



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES
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22 August 2017

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ATTACHMENTS INDEX

Attachment 1 – Item 12.2 refers

Attachment 2 – Item 12.3 refers

Attachment 3 – Item 12.4 refers

Attachment 4 – Item 12.5 refers

Attachment 5 – Item 13.2 refers

Attachment 6 – Item 13.2 refers

<p>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</p>
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MINUTES

PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr L Cayoun	West Ward
Cr P Hitt	West Ward
Cr M Bass	East Ward
Cr B Ryan	East Ward
Cr P Gardner	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward

IN ATTENDANCE

Mr R Garrett	A/Chief Executive Officer
Mrs J Hammah	Director Community and Statutory Services
Mr S Morrison	A/Director Technical Services
Mr S Monks	A/Director Corporate and Governance
Mrs M Lymon	A/Manager Governance
Ms D Morton	A/Manager Marketing and Communications
Ms E Cashman	A/Principal Governance and Compliance Advisor
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

There were 11 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.00pm, welcomed those in attendance, and read the Acknowledgement of Country.

It is important that we acknowledge the traditional owners of the land on which we are meeting today the Noongar Whadjuk people and pay respect to Elders both past and present.

The Presiding Member invited Cr Gardner to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Gardner read aloud the affirmation.

Affirmation of Civic Duty and Responsibility
I make this affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgement and ability. I will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

2. APOLOGIES AND LEAVE OF ABSENCE

Mr R Lutey (Apology)
Mr J Olynyk, JP (Apology)

Director Technical Services
Manager Governance

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Cr B Ryan	Item 13.3 Notice of Motion (Cr Bass) – Request for <i>Local Government Act 1995</i> Amendments Regarding Property Developers and Real Estate Agents	Indirect Financial Interest Cr Ryan is a real estate agent.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title
Cr P Gardner	Item 12.2 2017 Policy Manual Review
Cr P Gardner	Item 13.2 Notice of Motion (Cr Bass) – Policy Relating to Invitations to Official Functions

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

7.02pm The Presiding Member drew the public gallery's attention to the Disclaimer.

I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting tonight, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

4.3 DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE

The following questions were taken on notice at the 25 July 2017 Ordinary Council Meeting. Mr Foster was provided with a response on 11 August 2017. The response from the City is recorded accordingly:

1. The CEO in a recent interview in the Southern Gazette commented that for the DA6 to advance, Great Eastern Highway between Tonkin Highway and the bypass needs to be upgraded. You, Mr Mayor in the same paper the next week said that for the DA6 to advance the State Government would need to inject funds into the DA6.

Has this been officially asked for by the City of Belmont and if so what has been the response from the State Government and in particular Main Roads WA (MRWA), Western Australian Planning Commission (WAPC) and the Public Transport Authority (PTA)?

Response

The City has made it clear to a number of State Government Agencies, its desire to see the upgrade of Great Eastern Highway between Tonkin Highway and the Bypass fully upgraded. Whilst State Government has undertaken upgrades to Coolgardie and Fauntleroy, the City continues to advocate for the full upgrade.

Item 5.1.1 Continued

2. Currently, one of the two newly created pipes for the Southern Drain under Central Avenue is blocked. I have concerns that as these pipes are extended towards First Street with little or no rake to enter the City of Belmont's living stream, and into the pipes under Great Eastern Highway a dam effect will occur inside the pipes under Central Avenue.

Has the City of Belmont monitored this blockage and reported it to the Water Corporation? Particularly in regard to the drains at the Perth Airport end of Coolgardie Street constantly overflowing?

Response

This pipe system does not belong to the City of Belmont. It is a Water Corporation Asset.

The stormwater pipes were not blocked due to any gradient/slope/rake issues of the pipes. Construction activities upstream in the Perth Airport (Direct Factory Outlet) site, lead to sand being washed into the pipe system. Perth Airport contractors have been directed by PAPL and Water Corporation to clean the pipes and carry out rectification/modifications to their construction practices so this does not happen in the future.

3. I am concerned with the City of Belmont not having a road network plan for the DA6 area (as was said in answers to questions at the last OCM). With the outline of a station plan widely available for at least 12 months, how far advanced or behind is the City of Belmont with regard to traffic modelling and the road layout?

Response

The City does have a road network plan and this plan was clearly highlighted in the adopted DA6 Vision Plan.

The City has commenced the Development Area 6 Planning implementation process where there will be a number of significant bodies of work carried out, including Local Traffic Modelling, Traffic and Transport Report, Public Open Space and Drainage redevelopment to name a few.

Following further consultation with the community, the outcomes of all of these project outputs will be prioritised and programmed. New roads and/or modifications to existing roads will be an output from this overall process, including an Infrastructure Funding Strategy.

The City however, has been impeded to commencing any meaningful public consultation until the Minister for Transport, Planning and Lands makes a final decision on the closure of Brearley Avenue, which was a fundamental part of the adopted Vision Plan.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.03pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered five members of the public who had given prior notice to ask questions.

5.2.1 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

1. How much per year does the Councillors' Lounge cost the ratepayer?

Response

The A/Chief Executive Officer advised that the exact figure was not available; however it is estimated to be approximately \$4,000 annually.

2. What is the breakdown of costs re: food, drinks and entertainment (if any) for the Councillors' Lounge?

Response

The A/Chief Executive Officer advised estimates are \$1,100 for food and \$2,900 for drinks. Entertainment is not provided.

3. What companies are paid from budget for supplies or services to the Councillors' Lounge?

Response

The A/Chief Executive Officer advised that food and soft beverages are purchased from supermarkets and alcoholic beverages are generally purchased from Cellabratations Liquor.

4. When is the next review of policy due?

Response

The A/Chief Executive Officer advised that the Policy Manual is reviewed annually and presented to Council for endorsement at the August or September Ordinary Council Meeting each year.

5. Why was a report into the outgoing CEO commissioned when he was leaving?

Response

The A/Chief Executive Officer advised that the annual Performance Appraisal for the Chief Executive Officer presented to the 25 July 2017 OCM was a requirement of his terms of employment.

6. How much did the outgoing CEO report cost the ratepayer?

Response

The A/Chief Executive Officer advised that the Performance Appraisal was conducted by Council, through the Executive Committee. An external consultant facilitates the process. The approximate cost of the appraisal was \$4,500.

Item 5.2.1 Continued

7. When did the CEO last have a work assessment done for performance whilst current in the job?

Response

The A/Chief Executive Officer advised that the Chief Executive Officer has an annual Performance Appraisal, with an interim review also conducted in April/May each year.

8. What about the cost of caterers for the Councillors' Lounge?

Response

The Presiding Member advised that catering is not provided in the Councillors' Lounge. On occasion, if a guest is being entertained in the Lounge, or Councillors are congregating in the Lounge after a Committee meeting, sandwiches or snacks may be provided by internal catering staff.

9. What about meals provided before meetings?

Response

The A/Chief Executive Officer advised that meals provided before Council meetings are budgeted under 'Catering – Meals' with a notation advising that the catering is for Council and Standing Committee meetings. The budget is approximately \$60,000 annually.

10. The policy states that employees and family members can access the Lounge. When does this occur?

Response

The Presiding Member advised that when an employee of more than three years leaves the City, a leaving function may be held in the Councillors' Lounge. At these events, family members of the departing employee may be invited.

11. How much do these events cost?

Response

The A/Chief Executive Officer advised that these functions generally cost a few hundred dollars. These events are catered internally with costs allocated to the purchase of food and beverages only.

12. The CEO recruitment process should be transparent. Why was the 25 July 2017 OCM closed to the public when the matter was being discussed?

Response

The Presiding Member advised that the recruitment process is still in progress. Negotiations concerning remuneration and contract details remain strictly confidential. Confidentiality is also required to protect the identity of applicants to the position.

Item 5.2.1 Continued

13. Will the financial details appear in the budget at some point?

Response

The Presiding Member advised that financial details will be finalised in due course.

14. In relation to overshadowing of solar panels in Development Area 6, can consideration be given to imposing conditions ensuring that costs for removal or replacement of existing solar panels will be the responsibility of developers?

Response

The Director Community and Statutory Services advised that design guidelines are not yet in place for Development Area 6. Existing solar panels do not require approval; therefore it would be unreasonable to impose conditions of this nature. Conditions of this type would not be considered to be valid planning conditions. As the design guidelines are yet to be developed, it is premature to consider overshadowing concerns.

15. Would Council be liable to residents for reimbursement costs of solar panels?

Response

The Director Community and Statutory Services advised that the City would not be liable to residents for reimbursement costs of solar panels.

5.2.2 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

1. Mr Mayor, can you assure me that the process of selection of our new CEO was in accordance with the email you sent to me on 29 March 2017, or was the Council Officers ambiguous statement deemed to be true? i.e. one candidate was presented to Council for approval.

Response

The Presiding Member advised that the recruitment process for the Chief Executive Officer has been conducted exactly in accordance with process.

2. Can more information be given on the Advocacy provided by Starick Services to the Belmont Police Station?

Response

The Director Community and Statutory Services advised that a Domestic Violence Advocate has been providing services at Belmont Police Station since November 2016, three days per week. Belmont Police refer potential clients to the Advocate for assistance.

The tender for the Provision of Preventative Domestic Violence Services has recently been awarded to Ruah Community Services who will now provide advocacy services five days per week.

Item 5.2.2 Continued

3. Can more details on the process be provided?

Response

The Director Community and Statutory Services advised that she would phone Mr Childs to provide further information on the process and services provided.

5.2.3 MR R BIRCH, 195 KNUTSFORD AVENUE, KEWDALE

1. Is the City of Belmont Policy Manual a set of rules always to be followed or just guidelines?

Response

The Presiding Member advised that it is expected that the Policy Manual be followed.

2. Should Elected Members of Council follow the Policy Manual?

Response

The Presiding Member advised that it is his expectation that the Policy Manual be adhered to by Elected Members.

3. Should a Notice of Motion submitted by a sitting Councillor align with the Policy Manual and not be in variation of policies laid down in the Policy Manual?

Response

The Presiding Member advised that Notices of Motion may be raised on various issues that may not necessarily align with the Policy Manual; however it is preferable that matters raised adhere with the Policy Manual.

4. Is it expected that all Councillors read, understand and follow the procedures in the Policy Manual?

Response

The Presiding Member advised that it is his expectation that the Policy Manual be adhered to by Elected Members.

5. Are all Councillors receiving and taking advantage of proper training and understanding of the Policy Manual of the City of Belmont as this Notice of Motion appears not to be the case?

Response

The Presiding Member advised that Elected Members are informed of and offered training and development opportunities, often via the Councillor Portal and that he strongly encourages all Elected Members to take advantage of training opportunities.

5.2.4 MR L MUSCEDERE, 266A KNUTSFORD AVENUE, KEWDALE

1. My question is to Councillor Bass regarding her Notice of Motion for debate tonight. What is the reason you are suggesting that Ms Cassie Rowe replaces Mrs Glenys Godfrey at the Pioneers Luncheon? Mrs Godfrey will be attending in the capacity of a Freeman of the City. Given she is no longer the serving Member for Belmont, why would she be replaced by the new Member? Are you implying all Freemen of the City of Belmont be excluded from the dinner? If not, why just Mrs Godfrey?

Response

The Presiding Member advised Mr Muscedere that all questions should be directed through him and advised Cr Bass that she was not required to respond.

Cr Bass advised that Mrs Godfrey was invited to the 2017 Pioneers Luncheon and the Member for Belmont was not. The policy should include the provision for the local Member to be invited to this function. Cr Bass explained that it was raised that only a limited number of people can attend this function due to venue constraints and she is of the opinion that the Member for Belmont should attend ahead of Mrs Godfrey.

2. At previous Pioneer Dinners when Mrs Godfrey was the Member for Belmont, was it ever considered that you would change the policy then, and if not why not?

Response

Cr Bass advised that Mr Muscedere's opinion and her opinion were different in relation to this matter.

5.2.5 MR R BROINOWSKI, 66 ARMADALE ROAD, RIVERVALE

1. Mr Broinowski advised Council of a project he was involved in with Jeff Jones and City of Kalgoorlie-Boulder called 'Let's Colour Our Town' and strongly advocated for a change of policy so that more exotic, colourful plants are utilised, particularly in Rivervale.

I would like the opportunity to discuss this matter with the Mayor and the A/Chief Executive Officer, but not the Parks Department as they are adverse to exotic plants.

A window display at the former St Vincent De Paul shop has been secured and this will demonstrate to the community what is possible. I am asking Councillors to visit and ask for shopkeepers' opinions and allow for community participation and consultation.

Response

The Presiding Member advised that he would take note of Mr Broinowski's request and further discuss it with him after the meeting.

Item 5.2.5 Continued

2. The Ibis problem now extends from Tomato Lake to Victoria Park and is severe. These birds carry disease and I urgently request that Council install signage at Tomato Lake advising users to wash their shoes before returning to their vehicles. I also advise Council that state-wide advertising relating to this issue will be released imminently.

3. A huge tree has fallen recently in Copley Park and was rotten around its base. Can Council clean it up immediately and examine other trees in the park that are high risk? I am asking the Mayor and A/Chief Executive Officer to look at these trees.

Council must look at the tree situation throughout the City. There are dangerous trees at Tomato Lake. In the last two years, tree branches have fallen on cars at Tomato Lake. One or two trees have been removed after numerous requests. The situation needs to be looked at and approached sensibly. Has anything been done to rectify the situation?

Response

The A/Director Technical Services advised that he was not currently aware of any tree issues at Copley Park; however arrangements can be made for the City's Arborist to inspect trees at Copley Park and report his findings back to the City. The City inspects trees regularly and also when issues such as fallen branches occur.

The Presiding Member reiterated that the City's Arborist will inspect trees and provide recommendations to the City. The City will act on expert advice, not on opinions.

The Presiding Member further advised Mr Broinowski that he is welcome to submit his opinions regarding the trees at Copley Park in writing to the A/Director Technical Services.

The A/Director Technical Services advised that the City has full confidence in the highly qualified Arborist and appreciates his expertise in this area.

7.35pm ROSSI MOVED, POWELL SECONDED that Public Question Time be extended.

CARRIED 9 VOTES TO 0

5.2.6 MR G MILLER, 292 ACTON AVENUE, KEWDALE

1. Council Elections are in two months and I have noticed that some other local governments are holding courses for prospective Councillors. Is the City of Belmont doing anything to encourage residents to stand for Council?

Response

The Presiding Member advised that he has spoken to a few potential candidates and strongly encourages community members to participate. Nominations will open on the 7 September 2017.

The A/Manager Governance advised that a prospective Councillor seminar will be held at the City of Swan on Saturday, 26 August 2017. The City of Belmont will participate in the seminar in conjunction with the Cities of Swan, Bayswater and Kalamunda and the Town of Bassendean. The seminar will include information from the Department of Local Government, Sport and Cultural Industries, the Western Australian Electoral Commission, and a presentation from a current metropolitan Mayor. Advertisements for the seminar have been placed in community papers. Further advertisements relating to the nomination period and encouraging voter participation will also occur.

- 7.40pm As there were no further questions, the Presiding Member declared Public Question Time closed.**

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

**6.1 ORDINARY COUNCIL MEETING HELD 25 JULY 2017
(Circulated under separate cover)**

OFFICER RECOMMENDATION

HITT MOVED, POWELL SECONDED,

That the minutes of the Ordinary Council Meeting held on 25 July 2017 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

**6.2 SPECIAL COUNCIL MEETING HELD 9 AUGUST 2017
(Circulated under separate cover)**

OFFICER RECOMMENDATION

GARDNER MOVED, WOLFF SECONDED,

That the minutes of the Special Council Meeting held on 9 August 2017 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

**6.3 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 15 AUGUST 2017
(Circulated under separate cover)**

OFFICER RECOMMENDATION

CAYOUN MOVED, GARDNER SECONDED,

That the Information Matrix for the Agenda Briefing Forum held on 15 August 2017 as printed and circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

**7. QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN
(WITHOUT DISCUSSION)**

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

8.2.1 CR P GARDNER

1. When was the tender for the Domestic Violence Advocate finalised?

Response

The A/Chief Executive Officer advised that the tender for the Provision of Preventative Domestic Violence Services was determined approximately two weeks ago under delegated authority. The tender was within the Chief Executive Officer's authorised limit and did not require determination by Council.

**9. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON
PRESIDING OR BY DECISION**

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

**11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 24 JULY 2017
(Circulated under separate cover)**

OFFICER RECOMMENDATION

POWELL MOVED, BASS SECONDED,

That the minutes for the Standing Committee (Audit and Risk) meeting held on 24 July 2017 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Powell

Item 12.2 was withdrawn at the request of Cr Wolff

BASS MOVED, HITT SECONDED,

That with the exception of Items 12.1 and 12.2, which are to be considered separately, the Officer or Committee Recommendations for Items 12.3, 12.4 and 12.5 be adopted en bloc by an Absolute Majority decision.

*****ABSOLUTE MAJORITY REQUIRED*****

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

**12.1 APPOINTMENT OF SISTER CITY COUNCIL REPRESENTATIVE AND TOUR MANAGER
(JANUARY 2018)**

SOCIAL BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	106/004–Sister City Student Delegation–Project Co-ordination
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	26 July 2016 OCM – Item 12.2 24 May 2016 OCM – Item 14.1 28 July 2015 OCM – Item 10.7
Applicant	:	City of Belmont
Owner	:	City of Belmont
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To consider the appointment of a Councillor to act in the capacity of the official Council Representative for the Student Exchange program visiting Adachi, Japan from 11 January 2018 to 18 January 2018.

To consider the appointment of an Officer to act in the capacity of the Tour Leader to attend the Student Exchange program visiting Adachi, Japan from 11 January 2018 to 18 January 2018.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

The Student Exchange program seeks to provide young people who reside in the City of Belmont the opportunity to develop their cultural awareness and friendships with other young people in Adachi. Students participate in home hosting, language lessons, school visits, fundraising activities and public relations.

Ten students have been nominated to participate in the 2018 delegation, which indicates an on-going interest in the program. The students are all residents of the City of Belmont, who attend various schools.

As part of risk management and protocol management, in 2012 Council authorised the Coordinator Leisure, Art and Cultural Services (now Coordinator Community Wellbeing) to attend the Belmont Student Exchange to Adachi, Japan. This proved to be successful as was the following delegation when Council approved the Coordinator Community Wellbeing to attend in 2013.

Since this time, the Tour Manager role has been filled by the Youth and Community Projects Coordinator (now Coordinator Community Projects) which has also proven to be extremely successful.

LOCATION

N/A

CONSULTATION

City Officers regularly liaise with Belmont Sister City Association (BSCA), including attending their monthly Committee meeting and Adachi City Officers concerning delegation dates, itinerary and numerous other aspects associated with the annual Student Exchange between the two Cities.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Plan Key Result Area: Social Belmont.

Objective: The City will take a key leadership role to ensure access to services and facilities and developing collaborative partnerships that enable greater accessibility for a changing community.

Strategy: Provide art and cultural opportunities as a means of community engagement and inclusion.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 12.1 Continued

STATUTORY ENVIRONMENT

There is a requirement for the Tour Leader and Cultural Leader to hold a current 'Working with Children' card.

BACKGROUND

Council representatives for student exchanges since 1989 have been:

1989 Cr M Blair	2003 Cr J Powell
1990 Cr D Ferguson	2004 Delegation cancelled
1991 Cr R Belton	2005 Cr G Grant
1992 Cr D Powell	2006 Cr B Martin
1993 Cr E Teasdale	2007 Wendy Parsons (Officer)
1994 Cr C Rich	2008 Cr B Martin
1995 Cr M Godsell	2009 Cr Steve Wolff
1996 Cr L Coops	2010 25 th Anniversary
1997 Cr A Richardson	2011 Cr J Gee
1998 Cr D Symonds	2012 Cr J Powell
1999 Cr A Murfin	2013 The Mayor, Cr Phil Marks
2000 Cr R Swann	2014 The Mayor, Cr Phil Marks
2001 Cr G Godfrey	2015 Cr B Ryan
2002 Deferred to January 2003	2016 Cr R Rossi
	2017 Wendy Parsons (Officer/BSCA Chairperson)

To ensure the management of the ongoing protocol remains with the City and in accordance with risk management procedures, it is recommended that an Officer who is fully conversant with Sister City arrangements participate in the delegation. This position has been providing support to the Chaperone (now Cultural Leader) and Councillor Representative since 2012 when this arrangement was originally endorsed by Council.

In January 2014, the City of Belmont and Adachi City began the 30th anniversary celebrations of their Sister City relationship, with the citizen's delegation to Adachi. The 2014 delegation to Adachi comprised of citizens, the Mayor (Councillor Marks), the CEO, the Deputy Mayor, Councillor Rossi JP, Councillor Wolff and Councillor Ryan.

The Mayor attended as the Council Representative and the Youth and Community Projects Coordinator attended as the Tour Manager.

In January 2015, due to the Youth and Community Projects Coordinator being on Maternity Leave, the role of the Tour Leader was undertaken by the Manager Community Development and Councillor Ryan attended as the Council Representative.

In January 2016, due to the position of Coordinator Community Projects being filled with an agency staff member rather than a City of Belmont employee, the role of the Tour Leader was again undertaken by Manager Community Development and Councillor Rossi attended as the Council Representative.

In January 2017, the role of Tour Leader was undertaken by the Coordinator Community Projects, and Senior Information Officer, Wendy Parsons (also the BSCA Chairperson) was nominated by the Mayor to attend as the Council Representative.

The success of the previous tour with the Coordinator Community Projects role attending in January 2017, it is proposed that this Officer attend as the Tour Leader again in January 2018.

Item 12.1 Continued

OFFICER COMMENT

The Council appointed delegate represents the City in an official capacity for the Student Exchange program visiting Adachi, Japan from 11 January 2018 to 18 January 2018.

Nine (9) students attended the 2017 student delegation. The role of Cultural Leader is currently not filled for the 2018 delegation, however it is anticipated that it will be one of the two Japanese teachers at Belmont City College.

The successful transition of the administration of the program from the Belmont Sister City Association to the City's Community Development Department was completed in January 2017. This recommendation was endorsed by Council at the Ordinary Council Meeting held on 24 May 2016.

In order to develop a rapport with the students and particularly the Cultural Leader, and ensure good social and working relationships are developed, the Tour Leader is expected to participate in the majority of the activities and preparations of the student delegation.

The Tour Leader will be required to:

- Liaise with Adachi representatives as required to assist in providing a successful tour
- Arrange gifts on behalf of Council for the Welcome Function. The gift will be presented by the Council Representative
- Ensure that the delegation is kept informed as required and provide advice as required to delegates
- Participate in all organisational events and formal occasions
- Travel back with any student if required (e.g. illness, behavioural issues)
- Report on the tour within two weeks of returning to Perth. This report is to be presented at the Belmont Sister City Association Committee meeting
- Meet with the Chaperone, Student Delegation and their families and participate in the activities and preparation of the student delegation. This is to ensure all parties are familiar and comfortable with one another
- Prepare speeches for the Council Representative and organise translation
- Hold a current Senior First Aid qualification.

The Council appointed representative role is to 'officially represent' Council whilst in Adachi. The position will not have a role in managing the students, although it is important that the Council Representative makes sufficient time to 'meet and greet' with the Tour Leader, Cultural Leader and students.

Item 12.1 Continued

The Council Representative is responsible for:

- Presenting formal speeches at the welcome and farewell functions in Belmont and Adachi
- Obtaining details of greetings and messages from the Mayor and Council to be delivered to Adachi representatives and citizens
- Presenting informal impromptu speeches as required whilst on Tour in Adachi
- Presenting gifts on behalf of Council in Adachi at the Welcome Function
- Reporting to the Council at an Information Forum as soon as possible after the Tour is completed.

FINANCIAL IMPLICATIONS

Council allocates via the annual budget funds to provide airfares, accommodation and minor expenses as follows:

- STUDENT DELEGATION: 50% airfare contribution (10 students at approximately \$900 per student)
- CULTURAL LEADER
 - 100% full airfare contribution approximately \$1,800
 - Accommodation \$1,200–\$1,500
 - Meals and incidentals approximately \$800
- COUNCIL REPRESENTATIVE
 - 100% full airfare approximately \$1,800
 - Accommodation \$1,200–\$1,500
 - Meals and incidentals approximately \$800
- TOUR LEADER
 - 100% full airfare approximately \$1,800
 - Accommodation \$1,200–\$1,500
 - Meals and incidentals approximately \$800.

Both the Council Representative and Tour Leader are able to access home hosting arrangements should they desire to experience this aspect of the cultural exchange. Expected expenditure is currently in line with the 2017-2018 budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.1 Continued

SOCIAL IMPLICATIONS

There are numerous positive social implications for the Sister City Delegation including:

- Enhanced cultural and educational awareness development and exchange opportunities
- Increased opportunities to develop community capacity of the City's young people
- Enhanced community participation and engagement
- Increased opportunities to develop new friendships and mutual understanding among the City's young people
- Increased partnership opportunities with local schools.

Note:

The Presiding Member called for nominations for the official Council Representative and the following nomination was received:

- Cr Rossi

As there were no further nominations, the Presiding Member closed nominations and declared Cr Rossi appointed unopposed to the position of Council Representative.

OFFICER RECOMMENDATION

POWELL MOVED, CAYOUN SECONDED,

That Council:

1. ***Appoint Cr Rossi as the official Council Representative to represent the City of Belmont at the January 2018 Belmont Student Exchange to Adachi, Japan and to act as host for the visiting delegation from Adachi in August 2018.***
2. ***Authorise the Coordinator Community Projects to attend the January 2018 Belmont Student Exchange to Adachi, Japan as the Tour Leader.***

CARRIED 9 VOTES TO 0

12.2 2017 POLICY MANUAL REVIEW

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.2 refers	Policy Manual

Voting Requirement : Simple Majority
Subject Index : 32/015 Council Policy Manuals / Code of Conduct
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil.
Previous Items : 27 September 2016 OCM – Item 12.9
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To seek Council endorsement of the reviewed and amended policies for the City of Belmont (City) (refer [Attachment 1](#)).

Item 12.2 Continued

SUMMARY AND KEY ISSUES

In accordance with section 2.7(2)(b) of the *Local Government Act 1995*, Council is to determine the local government's policies.

Council endorsement is sought for the 2017 review of the Policy Manual.

The 2017 review of the Policy Manual is inclusive of policies requiring review annually, those scheduled for review in 2017 and the review, amendment and inclusion of any other policies as required by legislative or operational change.

LOCATION

N/A

CONSULTATION

Consultation was undertaken with the relevant policy owners, the Belmont Leadership Team and the Senior Management Group.

The 2017 Policy Manual Review was presented to the 8 August 2017 Information Forum to discuss the proposed amendments and seek input and guidance from Council.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

POLICY IMPLICATIONS

Council endorsement of the reviewed, amended and included policies will necessitate amendment of the current City of Belmont Policy Manual.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* provides the basis for many of the City's policies, therefore consistency with this legislation has been reflected in the review, assessment and amendments proposed.

Section 2.7 of the *Local Government Act 1995* outlines the role of Council.

Section 2.7(2)(b) requires the Council to determine the local government's policies.

Item 12.2 Continued

BACKGROUND

All policies in the Policy Manual have been risk assessed and allocated a risk rating. This risk rating determines how often policies are to be reviewed. The 2017 review of the Policy Manual is inclusive of policies requiring review annually, those scheduled for review in 2017 and the review, amendment and inclusion of any other policies as required by legislative or operational change.

OFFICER COMMENT

The table below outlines the proposed amendments or recommendation for each individual policy.

Policy	Title	Officer Comments
BUSINESS EXCELLENCE BELMONT		
BEXB1	Elected Members – Contact with Employees	No Amendments Proposed
BEXB2	Items Submitted by Elected Members	Minor Amendments
BEXB3	Correspondence from Members of the Public	Minor Amendments
BEXB4	Swearing In Ceremony – First Meeting After Election	No Amendments Proposed
BEXB5	Deputations at Meetings of Council	Minor Amendments
BEXB6	Procedure for Submission of Amended/ Alternative Recommendations	Minor Amendments
BEXB7	Council Meeting Schedule	No Amendments Proposed
BEXB8	Appointment as Committee Members, Representatives and Delegates	No Amendments Proposed
BEXB9	Western Australian Local Government Association (WALGA) – Requests for Nominations for State Government Committees	No Amendments Proposed
BEXB10	Council Delegates – Roles and Responsibilities	No Amendments Proposed
BEXB11A	Elected Members Fees, Allowances and Support	Minor Amendments
BEXB11B	Elected Member Professional Development and Authorised Travel	Minor Amendments
BEXB12	Governance Services to Elected Members – Local Government Election Year	Minor Amendments
BEXB13	Gifts to Departing Elected Members	Minor Amendments
BEXB14	Council Refreshment Facilities	No Amendments Proposed
BEXB15	Rates and Other Debt Recovery – Elected Member	No Amendments Proposed
BEXB16	Legal Representation for Elected Members and Employees	No Amendments Proposed
BEXB17	Reports on Legal Advice to Elected Members	No Amendments Proposed
BEXB18	Official Council Photograph	No Amendments Proposed
BEXB19	Councillor’s Lounge – Public Access	No Amendments Proposed
BEXB20	Gratuity Payments and Gifts to Employees	Minor Amendments
BEXB21	Occupational Safety and Health	No Amendments Proposed
BEXB22	Collection of Rates	No Amendments Proposed

Item 12.2 Continued

BEXB23	Pensioner's Outstanding Refuse Charges	No Amendments Proposed
BEXB24	Refuse Charges	Major Amendments
BEXB25	Pensioner/Senior Rates Arrears	Minor Amendments
BEXB26	Rounding Down of Accounts for Payment	No Amendments Proposed
BEXB27	Financial Management – Major Land Transactions	No Amendments Proposed
BEXB28	Purchasing	Major Amendments
BEXB29	Organisational Record Keeping	No Amendments Proposed
BEXB29.1	Roles and Responsibilities – Elected Members	No Amendments Proposed
BEXB29.2	Roles and Responsibilities - Employees	No Amendments Proposed
BEXB30	Responsibility for Matters Associated with the Organisational Structures of Council	No Amendments Proposed
BEXB31	Compliance Management	Minor Amendments
BEXB32	Decision Making Policy	No Amendments Proposed
BEXB33	Quasi-Judicial Role	No Amendments Proposed
BEXB34	Risk Management	No Amendments Proposed
BEXB35	Investment of Funds	Major Amendments
BEXB36	Elected Member Attendance and Participation at Community Workshops	No Amendments Proposed
BEXB37	Corporate Credit and Debit Cards	No Amendments Proposed
BEXB38	Business Improvement Policy	No Amendments Proposed
BEXB39	Business Continuity	No Amendments Proposed
BEXB40	Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions	Major Amendments
BEXB41	Elected Member Disclosure of Interests Register	Minor Amendments
BEXB42	Elected Member Registers – Other	Major Amendments
BEXB43	Street Numbering, Renumbering and Renaming	New Policy Proposed for Inclusion
SOCIAL BELMONT		
SB1	Council Authority to Apply for Grants	No Amendments Proposed
SB2	Donations – Financial Assistance	No Amendments Proposed
SB3	Naming or Renaming of Streets, Parks and Reserves	No Amendments Proposed
SB4	Naming of Council Facilities	No Amendments Proposed
SB5	Honorary Freeman of the City	No Amendments Proposed
SB6	Civic Dinner – Community Guests	No Amendments Proposed
SB7	Memorials in Public Open Space	No Amendments Proposed
SB8	Communication and Consultation – Community and Stakeholders	No Amendments Proposed
SB9	Donation of Disused Equipment, Machinery and Other Materials	No Amendments Proposed
SB10	Subsidised Organised Sport for Juniors in the City of Belmont	No Amendments Proposed
SB11	Personalisation of Council Owned Buildings by Users	No Amendments Proposed
SB12	Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups	Major Amendments
SB13	Community Clothing Collection Bins	No Amendments Proposed
SB14	Temporary Caravan Accommodation	No Amendments Proposed
SB15	Library Borrowing - Restrictions	No Amendments Proposed

Item 12.2 Continued

SB16	Community Facilities – Time Limit on Hiring	No Amendments Proposed
SB17	Hire – Priority Bookings	No Amendments Proposed
SB18	Commercially Run Temporary and Mobile Food Business Applying to Operate within the City	Major Amendments
SB19	Applications for Council Assistance	No Amendments Proposed
SB20	Dogs – Keeping of Three Dogs	Minor Amendments
SB21	City of Belmont Art Collection Policy	Minor Amendments
BUILT BELMONT		
BB1	Asset Management	No Amendments Proposed
BB2	Street and Civic Lighting	No Amendments Proposed
BB3	Streetscape Policy	Major Amendments
BB4	Manholes and Stormwater Connections	No Amendments Proposed
BB5	Private Contributions to Drainage Works	No Amendments Proposed
BB6	Improvements to Become the Property of the City	No Amendments Proposed
BB7	Private Works	No Amendments Proposed
BB8	Fees – Subdivision Works	No Amendments Proposed
BB9	Authorised Person to Act in Relation to Provisions Relating to Land	No Amendments Proposed
NATURAL BELMONT		
NB1	Environmental Purchasing Policy	Minor Amendments
NB2	Storm Water Disposal from Private Properties	No Amendments Proposed
NB3	Environment and Sustainability Policy	No Amendments Proposed
NB4	Dangerous Trees	No Amendments Proposed
BUSINESS BELMONT		
BSB1	Local Business Purchase Preference	No Amendments Proposed
BSB2	Belmont Business Innovation Grants	No Amendments Proposed

A number of minor amendments have been made throughout the Policy Manual. These amendments include updates to formatting, spelling and grammar, rewording of sections to increase clarity, standardisation of terms used, updates to legislation references and updates to figures in line with Consumer Price Index (CPI) increases. These amendments are considered to be minor as they do not alter the purpose or objective of the policy.

Policies identified as having major amendments are discussed in further detail below:

BEXB24 Refuse Charges

Amendments have been made to clarify the policy detail and to ensure that the policy aligns with the City's Fees and Charges (endorsed by Council at the 27 June 2017 Ordinary Council Meeting).

BEXB28 Purchasing

Amendments have been made and further information included clarifying the intent and requirements of the policy. Additional information has been included in relation to quotation exemption requirements.

Item 12.2 Continued

BEXB35 Investment of Funds

Amendments have been made and further information included clarifying the intent and requirements of the policy. Updates regarding approved investment types have been made following amendments to the *Local Government (Financial Management) Regulations 1996*. Clarifications have been made to the 'Investment Advisor' section and definitions have been included and amended as required. The amended policy has also been reviewed and approved by the City's investment advisor

BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions

In accordance with Council discussion at the 8 August 2017 Information Forum, the Member for Belmont is to be invited to Volunteer Recognition Events and the Pioneers Function and the schedule has been amended to reflect this.

BEXB42 Elected Member Registers – Other

Amendments have been made and further information included clarifying the intent and requirements of the policy. The Chief Executive Officer is to report all Elected Member attendance at meetings, training undertaken and functions and events attended on weekends and weeknights. Definitions have been updated and expanded to reflect the intent of the policy. Attendance at functions and events is to be verified by the Mayor in accordance with the policy. Attendance at Council meetings (as defined in the policy) will be verified and administered by Officers. Registers will be updated and published to the City's website on a monthly basis.

BEXB43 Street Numbering, Renumbering and Renaming

This policy was inadvertently deleted from the Policy Manual a number of years ago when responsibility for street addressing transferred from the Planning Department to the Rates Department. The policy has been reviewed and updated and is proposed for inclusion to rectify the deletion.

SB12 Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups

Amendments have been made to the list of permitted Council locations to rectify naming errors and an additional Department of Health Fact Sheet has been included as a reference document.

SB18 Commercially Run Temporary and Mobile Food Business Applying to Operate within the City

Amendments have been made to the list of permitted Council locations to rectify naming errors. This policy is to be further reviewed in 2018, pending the outcomes of a Mobile Food Truck Trial to be conducted at various locations in the City from November 2017 to January 2018.

BB3 Streetscape Policy

Amendments have been made and further information included clarifying the intent and requirements of the policy. Updates have been made to align the policy with the City's Street Tree Plan (endorsed by Council at the 25 July 2017 Ordinary Council Meeting). In accordance with the Street Tree Plan, amendments have been made detailing procedures for tree removal disputes and clarifying the circumstances for when the City will not remove or may remove a tree.

Item 12.2 Continued

FINANCIAL IMPLICATIONS

There are no significant financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

Those policies which have environmental implications are aimed at improving the City's ability to protect and enhance the natural environment.

SOCIAL IMPLICATIONS

A number of policies are aimed at supporting community groups, ensuring community access to required services and facilities, assisting in developing community capacity, enhancing a sense of community and contributing to an environment where residents are safe and feel safe.

OFFICER RECOMMENDATION

That Council:

1. Adopt the policy amendments outlined in [Attachment 1](#), specifically in relation to the following policies:
 - BEXB2 Items Submitted by Elected Members
 - BEXB3 Correspondence from Members of the Public
 - BEXB5 Deputations at Meetings of Council
 - BEXB6 Procedure for Submission of Amended/Alternative Recommendations
 - BEXB11A Elected Members Fees, Allowances and Support
 - EXXB11B Elected Member Professional Development and Authorised Travel
 - BEXB12 Governance Services to Elected Members – Local Government Election Year
 - BEXB13 Gifts to Departing Elected Members
 - BEXB20 Gratuity Payments and Gifts to Employees
 - BEXB24 Refuse Charges
 - BEXB25 Pensioner/Senior Rates Arrears
 - BEXB28 Purchasing
 - BEXB31 Compliance Management
 - BEXB35 Investment of Funds
 - BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions
 - BEXB41 Elected Member Disclosure of Interests Register
 - BEXB42 Elected Member Registers – Other
 - SB12 Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups
 - SB18 Commercially Run Temporary and Mobile Food Business Applying to Operate within the City
 - SB20 Dogs – Keeping of Three Dogs
 - SB21 City of Belmont Art Collection Policy
 - BB3 Streetscape Policy
 - NB1 Environmental Purchasing Policy

Item 12.2 Continued

2. Adopt the following new policy for inclusion:
 - BEXB43 Street Numbering, Renumbering and Renaming

3. Adopt the following policies with no amendments:
 - BEXB1 Elected Members – Contact with Employees
 - BEXB4 Swearing in Ceremony – First Meeting After Election
 - BEXB7 Council Meeting Schedule
 - BEXB8 Appointment as Committee Members, Representatives and Delegates
 - BEXB8 Western Australian Local Government Association (WALGA) – Requests for Nominations for State Government Committees
 - BEXB10 Council Delegates – Roles and Responsibilities
 - BEXB14 Council Refreshment Facilities
 - BEXB15 Rates and Other Debt Recovery – Elected Members
 - BEXB16 Legal Representation for Elected Members and Employees
 - BEXB17 Reports on Legal Advice to Elected Members
 - BEXB18 Official Council Photograph
 - BEXB19 Councillor’s Lounge – Public Access
 - BEXB21 Occupational Safety and Health
 - BEXB22 Collection of Rates
 - BEXB23 Pensioner’s Outstanding Refuse Charges
 - BEXB26 Rounding Down of Accounts for Payment
 - BEXB27 Financial Management – Major Land Transactions
 - BEXB29 Organisational Record Keeping
 - BEXB29.1 Roles and Responsibilities – Elected Members
 - BEXB29.2 Roles and Responsibilities – Employees
 - BEXB30 Responsibilities for Matters Associated with the Organisation Structure of Council
 - BEXB32 Decision Making Policy
 - BEXB33 Quasi-Judicial Role
 - BEXB34 Risk Management
 - BEXB36 Elected Member Attendance and Participation at Community Workshops
 - BEXB37 Corporate Credit and Debit Cards
 - BEXB38 Business Improvement Policy
 - BEXB39 Business Continuity
 - SB1 Council Authority to Apply for Grants
 - SB2 Donations – Financial Assistance
 - SB3 Naming or Renaming of Streets, Parks and Reserves
 - SB4 Naming of Council Facilities
 - SB5 Honorary Freeman of the City
 - SB6 Civic Dinner – Community Guests
 - SB7 Memorials in Public Open Space
 - SB8 Communication and Consultation – Community and Stakeholders
 - SB9 Donation of Disused Equipment, Machinery and Other Materials
 - SB10 Subsidised Organised Sport for Juniors in the City of Belmont
 - SB11 Personalisation of Council Owned Buildings by Users
 - SB13 Community Clothing Collection Bins
 - SB14 Temporary Caravan Accommodation
 - SB15 Library Borrowing – Restrictions
 - SB16 Community Facilities – Time Limit on Hiring
 - SB17 Hire – Priority Bookings
 - SB19 Applications for Council Assistance

Item 12.2 Continued

- BB1 Asset Management
- BB2 Street and Civic Lighting
- BB4 Manholes and Stormwater Connections
- BB5 Private Contributions to Drainage Works
- BB6 Improvements to Become the Property of the City
- BB7 Private Works
- BB8 Fees – Subdivision Works
- BB9 Authorised Person to Act in Relation to Land
- NB2 Stormwater Disposal from Private Properties
- NB3 Environment and Sustainability Policy
- NB4 Dangerous Trees
- BSB1 Local Business Purchase Preference
- BSB2 Belmont Business Innovation Grants

Note:

Cr P Gardner declared an interest that may affect impartiality in Item 12.2 2017 Policy Manual Review

Nature of Interest: Wife is the current 'Member for Belmont'.

ALTERNATIVE COUNCILLOR MOTION

WOLFF MOVED, POWELL SECONDED,

That Council:

1(a) Amend BEXB40 to include that invitations be sent to the dignitaries below for the following City function:

Civic Dinner

- ***Freeman of the City of Belmont***
- ***Immediate and past Elected Members following a local government election***
- ***Member for Belmont***
- ***Member for Swan***

CARRIED 9 VOTES TO 0

Reason:

As many Club Presidents attend the Civic Dinner, and as their clubs often receive grant funding from State and Federal governments, it makes sense to have representatives from both the State and Federal governments at this function.

Item 12.2 Continued

7.55pm Cr Powell departed the meeting.

7.56pm Cr Powell returned to the meeting.

ALTERNATIVE COUNCILLOR MOTION

WOLFF MOVED, POWELL SECONDED,

That Council:

1(b) Amend BEXB40 to include that invitations be sent to the dignitaries below for the following City function:

Volunteer Recognition Events

- No official dignitaries invited to this function
- ~~Member for Belmont~~

LOST 4 VOTES TO 5

*For: Marks, Powell, Ryan, Wolff
Against: Bass, Cayoun, Gardner, Hitt, Rossi*

Reason:

This is an 'internal' City of Belmont 'thankyou' function, where we acknowledge the hard, dedicated work of our volunteers, so no need for representatives from other levels of government.

ALTERNATIVE COUNCILLOR MOTION

WOLFF MOVED, POWELL SECONDED,

That Council:

1(c) Amend BEXB40 to include that invitations be sent to the dignitaries below for the following City function:

Pioneers Function

- Freeman of the City of Belmont
- ~~Member for Belmont~~

LOST 4 VOTES TO 5

*For: Marks, Powell, Ryan, Wolff
Against: Bass, Cayoun, Gardner, Hitt, Rossi*

Reason:

As this is a local government function to celebrate the long-term residents and ratepayers of the City of Belmont, it should be limited to our local government dignitaries, the Freeman of our City, who are past mayors of our local government.

Item 12.2 Continued

ALTERNATIVE COUNCILLOR MOTION

WOLFF MOVED, POWELL SECONDED,

That Council:

2. ***Amend SB2 to increase the provision of sand for recreational purposes to the maximum amount of \$300.***
3. ***Amend SB2 to increase the Turf Line Marking Paint donation to a maximum of \$350.***

Reason:

To reflect increasing costs.

4. ***Adopt the policy amendments outlined in [Attachment 1](#), and reflected in above Items 1 – 3 specifically in relation to the following policies:***
 - ***BEXB2 Items Submitted by Elected Members***
 - ***BEXB3 Correspondence from Members of the Public***
 - ***BEXB5 Deputations at Meetings of Council***
 - ***BEXB6 Procedure for Submission of Amended/Alternative Recommendations***
 - ***BEXB11A Elected Members Fees, Allowances and Support***
 - ***EXXB11B Elected Member Professional Development and Authorised Travel***
 - ***BEXB12 Governance Services to Elected Members – Local Government Election Year***
 - ***BEXB13 Gifts to Departing Elected Members***
 - ***BEXB20 Gratuity Payments and Gifts to Employees***
 - ***BEXB24 Refuse Charges***
 - ***BEXB25 Pensioner/Senior Rates Arrears***
 - ***BEXB28 Purchasing***
 - ***BEXB31 Compliance Management***
 - ***BEXB35 Investment of Funds***
 - ***BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions***
 - ***BEXB41 Elected Member Disclosure of Interests Register***
 - ***BEXB42 Elected Member Registers – Other***
 - ***SB2 Donations – Financial Assistance***
 - ***SB12 Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups***
 - ***SB18 Commercially Run Temporary and Mobile Food Business Applying to Operate within the City***
 - ***SB20 Dogs – Keeping of Three Dogs***
 - ***SB21 City of Belmont Art Collection Policy***
 - ***BB3 Streetscape Policy***
 - ***NB1 Environmental Purchasing Policy***
5. ***Adopt the following new policy for inclusion:***
 - ***BEXB43 Street Numbering, Renumbering and Renaming***

Item 12.2 Continued

6. Adopt the following policies with no amendments:

- **BEXB1 Elected Members – Contact with Employees**
- **BEXB4 Swearing in Ceremony – First Meeting After Election**
- **BEXB7 Council Meeting Schedule**
- **BEXB8 Appointment as Committee Members, Representatives and Delegates**
- **BEXB8 Western Australian Local Government Association (WALGA) – Requests for Nominations for State Government Committees**
- **BEXB10 Council Delegates – Roles and Responsibilities**
- **BEXB14 Council Refreshment Facilities**
- **BEXB15 Rates and Other Debt Recovery – Elected Members**
- **BEXB16 Legal Representation for Elected Members and Employees**
- **BEXB17 Reports on Legal Advice to Elected Members**
- **BEXB18 Official Council Photograph**
- **BEXB19 Councillor’s Lounge – Public Access**
- **BEXB21 Occupational Safety and Health**
- **BEXB22 Collection of Rates**
- **BEXB23 Pensioner’s Outstanding Refuse Charges**
- **BEXB26 Rounding Down of Accounts for Payment**
- **BEXB27 Financial Management – Major Land Transactions**
- **BEXB29 Organisational Record Keeping**
- **BEXB29.1 Roles and Responsibilities – Elected Members**
- **BEXB29.2 Roles and Responsibilities – Employees**
- **BEXB30 Responsibilities for Matters Associated with the Organisation Structure of Council**
- **BEXB32 Decision Making Policy**
- **BEXB33 Quasi-Judicial Role**
- **BEXB34 Risk Management**
- **BEXB36 Elected Member Attendance and Participation at Community Workshops**
- **BEXB37 Corporate Credit and Debit Cards**
- **BEXB38 Business Improvement Policy**
- **BEXB39 Business Continuity**
- **SB1 Council Authority to Apply for Grants**
- **SB3 Naming or Renaming of Streets, Parks and Reserves**
- **SB4 Naming of Council Facilities**
- **SB5 Honorary Freeman of the City**
- **SB6 Civic Dinner – Community Guests**
- **SB7 Memorials in Public Open Space**
- **SB8 Communication and Consultation – Community and Stakeholders**
- **SB9 Donation of Disused Equipment, Machinery and Other Materials**
- **SB10 Subsidised Organised Sport for Juniors in the City of Belmont**
- **SB11 Personalisation of Council Owned Buildings by Users**
- **SB13 Community Clothing Collection Bins**
- **SB14 Temporary Caravan Accommodation**
- **SB15 Library Borrowing – Restrictions**
- **SB16 Community Facilities – Time Limit on Hiring**
- **SB17 Hire – Priority Bookings**
- **SB19 Applications for Council Assistance**
- **BB1 Asset Management**
- **BB2 Street and Civic Lighting**

Item 12.2 Continued

- ***BB4 Manholes and Stormwater Connections***
- ***BB5 Private Contributions to Drainage Works***
- ***BB6 Improvements to Become the Property of the City***
- ***BB7 Private Works***
- ***BB8 Fees – Subdivision Works***
- ***BB9 Authorised Person to Act in Relation to Land***
- ***NB2 Stormwater Disposal from Private Properties***
- ***NB3 Environment and Sustainability Policy***
- ***NB4 Dangerous Trees***
- ***BSB1 Local Business Purchase Preference***
- ***BSB2 Belmont Business Innovation Grants***

7. ***Requests that Community Development investigate ways to improve the provisions of counselling services to Belmont schools and report the findings back to an Information Forum.***

Reason:

To meet the increasing need for social, emotional, mental and spiritual wellbeing of students, families and staff in public school communities throughout Belmont.

CARRIED 9 VOTES TO 0

12.3 OPERATIONAL COMPARISON – REPORT ON A MATTER OF GOVERNANCE AT THE SHIRE OF DOWERIN

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item 12.3 refers	<u>Report on a Matter of Governance at the Shire of Dowerin</u>

Voting Requirement : Simple Majority
Subject Index : 32/001 Operational / Strategic Planning
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil.
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

This report presents an assessment of the City's operations in comparison with findings from the recent Corruption and Crime Commission (CCC) report into a matter of Governance at the Shire of Dowerin (refer [Attachment 2](#)).

Council endorsement of the report is requested together with the use of this comparison to provide for any strategic planning of operational improvements.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

This operational comparison report has assessed the City's current practices in relation to Council oversight in the management of its financial operations. While the City's current controls are in line with best practice recommendations as outlined in the Shire of Dowerin inquiry, the importance of appropriate Councillor training has been highlighted as a crucial element in ensuring the effective governance of the local government.

LOCATION

N/A

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure decision making is supported by effective information and knowledge management.

POLICY IMPLICATIONS

BEXB31 – Compliance Management

Policy Objective

The City recognises that its organisational value of INTEGRITY is a prerequisite to the City being able to act to achieve its Vision.

The objective of this policy is to provide a framework that supports the City in identifying, applying and monitoring compliance requirements across the City's activities and services.

Item 12.3 Continued

STATUTORY ENVIRONMENT

The key elements of this comparison report are governed by the following sections of the *Local Government Act 1995* –

2.7 Role of Council

- (1) *The Council –*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the Council is to –*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

2.10 Role of Councillors

A Councillor –

- (a) *represents the interests of electors, ratepayers and residents of the district; and*
- (b) *provides leadership and guidance to the community in the district; and*
- (c) *facilitates communication between the community and the Council; and*
- (d) *participates in the local government's decision-making processes at Council and Committee meetings; and*
- (e) *performs such other functions as are given to a Councillor by this Act or any other written law.*

3.1 General Function

- (1) *The general function of a local government is to provide for the good government of persons in its district.*
- (2) *The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.*
- (3) *A liberal approach is to be taken to the construction of the scope of the general function of a local government.*

5.41 Functions of the CEO

The CEO's functions are to –

- (a) *advise the Council in relation to the functions of a local government under this Act and other written laws; and*
- (b) *ensure that advice and information is available to the Council so that informed decisions can be made; and*
- (c) *cause Council decisions to be implemented; and*
- (d) *manage the day to day operations of the local government; and*
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) *speak on behalf of the local government if the mayor or president agrees; and*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*

Item 12.3 Continued

- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

BACKGROUND

To stay abreast of industry best practice, it has been standard protocol for the City to conduct internal audits and comparison reports in response to inquiries that may be relevant to the organisation.

Previous reports have been submitted to Council regarding the City's response to the following inquiries:

1. City of Wanneroo – Royal Commission 1998
2. City of Cockburn – Inquiry 1999
3. City of Belmont – Inquiry 2001
4. City of South Perth – Inquiry 2002
5. City of Joondalup – Inquiry 2004
6. City of South Perth – Inquiry 2006
7. Shire of Shark Bay – Inquiry 2011
8. CCC Report on Misconduct in Procurement – Inquiry 2015
9. City of Perth – Inquiry 2016.

The Standing Committee (Audit and Risk) considered the findings of the Shire of Dowerin – Report on a Matter of Governance comparison report at its meeting of the 24 July 2017.

Following a presentation by the Compliance Administrator a series of questions were asked and responded to as follows:

- The City currently has four credit card accounts which are utilised for the following reasons:
 1. Catering Credit Card
The Catering credit card is used to purchase catering supplies at various supermarkets. It has a low limit and the monthly statement is reviewed by the Manager Marketing and Communications.
 2. Manager Marketing and Communications
The Marketing credit card is used to purchase event related items and for emergency purchases. It has a low limit and is signed off through the usual finance processes.
 3. Executive Assistant Mayor/CEO
This credit card is used to book conferences, seminars and airfares for Officers and Elected Members.
 4. Corporate Credit Card
All transactions on this credit card are treated as payments to creditors and require final approval from the Director Corporate and Governance.
- Credit Card payments are detailed on the monthly accounts for payment statement and not listed separately as credit card payments.

Item 12.3 Continued

- Councillor training is paramount. Councillors are not expected to be auditors, however they should make themselves aware of financial processes to some degree. For example, a trust fund with a negative balance should raise concerns.
- General discussion took place amongst Committee Members on the misuse of Council credit cards and other findings.

OFFICER COMMENT

This comparison report represents an assessment of the operational processes of the City of Belmont against findings from the report conducted by the Corruption and Crime Commission into governance matters at the Shire of Dowerin. The methodology used in assessing the City's rating against the findings raised was through an interview of relevant Officers.

The questions posed were in line with the Shire of Dowerin report focusing on (1) the Council's effective performance of responsibilities under the *Local Government Act 1995*; (2) training programs available to Councillors directly related to effective performance of their roles; (3) the efficacy of financial controls exercised by the City; and, (4) the comprehensiveness of current audit practices. The City believes that the answers presented were an accurate picture of the City's current practices.

The City of Belmont's responses and assessment scores have been compiled as a result of the internal audit.

While it is recommended that priority be given to areas scoring below 5, it is considered equally important to address issues that have scored a 5 to scope for potential opportunities for improvement.

Score	Assessment Criterion
5	Fully complies with recommendations.
4	Mostly complies with recommendations – good process in place.
3	Partially complies with recommendations – reasonable process in place.
2	Some compliance with recommendations – requires review of process.
1	Does not comply with the recommendation.

1. Issues Arising From The Shire of Dowerin Report

The main events covered by the Report relate to the following:

- Unfulfilled Council responsibilities under the Local Government Act 1995
- Inadequate Councillor training programs in regards to effective performance of their roles
- Lack of financial controls at the Shire of Dowerin
- The limitations of audit practices both internal and external.

The City of Belmont's current practices were audited against the above issues.

Item 12.3 Continued

1.1 Fulfilment of Council Responsibilities Under *The Local Government Act 1995*

Reflecting the findings of the Shire of Dowerin inquiry, the following Council responsibility areas were assessed:

(1) Council's governance of the CEO

Council regularly assess the CEO's performance against agreed Performance Criteria through the annual CEO Performance Review process. This is conducted by the Executive Committee in the presence of an external facilitator appointed by agreement from both Council and the CEO, and then reported for consideration and approval by Council. Newly elected Councillors are provided the opportunity to familiarise themselves with the process through initial training with the facilitator. The facilitator mediates the entire performance review process, allowing for any queries to be resolved in the course of the review. A mid-year review by the Executive Committee is also conducted to allow the Executive Committee to be updated on progress to date and to be advised of any impediments to achievement of the Goals and Targets. This information is then provided to Council for follow up action if required. While the conduct of the review itself is led by the facilitator, any internal process or required administration is undertaken by the Human Resources Manager and is outlined, in detail, in the City's process map 'CEO Performance Appraisal Process'.

(2) Council's oversight in the City's financial affairs

The Accounts for Payment and Monthly Activity Statement are presented to Council as part of the Ordinary Council Meeting (OCM) agenda. Councillors are given the opportunity to query any transactions during both the Agenda Briefing Forum and the OCM. On a higher level, the City's operating budget is considered and approved by Council annually. Quarterly budget reviews are undertaken in consultation with Councillors and presented to Council for endorsement. In line with legislative requirements, any payments made outside the scope of the annual budget would need to be explicitly approved by Council with absolute majority.

Assessment 5

1.2 Adequacy of Councillor Training

Reflecting the findings of the Shire of Dowerin inquiry the following training area was assessed:

(1) Training of Councillors as to their responsibilities under the *Local Government Act 1995*

The City offers in-house training to ensure that Councillors are able to make informed decisions on matters before Council; this includes the initial Councillor Induction, specific Council Workshops (i.e. legal, planning, environment, etc.), and, where appropriate, briefings from the City's solicitors. To further encourage external training, the City allocates \$5000 a year per Councillor to use for training and conferences. However, as highlighted in the Shire of Dowerin inquiry, there is no mandatory training requirement for Councillors.

Being democratically elected, Councillors come with varying levels of knowledge in the conduct of local government operations. As such, it is worth noting the onus is on each individual Councillor to undertake training based on a personal assessment of which issues would improve their capacity for sound decision-making and oversight.

Assessment 4

Item 12.3 Continued

1.3 Effectiveness of Financial Controls

Reflecting the findings of the Shire of Dowerin inquiry the following financial control areas were assessed:

(1) Adequacy of the City's 'checks and balances' system (particularly around the use of credit cards)

Council Policy BEXB28 Purchasing along with the City's Delegated Authority Register establishes the City's accountability framework for its procurement activities. This is to implement a 'checks and balances' system in the City's financial dealings. Each transaction must go through a multiple authorisation process to ensure compliance with the City's purchasing practices.

An example of the existing 'checks and balances' system is the City's current control of credit card use. There are currently four corporate credit cards in use – two with a transaction limit of \$10,000, one with a limit of \$5,000 and one with a limit of \$2,000; neither the CEO nor any Officers are permitted to use the corporate credit cards for personal expenditure. The corporate credit cards have use-specific controls, where parameters have been set for allowable purchases (ie: liquor purchase is prohibited, etc.). Credit card transactions, along with the City's other procurement activities, requires review by Accounts Payable staff, and a final authorisation by two signatories.

In line with Council Policy BEXB37 Corporate Credit and Debit Cards, while the Director Corporate and Governance holds the primary credit card, any use still requires prior approval through the completion and authorisation of the 'Credit Card Payment Request Form'. Non-primary credit card transactions are approved by the card holder's line manager prior to being processed through Accounts Payable at the end of each month. This is to ensure that credit cards are only used for the purchasing of appropriate goods and services on behalf on the City.

(2) Knowledge and experience of staff in the financial services division in performing their job roles

To ensure staff employed within Finance have relevant experience and knowledge, the City has a set of mandatory selection criteria for each position that must be met for a candidate to be considered for a role. This ensures that staff employed by the City have the requisite background to confidently perform responsibilities of their role. Once employed by the City, each staff member's performance is assessed through Staff Development Reviews, which also serves as a platform to identify opportunities for continued professional development.

Assessment 5

Item 12.3 Continued

1.4 Comprehensiveness of Current Audit Practices

Reflecting the findings of the Shire of Dowerin inquiry the following audit practice was assessed:

(1) The comprehensiveness of the external audit in assessing the City's financial controls

In line with Part 7 the *Local Government (Audit) Regulations 1996*, the City engages an external auditor to conduct an audit of the City's financial management system on a yearly basis. To ensure independence, the external auditor is first recommended by Officers in accordance with Council Policy BEXB28 Purchasing before being considered and recommended by the Standing Committee (Audit and Risk) to Council for appointment. The City's current auditors will be conducting their fourth consecutive audit for the year-end 30 June 2017.

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* requires the Chief Executive Officer (CEO) to "*undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and no less than once in every 4 financial years) and report to the local government the results of those reviews.*" The review is undertaken by the City's external auditor.

Upon completion of the audit and Financial Management Review, the City examines the report of the auditor to determine if any matters raised require action from the local government; any opportunities for improvement are discussed by the Business Improvement Team before being allocated to the appropriate responsible officer through the City's risk management system. The results from the audit are reported to the City's Standing Committee (Audit and Risk) which is comprised of Councillors and an independent member. Discussion of the audit findings are queried and deliberated through this platform before being considered by Council at an Ordinary Council Meeting.

Assessment 5

2 Conclusion

While the City of Belmont complies or mostly complies with all of the findings, one area of improvement has been identified using the following compliance rating system:

Score	Number Assessed at
1	0
2	0
3	0
4	1
5	3
Total	4

Item 12.3 Continued

After assessing the City's performance against Section 1.2 'Adequacy of Councillor Training', it is recommended that a centralised Elected Member Training Register be implemented. It is envisioned that this register will include Councillor attendance at both external and internal trainings, workshops and conferences, along with communication to Councillors regarding upcoming training opportunities.

A centralised register would allow the City to determine the level of training each Councillor has had in particular areas of decision-making; this will subsequently enable the City to identify and communicate further training opportunities as appropriate. While the City can seek to improve its Councillor training practices, the onus is on each individual Councillor to take their own initiative in undertaking necessary training to keep abreast of industry best practices.

This recommendation will be undertaken by way of a System Improvement Request to be monitored by the Senior Management Group.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COMMITTEE RECOMMENDATION

That:

- 1. The report from the Corruption and Crime Commission "Report on a Matter of Governance at the Shire of Dowerin" be received.***
- 2. A copy of the report "Operational Comparison – Report on a Matter of Governance at the Shire of Dowerin" be forwarded to the Minister for Local Government.***

***COMMITTEE RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.4 ACCOUNTS FOR PAYMENT – JULY 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 3 – Item 12.4 refers	Accounts for Payment - July 2017

Voting Requirement	:	Simple Majority
Subject Index	:	54/007 – Creditors – Payment Authorisations
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

A list of payments is presented to the Council each month for confirmation and endorsement in accordance with the *Local Government (Financial Management) Regulations 1996*.

Item 12.4 Continued

LOCATION

N/A

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* states:

“If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:

- (a) the payee's name*
- (b) the amount of the payment*
- (c) the date of the payment*
- (d) sufficient information to identify the transaction.”*

BACKGROUND

Checking and certification of Accounts for Payment required in accordance with *Local Government (Financial Management) Regulations 1996*, Regulation 12.

OFFICER COMMENT

The following payments as detailed in the Authorised Payment Listing are recommended for confirmation and endorsement.

Municipal Fund Cheques	787427 to 787459	\$230,206.81
Municipal Fund EFTs	EF051031 to EF051532	\$4,422,097.27
Municipal Fund Payroll	July 2017	\$1,878,618.54
Trust Fund EFTs	EF051032, EF05133, EF051034 and EF051138	\$28,606.98
Total of Payments for July 2017		<u>\$6,559,529.60</u>

Item 12.4 Continued

FINANCIAL IMPLICATIONS

Provides for the effective and timely payment of Council's contractors and other creditors.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for July 2017 as provided under [Attachment 3](#) be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.5 MONTHLY ACTIVITY STATEMENT AS AT 31 JULY 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 4 – Item 12.5 refers	Monthly Activity Statement as at 31 July 2017

Voting Requirement : Simple Majority
Subject Index : 32/009-Financial Operating Statements
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil.
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

The following report includes a concise list of material variances and a Reconciliation of Net Current Assets at the end of the reporting month.

LOCATION

N/A

Item 12.5 Continued

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 6.4 of the *Local Government Act 1995* in conjunction with Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* requires monthly financial reports to be presented to Council.

Regulation 34(1) requires a monthly Statement of Financial Activity reporting on revenue and expenditure.

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are required to be reported to Council as a part of the monthly report. It also requires Council to adopt a "percentage or value" for what it will consider to be material variances on an annual basis. Further clarification is provided in the Officer Comment section.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires that financial statements are presented on a monthly basis to Council. In previous years, Council has adopted ten percent of the budgeted closing balance as the materiality threshold.

OFFICER COMMENT

The Statutory Monthly Financial Report is to consist of a Statement of Financial Activity reporting on revenue and expenditure as set out in the Annual Budget. It is required to include:

- Annual budget estimates
- Budget estimates to the end of the reporting month
- Actual amounts to the end of the reporting month
- Material variances between comparable amounts
- Net current assets as at the end of the reporting month.

Previous amendments to the Regulations fundamentally changed the reporting structure which requires reporting of information consistent with the "cash" component of Council's budget rather than being "accrual" based.

Item 12.5 Continued

The monthly financial report is to be accompanied by:

- An explanation of the composition of the net current assets, less committed* and restricted** assets
- An explanation of material variances***
- Such other information as is considered relevant by the local government.

**Revenue unspent but set aside under the annual budget for a specific purpose.*

***Assets which are restricted by way of externally imposed conditions of use e.g. tied grants.*

****Based on a materiality threshold of 10 percent of the budgeted closing balance as previously adopted by Council.*

Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards.

AASB108 discusses the principles to be applied in determining if a variance is material. AASB108 states that:

Information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively, to influence the economic decisions of users taken on the basis of the financial statements or affect the discharge of accountability by the management or governing body of the entity. In deciding whether an item or an aggregate of items is material, the size and nature of the omission or misstatement of the items usually need to be evaluated together.

In the case of Council's Annual Budget (and related monthly Statement of Financial Activity), it is felt that the potential impact on the estimated closing balance should determine if an item is material or not. For this reason, Council has previously adopted 10 per cent of the budgeted closing balance as the materiality threshold.

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of the Accounting Standards as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council.

Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual vs. year to date budget.

In order to provide more details regarding significant variations as included in [Attachment 4](#) the following summary is provided.

Item 12.5 Continued

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Computing	66,750	Nil	Budget spread issue regarding equipment purchases.
Chief Executive Officer	59,083	Nil	Budget spread issue regarding fleet replacement.
Operations Centre	150,855	Nil	Budget spread issue regarding plant/fleet replacement.
Expenditure – Operating			
Computing	211,913	600,664	Relates to software licensing costs paid in 2016-17 that relate to 2017-18. These costs have been budgeted throughout the year.
Marketing and Communications	223,137	87,928	Staff Eligible Termination Payment (ETP's) along with other cost items expected to occur in August.
Insurance	475,965	362,028	Insurance premiums are less than budget in particular Workers Compensation insurance.
Human Resources	149,729	220,150	Budget spread issue regarding an ETP, subscriptions and training.
Property and Economic Development	140,079	84,207	Budget spread issue regarding contributions and subscriptions.
Belmont Community Watch	111,672	4,111	Invoices are paid one month in arrears.
Belmont HACC Services	231,267	312,039	Variance relates to internal expense allocations.
Youth Services General	60,847	6,237	Invoices are paid one month in arrears.
Town Planning	303,315	384,222	Variance relates to an ETP.
Ruth Faulkner Library	203,348	309,085	Variance predominantly relates to Activity Based Costing allocations (ABC's).
Grounds Operations	399,298	325,032	Invoices are paid one month in arrears.
Road Works	84,921	33,030	Maintenance costs are currently under budget.
Other Public Works	70,401	2,796	Relates to street lighting costs that are paid one month in arrears.
Revenue - Capital			
Road Works	(26,974)	(1,100,000)	Funding for NSRF projects invoiced earlier than expected.
Revenue - Operating			
Computing	(198,678)	(600,664)	ABC recoveries are above budget.

Item 12.5 Continued

Report Section	Budget YTD	Actual YTD	Comment
Insurance	(839,032)	(657,215)	Insurance allocations are under budget due to lower than anticipated premiums.
Human Resources	(114,766)	(220,150)	ABC recoveries are above budget.
Belmont HACC Services	(81,043)	(696,785)	Internal recoveries are above budget although the variance predominantly is due to grant income being received earlier than expected.

In accordance with *Local Government (Financial Management) Regulations 1996*, Regulation 34 (2)(a) the following table explains the composition of the net current assets amount which appears at the end of the attached report.

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 July 2017	\$	Comment
Cash and investments	47,742,076	Includes municipal and reserves
- less non rate setting cash	(42,420,745)	Reserves
Receivables	51,134,467	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(8,417,505)	ESL Receivable
Stock on hand	229,576	
Total Current Assets	48,267,868	
Current Liabilities		
Creditors and provisions	(15,205,255)	Includes ESL and deposits
- less non rate setting creditors & provisions	11,157,611	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(4,047,643)	
Nett Current Assets 31 July 2017	44,220,225	
Nett Current Assets as Per Financial Activity Report	44,220,225	
Less Restricted Assets	(533,177)	Unspent grants held for specific purposes
Less Committed Assets	(43,187,048)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

The presentation of these reports to Council ensures compliance with the *Local Government Act 1995* and associated Regulations, and also ensures that Council is regularly informed as to the status of its financial position.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.5 Continued

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

1. ***That Council adopt ten percent of the estimated closing balance as the base amount for determining materiality of variations in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996.***
2. ***That the Monthly Financial Reports as at 31 July 2017 as included in [Attachment 4](#) be received.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13.2 NOTICE OF MOTION (CR BASS) – POLICY RELATING TO INVITATIONS TO OFFICIAL FUNCTIONS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item 13.2 refers	<u>BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions</u>
Attachment 6 – Item 13.2 refers	<u>SB5 Honorary Freeman of the City</u>

Voting Requirement	:	Simple Majority
Subject Index	:	35/002 Notices of Motion
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	OCM 27 September 2016 – Item 12.9 OCM 22 September 2015 – Item 10.7 OCM 25 November 2014 – Item 14.1
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | |
|--|---|
| <input type="checkbox"/> Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

Item 13.2 Continued

PURPOSE OF REPORT

To consider a Notice of Motion prepared by Councillor Bass in relation to the Council policy for invitations to official functions.

SUMMARY AND KEY ISSUES

Councillor Bass has submitted a Notice of Motion to be presented to the 22 August 2017 Ordinary Council Meeting in relation to the Council policy for invitations to official events.

LOCATION

N/A

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

POLICY IMPLICATIONS

Amendment of BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions or SB5 Honorary Freeman of the City will necessitate amendment of the current City of Belmont Policy Manual.

STATUTORY ENVIRONMENT

Section 2.7 of the *Local Government Act 1995* outlines the role of Council and section 2.7(2)(b) specifies that the Council to determine the local government's policies.

2.7. Role of council

(1) *The council —*

- (a) *governs the local government's affairs; and*
- (b) *is responsible for the performance of the local government's functions.*

Item 13.2 Continued

(2) *Without limiting subsection (1), the council is to —*

- (a) oversee the allocation of the local government's finances and resources;*
- and*
- (b) determine the local government's policies.*

[Section 2.7 amended by No. 17 of 2009 s. 4.]

BACKGROUND

A Notice of Motion by Councillor Bass reads as follows:

“Motion:

That the City of Belmont immediately reverse its policy of inviting the former Liberal Member for Belmont, Mrs Glenys Godfrey to official functions and invite the new Labor Member for Belmont, Ms Cassie Rowe MLA.

Reason:

In inviting Mrs Godfrey to the official Pioneers Luncheon on 22 June 2017 and preventing the new Labor Member from attending, the City may appear petty and partisan in the discharge of its functions on behalf of ratepayers and residents.”

OFFICER COMMENT

The following policies are applicable to Councillor Bass' Notice of Motion:

BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions (refer [Attachment 5](#))

This policy was introduced and adopted by Council at the 22 September 2015 Ordinary Council Meeting (Item 10.7) and subsequently endorsed by Council as part of the 2016 Policy Manual Review at the 27 September 2016 Ordinary Council Meeting (Item 12.9). The policy objective is to provide guidance on attendance by dignitaries at Civic Functions, Ceremonies and Receptions.

As part of the 2017 Policy Manual Review (refer Item 12.2 of the 22 August 2017 Ordinary Council Meeting), amendments to BEXB40 are proposed. In accordance with Council discussion at the 8 August 2017 Information Forum, the Member for Belmont has been included as a proposed invitee to Volunteer Recognition Events and the Pioneers Function and the schedule has been amended to reflect this.

It should be noted that BEXB40 makes no direct reference to Mrs Glenys Godfrey at any point. The policy refers to “Freemen of the City” generally, only in regard to the Civic Dinner, Pioneers Function and Official Openings of Major Council Facilities.

SB5 Honorary Freeman of the City (refer [Attachment 6](#))

The policy objective is to provide a process by which Council can formally recognise outstanding and meritorious service to the City of Belmont community.

Item 13.2 Continued

At the 25 November 2014 Ordinary Council Meeting, Council resolved as follows:

ALTERNATIVE COUNCILLOR MOTION

HITT MOVED, WOLFF SECONDED.

That Council:

- 1. Bestow the title of ‘Honorary Freeman of the City’ upon Ms Glenys Godfrey for services to the City of Belmont.***
- 2. That the Officer Recommendation remain confidential until the Bestowal Ceremony at the Annual Civic Dinner to be held on 6 December 2014.***
- 3. That Policy SB5 – Honorary Freeman of the City be reviewed in the immediate future.***

CARRIED 5 VOTES TO 4

*For: Marks, Powell, Rossi, Ryan, Wolff
Against: Bass, Cayoun, Gardner, Hitt*

Reason:

To keep the policies relevant to the current values of the Citizens of the City of Belmont.

In accordance with the Council Resolution, the title of ‘Honorary Freeman of the City’ was bestowed upon Mrs Godfrey and SB5 was reviewed as part of the 2015 Policy Manual Review. Amendments were made and further information included clarifying the intent and requirements of the policy. Subsequently, at the 22 September 2015 Ordinary Council Meeting, Council endorsed the amended SB5 as part of the 2015 Policy Manual Review.

All current Freemen of the City including Mrs Godfrey were invited to the 22 June 2017 Pioneers function as Freemen of the City of Belmont, in accordance with BEXB40.

Those bestowed the honour of Freeman of the City are FD Wilson, FW Rae, PP Parkin, PR Passeri and GJ Godfrey.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 13.2 Continued

Note:

Cr P Gardner declared an interest that may affect impartiality in Item 13.2 Notice of Motion (Cr Bass) – Policy Relating to Invitations to Official Functions.

Nature of Interest: Wife is the current ‘Member for Belmont’.

COUNCILLOR RECOMMENDATION

That the City of Belmont immediately reverse its policy of inviting the former Liberal Member for Belmont, Mrs Glenys Godfrey to official functions and invite the new Labor Member for Belmont, Ms Cassie Rowe MLA.

Reason:

In inviting Mrs Godfrey to the official Pioneers Luncheon on 22 June 2017 and preventing the new Labor Member from attending, the City may appear petty and partisan in the discharge of its functions on behalf of ratepayers and residents.

Note:

Cr Bass advised that she was withdrawing Item 13.2 Notice of Motion (Cr Bass) – Policy Relating to Invitations to Official Functions as the matter had been dealt with at Item 12.2 2017 Policy Manual Review.

As the Notice of Motion was withdrawn, Council did not consider the matter any further.

**13.3 NOTICE OF MOTION (CR BASS) – REQUEST FOR LOCAL GOVERNMENT ACT 1995
AMENDMENTS REGARDING PROPERTY DEVELOPERS AND REAL ESTATE AGENTS**

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	35/002 Notices of Motion
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To consider a Notice of Motion prepared by Councillor Bass in relation to requesting for amendment to the *Local Government Act 1995* regarding property developers and real estate agents.

SUMMARY AND KEY ISSUES

Councillor Bass has submitted a Notice of Motion to be presented to the 22 August 2017 Ordinary Council Meeting in relation to requesting for amendment to the *Local Government Act 1995* regarding property developers and real estate agents.

Item 13.3 Continued

LOCATION

N/A

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

There are no specific statutory requirements in respect to this matter, however regard should be given to the requirements of section 2.19 of the *Local Government Act 1995* and Regulation 30B and 30CA of the *Local Government (Elections) Regulations 1997* which state the following:

Local Government Act 1995

“2.19. Qualifications for election to council

- (1) A person is qualified to be elected as a member of a council if the person —*
 - (a) is of or over the age of 18 years; and*
 - (b) is an elector of the district; and*
 - [(c) deleted]*
 - (d) is not disqualified for membership of the council under section 2.20, 2.21, 2.22, 2.23 or 2.24; and*
 - (e) is not disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council.*
- (2) A person is not qualified under subsection (1)(b) if he or she is only eligible for enrolment under section 4.30(1)(a) and (b) —*
 - (a) as the nominee of a body corporate under section 4.31; or*
 - (b) because of Schedule 9.3, clause 12(2).*
- (3) A person who is qualified under subsection (1) can be elected as a councillor for a ward whether or not he or she is an elector of that ward.*

Item 13.3 Continued

2.20. Members of parliament disqualified

- (1) A person is disqualified for membership of a council if the person is a member of a parliament.
- (2) In this section —
member of a parliament means —
 - (a) a member of the Legislative Assembly; or
 - (b) a member of the Legislative Council, including a person who has been elected as a member of that House but is not yet entitled to sit or vote in that House because of section 8(2) of the Constitution Acts Amendment Act 1899; or
 - (c) a member of the House of Representatives; or
 - (d) a senator, including a person who has been elected as a senator but whose term of service as a senator has not yet begun.

[Section 2.20 amended by No. 2 of 2012 s. 5.]

2.21. Disqualification because of insolvency

A person is disqualified for membership of a council if the person is an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth.

[Section 2.21 amended by No. 10 of 2001 s. 121.]

2.22. Disqualification because of convictions

- (1) A person is disqualified for membership of a council if the person —
 - (a) has been convicted of a crime and is in prison serving a sentence for that crime; or
 - (b) has been convicted in the preceding 5 years of a serious local government offence; or
 - (c) has been convicted on indictment of an offence for which the indictable penalty was or included —
 - (i) imprisonment for life; or
 - (ii) imprisonment for more than 5 years.
- (2) A court that has sentenced a person for a serious local government offence may make an order —
 - (a) waiving the application of subsection (1)(b); or
 - (b) reducing the period of 5 years mentioned in subsection (1)(b), and the court's order has effect in accordance with its terms.

- (3) In this section —

former provisions means the Local Government Act 1960 ⁴ as in force before the commencement of this Act;

indictable penalty means the penalty that the relevant law specified for the offence in the event of a person being convicted of the offence on indictment;

offence means an offence against a law of this State, the Commonwealth, another State or a Territory;

Item 13.3 Continued

serious local government offence means an offence against this Act or the former provisions for which an offender —

- (a) could be sentenced to imprisonment for a term of, or exceeding the period prescribed for the purposes of this section; or
- (b) could be sentenced to pay a fine of or exceeding the amount prescribed for the purposes of this section.

[Section 2.22 amended by No. 2 of 2012 s. 12.]

2.23. Disqualification because of membership of another council

A person is disqualified for membership of a council if the person is a member of another council.

2.24. Disqualification because of misapplication of funds or property

A person is disqualified for membership of a council if section 8.43(1), or an order under section 8.43(3), applies to the person.

5.113. Punishment for recurrent breach

If, on an allegation under section 5.112, the State Administrative Tribunal finds that a person committed a recurrent breach, it may make any of the orders described in section 5.117.

5.117. Punishment for serious breach

(1) If, on an allegation under section 5.116(2), the State Administrative Tribunal finds that a person committed a serious breach, it may —

(a) order that —

- (i) the person against whom the allegation was made be publicly censured as specified in the order; or
- (ii) the person against whom the allegation was made apologise publicly as specified in the order; or
- (iii) the person against whom the allegation was made undertake training as specified in the order; or
- (iv) the person against whom the allegation was made is suspended for a period of not more than 6 months specified in the order; or
- (v) the person against whom the allegation was made is, for a period of not more than 5 years specified in the order, disqualified from holding office as a member of a council;

or

(b) order 2 or more of the sanctions described in paragraph (a).

(2) An order described in subsection (1)(a)(iv) or (v) may be expressed in such a way that the order —

(a) only takes effect if, on finding that the person subject to the order has not complied with a condition specified in the order, the State Administrative Tribunal directs under subsection (7) that the order take effect; and

(b) lapses if it has not taken effect within a period specified in the order,

and an order so expressed is called a **suspended order**.

(3) The period referred to in subsection (2)(b) cannot exceed 2 years.

Item 13.3 Continued

- (4) *The Departmental CEO may make an allegation to the State Administrative Tribunal that a person subject to a suspended order has failed to comply with a condition specified in the order.*
- (5) *The Departmental CEO must give a person notice in writing of a decision to make an allegation about the person under subsection (4).*
- (6) *If the State Administrative Tribunal receives an allegation under subsection (4), it must make a finding as to whether the alleged failure occurred.*
- (7) *If the State Administrative Tribunal finds that a person failed to comply with a condition of a suspended order, it may if it considers it appropriate to do so direct that the suspended order take effect.*
- (8) *When a council member is suspended under subsection (1)(a)(iv), section 8.29 applies to the member as if the council had been suspended.*

5.119. SAT's enforcement powers

- (1) *If, under section 5.118, the CEO of a local government or the Departmental CEO refers to the State Administrative Tribunal a failure of a person to comply with an order of a standards panel or the State Administrative Tribunal, the State Administrative Tribunal may, if satisfied that the person failed to comply with the order, make an order described in section 5.117(1)(a)(iv) or (v)."*

Local Government (Elections) Regulations 1997

"30B. Candidates to disclose gifts — s. 4.59

- (1) *A candidate must disclose to the CEO a gift promised or received during the period set out in regulation 30C.
Penalty: \$5 000.*
- (2) *A candidate must make a disclosure to the CEO in the manner set out in regulation 30D(1), and within the time set out in regulation 30D(2).
Penalty: \$5 000.*
- [(3) *deleted*]
- (4) *A candidate must provide the information set out in regulation 30F(1) relating to a gift, and the candidate must ensure that the information provided is not false or misleading.
Penalty: \$5 000.*

30CA. Donors to disclose gifts — s. 4.59

- (1) *A donor must disclose to the CEO a gift to a candidate promised or made during the period set out in regulation 30C.
Penalty: \$5 000.*
- (2) *A donor must make a disclosure to the CEO in the manner set out in regulation 30D(1), and within the time set out in regulation 30D(2).
Penalty: \$5 000.*
- (3) *A donor must provide the information set out in regulation 30F(1) relating to the gift, and the donor must ensure that the information provided is not false or misleading.
Penalty: \$5 000."*

Item 13.3 Continued

BACKGROUND

A Notice of Motion by Councillor Bass reads as follows:

“Motion:

That the Belmont Council write to the Minister for Local Government to seek changes in the Act:

- 1) to prohibit real estate agents and property developers from making donations to any candidate standing for election in any local government area in W.A.; and*
- 2) to prohibit real estate agents and property developers from being eligible to stand for election in any local government area in W.A. in which they carry on that business.*

Reason:

To improve transparency and probity in relation to local government decision making.”

OFFICER COMMENT

The requirements for qualification as a candidate and for disclosure of donations and gifts vary between local and State government in Western Australia and interstate.

There have been proposals in recent years in New South Wales to see property developers and real estate agents barred from standing for Council; however these proposals have not been legislated to date.

In New South Wales, in accordance with the *Election Funding, Expenditure and Disclosures Act 1981 (NSW)*, it is unlawful for a prohibited donor (defined to include property developers) to make a political donation to a candidate for a State or local government election. It is also unlawful for a person to make a political donation on behalf of a prohibited donor.

The Minister for Local Government, Hon David Templeman announced the commencement of the review of the *Local Government Act 1995* in June 2017 and identified strengthening public confidence in local government elections and gift provisions as key topics in the first phase of the review. The review will be conducted over a two year period including comprehensive sector wide consultation.

There are currently requirements for disclosure of conflicts of interests and gifts contained in the City of Belmont Code of Conduct and relevant legislation. Penalties are applicable if non-compliance is proven.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 13.3 Continued

SOCIAL IMPLICATIONS

There are no social Implications at this time.

Note:

Cr B Ryan declared an indirect financial interest in Item 13.3 Notice of Motion (Cr Bass) – Policy Relating to Invitations to Official Functions.

8.48pm Cr Ryan departed the meeting.

8.50pm The Governance Officer departed the meeting.

8.53pm The Governance Officer returned to the meeting.

COUNCILLOR RECOMMENDATION

BASS MOVED, HITT SECONDED,

That the Belmont Council write to the Minister for Local Government to seek changes in the Act:

1. To prohibit real estate agents and property developers from making donations to any candidate standing for election in any local government area in W.A.; and
2. To prohibit real estate agents and property developers from being eligible to stand for election in any local government area in W.A. in which they carry on that business.

Reason:

To improve transparency and probity in relation to local government decision making.

Item 13.3 Continued

Note:

Cr Cayoun proposed an amendment to the Councillor Recommendation. The amendment was agreed to by Cr Bass and Cr Hitt.

AMENDED COUNCILLOR RECOMMENDATION

BASS MOVED, HITT SECONDED,

That the following motion be referred to an Information Forum for discussion:

That the Belmont Council write to the Minister for Local Government to seek changes in the Act:

- 3. To prohibit real estate agents and property developers from making donations to any candidate standing for election in any local government area in W.A.; and**
- 4. To prohibit real estate agents and property developers from being eligible to stand for election in any local government area in W.A. in which they carry on that business.**

LOST 3 VOTES TO 5

*For: Bass, Cayoun, Hitt
Against: Gardner, Marks, Powell, Rossi, Wolff*

Reason:

To improve transparency and probity in relation to local government decision making.

9.17pm The A/Chief Executive Officer departed and returned to the meeting.

9.17pm Cr Ryan returned to the meeting.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED


Nil.

15. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 9.17pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 22 August 2017 were confirmed as a true and accurate record at the Ordinary Council Meeting held 26 September 2017:

Signed by the Person Presiding:  _____

PRINT name of the Person Presiding: PHILIP MARKS

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