilst attending the following event:

**Conference/Seminar Name:**

**Name of Town/City and State in which event was held:**

**Type of Accommodation Claimed:** [ ] Hotel [ ] Private Accommodation

**Hotel Name:**

**Period Claimed:** (from) ........................................ to ........................................

**Total Number of Days Claimed: ........................................**

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<thead>
<tr>
<th>Number of Days</th>
<th>@ (daily rate)</th>
<th>Sub-total</th>
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**Other Incidental Expenses:**

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<th>Type</th>
<th>Amount</th>
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<td></td>
<td>$..........</td>
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<td>$..........</td>
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**TOTAL THIS CLAIM** $..........  

If claiming for travelling expenses, complete the section below:

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<thead>
<tr>
<th>Date</th>
<th>Departure Place</th>
<th>Time</th>
<th>Arrival Place</th>
<th>Time</th>
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**I HEREBY CERTIFY THAT THE EXPENSES CLAIMED WERE INCURRED ON OFFICIAL COUNCIL BUSINESS AND COMPLY WITH COUNCIL POLICY AND ALL COSTS ARE SUBSTANTIATED WITH RECEIPTS AND/OR INVOICES.**

**SIGNATURE OF APPLICANT:** ........................................ **DATE:** ........................................

**OFFICE USE ONLY:**

**SIGNATURE OF AUTHORISING OFFICER:** ........................................
Annexure B

Private Vehicle Allowance Claim Form

I __________________________ hereby claim payment for use of my private vehicle on Council business and declare this claim to be true and correct.

Make of Vehicle

Registration Number

Engine Capacity (CC)

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<th>DATE</th>
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<th>KILOMETERS</th>
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</table>

TOTAL KMS
RATE PER KM
AMOUNT CLAIMED $

SIGNATURE

AUTHORIZED – MANAGER
Annexure C

City of Bunbury Travelling Allowance Schedule

(An extract from the Public Service Award 1992 Schedule I – Travelling, Transfer and Relieving Allowance)

ALLOWANCE TO MEET INCIDENTAL EXPENSES (Must be substantiated with receipts)

(1) WA – South of 26° South Latitude $14.55 per day (Maximum)
(2) WA – North of 26° South Latitude $21.70 per day (Maximum)
(3) Interstate $21.70 per day (Maximum)

ACCOMMODATION INVOLVING AN OVERNIGHT STAY IN A HOTEL OR MOTEL INCLUDING THE COST OF ALL MEALS (Must be substantiated with receipts or invoice)

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<th>Lunch</th>
<th>Dinner</th>
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<td>$16.30 (Maximum)</td>
<td>$46.50 (Maximum)</td>
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<tr>
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<td>$21.20 (Maximum)</td>
<td>$33.20 (Maximum)</td>
<td>$52.20 (Maximum)</td>
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<tr>
<td>Interstate</td>
<td>$21.20 (Maximum)</td>
<td>$33.20 (Maximum)</td>
<td>$52.20 (Maximum)</td>
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*Current as at 28 August 2017*
Annexure D

City of Bunbury Motor Vehicle Allowance Schedule for Elected Members

The extent to which a council member of a local government can be reimbursed for travel costs referred to in regulation 31(1)(b) of the LG Regulations is:

(a) if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person’s place of residence or work to the meeting and back; or

(b) if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person’s place of residence or work and back:

(i) for the person to travel from the person’s place of residence or work to the meeting and back; or

(ii) if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

Travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained in Section 30.6 of the Local Government Officers’ (Western Australia) Interim Award 2011 as at the date of this determination.

Section 30.6 of the Local Government Officers’ (Western Australia) Interim Award 2011

Section 30.6 Rates of hire for use of an Officer’s own motor vehicle on official business shall be as follows:

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<td>Over 2600cc</td>
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<td></td>
<td>Cents per kilometre</td>
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<td>South West Land</td>
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<td>North of 23.5</td>
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<td>Latitude</td>
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<tr>
<td>Motor cycle</td>
<td>Rate c/km</td>
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<tr>
<td>Distance travelled</td>
<td>32.55</td>
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</table>

30.6.1 Motor vehicles with rotary engines are to be included in the 1600 - 2600 category.
30.6.2 Metropolitan area means that area within a radius of 50 kilometres from the Perth Railway Station.
30.6.3 South West Land Division means the South West Land Division as defined by Section 28 of the Land Act.
30.6.4 Other areas means that area of the State south of 23.5 degrees South Latitude, north of 23.5 degrees South Latitude, excluding the Metropolitan area and the South West Land Division.

*Current as at 28 August 2017
CORPORATE REVENUE DEBT COLLECTION
POLICY.DOCX

POLICY STATEMENT

The City of Bunbury will actively pursue all outstanding rates and sundry debtors. All outstanding rates and sundry debtors will be collected in accordance with the Local Government Act 1995 and associated regulations.

POLICY SCOPE

This policy applies to Ratepayers and debtors of the City of Bunbury.

POLICY DETAILS

This policy will be applied to all:

- Ratepayers with balances outstanding 14 days after the due date of rates (excluding pensioners and ratepayers that have elected the Instalment option).
- Sundry debtors with balances outstanding greater than 7 days.

The Corporate Revenue Debt Collection Policy will be administered in accordance with the Corporate Revenue Debt Collection Guidelines.

COMPLIANCE REQUIREMENTS

LEGISLATION

- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996
- Rates and Charges (Rebates and Deferments) Act 1992

INDUSTRY

ORGANISATIONAL

- CORPORATE GUIDELINE – Corporate Revenue Debt Collection
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CORPORATE GUIDELINE: Corporate Revenue Debt Collection

OVERVIEW:

This Corporate Guideline details the practical aspects of collecting outstanding rates and sundry debtors.

PROCEDURE:

The following steps will be taken to recover outstanding rate debt:

1. A Final Notice will be issued to all ratepayers with an outstanding balance fourteen (14) days after the due date (excluding ratepayers that have elected the Instalment option). Final Notice recipients will have fourteen (14) days in which to respond.

2. A Notice of Intention to Summons will be issued by the City to any Final Notice recipient that has not responded within the fourteen (14) day period. Recipients of the Notice of Intention to Summons will have fourteen (14) days in which to respond.

3. At the conclusion of the Notice of Intention to Summon due date, and if the debtor has not entered into an arrangement to pay or made satisfactory efforts to clear the debt the account will be forwarded to a Debt Collection Agency for action.

Before proceeding to this step, the following checks will be undertaken:

- Ownership of the property confirmed through a Title Search;
- Postal address cross referenced with Aqwest or Water Corporation;
- Search of White Pages for a contact number
- Other means deemed appropriate by Management

4. Council’s Debt Collection Agency will be requested to issue Minor Case Claim. During this period, the Bailiff will attempt to deliver the Claim to the ratepayer. The Ratepayer has a further fourteen (14) days to respond to the Claim.

5. The lodgement of a Claim will immediately affect the Ratepayers credit rating by recording the default payment. Legal costs will also be incurred at this time in which the costs will be charged to the property owner’s assessment.

6. If the ratepayers fail to acknowledge the service of the Claim, the Debt Collection Agency will be requested to apply for default Judgement.

7. Once Judgment has been entered, the Ratepayer will be issued with a Means Enquiry Summons, which will force the Ratepayer to attend a Court and the Court will determine the Ratepayer’s means to pay off the debt.

Once the debt is settled by either full payment or by entering into a payment arrangement all action will be ceased immediately.
GUIDELINES:

(a) **Credit File Letter**

If a Ratepayer is referred to Council’s Debt Collection Agency and full payment of the outstanding debt is received, the City of Bunbury will issue a Credit File letter to the Ratepayer and Equifax advising that the claim has been satisfied by full payment of the outstanding amount. This will be recorded against the Ratepayer’s credit rating.

(b) **Notice of Discontinuance**

The City of Bunbury will not issue a Notice of Discontinuance unless a Claim was issued incorrectly against the Ratepayer.

(c) **Direct Debit**

1. An application for an alternative arrangement other than Option 1 (full payment) or Option 2 (4 instalments) must be entered into via a Direct Debit Request.
2. Payments are to be made on a regular weekly, fortnightly or monthly basis and are to be completed by the due date of the fourth Instalment, as set by Council.
3. An administration fee, as per City of Bunbury adopted Fees and Charges schedule will be debited to the assessment upon acceptance of the Direct Debit Request (eligible Pensioners excluded from this Fee).

(d) **Default Direct Debit**

The following process will apply for default direct debit payments.

1. Telephone or SMS contact will be made with the Ratepayer advising of the default payment and requesting that they make payment of the default amount via alternative means.
2. If the direct debit defaults twice, a Default Direct Debit letter is issued, requesting full payment of the defaulted amount, and advising the Ratepayer that if the dishonored amount is not paid with fourteen (14) days of issue of the letter the direct debit will be cancelled.
3. If payment is not received within seven (7) days of issue of the Default Direct Debit a Cancellation of Direct Debit letter is issued and Debt Recovery Procedure will commence.

(e) **Centrepay**

Eligible ratepayers may elect to have regular deductions taken from their Centrelink payments to pay off outstanding rates and charges.

(f) **Instalments**

1. Ratepayers may elect to pay rates in four equal instalments as detailed on the Original Rate Notice.
2. Where payment of rates on the four instalment option become two instalments in arrears fourteen (14) days after the due date of the third instalment a Final Notice will be issued requesting full payment within fourteen (14) days.
3. If an instalment remains unpaid after the issue of a Final Notice, the City of Bunbury will revoke the Ratepayers right to pay by instalments and issue a letter to the Ratepayer advising of the action.
4. If no contact is made from the Ratepayer after the issue of the letter Debt Recovery will commence.

(g) **Other Courses of Action that may be taken**

Prior approval from Manager or Council is required before proceeding with any of the following actions:

1. If the property is a rental, Section 6.60 Local Government Act – provides that the Council may divert rental payments due to the lessor to the City for payment of outstanding rates.

2. Lodge a caveat on the property so that the property cannot be settled until the debt is paid in full.

3. Issue a General Procedure Claim that may result in taking possession of the land under Section 6.64 of the Local Government Act 1995 after three years of non-payment.

4. Issue a Property (Seizure and Sale) Order that will authorise a bailiff to seize and sell as much of the ratepayers real or personal property as necessary to satisfy the judgement debt.

5. If Applicable issue correspondence to the financial institution if there is a mortgage against the property advising of rates outstanding and that the matter be discussed with their client.

(h) **Pensioners and Seniors**

1. Debt Collection will not proceed against eligible persons registered to receive pensioner or senior rebate under the Rates and Charges (Rebates and Deferments) Act 1992 as such persons have until the 30 June in the rating year to make payment.

2. Eligible persons will not incur any interest penalty.

3. Eligible persons will be sent a First Reminder letter in April every year advising that they are required to make full payment by 30 June in order to receive the State Government Rebate.

4. A follow up letter will be sent to all eligible persons during May every year.

5. Pensioners with arrears (i.e. refuse charges) and who are ineligible to defer payment of rates will be contacted by the City of Bunbury to discuss an alternative payment arrangement.

**GUIDELINES – SUNDRY DEBTORS:**

1. All City of Bunbury Sundry Debtor accounts are seven (7) day accounts.

2. Accounts unpaid after the due date will be issued with a Reminder Letter requesting payment within seven (7) days from date of letter.

3. A courtesy phone call and/or email will be made to ensure debtor has received all outstanding invoices/correspondence and requesting a timeframe for outstanding payment.

4. A Final Demand letter will be issued for all outstanding debtors 30+ days overdue requesting immediate payment. An additional phone call will be made at this stage to attempt to contact and arrange payment with debtor.

5. Unless a payment arrangement has been agreed to all accounts overdue at 45 days will be referred to Council’s Debt Collection Agency for immediate action.

**LEGISLATION AND OTHER REFERENCES:**

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- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996
- Rates and Charges (Rebates and Deferments) Act 1992
- Council Policy – Corporate Revenue Debt Collection

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Created Date: Council Decision 107/13 16 April 2013
Last Review: Endorsed by Council 23 January Reviewed and amended 2018
Related Policy: COUNCIL POLICY: Corporate Revenue Debt Collection
ANNUAL PERFORMANCE APPRAISAL AND SALARY REVIEW COUNCIL POLICY

POLICY STATEMENT

To ensure the City of Bunbury complies with section 5.38 of the Local Government Act 1995 which requires that the performance of each employee who is employed for a term of more than one year, including the CEO, be reviewed at least once in relation to every year of employment.

POLICY SCOPE

This policy applies to: City of Bunbury employees.

POLICY DETAILS

The process of Appraisal of the Chief Executive Officer (CEO) must be formalised to ensure equity in assessment against criteria established in the Chief Executive Officer’s Contract of Employment and/or in the immediately previous performance assessment.

The Council will appoint members to a Committee to undertake a review and make a recommendation to Council on the CEO’s performance. The Committee must comprise at least one Elected Member who has prior experience in performance management, human resources management, or has worked in a senior management capacity. The CEO is entitled to select an Elected Member as a member of the Committee.

The CEO Performance Review will be conducted in accordance with the contract of employment and the KPI’s set by the previous year’s Committee appraisal.

For each appraisal, the Committee will consider whether external facilitation is required to undertake the review.

The Council shall periodically (not less than annually) review the salary for the Chief Executive Officer to assess whether and what increase in salary and allowances are to be made. The salary and allowances may not be reduced unless the Salary and Allowances Tribunal bands are amended to require it.

In the course of the assessment, the committee will separately invite all elected members and each member of the Executive Leadership Team to be interviewed or surveyed before completing the report.

Prior to the commencement of the assessment, the CEO will provide his or her own assessment of their performance against the relevant criteria.
Elected Members are reminded that they are at liberty to attend all Committee Meetings even if they are not a formalised member of that committee.

**COMPLIANCE REQUIREMENTS**

**LEGISLATION**

- Local Government Act 1995 and Associated Regulations
- Salaries and Allowances Act 1975 and Associated Regulations
- Department of Local Government and Communities Guideline Number 10

**INDUSTRY**

**ORGANISATIONAL**
Standards and Guidelines
For Local Government CEO
Recruitment and Selection,
Performance Review
and Termination
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Preface

As part of the McGowan Government’s commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and early termination of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes among local governments.

This document outlines proposed mandatory minimum standards, shown in boxes. These standards will inform the drafting of regulations.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. The guidelines will assist local governments in meeting the proposed standards and will not form part of the legislative framework.

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (Department) in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro). The Department gratefully acknowledges the participation and contribution of these representatives.

The Department notes that the content of these does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Feedback is sought on the proposed standards and guidelines. A survey is available at [www.dlgsc.wa.gov.au/lgareview](http://www.dlgsc.wa.gov.au/lgareview) or you can provide your feedback to [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au) by 8 November 2019.
Part 1 – Recruitment and Selection

One of the fundamental roles of the council is the employment of the local government’s CEO. The CEO is responsible for implementing the council’s strategic vision and leading the local government administration.

Principles

A local government must select a CEO in accordance with the principles of merit, equity and transparency. A local government must not exercise nepotism, bias or patronage in exercising its powers. Additionally, a local government must not unlawfully discriminate against applicants. Section 5.40 of the Local Government Act 1995 (Act) lists a number of general principles of employment that apply to local governments.

Recruitment and Selection Standard

The minimum standard for recruitment and selection will be met if:

S1.1 The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.

S1.2 The council has approved, by absolute majority, the Job Description Form which clearly outlines the qualifications, selection criteria and responsibilities of the position, and which is made available to all applicants.

S1.3 The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member or staff member of the local government.

S1.4 The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year).

S1.5 The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.

S1.6 The local government has thoroughly verified the recommended applicant’s work history, qualifications, referees and claims made in his or her job application.

S1.7 The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how his or her knowledge, skills and experience
Guidelines

Recruitment and selection process

Regulation 18C of the Local Government (Administration) Regulations 1996 (Administration Regulations) requires a local government to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

The council of the local government should act collectively throughout the recruitment and selection process. To uphold the integrity of the process, the council must resist any attempt to influence the outcome through canvassing or lobbying.

The local government should carefully consider the role of the CEO. This includes the CEO’s legislated powers and functions and their role as the head of the administrative arm of the local government. In determining the selection criteria for the position of CEO, it will be important for a local government to consider the needs of the district and the specific skills and experience that will be required of the CEO in that particular local government. The competencies the council looks for in its CEO should reflect the council’s strategic community plan.

Once the essential skills and experience which form the selection criteria for the position have been identified, the local government must set out the selection criteria (essential and desirable) and the responsibilities of the position in a Job Description Form (JDF). If emphasis is placed on certain selection criteria, this should be highlighted in the JDF so that applicants are aware of this. For example, some level of project management experience will usually be an important criterion, but if the local government is undertaking a major development such as a new recreation centre, added emphasis may need to be given to this criterion.

The JDF must be approved by an absolute majority of the council.

Recruitment and Selection Standard cont.

S1.8 The appointment is made impartially and free from nepotism, bias or unlawful discrimination.

S1.9 The council has endorsed by absolute majority the final appointment.

S1.10 The council has approved the employment contract by absolute majority.

S1.11 The local government must re-advertise the CEO position after each instance where a person has occupied the CEO position for ten (10) consecutive years.
**Advertising**

The local government should ensure that applicants are clearly informed about the application process, such as the application requirements, the closing date for applications and how applications are to be submitted. It is essential that this process is transparent and that each step in the process is documented and the records kept in a manner consistent with the *State Records Act 2000* (WA).

In order to attract the best possible pool of applicants for the CEO position, it is recommended that local governments use a diverse range of advertising methods, mediums and platforms (in addition to the advertising requirement under section 5.36(4) of the Act). For example:

- advertising on the local government’s website;
- posting on online jobs boards (e.g. SEEK);
- sharing the advertisement via professional networks; and
- undertaking an executive search (also known as headhunting).

A local government must publicly advertise the CEO position if one person has remained in the job for 10 consecutive years. This does not prevent the incumbent individual from being employed as CEO for another term, provided they are selected following a transparent selection and recruitment process.

**Selection panel and independent person**

Local governments are to appoint a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number to be determined by the council) and must include at least one independent person. The independent person cannot be a current elected member or staff member of the local government. Examples of who the independent person could be include:

- former elected members or staff members of the local government;
- former or current elected members (such as a Mayor or Shire President) or staff members of another local government;
- a prominent or highly regarded member of the community; or
- a person with experience in the recruitment and selection of CEOs and senior executives.

The independent person would be on the committee on an unpaid basis (except for reasonable travel and accommodation costs which should be covered by the local government) to provide objectivity to the selection and recruitment process.

The independent person and elected members on the panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant.

**Independent human resources consultant**

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the
recruitment and selection process (or any aspect of it). A member of the human resources team within a local government should not be involved in the recruitment of a new CEO because if the CEO is employed, he or she would be their employer.

The consultant should not be associated with the local government or any of its council members and can be an independent human resources professional, recruitment consultant, or recruitment agency.

An independent human resources consultant can provide advice to the selection panel on how to conduct the recruitment process or a local government may engage a consultant to support it in undertaking certain aspects of the recruitment process, such as one or more of the following:

- development or review of the JDF;
- development of selection criteria;
- sourcing and development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- executive search;
- preliminary assessment of the applications;
- final shortlisting;
- drafting of the questions for interview;
- coordinating interviews;
- writing the selection report;
- arranging for an integrity check and/or police clearance; and
- assisting the council in preparing the employment contract.

The consultant is not to be directly involved in determining which applicant should be recommended for the position.

It is recommended that rigorous checks be conducted on any independent consultants before they are engaged to ensure they have the necessary skills and experience to effectively assist the council. Local government recruitment experience may be beneficial but is not necessary.

The independent human resources consultant must be able to validate their experience in senior executive recruitment and appointments. It is important to note that if the local government uses a consultant or agency to assist in finding applicants, that consultant or agency will require an employment agent licence under the Employment Agents Act 1976 (WA).

A good independent human resources consultant will bring expertise, an objective perspective and additional human resources to what is a complex and time-consuming process. Given the time and effort involved in finding a competent CEO, and the cost of recruiting an unsuitable CEO, there can be a good business case for spending money on an independent consultant.

There is no requirement for local governments to engage an independent human resources consultant to assist with the recruitment of a CEO. If a decision is made to outsource the recruitment process, it is imperative that the council maintains a
high level of involvement in the process and enters into a formal agreement (contract) with the consultant. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

**Council’s responsibilities**

A human resources consultant cannot undertake the tasks for which the council is solely responsible. An independent consultant cannot and should not be asked to:

- Conduct interviews with short-listed applicants: This should be done by the council (this may involve the establishment of a committee consisting of only council members under section 5.8 of the Act). A council may decide that a human resources consultant undertakes the initial shortlisting of candidates, for example, conducting initial interviews and compiling a short-list of applicants for the council to review. Following shortlisting, a consultant can participate by sitting in on the interviews, providing advice on the recruitment and selection process and writing up the recommendations. The consultant may also arrange the written referee reports of applicants.
- Make the decision about who to recruit: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: The council should conduct the final negotiations (noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions).

**Creating Diversity**

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview questions are objective and gauge the applicants’ hard and soft skills, reducing biases in assessment (see examples below).

Basing a selection decision on the results of a number of selection methods can help to reduce procedural shortcomings and ensure the best applicant is chosen. Psychometric, ability and aptitude testing are considered to be valid, reliable and objective. While applicants with extensive experience and reputable education may appear to be more qualified, an objective assessment of each person’s ability and personal traits can provide a clearer picture of the applicant.

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnic, age and experiential diversity on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will aid in making quality decisions regarding suitable applicants.
Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

- “Similar-to-me” effect - if interviewers share the same characteristics with the applicants or view those characteristics positively, they are more likely to score them highly;
- “Halo” effect – interviewers may let one quality (such as race, gender, looks, accent, experience, etc.) positively or negatively affect the assessment of the applicant’s other characteristics.

**Due Diligence**

It is essential that the local government ensures that the necessary due diligence is undertaken to verify an applicant’s qualifications, experience and demonstrated performance. This includes:

- verifying an applicant’s qualifications such as university degrees and training courses;
- verifying the applicant’s claims (in relation to the applicant’s character, details of work experience, skills and performance) by contacting the applicant’s referees. Referee reports should be in writing in the form of a written report or recorded and verified by the referee;
- requesting that an applicant obtains a national police clearance as part of the application process; and
- ensuring no conflicts of interests arise by looking to outside interests such as board membership and secondary employment.

A council may wish to contact a person who is not listed as an applicant’s referee, such as a previous employer. This may be useful in obtaining further information regarding an applicant’s character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of a media material and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government's values. This should be made clear in the application information.

To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.
Selection

Once the application period closes, the council, selection panel or consultant assesses each application and identifies a shortlist of applicants to be interviewed.

In shortlisting applicants for the interview phase, the selection panel should consider the transferable skills of applicants and how these would be of value in the role of CEO. The selection panel should not overlook applicants who do not have experience working in the local government sector.

It is important that the assessment process is consistent for all applicants. For example, each applicant being asked the same interview questions which are related to the selection criteria and being provided with the same information and completing the same assessments.

Elected members should declare any previous association with an applicant or any potential conflict of interest at the time of shortlisting if they are part of the selection panel. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If the potential conflict of interest is significant or a member’s relationship with an applicant may result in claims of nepotism, patronage or bias, the council may need to consider whether to exclude the elected member from the process. The decision should be documented and recorded for future reference.

Selecting an applicant should be based on merit; that is, choosing an applicant that is best suited to the requirements of the position and the needs of the local government. This involves the consideration and assessment of applicants’ skills, knowledge, qualifications and experience against the selection criteria required for the role. As part of the selection process, a council may consider it appropriate for each of the preferred candidates to do a presentation to council.

The appointment decision by the council should be based on the assessment of all measures used, including:

- assessment technique(s) used (e.g. interview performance);
- quality of application;
- referee reports;
- verification and sighting of formal qualifications and other claims provided by the applicant; and
- other vetting assessments used (e.g. police checks, integrity checks, etc.).

Employment contract

In preparing the CEO’s employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations, that it meets the requirements set out in relevant employment law and that it is legally binding and valid.

Section 5.39 of the Act provides that a CEO’s employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.
Further, the employment contract is of no effect unless it contains:

- the expiry date of the contract;
- the performance review criteria; and
- as prescribed under regulation 18B of the Administration Regulations, the maximum amount of money (or a method of calculating such an amount) to which the CEO is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of:
  - the value of one year’s remuneration under the contract; or
  - the value of the remuneration that the CEO would have been entitled to had the contact not been terminated.

It is recommended that the council seeks independent legal advice to ensure that the contract is lawful and able to be enforced. In particular, advice should be sought if there is any (even slight) doubt as to the meaning of the provisions of the contract.

Councils should be aware that CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the particular local government.

The CEO’s employment contract should clearly outline grounds for termination and the termination process (refer to the termination guidelines in this document for information on the process of termination). The notice periods outlined in the employment contract should be consistent with Australian employment law.

The council of the local government must approve, by absolute majority, the employment contract and the person they appoint as CEO.

**Appointment**

Following the decision of council to approve an offer to appoint, with the contract negotiations finalised and the preferred applicant accepting the offer of appointment, council is required to make the formal and final appointment of the CEO. The council is required to endorse the appointment and approve the CEO’s employment contract by absolute majority. The employment contract must be signed by both parties.

The council should notify both the successful individual and the remaining unsuccessful applicants as soon as possible before publicly announcing the CEO appointment.

The successful applicant should not commence duties with the local government as CEO until the employment contract has been signed.

The unsuccessful applicants (including those not interviewed) should be notified of the outcome of their application. It is recommended that the local government creates a template letter for unsuccessful applicants that can be easily personalised with the applicants’ details and sent out quickly.

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive
feedback on their application, or interview performance if they were granted an interview. Should an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

**Confidentiality**

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants and their personal details, assessment, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process.

**CEO induction**

Local governments should ensure that they provide the CEO with all of the necessary information on the local government’s processes, policies, procedures and systems at the commencement of the CEO’s employment.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the Department and LGPro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets the needs of the CEO.

The program provides the CEO with an opportunity (through meetings and on-going regular communications) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations
Part 2 – Performance Review

Principles
The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality.

Performance Review Standard
The minimum standard for performance review will be met if:

S2.1 Key result areas are specific, relevant, measurable, achievable and time-based.

S2.2 The key result areas and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.

S2.3 The CEO is informed about how their performance will be managed and the results of their performance assessment.

S2.4 The collection of evidence regarding key result areas is thorough and comprehensive.

S2.5 Assessment is made free from bias and based on the CEO’s achievement against key result areas and decisions and actions are impartial, transparent and capable of review.

S2.6 The council has endorsed the performance review assessment by absolute majority.

Guidelines
Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that the council engages in regular discussions with the CEO regarding their performance about key result areas, progress and ways that the CEO can be supported. Any changes to the CEO’s performance agreement such as changes to key result areas should also be discussed, and agreed to, between the council and the CEO, as the matter arises.

Employment contract and performance agreement
Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO’s performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a “performance agreement” which includes the
performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO’s professional development goals and outline a plan to achieve these goals.

Key result areas, performance indicators and goals

Setting the performance criteria is an important step. As one of the CEO’s key responsibilities is to oversee the implementation of council’s strategic direction, it is important to align the CEO’s performance criteria to the goals contained in the council’s Strategic Community Plan and Corporate Business Plan. Accordingly, as these plans are updated, the CEO’s performance criteria should be updated to reflect the changes.

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. These tasks are called key result areas. Key result areas should be set for each critical aspect of the CEO’s role. It is important that each key result area is measurable and clearly defined. These could be in relation to:

- service delivery targets from the council’s Strategic Community Plan;
- budget compliance;
- organisational capability;
- operational and project management;
- financial performance and asset management;
- timeliness and accuracy of information and advice to councillors;
- implementation of council resolutions;
- management of organisational risks;
- leadership (including conduct and behaviour) and human resource management; and
- stakeholder management and satisfaction.

Key result areas should focus on the priorities of the council and, if appropriate, could be assigned priority weighting in percentages. The council and CEO should set goals as to the target outcome for future achievement in the key result areas. Goals should be specific, measurable, achievable, relevant and time-based.

Following the determination of the key result areas and goals, the council will need to determine how to measure the outcomes in each key result area. Key performance indicators measure the achievement of the key result areas. It is important to relate performance indicators to the selection criteria used in selecting the CEO. For example, if the CEO has been selected due to their financial experience and ability to improve the local government’s finances, indicators regarding improved revenue and reduced expenses are obvious starting points.

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that
such contextual factors are given weight and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council.

Councils need to be realistic in terms of their expectations of a CEO’s performance and provide appropriate resources and support to facilitate the achievement of performance criteria.

Performance review panel

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council.

Independent consultant

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement. The local government should ensure that the consultant has experience in performance management and, if possible, experience in local government or dealing with the performance management of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- setting performance goals;
- setting key result areas;
- preparing the performance agreement;
- collecting performance evidence;
- writing the performance appraisal report;
- facilitating meetings between the performance review panel;
- assisting with the provision of feedback to the CEO;
- formulating plans to support improvement (if necessary); and
- providing an objective view regarding any performance management-related matters between the concerned parties.

Assessing performance

The process of assessing performance should be agreed to by both parties and documented in the employment contract or performance agreement.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships.
The council should consider any evidence of CEO performance from two perspectives, namely, current CEO performance and future performance if the CEO’s current behaviours continue. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the council as part of regular reporting. These sources include:

- achievement of key business outcomes;
- interactions with the council and progress that has been made towards implementing the council’s strategic vision;
- audit and risk committee reports;
- workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate);
- incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances);
- organisational survey results;
- relationships (e.g. with relevant organisations, stakeholder groups, professional networks and the relevant unions); and
- insights from key stakeholders (this could be done by way of a survey to obtain stakeholder input).

It is important that, in addition to looking at the achievement of KPIs, the council considers the following:

- How the CEO has achieved the outcomes. In particular, whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance?
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

The council should consider the attention the CEO has given to ensuring equal employment opportunity, occupational health and safety, privacy, managing potential conflicts of interest, and complying with procurement process requirements.

**Addressing performance issues**

Once the CEO’s performance has been assessed, it is essential that any areas requiring attention or improvement are identified, discussed with the CEO and a plan is agreed and put in place to address these. The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.
It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet key result areas does not necessarily mean the CEO has performed poorly and, for this reason, performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO’s competency in that area (for example, through an agreed improvement plan).

**Confidentiality**

The council should ensure that accurate and comprehensive records of the performance management process are created. Any information produced should be kept confidential.
Part 3 – Termination

Principles
The standards for the termination of a local government CEO (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and clarity. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person’s rights or interests.

Termination Standard
The minimum standard for the early termination of a CEO’s contract will be met if:

S3.1 Decisions are based on the assessment of the local government’s requirements (such as the documented key result areas) and the CEO’s performance is measured against these.

S3.2 Performance issues have been identified and the CEO informed. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues.

S3.3 Procedural fairness and the principles of natural justice are applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decision affecting them, and their response is genuinely considered.

S3.4 Decisions are impartial, transparent and capable of review.

S3.5 The council of the local government has endorsed the termination by absolute majority.

S3.6 The required notice of termination (which outlines the reason for termination) is provided in writing.

Guidelines

Reason for termination
The early termination of a CEO’s employment may end due to:

• poor performance;
• misconduct; or
• non-performance or repudiation of contract terms.
There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work. It includes:

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work, e.g. speaking to people in a disrespectful manner, not attending required work meetings and telling inappropriate jokes;
- disruptive or negative behaviour at work, e.g. constantly speaking negatively about the organisation;
- not meeting the performance criteria set in the employment contract and/or performance agreement unless these are outside the CEO’s control;
- not complying with an agreed plan to address performance issues (a plan for improvement);
- failing to comply with the provisions of the Local Government Act 1995 and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government; or
- behaving unlawfully or corruptly; or
- deliberately behaves in a way that’s inconsistent with continuing their employment.

Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the Corruption, Crime and Misconduct Act 2003;
- theft;
- fraud;
- assault;
- falsification of records;
- being under the influence of drugs or alcohol at work; or
- refusing to carry out appropriate and lawful resolutions of council.

Misconduct is also defined in section 4 of the Corruption, Crime and Misconduct Act 2003 (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission or the Corruption and Crime Commission is paramount.

Termination on the basis of misconduct is covered by employment law. A local government should take all reasonable steps to consider misconduct allegations including ensuring procedural fairness is applied. It should also seek independent legal, employment or industrial relations advice prior to a termination. A council should seek independent advice generally during the termination process including the relevant employment legislation affecting CEO employment and the application of that legislation in the circumstances. This will ensure that a council complies with employment law during the entire termination process.
To meet the termination standard, the local government is required to endorse the decision to terminate the CEO’s employment by way of an absolute majority resolution.

**Opportunity to improve and mediation**

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO’s input, determine a plan to help the CEO improve. If a plan for improvement is put in place and the CEO’s performance remains poor, then termination may be necessary.

Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, it is recommended that a council engages an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a breakdown in the working relationship (which affects the ability of the CEO to effectively perform his or her duties) and the subsequent termination of the CEO’s employment.

**Independent review of termination report**

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy the issues, and an explanation of the CEO’s failure to remedy the issues. It is recommended that the council arranges for the termination report to be reviewed by an independent person (e.g. a person with legal expertise, local government experience or a human resources consultant) to ensure the council has complied with procedural fairness, and provided adequate opportunities and support to the CEO to assist him or her in remedying the issues which form the basis of the termination. In the interests of fairness, the review should take place promptly and before the termination of the CEO’s employment.

**Confidentiality**

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of the grounds for termination and avenues for review of the decision. Notice of termination of employment is required to be given in writing. In addition, where possible, the news of termination of employment should be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of the employment.

Before making any public announcements on the termination of the CEO, a council should ensure that the entire termination process is complete, including that the CEO has been informed in person of the termination.
Disclaimer

It is outside the scope of these guidelines to provide legal advice, and local governments should seek their own legal advice where necessary. Guidance as to legal requirements and compliance in relation to the termination of employment is provided by the Fair Work Commission at www.fwc.gov.au, the Fair Work Ombudsman at www.fairwork.gov.au and the Western Australian Industrial Relations Commission at www.wairc.wa.gov.au.
Part 4 – Monitoring and enforcement

To ensure that councils are complying with the standards and to address any alleged non-compliance, a process will need to be established to monitor and enforce the standards.

Feedback is sought on potential models and processes for monitoring and enforcement.

One potential model is for the establishment of an independent Local Government Commissioner. This position would provide a quality assurance role over CEO recruitment and selection, performance review and terminations by ensuring that the minimum standards were met.

In relation to performance review, either the CEO or council could approach the Local Government Commissioner who would have the power to order that a third party be involved in the performance management process if the Commissioner deemed it necessary.
CEO standards consultation survey

As part of the McGowan Government’s commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces model standards covering the recruitment and selection, performance review and early termination of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes among local governments.

It is intended that the standards will be mandatory and inform the drafting of regulations. These will be accompanied by guidelines outlining the recommended practice for local governments undertaking these processes.

This survey is intended to provide the Government with feedback regarding the proposed content of the standards and the guidelines.

Thank you for taking the time to complete this survey.

1. Who are you completing this survey on behalf of?
   a. Yourself
   b. An organisation, including a local government, peak body, community organisation or a business
2. What is the name of that organisation?
3. What is your name?
4. What best describes your relationship to local government?
   a. Resident or ratepayer
   b. Staff member
   c. Council member (includes Mayor or President)
   d. Survey responses are provided on behalf of a local government (council endorsed)
   e. Peak body
   f. State Government agency
   g. Community body
   h. Other (please specify)
5. What best describes your gender?
   a. Male
   b. Female
   c. Other
   d. Not applicable/the survey responses are provided on behalf of an organisation
6. What is your age?
   a. Under 18
   b. 18-24
   c. 25-34
   d. 35-44
   e. 45-54
7. Which local government do you interact with most?
8. Do you wish for your response to this survey to be confidential?
   a. Yes
   b. No
9. What is your email address?
10. Have you previously completed a survey or provided a submission regarding the review of the Local Government Act 1995?
   a. Yes
   b. No
   c. Unsure
11. If no, what were your reasons for not previously providing your views to inform the Local Government Act review?
   a. I was not aware of the Local Government Act review
   b. I was not interested in providing my views
   c. I did not have time to provide my views
   d. Other (please specify)

**Recruitment and selection**

12. How frequently should a council be required to re-advertise the CEO position?
   a. At the conclusion of the term of the CEO’s contract
   b. Where a person has occupied the CEO position for two (2) consecutive terms
   c. Where a person has occupied the CEO position for ten (10) consecutive years
   d. When council determines
   e. Unsure
   f. Other (please specify)

13. To what extent do you support the following statement?

   “A local government should be required to undertake ‘blind CV recruitment’ (i.e. redacting personal details and any diversity specific information from curriculum vitae) to avoid bias in the early stages of the recruitment process.”

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It is proposed that a council will be required to appoint a selection panel made up of council members to conduct and facilitate the CEO recruitment and selection process.
The selection panel would be responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant.

14. To what extent do you support the following statement?

“The selection panel must include at least one person who is independent of the council to assist the council in selecting the CEO”

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15. If a council is required to have an independent person on the selection panel to assist them in selecting a CEO, who should the independent person be? (please choose one or more of the following options)

☐ A recruitment/human resources consultant
☐ A community member
☐ A person with experience in local government
☐ A person with experience in appointing senior executives
☐ Unsure
☐ Other (please specify)

16. To what extent do you support the following statement?

“If a council is required to have an independent person on the selection panel to assist them in selecting a CEO, the independent person must not be a current council member or staff member of any local government”

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17. Should there be any other restrictions on who the independent person on a selection panel should be?
   a. Yes
   b. No
   c. If yes, please specify

Performance review

The Local Government Act 1995 currently requires a council to review the performance of the CEO annually.

18. How frequently should a council review the performance of the CEO?
   a. Annually
   b. Twice annually
c. Quarterly
  d. Every two years
  e. When council determines a performance review is required

19. To what extent do you support the following statement?

“A local government should be required to establish a performance review panel, which must include at least one person who is independent of the council, to assist the council in assessing the performance of a CEO”

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20. If a council is required to have an independent person assist them in assessing the performance of a CEO as part of a performance review panel, who should the independent person be? (please choose one or more of the following options)

☐ A recruitment/human resources consultant
☐ A community member
☐ A person with experience in local government
☐ A person with experience in appointing senior executives
☐ Unsure
☐ Other (please specify)

21. Should there be any restrictions on who the independent person should be?
  a. Yes
  b. No
  c. If yes, please specify

Termination

22. To what extent do you support the following statement:

“The legislation should provide a minimum notice period that the council provides to the CEO if the council terminates the CEO’s employment before the expiry date of the employment contact”

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23. If the legislation required council to provide the CEO with a minimum notice period of the early termination of the CEO’s employment, what should the minimum notice period be?
  a. Two (2) weeks
  b. Four (4) weeks
  c. Other (please specify)
Monitoring and enforcement

To ensure that councils are complying with the standards and to address any alleged non-compliance, a process will need to be established to monitor and enforce the standards.

Feedback is sought on potential models and processes for monitoring and enforcement.

24. Who should be responsible for monitoring and enforcing the CEO standards?
   a. Public Sector Commission or other integrity agency
   b. Department of Local Government, Sport and Cultural Industries
   c. Independent office of Local Government Commissioner
   d. Joint Panel consisting of nominees from the WA Local Government Association (WALGA) and the Local Government Professionals WA (LGPro WA)
   e. Local Government Standards Panel (expanded role)
   f. Other (please specify)

25. To what extent do you support the following statement?

   “If a Local Government Commissioner were to be established, local governments should be required to pay a levy to fund its establishment and operation”

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26. What powers should the body responsible for monitoring and enforcing the standards have? (please choose one or more of the following options)

- To order a local government to restart a process (recruitment, selection, performance review or termination) or remedy a defect
- To order that a third party be involved in the performance review process
- To order that a local government engages in mediation or arbitration to resolve a dispute (this could be disputes between council members or between council members and the CEO)
- To arbitrate or make a ruling on a matter
- To prepare a report on contract termination (for potential referral for industrial relations action)
- To provide a report to the Minister for Local Government or the Director General of the Department of Local Government, Sport and Cultural Industries for consideration in relation to powers to suspend, dismiss or order remedial action whether in regards to the entire council or individual council members
☐ To order that a local government seeks professional advice or assistance from an independent person
☐ Unsure
☐ Other (please specify)

27. To what extent do you support the following statement?

“If the body responsible for monitoring and enforcing the CEO standards directed a local government to undertake mediation or arbitration to resolve a dispute, the costs of the dispute resolution should be borne by the local government.”

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28. To what extent do you support the following statement?

“If a council has not complied with the standard for a particular process, they should be required to recommence the process”

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<th>Supportive</th>
<th>Very supportive</th>
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</table>

29. To what extent do you support the following statement?

“Local governments should be subject to penalties if they do not comply with the CEO standards”

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<th>Supportive</th>
<th>Very supportive</th>
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30. Do you have any additional comments in relation to the CEO standards?

**Guidelines accompanying the CEO standards**

The mandatory CEO standards will be accompanied by guidelines outlining the recommended practice for local governments undertaking the processes of recruitment and selection, performance review and early termination of CEOs.

31. How useful are the proposed guidelines?

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<tr>
<th>Extremely useful</th>
<th>Very useful</th>
<th>Moderately useful</th>
<th>Slightly useful</th>
<th>Not at all useful</th>
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Please specify why:

32. Do you have any suggestions regarding any changes that need to be made to the proposed guidelines or is there anything else you think should be included in the guidelines? (please specify)

33. Do you have any additional comments in relation to the guidelines?
POLICY STATEMENT

The Disaster Relief Reserve Fund Policy provides parameters for the disbursement of funds from the City of Bunbury Disaster Relief Reserve Fund.

Emergency situations that arise from natural disasters such as floods, fires, earthquakes, tsunamis, cyclones and storms are common in Australia. Donations to Disaster Relief Funds play a significant role in assisting communities affected by natural disasters to respond to and recover from such events. Local Government has the means to assist with community fund raising activities and to make donations to disaster fund raising appeals organised by appropriate charities and aid organisations.

In the past, the City of Bunbury has provided relief funding to the communities affected by the Margaret River, Parkville, Esperance and Waroona fires (2011, 2014, 2015 and 2016 respectively), as well as Nha Trang, Khanh Hoa Province for disaster recovery works following Typhoon Damrey (2017).

The City of Bunbury recognises that a timely decision to donate either financial or in-kind aid is essential and most effective when made within the immediate stages following a disaster to assist with rescue efforts and to help minimise loss and suffering.

POLICY SCOPE

This policy applies to natural disasters occurring within Australia. The provision of funding internationally shall only be via resolution of Council.

Contributions shall be limited to financial and in-kind aid. Any other fundraising events and activities will be dealt with outside of this policy.

POLICY DETAILS

1. The City of Bunbury has an established Disaster Relief Reserve Fund (the Reserve), the purpose of which is to “provide relief of personal hardship and distress arising from natural disasters”.

2. The Reserve may be used to provide funds to appropriate charities and aid organisations for the relief of personal hardship and distress arising from natural disasters occurring within Australia.
3. Subject to the scope of this policy, determinations for funding will be made by an informal panel comprising the Mayor, Deputy Mayor and Chief Executive Officer. Where either the Mayor or Deputy Mayor are unavailable, the Chief Executive Officer will include a Councillor/s to ensure that two Elected Members are included in the decision-making process at all times.

4. Where unanimous consensus cannot be reached under clause 3, the matter will be referred to Council for consideration.

5. Donations from the Reserve will be assessed in a fair, equitable and timely manner and also be subject to the “Criteria for Donation” section of this policy.

6. Subject to clause 4 and sufficient funds being available for this purpose in the annual budget, the Chief Executive Officer is authorised to implement any unanimous determination made under clause 3.

7. Donations should generally only be made to widely-recognised aid agencies.

CRITERIA FOR DONATION:

The following is to be considered when deciding on an appropriate donation:

- The scale of the disaster;
- The capacity of other government agencies and organisations to respond to the disaster;
- The need for ongoing support, ie. rebuilding disaster stricken areas
- The impact of any such crises on the City’s immediate region and community; and
- Any connections that the affected area has to the cultural origin of the City of Bunbury.

COMPLIANCE REQUIREMENTS

LEGISLATION

- Local Government Act 1995

INDUSTRY

ORGANISATIONAL