



SHIRE OF PEPPERMINT GROVE

ATTACHMENTS

**Ordinary Council Meeting
25 May 2021**

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Ordinary Council Meeting

8.1.1 – Local Planning Policy 7 - Local
Planning Policy 7 – Improved Local Access
to Service Subdivision and Redevelopment
– Version 2



Planning and Development Act 2005

Local Planning Policy 7

Policy Number:	LPP 7
Policy Title:	Improved Local Access to Service Subdivision and Redevelopment in the Residential Zone (R10 & R12.5)
Responsible Officer	Manager of Development Services
Adoption Date:	Revised 6 May 2021

Objective

This policy is in accord with two principal aims of Local Planning Scheme 4 (Clause 9) which are:

- (a) To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality characteristics of its streetscapes.*
- (d) To provide for orderly and proper planning*

The strategic objectives are to :-

- Ensure future subdivision and new residential development enhances the neighbourhood design and character of Peppermint Grove and
- Provide sufficient space for residents of the new laneway houses to receive visitors, services and other utilities such as waste removal, conveniently and without impact on neighbours, and
- Allow for the future greening of laneways to establish their garden character and to create a recreational asset for all to use and enjoy.

Background

In 2017 Local Planning Scheme 4 (LPS 4) replaced the Town Planning Scheme 3 (TPS3) which contained policy written into the Scheme. All of the Shire policies previously included in TPS 3 were removed from the approved LPS4 at the request of the Department of Planning as they did not want any policies included in a statutory document such as a town planning scheme other than by reference. The Shire took the opportunity from 2017 until 2021 to review and re-adopt all policies as free-standing documents which would guide planning decisions.

History

The Shire laneways date from when the original lots were subdivided in the 1880's. This created 'rights-of-way' to provide occasional access and use for services such as waste collection and sanitary disposal.

From 1960 onwards battle-axe subdivision occurred, and this resulted in cumulative adverse design impacts on established streets, including a loss of trees, additional paved driveways and intrusion to the privacy of the established street oriented homes. At this time both the Shire and the Town Planning Board (WAPC) agreed to develop a policy in response to battle-axe subdivision to manage and reduce impacts. The policy was applied consistently.

Following the gazettal of LPS 4 in 2017 it is necessary for the Shire to update and re-affirm it will continue to encourage subdivision where rear lots should orient towards laneways and ensure there is sufficient space in the laneways to service residents needs and to limit impact on nearby properties and local streets.

This policy ensures laneways remain an important part of the heritage and garden character of the Shire. Residents use them for walking, play spaces, and other lifestyle and leisure activities.

Application

This policy applies to subdivision applications that create new lots abutting a right of way (RoW) and where no land has previously been ceded to the Crown.

This policy will inform subdivision advice provided from the Shire to the WAPC and the Department of Planning Lands and Heritage (DPLH).

In re-affirming its past policy approach to request ceding of additional land from properties abutting a RoW as a condition of approval to subdivide, the Shire considers the policy requirement is warranted because it:-

- addresses an issue to manage impact at the appropriate time; and
- demonstrates clear nexus between the decision to create new lots and the direct result of the new lots on surrounding properties; and
- is a reasonable and justified measure when balanced against the overall benefit of further subdivision and redevelopment to both the landowner and the neighbourhood.

Principle

This policy guides the Shire in its advice to the WAPC for subdivision applications which create new lots that abut a RoW and where the policy has not been applied previously. (i.e. no land previously ceded).

The Shire will request ceding of land as a condition of subdivision approval.

Statutory Process

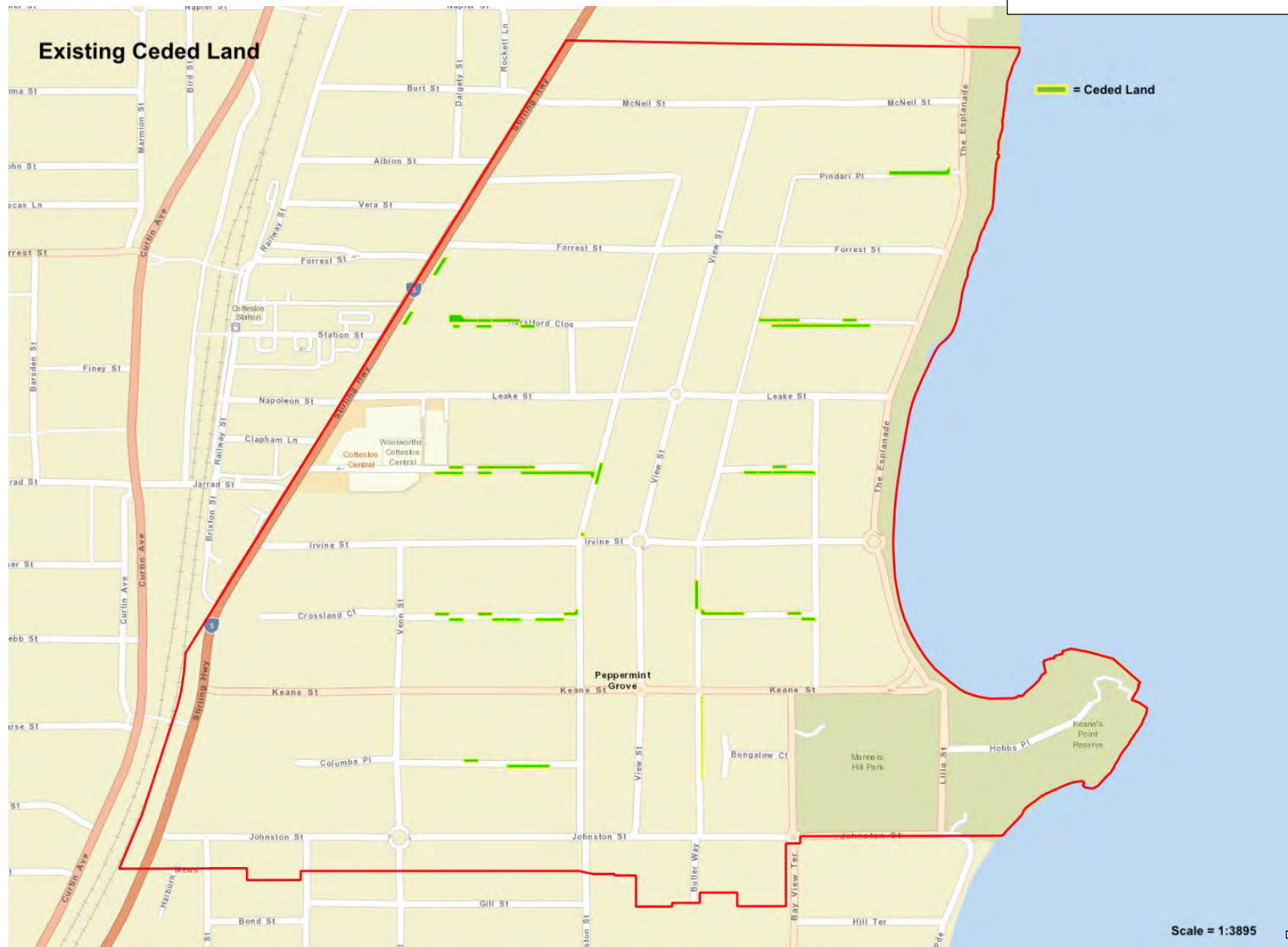
This Local Planning Policy is made under Part 2 of the Planning and Development (Local Planning Schemes) 2015 Regulations.

Policy

In the provision of advice on applications for subdivision, and when considering likely impacts of the proposed subdivision and subsequent development on the site and surrounding properties, the Shire will request as a condition of subdivision approval:-

1. The ceding of land abutting the right of way (RoW) where required for the purpose of improving local access to the new lot/s, and provision of parking for visitors and service vehicles.
2. The ceded land requirement shall be measured from the boundary of the existing Crown reserve (4.27m perpendicular to boundary) and to be sufficient in size and shape to achieve a *minimum and adequate reserve* to accommodate good neighbourhood design including landscaping, safe vehicle access in and out of the site, and visitor and service parking areas.
3. Land will be ceded to the Crown (without consideration), and executed as a priority on lodgment of first diagram of survey (prior to clearance of subdivision conditions).
4. Land ceded to the Crown as a result of this policy will be vested and managed by the Shire.
5. Generally where a new lot abuts two RoW's, the land ceding will be required abutting the east/west running RoW instead of the north/south RoW.

**ITEM 8.1.1
ATTACHMENT TWO**





Ordinary Council Meeting

8.3.1 – Financial Statements – April 2021

SHIRE OF PEPPERMINT GROVE
MONTHLY FINANCIAL STATEMENTS
FOR THE PERIOD ENDED 30 APRIL 2021

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SHIRE OF PEPPERMINT GROVE
Statement of Financial Activity
FOR THE PERIOD ENDED 30 APRIL 2021

	ADOPTED BUDGET 2020/21	REVISED BUDGET 2020/21	YTD BUDGET 2020/21	YTD ACTUAL 2020/21	VARIANCE \$ Actual v YTD Budget	VARIANCE % Actual v YTD Budget
Operating Revenue						
FEES & CHARGES	246,285	281,583	254,166	255,137	971	0%
GRANTS & SUBSIDIES	1,113,017	1,108,717	1,236,500	1,235,656	(844)	0%
CONTRIBUTIONS, REIMBURSEMENTS	36,149	36,149	18,472	22,509	4,037	22%
INTEREST ON INVESTMENTS	22,600	18,500	12,500	7,787	(4,713)	-38%
OTHER REVENUE	34,274	35,174	400	603	203	51%
PROFIT ON SALE OF ASSETS	12,000	12,000	0	0	0	
	1,464,325	1,492,123	1,522,038	1,521,692	(346)	0%
Operating Expenses						
EMPLOYEE COSTS	(2,114,504)	(2,183,948)	(1,837,201)	(1,781,848)	55,353	-3%
MATERIALS & CONTRACTS	(1,991,474)	(1,896,982)	(1,611,973)	(1,334,152)	277,821	-17%
PUBLIC UTILITIES	(100,707)	(101,570)	(85,558)	(83,284)	2,274	-3%
DEPRECIATION	(473,123)	(473,123)	(236,561)	(236,561)	0	0%
INTEREST EXPENSES	(57,074)	(57,074)	(28,806)	(31,333)	(2,527)	9%
INSURANCES	(108,267)	(103,645)	(103,645)	(99,139)	4,506	-4%
LOSS ON SALE OF ASSETS	(12,364)	(12,364)			0	
OTHER EXPENSES	(153,012)	(107,732)	(75,579)	(79,403)	(3,824)	5%
	(5,010,525)	(4,836,438)	(3,979,323)	(3,645,720)	333,603	-8%
CHANGE IN NET ASSETS	(3,546,200)	(3,444,315)	(2,457,285)	(2,124,028)	333,257	14%
Adjustments for Non-Cash (Revenue) and Expenditure						
(Profit)/Loss on Asset Disposals	364	364	0	0	0	
Depreciation on Assets	473,123	473,123	236,561	236,561	0	0%
	473,487	473,487	236,561	236,561	0	
Capital Expenditure						
Land & Buildings	(112,000)	(95,000)	(124,000)	(74,646)	49,354	-40%
Plant and Equipment	(139,000)	(133,563)	(170,000)	(138,267)	31,733	-19%
Furniture & Equipment	(10,000)	(22,000)	0	(1,580)	(1,580)	
Infrastructure Assets - Roads	(391,000)	(381,000)	(380,000)	(324,154)	55,846	-15%
Infrastructure Assets - Other	(408,831)	(550,481)	(190,000)	(165,137)	24,863	-13%
Infrastructure Assets - Footpaths	(52,500)	0	0	0	0	
Non Operating grants	154,249	233,599	127,981	29,801	(98,180)	-77%
	(959,082)	(948,445)	(736,019)	(673,983)	62,036	-8%
Capital Revenue						
Proceeds from Disposal of assets	95,500	95,500	95,500	100,090	4,590	5%
Debt Management						
Repayment of Debentures	(31,725)	(31,725)	(31,725)	(16,618)	15,107	0%
Proceeds from New Debentures					0	
Self-Supporting Loan Principal Income					0	
Reserves and Restricted Funds						
Transfers to Reserves	(51,600)	(151,600)	0	0	0	
Transfers from Reserves	561,000	561,000	0	0	0	
	509,400	409,400	0	0	0	
Net Current Assets July 1 B/Fwd	139,264	139,264	281,423	281,423	0	0%
Net Current Assets Year to Date	6,872	45,238	726,627	1,141,617	414,990	57%
Amount Raised from Rates	3,326,228	3,352,072	3,338,172	3,338,172	(0)	

STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2021

No.	Name	Current Year Balance 30-Apr-21	Last Year Balance 30-Apr-20
50002	Assets		
50005	Current Asset		
51000	Bank Accounts		
51111	Municipal Bank	\$1,119,448	\$862,100
51112	Reserve Bank	\$1,163,877	\$1,349,503
51113	Trust Bank	\$20,038	\$20,738
51210	MHP BONDS (RECEIPTS)	-\$37,920	-\$31,870
51211	MHP BONDS (PAYMENTS)	\$35,220	\$29,170
51220	COMMUNITY CENTRE BONDS (RECEIPTS)	-\$6,488	-\$6,488
51221	COMMUNITY CENTRE BONDS (PAYMENTS)	\$6,100	\$6,100
51250	FOOTPATH & ROAD BONDS (RECEIPTS)	-\$176,610	-\$162,610
51251	FOOTPATH & ROAD BONDS (PAYMENTS)	\$146,110	\$144,110
51260	LOCAL EMERGENCY MANAGEMENT COMMITTEE FDS	-\$53,130	-\$65,390
51999	Total Bank Accounts	\$2,216,645	\$2,145,363
52000	Investments		
52999	Total Investment Accounts	\$0	\$0
53000	Cash on Hand		
53111	Petty Cash	\$546	\$546
53999	Total Cash On Hand	\$546	\$546
54000	Debtors		
54100	Rates Debtors	\$62,296	\$79,520
54300	Sundry Debtors	\$346,690	\$38,276
54600	FESA Clearing Account	-\$39,161	-\$49,537
54999	Total Debtors	\$369,825	\$68,259
59999	Total Current Assets	\$2,587,015	\$2,214,168
60000	Non-Current Assets		
60100	Non-Current Receivables		
60101	Lease Receivable - Freshwaters Cafe	\$98,504	\$64,946
60199	Total Non-Current Receivables	\$98,504	\$64,946
61000	Land		
61100	Land	\$7,184,121	\$7,952,250
61999	Total Land	\$7,184,121	\$7,952,250
62000	Buildings & Improvements		
62100	Buildings & Improvements	\$7,937,313	\$7,813,218
62199	Less Accumulated Depreciation	-\$379,932	-\$264,298
62999	Total Buildings & Improvements	\$7,557,381	\$7,548,920
63000	Furniture & Equipment		
63100	Furniture & Equipment	\$42,685	\$32,637
63199	Less Accumulated Depreciation	-\$17,351	-\$16,451
63999	Total Furniture & Equipment	\$25,333	\$16,186
64000	Plant & Equipment		
64100	Plant & Equipment	\$383,271	\$247,688
64199	Less Accumulated Depreciation	-\$92,121	-\$66,021
64999	Total Plant & Equipment	\$291,150	\$181,667
65000	Road Infrastructure		

65100	Road Infrastructure	\$10,744,207	\$10,519,578
65199	Less Accumulated Depreciation	-\$471,912	-\$317,358
65999	Total Road Infrastructure	\$10,272,295	\$10,202,220
66000	Other Infrastructure		
66100	Other Infrastructure at Cost	\$4,303,702	\$4,067,498
66199	Less Accumulated Depreciation	-\$357,985	-\$243,220
66999	Total Infrastructure	\$3,945,717	\$3,824,278
68000	Right of Use Assets		
68100	Right of Use Assets	\$93,071	\$122,036
68999	Total Right of Use Assets	\$93,071	\$122,036
69000	Other Non-Current Assets		
69600	Investment in WMRC	\$145,045	\$162,954
69610	Investment in LG House	\$17	\$17,517
69995	Total Other Non Current Assets	\$145,062	\$180,471
69998	Total Non Current Assets	\$29,612,634	\$30,092,974
69999	Total Assets	\$32,199,649	\$32,307,142
70000	Liabilities		
70001	Current Liabilities		
71000	Clearing Accounts		
71150	Other Deductions	\$2,036	\$2,036
71210	GST on Sales	-\$42,681	-\$11,710
71220	GST on Purchases	\$13,415	\$13,284
71430	Pensioner Rebate Clearing	-\$15	\$0
71999	Total Clearing Accounts	-\$27,245	\$3,610
72000	Creditors		
72100	Sundry Creditors Control	-\$45,568	-\$61,430
72999	Total Creditors	-\$45,568	-\$61,430
73000	Provisions		
73100	Provision for Annual Leave	-\$100,528	-\$128,164
73200	Provision for LSL	-\$115,742	-\$94,053
73999	Total Provisions	-\$216,270	-\$222,216
74000	Loans Leases Overdrafts		
74100	Loans Current	-\$16,618	-\$15,560
74999	Total Loans Leases Overdrafts	-\$16,618	-\$15,560
75000	Accruals		
75100	Unspent Grants	\$0	\$0
75200	Accrued Expenses	\$0	-\$140,000
75300	Accrued Salaries and Wages	-\$52,330	\$0
75999	Total Accruals	-\$52,330	-\$140,000
76000	Other Current Liabilities		
76100	BCITF	-\$396	\$15,590
76110	Building Service Levy	-\$27,191	-\$11,847
76300	Suspense Account	-\$25	\$1,948
76400	Lease Liability	-\$31,583	-\$31,583
76999	Total Other Current Liabilities	-\$59,195	-\$25,892
77999	Total Current Liabilities	-\$417,225	-\$461,488

80000	Non-Current Liabilities		
81000	Provisions		
81200	Provision for LSL	-\$19,661	-\$3,443
81999	Total Provisions	-\$19,661	-\$3,443
82000	Loans Leases Overdrafts		
82100	Loans Non Current	-\$724,982	-\$756,708
82999	Total Loans Leases Overdrafts	-\$724,982	-\$756,708
83000	Other Non-Current Liabilities		
83200	Lease Liability - Non Current	-\$65,237	-\$95,852
83999	Total Non-Current Liabilities	-\$65,237	-\$95,852
84999	Total Non Current Liabilities	-\$809,880	-\$856,003
85999	Total Liabilities	-\$1,227,105	-\$1,317,491
89999	Total Net Assets	\$30,972,543	\$30,989,652
90000	Equity		
91000	Reserves Cash		
91100	Road Reserve	\$391,739	\$390,474
91101	Library Projects Reserve	\$11,134	\$11,098
91102	Staff Leave Reserve	\$105,816	\$150,329
91103	Building & Infrastructure Reserve	\$589,552	\$572,696
91106	Plant Replacement Reserve	\$20,872	\$20,805
91109	IT Reserve	\$24,073	\$23,995
91110	Public Art Reserve	\$823	\$20,756
91111	Legal Costs Reserve	\$19,867	\$159,351
91999	Total Reserves Cash	\$1,163,877	\$1,349,503
92000	Revaluation Surplus		
92200	Asset Revaluation Land	\$6,728,171	\$7,496,300
92300	Asset Revaluation Buildings & Improvements	\$1,375,297	\$1,355,393
92400	Asset Revaluation Furniture & Equipment	\$0	-\$89,906
92500	Asset Revaluation Plant & Equipment	\$0	-\$26,937
92600	Asset Revaluation Road Infrastructure	\$9,768,320	\$9,768,320
92700	Asset Revaluation Other Infrastructure	\$1,567,329	\$1,567,329
92999	Total Revaluation Surplus	\$19,439,118	\$20,070,500
95000	Retained Earnings		
95100	Retained Earnings	\$11,041,501	\$10,427,227
95901	Budget Opening Balance 01/07	\$0	\$0
95902	Budget Closing Balance 30/06	\$0	\$0
95999	Total Retained Earnings	\$11,041,501	\$10,427,227
96000	Reserve Transfers		
96100	Transfers to Reserves Cash	-\$1,349,493	-\$1,225,120
96200	Transfers from Reserves Cash	\$677,539	\$367,542
96499	Total Net Reserve Transfers	-\$671,954	-\$857,577
96999	Total Equity	\$30,972,543	\$30,989,652

SHIRE OF PEPPERMINT GROVE
Notes to and forming part of the Statement of Financial Activity
for the period 1 JULY 2020 to 30 APRIL 2021

1 Basis of Accounting

This financial report is a special-purpose financial report, which has been prepared in accordance with applicable Australian Accounting Standards, the Local Government Act 1995 (as amended) and accompanying regulations. The report has been prepared on an accrual basis under the convention of historical cost accounting.

2 Net Current Assets

CURRENT ASSETS

Cash - Unrestricted
Cash - Restricted
Receivables

CURRENT LIABILITIES

Sundry Creditors
Leave Provisions
Library Equity Adjustment
Right of use Asset

Less: Cash - Reserves - Restricted
Add: Changes in Equity
NET CURRENT ASSET POSITION

31-Mar-2021	Estimated Closing Surplus 2019/20
1,053,314	618,230
1,163,877	1,163,877
369,825	322,709
2,587,016	2,104,816
(132,007)	(612,857)
(284,818)	(216,270)
2,170,190	1,275,689
(1,163,877)	(1,163,877)
135,305	169,611
1,141,618	281,423

SHIRE OF PEPPERMINT GROVE
Notes to and forming part of the Statement of Financial Activity
FOR THE PERIOD ENDED 30 APRIL 2021

3 Reserves

(a) Roads Reserve

To be used for

Opening Balance	391,739	390,424
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(311,000)
Interest Received	0	20,168

391,739 99,592

(b) Library Infrastructure Reserve

To be used for

Opening Balance	11,134	11,098
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
Interest Received	0	145

11,134 11,243

(c) Staff Leave reserve

To be used for

Opening Balance	105,816	150,329
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
Interest Received	0	1,970

105,816 152,299

(d) Infrastructure/Bld Mtce Reserve

To be used for

Opening Balance	589,552	589,552
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(250,000)
Interest Received	0	6,419

589,552 345,971

(e) Plant Reserve

To be used for

Opening Balance	20,872	20,805
Amount Set Aside/Transfer to Reserve	0	0
Amount Used/Transfer from Reserve	0	0
Interest Received	0	273

20,872 21,078

(f) Legal Costs Reserve

To be used for

Opening Balance	19,867	19,351
Amount Set Aside/Transfer to Reserve	0	0
Amount Used/Transfer from Reserve	0	0
Interest Received	0	2,089

19,867 21,440

(g) Information Technology Reserve

To be used for

Opening Balance	24,073	24,076
Amount Set Aside/Transfer to Reserve	0	0
Amount Used/Transfer from Reserve	0	0
Interest Received	0	396

24,073 24,472

SHIRE OF PEPPERMINT GROVE
Notes to and forming part of the Statement of Financial Activity
FOR THE PERIOD ENDED 30 APRIL 2021

3 Reserves

(h) Arts & Culture Reserve
To be used for
Opening Balance
Amount Set Aside/Transfer to Reserve
Amount Used/Transfer from Reserve
Interest Received

YTD ACTUAL 2020/21	BUDGET 2020/21
824	674
0	20,000
0	0
0	190
824	20,864
1,163,877	696,959

Total Cash Backed Reserves

Summary of Transfers To and (From) Cash Backed Reserves

Transfers to Reserves

- Roads Reserve
- Library Infrastructure Reserve
- Staff Leave reserve
- Infrastructure/Bld Mtce Reserve
- Plant Reserve
- Legal Costs Reserve
- Information Technology Reserve
- Arts & Culture Reserve

YTD ACTUAL 2020/21	BUDGET 2020/21
0	20,168
0	145
0	1,970
0	6,419
0	273
0	2,089
0	396
0	20,190
0	51,650
0	(311,000)
0	0
0	0
0	(250,000)
0	0
0	0
0	0
0	0
0	(561,000)
0	(509,350)

Total Transfer to/(from) Reserves

All of the above reserve accounts are supported by money held in financial institutions.

SHIRE OF PEPPERMINT GROVE
Notes to and forming part of the Statement of Financial Activity
FOR THE PERIOD ENDED 30 APRIL 2021

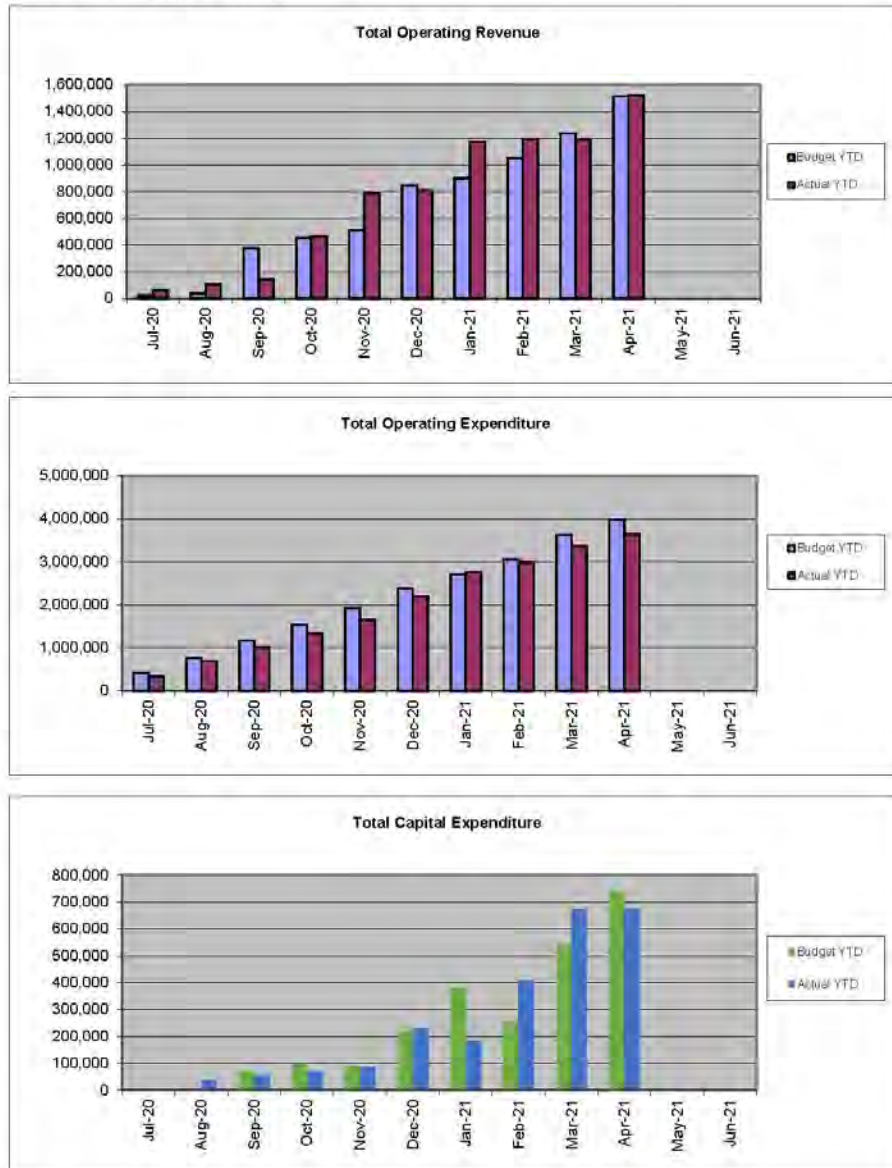
4 Cash and Investments

	OPENING BALANCE 2020/21	MOVEMENT	CLOSING BALANCE 2020/21
Restricted Cash Investments			
Library Projects Reserve	11,134.00	0.00	11,134.00
Infrastructure/Building Mtce	589,552.00	0.00	589,552.00
Plant Reserve	20,872.00	0.00	20,872.00
IT Reserve	24,073.00	0.00	24,073.00
Road Works reserve	391,739.00	0.00	391,739.00
Staff Leave Reserve	105,816.00	0.00	105,816.00
Arts/Culture Reserve	824.00	0.00	824.00
Legal Costs Reserve	19,867.00	0.00	19,867.00
Total Reserves	1,163,877.00	0.00	1,163,877.00
Unrestricted Cash/Investments			
Municipal Fund	1,052,768.65	0.00	1,052,768.65
Petty Cash	545.00	0.00	545.00
Term Deposit Municipal	0.00	0.00	0.00
	1,053,313.65	0.00	1,053,313.65

Fund and TD Number	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest
Reserves	1,163,877.00	1/09/2020	30/06/2021	284	0.58%	5,252.43
Reserves Interest Receivable						5,252.43
Municipal PFA Acc	1,102,560.00	ON CALL			0.54%	2,976.91
Municipal Interest Receivable						2,976.91

SHIRE OF PEPPERMINT GROVE
Notes to and forming part of the Statement of Financial Activity
for the period 1 July 2020 to 31 MARCH 2021

Revenues and Expenditures



Ordinary Council Meeting Attachments
25 May 2021

2020-21 Financial Statements 30042021.xlsx

2020/21 CAPITAL EXPENDITURE		EXPENDITURE			SOURCE OF FUNDS -BUDGET			
Account Number	Description	2020/21 Budget	2020/21 Revised Budget	2020/21 Actual	2020/21 - Contribution s/Grants	2020/21 Trade-in	2020/21 Reserve s	2020/21 Muni.-
41011	Security Upgrade	5,000	12,000	1,590	7,000			5,000
41011	Outdoor Furniture- Community Centre Courtyard	5,000	5,000					5,000
	Flag Poles		5,000					5,000
	Total Furniture & Fittings	10,000	22,000	1,590	7,000	0	0	15,000
41111	Vehicle replacement - Library Manager (to become Share pool car)	25,000	22,083	22,083	8,057	13,324		1,182
41111	Vehicle replacement - Development Manager	35,000	35,000	35,401		15,000		20,000
41111	Vehicle replacement - Infrastructure Manager	43,000	43,000	44,940		38,000		5,000
41111	Vehicle replacement - Toyota Hilux 2 (Parks)	33,000	33,000	35,865		30,500		2,500
41111	Miner Plant	3,000						0
	Less proceeds of Sale	-95,000	-95,500	-100,000		85,500		0
	Total Plant & Equipment	43,500	37,583	38,177	8,057	1,324	0	28,882
41021	Depot - Replace male toilet door, modify opening direction	4,000	19,000	3,299				19,000
41021	Demolish old public toilets - Freshwater Bay	15,000	15,000	11,445				15,000
41021	Depot - Replace male toilet hand dryer	1,000	0	1,159				0
41021	New Hot Water Systems - Library, cafe, toilets and kitchen	10,000	10,000	9,640	9,000			1,000
41021	The Grove - Replace the wind turbine system in the 'bin storage' area in basement south	40,000	0					0
41021	The Grove - Replace sewer control system and water heaters (3#) in basement south plant room	32,000	0					0
41021	Replacement of Bore		57,000	35,493	33,638			3,364
41021	The Grove - Replace Window Graffiti film	10,000	14,000	14,600	12,000			2,000
	Total Land & Buildings	112,000	95,000	74,646	54,636	0	0	40,364
41121	Johnston Street - road resal westbound lane	200,000	200,000	199,792			200,000	
41121	Kerbings renewal - identified through inspections and reporting	10,000	0					0
41121	Venn Street - Johnston Street to Irvine Street - mill surface, resal with asphalt, kerb repairs	141,000	141,000	87,640			111,000	30,000
41121	Venn Street - Johnston Street to Irvine Street - mill surface, resal with asphalt, kerb repairs	10,000	10,000		10,000			0
41121	Johnston Street - Collesloe Primary School pedestrian crossing	30,000	30,000	36,722				30,000
	Total Roads	391,000	381,000	324,154	10,000	0	311,000	60,000
	PATHS							
	Paths #184,187,&189 - The Esplanade to Foreshore near the Northern Boundary - Reform Limestone/ gravel asphalt	23,000	0					
41131	Footpath renewals - identified through inspections and reporting	29,500	0					0
	TOTAL PATHS	52,500	0	0	0	0	0	0
41131	Annual allocation for bollard renewal - various locations	2,000	0					0
41131	Depot - operations area pedestrian fence installation	20,000	20,000					20,000
41131	Annual allocation to bore renewal reserve - various locations	7,200	0	8,900				0
41131	Reticulation Upgrade - Manners Hill Park, Koanoo Park and Foreshore	250,000	250,000	82,387			250,000	
41131	Pavilion - renewal of paving	40,000	40,000	916				40,000
41131	Paving Areas- Lilla Street ACROD path to toilets- Keanes Point	0	23,000					23,000
41131	Paving - footpath from Depot public toilets to Pavilion	15,000	35,000					35,000
41131	Foreshore - upper path fencing upgrade	10,000	10,000	7,064				10,000
41131	Street furniture renewal - various	15,000	15,000					15,000
41131	Local Road and Community Infrastructure Program (LRCI)	49,631	79,131	65,920	49,631			29,500
	Local Road and Community Infrastructure Program (LRCI)- Phase 2		76,350		76,350			
		409,831	560,481	185,137	127,981	0	280,000	172,500
		1,017,831	1,086,044	603,694	207,674	1,324	561,000	316,546
						1,086,644		
	RENEWAL CAPEX	310,200	951,913	537,774				
	NEW CAPEX	84,631	134,131	65,920				
	Grand Total	994,831	1,086,044	603,694				
	Renewal CAPEX net of trade-ins	908,976	951,913	603,694				
	Estimated depreciation expenses	473,123	473,124	473,123				
	Asset Sustainability Ratio	1.92	2.01	1.28				

TRUST FUNDS					
AS AT THE 30 APRIL 2021					
Funds held at balance date which are required to be held in trust and which are not included in the financial statements are as follows:					
		1-Jul-20	Amounts Received	Amounts Paid	31-Mar-21
		\$	\$	\$	\$
MANNERS HILL BONDS		2,700	4,950	4,950	2,700
COMMUNITY CENTRE BONDS		388		0	388
FOOTPATH BONDS		18,500	14,700	2,700	30,500
LEMC FUNDING		65,390	0	12,260	53,130
					0
		86,978	19,650	19,910	86,718



Ordinary Council Meeting

8.3.2 – Accounts Paid – April 2021

Accounts Paid April 2021

Payment / Invoice	Date Description	Amount
EFT Payment		
EFT Payment - EFT00409		
162 - Western Metropolitan Regional Council		
M-2103117	28/02/21 Bulk Pass Waste - 16-28 Feb 2021	3,573.77
2414 - Open Systems Technology Pty Ltd (Council First)		
SI006254	03/03/21 STP Transactions - Feb 2021	12.76
3013 - Heritage Tree Surgeons		
2067	26/03/21 Hurstford Close 22 prune	528.00
2068	26/03/21 Johnston / View st tree removal	990.00
3079 - ABCO PRODUCTS PTY LTD		
684164	30/03/21 Replacement hand dryer for toilets - CAPEX project	879.00
3224 - ACTION LOCK SERVICE		
1053817	18/03/21 Speed trailer padlocks	267.00
3230 - Sontec Integrated Systems		
17707	31/03/21 upgrading of access control per quote # 7391	16,272.85
3336 - Mosman Heights Newsagency Round		
	28/03/2021 Newspapers Jan-Mar 2021	745.15
340 - TOWN OF COTTESLOE		
11854	04/12/20 Health Services 01/07/20-30/09/2020	2,351.25
3431 - Salary Packaging Australia Pty Ltd (SPA)		
PJ000576	08/04/21 FORTNIGHT 2021-21 - From Payroll	358.35
3689 - Michael T Duckett		
47	31/03/21 Emergency Mgmt Svcs - March 2021	1,537.35
3718 - Nice Design		
INV-4359	03/03/21 The Grove Foyer Signage	4,741.00
3740 - Girish Dwivedi		
REFUND G DWIVEDI 210330	30/03/21 MHP Bond Refund G Dwivedi 210330	550.00
3765 - Belinda Holman		
REFUND B HOLMAN 210407	08/04/21 Bond MHP Refund B Holman 210407	550.00
660 - WORMALD Australia		
8423916	29/03/21 Replace Fire hose in Library work room	673.75
693 - Clean City Group Pty Ltd		
1154	28/03/21 18/2020 Bin Return Service , MSW GO and Recycling	825.00
Total EFT00409		34,955.23
EFT Payment - EFT00410		
3029 - Australian Taxation Office		
PJ000565	11/03/21 FORTNIGHT 2021-19 - From Payroll	14,368.00
PJ000569	25/03/21 FORTNIGHT 2021-20 - From Payroll	14,792.00
PJ000572	19/03/21 FORTNIGHT 2021-20 - From Payroll	2,548.00
	01/04/21 GST Settlement	207.00
	01/04/21 GST Settlement	-14,765.00
FBT JAN-MAR 2021	31/03/21 Planning FBT JAN-MAR 2021	1,145.00
Total EFT00410		18,295.00
EFT Payment - EFT00411		
3000 - SuperChoice WASuperannuation		
PJ000565	11/03/21 FORTNIGHT 2021-19 - From Payroll	4,422.82
PJ000566	25/03/21 FORTNIGHT 2021-20 - From Payroll	141.18
PJ000567	25/03/21 FORTNIGHT 2021-20 - From Payroll	-141.18
PJ000569	25/03/21 FORTNIGHT 2021-20 - From Payroll	4,497.95
MAR 2021	31/03/21 Superannuation Contribution	19,454.72
Total EFT00411		28,375.49
EFT Payment - EFT00412		
109 - Professional PC Support Pty Ltd (PPS)		
17769M	15/04/21 Agreement Managed Svcs - May 2021	5,653.82
162 - Western Metropolitan Regional Council		
M-2104117	31/03/21 Green Tip Pass Waste 17-31 March 2021	4,909.58
2414 - Open Systems Technology Pty Ltd (Council First)		

Accounts Paid April 2021

Payment / Invoice	Date Description	Amount
SI006304	01/04/21 Avepoint Cloud Backup - April 2021	111.38
SI006316	08/04/21 Professional Svs - Feb 2021	591.25
SI006339	16/04/21 STP Trans - Mar 2021	17.82
SI006354	23/04/21 Professional Svs - March 2021	9,105.25
300 - Suez Recovery & Recycling (Perth) Pty Ltd		
42202145	31/03/21 Depot Waste - Skip Bin 4.5 MT Dry Waste	334.40
165573	31/03/21 Residential Waste - (MSW) Collection	16,789.94
3013 - Heritage Tree Surgeons		
2069	12/04/21 Forrest St reduction pruning	5,775.00
3044 - D U Electrical Pty Ltd		
00016622	08/04/21 Admin reinjection bore pipework repairs	734.14
3045 - DORMAKABA AUSTRALIA PTY LTD		
35VW628646	25/01/21 Shire Maint. periodic insp. Auto Doors-Jan 2021	550.00
35VA828647	25/01/21 Maintenance Battery replace. Auto Doors-Jan 2021	60.18
3051 - TEMPTATIONS CATERING		
E25423	13/04/21 Catering for ABF 13 April 2021	393.60
3056 - Baileys Fertilisers (AKC Pty Ltd)		
21697	30/03/21 GT Green liquid fertiliser	494.67
3057 - CTI Couriers		
CISC4396133	31/03/21 Councillor Courier - March 2021	532.29
3067 - MURPHYS ELECTRICAL CO		
00110468	20/04/21 Fitment of electric hand dryers	228.25
3120 - Westbooks		
320357	01/04/21 Adult books as selected	455.94
320589	15/04/21 Adult books as selected	787.89
3134 - Sunny Sign Company Pty Ltd		
454588	13/04/21 Retic renewal project - MHP & KP signage	402.60
3233 - THE CHURCHES COMMISSION ON EDUCATION T/A YOUTHCARE		
INV025170	08/04/21 2021 Chaplaincy service contribution	980.00
3236 - U CAN HATCH US		
INV-0458	07/04/21 school holiday egg hatching	325.00
3301 - PAPERBARK TECHNOLOGIES PTY LTD		
00005916	09/04/21 Street tree audit - all SPG	8,131.00
3369 - Buzz Enterprises Pty Ltd t/as Sifting Sands		
INV-2162	01/04/21 KP playground sand cleaning	594.00
340 - TOWN OF COTTESLOE		
12094	10/02/21 Health Services 01/10/20 to 31/12/20	2,351.25
12095	10/02/21 Ranger Service 01/10/20 to 31/12/20	7,820.00
3429 - DONALD BURNETT		
REIMBURSEMENT DB 210421	21/04/21 CEO Data Reimbursement DB 210421	391.60
3431 - Salary Packaging Australia Pty Ltd (SPA)		
PJ000578	22/04/21 FORTNIGHT 2021-22 - From Payroll	358.35
05042021	05/04/21 DB Novated 05042021	10.54
19042021	19/04/21 DB Novated 19042021	10.54
3443 - CITY TOYOTA		
JC2B075387	04/02/21 1GUE295 Hilux 30,000km 18mth Service	602.01
3550 - Connect Call Centre Services		
00106027	15/04/21 Contract CA0435 - March 2021	57.92
3611 - MICHAEL COSTARELLA		
REIMBURSEMENT MC 210420	20/04/21 Optus phone Reimbursement MC 210420	224.98
3613 - QUADIENT NEOPOST FINANCE AUSTRALIA PTY LTD		
2021.8404	01/04/21 Mail folding machine lease - April 2021	220.00
3660 - Iconic Property Services		
PSI014124	01/04/21 Cleaning of Shire Depot	10,364.76
3735 - Vocus Ltd		
P697758	01/04/21 Council SiteA WIFI - APRIL 2021	603.90
P697110	01/04/21 Library Site A - WIFI APRIL 2021	526.90
P698767	01/04/21 Public Site A - wifi April 2021	1,043.90

Accounts Paid April 2021

Payment / Invoice	Date Description	Amount	
81094-050421	05/04/21 Phone lines April 2021	595.20	
3735 - Supplied Air & Refrigeration Pty Ltd			
2280	14/04/21 HVAC Minor Service	1,199.00	
3742 - DS Agencies Pty Ltd			
INV-155484	18/02/21 Seat for public art (3 x ducks) In foyer	1,523.50	
3762 - Marsh Pty Ltd. Marsh Advisory			
060-1315114	24/03/21 OSH Action Plan 22/8/2019	9,504.00	
3770 - Barbara MacLeod			
REFUND MACLEOD 210419	19/04/21 Refund MacLeod 210419 Plans not received	50.00	
3771 - Andrew Buckeridge & Bi-Yuy Yu			
REFUND BUCKERIDGE 210408	08/04/21 Refund Buckeridge 210408 Dog Sterilisation #7806	150.00	
448 - LANDGATE			
1087234	29/04/21 Other DLI Inv searches	28.70	
52 - Iron Mountain Australia Group Pty Ltd			
AUS833264	31/03/21 Storage archive - Apr 2021	339.33	
542 - TURFMASTER FACILITY MANAGEMENT			
617901	06/04/21 Mowing - Manners Hill Park	5,775.00	
693 - Clean City Group Pty Ltd			
1170	06/04/21 18//2020 Bin Return Service , MSW GO and Recycling	825.00	
1173	06/04/21 Graffiti removal various	242.00	
1175	12/04/21 18//2020 Bin Return Service , MSW GO and Recycling	825.00	
867 - Dept of Mines Industry Regulation & Safety (DMIRS)			
BSL 31/03/21	31/03/21 BA2021/00011 47 Keane St BSL 31/03/21	133.86	
883 - Fuji Xerox			
CU195730	29/04/21 AP6C5571-4T JAN-MAR 2021	357.71	
CU195731	31/03/21 AP6C3371-4 JAN-MAR 2021	111.72	
CU195732	31/03/21 AP6C33714-4 S523608 JAN-MAR 2021	161.47	
CU195951	31/03/21 AP7C6673-T S250981 JAN-MAR 2021	928.03	
Total EFT00412		105,302.14	
Grand Total - EFT Payment		186,927.86	\$
Other - DD00224			
3377 - WESTNET PTY LTD			
125475282	18/03/21 Web Hosting 28 Feb - 31 Mar 2021	15.99	
Total DD00224		15.99	
Other - DD00225			
123 - Synergy			
2037183560	12/03/21 Library Electricity 12Feb-11Mar 2021	3,393.06	
Total DD00225		3,393.06	
Other - DD00226			
123 - Synergy			
3000153389	25/03/21 Depot Electricity - 25 Jan to 25 Mar 2021	1,915.95	
Total DD00226		1,915.95	
Other - DD00227			
123 - Synergy			
2021198173	25/03/21 Shire office electricity - 22Jan-25Mar 2021	322.53	
Total DD00227		322.53	
Other - DD00228			
123 - Synergy			
2001228944	01/04/21 Streetlights (2) 04 Mar to 01 Apr 2021	31.93	
Total DD00228		31.93	
Other - DD00229			
123 - Synergy			
2061193126	01/04/21 Streetlights 04 Mar to 01 Apr 2021	2,952.73	

Accounts Paid April 2021

Payment / Invoice	Date Description	Amount		
Total DD00229		2,952.73		
Other - DD00230				
3062 - WATER CORPORATION				
900129881S 0122	22/03/21 Reserve 63 Johnston St - Mar/Apr 2021	492.83		
Total DD00230		492.83		
Other - DD00231				
3062 - WATER CORPORATION				
9001298479 0049	23/03/21 Water Drainage Res Johnston St - March 2021	56.78		
Total DD00231		56.78		
Other - DD00232				
123 - Synergy				
2029206705	30/04/21 Electricity split 12 Mar-09Apr 2021	2,990.69		
Total DD00232		2,990.69	\$	DD TOTAL 12,172.49
Other - BPAY205 Reversed		0.00		
Total BPAY205		0.00		
Other - BPAY206				
3177 - ALINTA ENERGY				
110001397 DEC20-APR21	06/04/21 Gas supply 31Dec-1Apr 2021	36.90		
Total BPAY206		36.90	\$	BPAY TOTAL 36.90
Other - CCP00016				
3084 - Shire Credit Cards				
MIS DN VISA 27	29/03/21 MIS DN VISA 27 Feb-29 Mar 2021	885.50		
FEB-29 MAR 2021				
BANK FEES VISA	30/03/21 Bank Fees VISA 27 Feb-29 Mar 2021	110.00		
27 FEB-29 MAR				
CEO DN VISA 27	29/03/21 CEO DN VISA 27 Feb-29 Mar 2021	833.40		
FEB-29 MAR 2021				
ALS LH VISA 27	29/03/21 ALS LH VISA 27 Feb-29 Mar 2021	960.27		
FEB-29 MAR 2021				
MDS RM VISA 27	29/03/21 MDS RM VISA 27 Feb-29 Mar 2021	223.46		
FEB-29 MAR 2021				
DEPOT RY VISA	29/03/21 DEPOT RY VISA 27 Feb-29 Mar 2021	556.14		
27 FEB-29 MAR				
DEPOT TW VISA	29/03/21 Depot TW VISA 27Feb-29Mar 2021	470.22		
27FEB-29MAR				
CLS SF VISA 27	29/03/21 CLS SF VISA 27 Feb-29 Mar 2021	1,915.37		
FEB-29 MAR 2021				
REFUND MCS MC	29/03/21 Refund MCS MC VISA 27 FEB-29 MAR 21	-499.17		
VISA 27 FEB-29				
Total CCP00016		5,455.19	\$	C/C TOTAL 5,455.19
Other - 441				
3101 - PETTY CASH (Shire & Library)				
CHQ442 LIBRARY	21/04/21 CHQ442 Library Petty Cash - April 2021	153.00		
PETTY CASH				
Total 441		153.00		
Other - 442				
3101 - PETTY CASH (Shire & Library)				
CHQ441 SHIRE	12/04/21 CHQ441 Shire Petty Cash - April 2021	187.75		
PETTY CASH				
Total 442		187.75	\$	PC TOTAL 340.75
Grand Total - Other		18,005.33	\$	18,005.33
GRAND TOTAL PAYMENTS APRIL 2021			\$	204,933.19
		204933.19		



**FlexiPurchase
Account Statement**

Statement for NAB

Statement Period: 27 Feb 2021 to 29 Mar 2021

Cardholder Name: Lance Hopkinson



JSKR VISA Purchasing Card (Client Expenses)

Date	Details		Approval	Receipt		Amount (\$AUD)
	GL Code	CC Code		Net	Tax	
08 Mar 2021	Jbhifi.Com.Au	0395777000	Approval Req'd			
28473	139	1106		\$192.54	\$19.25	\$211.79
	Purchase Jbhifi.Com.Au DVD'S/CD'S					
06 Mar 2021	Booktopia Pty Ltd	Lidcombe	Approval Req'd			
28470	139	1106		\$42.86	\$4.29	\$47.15
	Purchase Booktopia Pty Ltd Adult Books					
07 Mar 2021	Woolworths 4356	Cottesloe	Approval Req'd			
28770	139	1106		\$15.25	\$1.53	\$16.78
	Purchase Woolworths 4356 cleaning supplies					
08 Mar 2021	Booktopia Pty Ltd	Lidcombe	Approval Req'd			
28470	139	1106		\$125.62	\$12.56	\$138.18
	Purchase Booktopia Pty Ltd Adult Books					
06 Mar 2021	Peppermint News Agc	Peppermint	Approval Req'd			
27180	139	1106		\$6.73	\$0.67	\$7.40
	Purchase Peppermint News Agc replacement newspapers					
11 Mar 2021	Woolworths 4356	Cottesloe	Approval Req'd			
28770	139	1106		\$7.27	\$0.73	\$8.00
	Purchase Woolworths 4356 kitchen supplies					
11 Mar 2021	Ink Station	Marrickville	Approval Req'd			
27250	139	1106		\$107.29	\$10.73	\$118.02
	Purchase Ink Station 10 boxes spine labels					
15 Mar 2021	Adobe Creative Cloud		Approval Req'd			
27160	129	1005		\$39.99	\$4.00	\$43.99
	Purchase Adobe Creative Cloud ADOBE LICENCE MONTHLY ABN: 980559184					
18 Mar 2021	Woolworths 4356	Cottesloe	Approval Req'd			
28770	139	1106		\$4.35	\$0.43	\$4.78
	Purchase Woolworths 4356 kitchen supplies					
17 Mar 2021	Officeworks	Bentleigh Eas	Approval Req'd			
28500	139	1106		\$197.95	\$19.80	\$217.75
	Purchase Officeworks					

Ordinary Council Meeting Attachments
25 May 2021

chargers and blocks and headphones (e services)						
18 Mar 2021	Wanewsdti Osborne Park	Approval Req'd	☒			\$44.31
27180	139 1106	\$40.28	\$4.03	\$44.31		
Purchase Wanewsdti West Australian delivery monthly charge						
17 Mar 2021	Boubar Investments P Nedlands	Approval Req'd	☒			\$12.30
28770	139 1106	\$11.18	\$1.12	\$12.30		
Purchase Boubar Investments P WSLG managers meeting						
25 Mar 2021	123rf.Com Inmage Lab Singapore	Approval Req'd	☒			\$83.00
28545	129 1106	\$75.45	\$7.55	\$83.00		
Purchase 123rf.Com Inmage Lab yearly access to image library						
29 Mar 2021	Account Fees	No Appr Req'd	☐			\$6.82
27130	129 1106	\$6.20	\$0.62	\$6.82		
Account Fees Cc Fp User Fee account fees						
Total for this period:						\$960.27

Cardholder Declaration

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature _____

Dated 1 / 4 / 21

Employee ID: 60

Approved By

Signature _____

Dated 6 / 4 / 21

On Completion

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator

FlexiPurchase | Statement Report

LOADING



FlexiPurchase
Account Statement

Statement for NAB

Statement Period: 27 Feb 2021 to 29 Mar 2021
Cardholder Name: Donovan Norgard



JSKR VISA Purchasing Card (Client Expenses)

Date	Details		Approval	Receipt Amount (\$AUD)	
Co Code	CC Code	Department	Qty	Tax	Gross
27 Feb 2021	Shire Of Kulin Kulin		Approved	☒	\$88.60
28360	129	1104	\$80.55	\$8.05	\$88.60
Purchase Shire Of Kulin Fuel					
02 Mar 2021	Caltex Mosman Park Mosman Park		Approved	☒	\$88.24
28360	129	1104	\$80.22	\$8.02	\$88.24
Purchase Caltex Mosman Park Fuel					
08 Mar 2021	Officeworks 0604 Fremantle		Approved	☒	\$36.43
25845	129	1104	\$33.12	\$3.31	\$36.43
Purchase Officeworks 0604 Stationery					
08 Mar 2021	Caltex Mosman Park Mosman Park		Approved	☒	\$86.39
28360	129	1104	\$78.54	\$7.85	\$86.39
Purchase Caltex Mosman Park Fuel					
08 Mar 2021	Bunnings 317000 Melville		Approved	☒	\$90.00
28270	129	1104	\$81.82	\$8.18	\$90.00
Purchase Bunnings 317000 Toilet door air vents					
13 Mar 2021	Bp Exp Myaree 1840 Myaree		Approved	☒	\$68.56
28360	129	1104	\$62.33	\$6.23	\$68.56
Purchase Bp Exp Myaree 1840 Fuel					
15 Mar 2021	Whitworths Nautical W Mosman Park		Approved	☒	\$17.91
25830	129	1104	\$16.28	\$1.63	\$17.91
Purchase Whitworths Nautical W Electrical blade type 12V fuses					
18 Mar 2021	Surjtec Pty Ltd Osborne Park		Approved	☒	\$320.10
25830	129	1104	\$291.00	\$29.10	\$320.10
Purchase Surjtec Pty Ltd Hedge trimmer and drill bit sharpening					
25 Mar 2021	Bp Exp Myaree 1840 Myaree		Approved	☒	\$82.45
28360	129	1104	\$74.95	\$7.50	\$82.45
Purchase Bp Exp Myaree 1840 MIS fuel					
29 Mar 2021	Account Fees		No Appr Req'd	☐	\$6.82
Not Coded	129	1104	\$6.20	\$0.62	\$6.82
Account Fees Cc Fp User Fee NAB Account fees					
Total for this period:					\$663.51

Cardholder Declaration

I declare that all purchases were authorised or necessarily incurred on behalf of the company.
Signature _____ Dated 6, 4, 2021

Employee ID: 169

Approved By

Signature _____ Dated 6, 4, 21

On Completion

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



**FlexiPurchase
Account Statement**

Statement for NAB

Statement Period: 27 Feb 2021 to 29 Mar 2021
Cardholder Name: Stewart Farley



JSKR VISA Purchasing Card (Client Expenses)

Date	Details		Approval	Receipt	Amount (\$AUD)
GL Code	CC Code	Department	Net	Tax	Gross
27 Feb 2021	Big W/High Road And Wille Riverton		Approved	☒	\$153.00
28471	139	1106	\$139.09	\$13.91	\$153.00
Purchase Big W/High Road And Wille junior book purchases					
09 Mar 2021	Booktopia Pty Ltd Lidcombe		Approved	☒	\$1,415.91
28471	139	1106	\$1,287.19	\$128.72	\$1,415.91
Purchase Booktopia Pty Ltd children's book purchases					
11 Mar 2021	Booktopia Pty Ltd Lidcombe		Approved	☒	\$336.51
28471	139	1106	\$305.92	\$30.59	\$336.51
Purchase Booktopia Pty Ltd children's book purchases					
15 Mar 2021	Booktopia Pty Ltd Lidcombe		Approved	☒	\$27.37
28471	139	1106	\$24.88	\$2.49	\$27.37
Purchase Booktopia Pty Ltd children's book purchases					
25 Mar 2021	Booktopia Pty Ltd Lidcombe		Approved	☒	\$24.24 CR
28471	139	1106	\$22.04 CR	\$2.20 CR	\$24.24 CR
Credit Voucher Booktopia Pty Ltd Credit card refund					
29 Mar 2021	Account Fees		No Appr Req'd	☐	\$6.82
27130	139	1106	\$6.20	\$0.62	\$6.82
Account Fees Cc Fp User Fee Bank Charges					
Total for this period:					\$1,915.37

Cardholder Declaration

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature _____ Dated ____/____/____

Employee ID: 63

Approved By

Signature _____ Dated 5/5/21

On Completion

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



**FlexiPurchase
Account Statement**

Statement for NAB

Statement Period: 27 Feb 2021 to 29 Mar 2021

Cardholder Name: Donald Burnett



JSKR VISA Purchasing Card (Client Expenses)

Date	Details		Approval	Receipt		Amount (\$AUD)	
	GL Code	CC Code		Net	Tax	Gross	
28 Feb 2021		Adobe Acropro Subs	Approved		☒	\$21.99	✓
	27260	190		\$19.99	\$2.00	\$21.99	
	Purchase Adobe Acropro Subs Adobe license monthly EO ABN: 980559184						
02 Mar 2021		Woolworths 4356 Cottesloe	Approval Req'd		☒	\$6.45	✓
	28280	190		\$5.86	\$0.59	\$6.45	
	Purchase Woolworths 4356 Staff kitchen supplies						
03 Mar 2021		Woolworths 4356 Cottesloe	Approval Req'd		☒	\$9.80	✓
	28280	190		\$8.91	\$0.89	\$9.80	
	Purchase Woolworths 4356 LEMC Meeting Morning Tea						
08 Mar 2021		Cellarbrations At Co Peppermint Gr	Approval Req'd		☒	\$615.00	✓
	28280	190		\$559.09	\$55.91	\$615.00	
	Purchase Cellarbrations At Co Council Fridge restock						
17 Mar 2021		Woolworths 4356 Cottesloe	Approval Req'd		☒	\$83.40	✓
	28280	190		\$75.82	\$7.58	\$83.40	
	Purchase Woolworths 4356 Farewell Morning Tea for Jack Glass						
17 Mar 2021		Woolworths 4356 Cottesloe	Approval Req'd		☒	\$67.95	✓
	27140	190		\$61.77	\$6.18	\$67.95	
	Purchase Woolworths 4356 Council Contribution gift for J Glass						
28 Mar 2021		Adobe Acropro Subs	Approval Req'd		☒	\$21.99	✓
	27260	190		\$19.99	\$2.00	\$21.99	
	Purchase Adobe Acropro Subs Adobe Monthly license March ABN: 980559184						
29 Mar 2021		Account Fees	No Appr Req'd		☒	\$6.82	✓
	27130	190		\$6.20	\$0.62	\$6.82	
	Account Fees Cc Fp User Fee Account Fees						
Total for this period:						\$833.40	

Cardholder Declaration

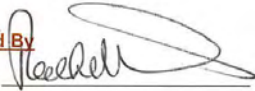
I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature

Dated 6/4/21

Employee ID: 5

Approved By

Signature 

Dated ____ / ____ / ____

On Completion

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



**FlexiPurchase
Account Statement**

Statement for NAB

Statement Period: 27 Feb 2021 to 29 Mar 2021

Cardholder Name: Ross Montgomery

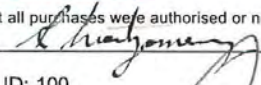


JSKR VISA Purchasing Card (Client Expenses)

Date	Details		Approval	Receipt		Amount (\$AUD)
	GL Code	CC Code		Net	Tax	
03 Mar 2021	27200	190	Adobe Systems Pty Ltd Sydney	Approval Req'd	☒	\$21.99
			Purchase Adobe Systems Pty Ltd	\$19.99	\$2.00	\$21.99
			Software for document reading and writing			
04 Mar 2021	28360	139	Bp Westgate 6220 Fremantle	Approval Req'd	☒	\$40.00
			Purchase Bp Westgate 6220	\$36.36	\$3.64	\$40.00
			Mazda6 Fuel			
11 Mar 2021	28360	139	Coles Express 6967 Dianella	Approval Req'd	☒	\$58.74
			Purchase Coles Express 6967	\$53.40	\$5.34	\$58.74
			Mazda6 Fuel			
19 Mar 2021	28360	139	Bp Westgate 6220 Fremantle	Approval Req'd	☒	\$19.53
			Purchase Bp Westgate 6220	\$17.75	\$1.78	\$19.53
			Mazda6 Fuel			
22 Mar 2021	28360	139	Puma Energy Dianella Dianella	Approval Req'd	☒	\$48.48
			Purchase Puma Energy Dianella	\$44.07	\$4.41	\$48.48
			Mazda6 Fuel			
23 Mar 2021	28360	139	Newcase.Com.Au Hope Island	Approval Req'd	☒	\$27.90
			Purchase Newcase.Com.Au	\$25.36	\$2.54	\$27.90
			Mazda6 Fuel			
29 Mar 2021	27130	190	Account Fees	No Appr Req'd	☒	\$6.82
			Account Fees Cc Fp User Fee	\$6.20	\$0.62	\$6.82
			Non discretionary			
Total for this period:						\$223.46

Cardholder Declaration

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature  Dated 13/04/2021 /

Employee ID: 100

Approved By

Signature  Dated 13, 4, 21

On Completion



FlexiPurchase
Account Statement

Statement for NAB

Statement Period: 27 Feb 2021 to 29 Mar 2021
Cardholder Name: Tim Whitham



JSKR VISA Purchasing Card (Client Expenses)

Date	Details		Approval	Receipt		Amount (\$AUD)
GL Code	CC Code	Department	Net	Tax	Gross	
02 Mar 2021	Caltex Mosman Park	Mosman	No Appr Req'd	☒		\$79.70
28360	139	1104	\$72.45	\$7.25	\$79.70	
Purchase Caltex Mosman Park ute fuel						
02 Mar 2021	Bunnings 483000	Claremont	No Appr Req'd	☒		\$161.40
28270	139	1104	\$146.73	\$14.67	\$161.40	
Purchase Bunnings 483000 horticultural supplies.						
16 Mar 2021	Caltex Mosman Park	Mosman	No Appr Req'd	☒		\$80.00
28360	139	1104	\$72.73	\$7.27	\$80.00	
Purchase Caltex Mosman Park truck fuel.						
19 Mar 2021	Caltex Mosman Park	Mosman	No Appr Req'd	☒		\$142.30
28360	139	1104	\$129.36	\$12.94	\$142.30	
Purchase Caltex Mosman Park Truck Fuel						
29 Mar 2021	Account Fees		No Appr Req'd	☒		\$6.82
27130	190	0301	\$6.20	\$0.62	\$6.82	
Account Fees Cc Fp User Fee account fees						
Total for this period:						\$470.22

Cardholder Declaration

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature _____

Dated 5 / 5 / 2021

Employee ID: TW

Approved By

Signature _____

Dated 5 / 5 / 2021

On Completion

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



FlexiPurchase
Account Statement

Statement for NAB

Statement Period: 27 Feb 2021 to 29 Mar 2021

Cardholder Name: Robert Young

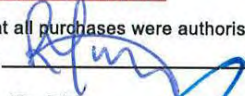


JSKR VISA Purchasing Card (Client Expenses)

Date	Details		Approval	Receipt		Amount (\$AUD)
	GL Code	CC Code Department		Net	Tax	
27 Feb 2021	28360	Bp Greenwood 6171 Greenwood 1201	Approved	\$76.87	☒ \$7.69	\$84.56
		Purchase Bp Greenwood 6171 fuel ute				
08 Mar 2021	28360	Bp Westgate 6220 Fremantle 1201	Approved	\$142.76	☒ \$14.28	\$157.04
		Purchase Bp Westgate 6220 Ute fuel and jerry cans				
16 Mar 2021	28360	Bp Westgate 6220 Fremantle 1201	Approval Req'd	\$72.20	☒ \$7.22	\$79.42
		Purchase Bp Westgate 6220 Ute fuel				
24 Mar 2021	28270	Bob Jane T Mart Clar Claremont 1201	Approval Req'd	\$132.73	☒ \$13.27	\$146.00
		Purchase Bob Jane T Mart Clar Ride on mower Tyre				
25 Mar 2021	28360	Bp Westgate 6220 Fremantle 1201	Approval Req'd	\$74.82	☒ \$7.48	\$82.30
		Purchase Bp Westgate 6220 Ute Fuel				
Total for this period:						\$549.32

Cardholder Declaration

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature 

Dated 4 / 5 / 2021

Employee ID: RY

Approved By

Signature 

Dated 5 / 5 / 2021

On Completion

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



Ordinary Council Meeting

8.4.1 – Adoption of Code of Conduct for Council Members, Committee Members and Candidates

**ITEM 8.4.1
ATTACHMENT ONE**



Local Government Act 1995

**Local Government (Model Code of Conduct)
Regulations 2021**

As at 03 Feb 2021

Version 00-a0-01

Published on www.legislation.wa.gov.au

Western Australia

Local Government (Model Code of Conduct) Regulations 2021

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Local Government (Model Code of Conduct) Regulations 2021

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Local Government Act 1995

**Local Government (Model Code of Conduct)
Regulations 2021**

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government (Model Code of Conduct) Regulations 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* sections 48 to 51 come into operation.

Local Government (Model Code of Conduct) Regulations 2021

Part 2 Model code of conduct

r. 3

Part 2 — Model code of conduct

3. Model code of conduct (Act s. 5.103(1))

The model code of conduct for council members, committee members and candidates is set out in Schedule 1.

Local Government (Model Code of Conduct) Regulations 2021
Repeal and consequential amendments **Part 3**
Repeal **Division 1**
r. 4

Part 3 — Repeal and consequential amendments

Division 1 — Repeal

4. **Local Government (Rules of Conduct) Regulations 2007 repealed**
The *Local Government (Rules of Conduct) Regulations 2007* are repealed.

Division 2 — Other regulations amended

5. **Local Government (Administration) Regulations 1996 amended**
- (1) This regulation amends the *Local Government (Administration) Regulations 1996*.
 - (2) After regulation 34C insert:

Part 9A — Minor breaches by council members

- 34D. **Contravention of local law as to conduct (Act s. 5.105(1)(b))**
- (1) In this regulation —
local law as to conduct means a local law relating to the conduct of people at council or committee meetings.
 - (2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.

Local Government (Model Code of Conduct) Regulations 2021

Part 3 Repeal and consequential amendments

Division 2 Other regulations amended

r. 6

6. Local Government (Audit) Regulations 1996 amended

- (1) This regulation amends the *Local Government (Audit) Regulations 1996*.
- (2) In regulation 13 in the Table:
- (a) under the heading “*Local Government Act 1995*” delete “s. 5.103” and insert:

s. 5.104

- (b) delete:

<i>Local Government (Rules of Conduct) Regulations 2007</i>		
r. 11		

7. Local Government (Constitution) Regulations 1998 amended

- (1) This regulation amends the *Local Government (Constitution) Regulations 1998*.
- (2) In Schedule 1 Form 7 delete “*Local Government (Rules of Conduct) Regulations 2007*.” and insert:

code of conduct adopted by the ³ under section 5.104 of the *Local Government Act 1995*.

Local Government (Model Code of Conduct) Regulations 2021

Schedule 1 Model code of conduct

Division 2 General principles

cl. 5

(2) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision-making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

(1) A council member, committee member or candidate should —

- (a) treat others with respect, courtesy and fairness; and
- (b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Local Government (Model Code of Conduct) Regulations 2021

Model code of conduct

Schedule 1

Behaviour

Division 3

cl. 7

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
- (b) must only publish material that is factually correct.

- (2) A council member or committee member —

- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local

Local Government (Model Code of Conduct) Regulations 2021

Schedule 1 Model code of conduct

Division 3 Behaviour

cl. 10

government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is

Local Government (Model Code of Conduct) Regulations 2021

Model code of conduct **Schedule 1**
Behaviour **Division 3**
cl. 12

withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

Local Government (Model Code of Conduct) Regulations 2021

Schedule 1 Model code of conduct

Division 4 Rules of conduct

cl. 13

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This

Local Government (Model Code of Conduct) Regulations 2021

Model code of conduct

Schedule 1

Rules of conduct

Division 4

cl. 16

extends to the contravention of a rule of conduct that occurred when the council member was a candidate.

2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

Local Government (Model Code of Conduct) Regulations 2021

Schedule 1 Model code of conduct

Division 4 Rules of conduct

cl. 19

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —

local government employee means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.

Local Government (Model Code of Conduct) Regulations 2021

Model code of conduct **Schedule 1**
Rules of conduct **Division 4**
 cl. 21

- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
- (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

Local Government (Model Code of Conduct) Regulations 2021

Schedule 1 Model code of conduct

Division 4 Rules of conduct

cl. 22

22. Disclosure of interests

(1) In this clause —

interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
- (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

Local Government (Model Code of Conduct) Regulations 2021

Model code of conduct **Schedule 1**

Rules of conduct **Division 4**

cl. 23

(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

Local Government (Model Code of Conduct) Regulations 2021

Notes Compilation table

Notes

This is a compilation of the *Local Government (Model Code of Conduct) Regulations 2021*. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Local Government (Model Code of Conduct) Regulations 2021</i>	SL 2021/15 2 Feb 2021	Pt. 1: 2 Feb 2021 (see r. 2(a)); Regulations other than Pt. 1: 3 Feb 2021 (see r. 2(b) and SL 2021/13 cl. 2)

Local Government (Model Code of Conduct) Regulations 2021

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
Act.....	Sch. 1 cl. 2(1)
candidate	Sch. 1 cl. 2(1)
closed meeting	Sch. 1 cl. 21(1)
complaint	Sch. 1 cl. 2(1)
confidential document.....	Sch. 1 cl. 21(1)
document.....	Sch. 1 cl. 21(1)
electoral purpose	Sch. 1 cl. 17(1)
interest.....	Sch. 1 cl. 22(1)
local government employee	Sch. 1 cl. 20(1)
non-confidential document	Sch. 1 cl. 21(1)
publish.....	Sch. 1 cl. 2(1)
resources of a local government.....	Sch. 1 cl. 17(1)

**ITEM 8.4.1
ATTACHMENT TWO**



Shire of
Peppermint Grove

Code of Conduct For Council Members, Committee Members & Candidates

May 2021

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Shire of Peppermint Grove
Code of Conduct

Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates

Policy Purpose:

This Policy is adopted in accordance with section 5.104 of the *Local Government Act 1995*.

Division 1 — Preliminary provisions

1. Citation

These is the *Shire of Peppermint Grove* Code of Conduct for Council Members, Committee Members and Candidates.

Division 1 — Preliminary provisions

1. Citation

This is the *Shire of Peppermint Grove* Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —



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- (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should —
- (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
- (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

- A council member or committee member should —
- (a) base decisions on relevant and factually correct information; and
 - (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
 - (c) read all agenda papers given to them in relation to council or committee meetings; and
 - (d) be open and accountable to, and represent, the community in the district.



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Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

(1) A council member, committee member or candidate —

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
- (b) must only publish material that is factually correct.

(2) A council member or committee member —

- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —



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- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.



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- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.



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- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

resources of a local government includes —

- (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.



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19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —
local government employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.



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21. Disclosure of information

(1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non confidential document means a document that is not a confidential document.

(2) A council member must not disclose information that the council member —

- (a) derived from a confidential document; or
- (b) acquired at a closed meeting other than information derived from a non confidential document.

(3) Subclause (2) does not prevent a council member from disclosing information —

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

(1) In this clause —

interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association.

(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —

- (a) in a written notice given to the CEO before the meeting; or



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- (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

**ITEM 8.4.1
ATTACHMENT THREE**



Shire of
Peppermint Grove

Code of Conduct Behaviour Complaints Management Policy

May 2021

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**Shire of Peppermint Grove
Behaviour Complaints Policy**

Policy Objective

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and Shire of Peppermint Grove Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Shire of Peppermint Grove's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Policy Scope

This Policy applies to complaints made in accordance with Clause 11 of the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

Definitions

Act means the *Local Government Act 1995*.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.

Behaviour Complaints Officer means a person authorised in writing [*by Council resolution or by the CEO exercising delegated authority*] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.

Breach means a breach of Division 3 of the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.



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Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

Code of Conduct means the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.

Committee means a committee of Council, established in accordance with s.5.8 of the Act.

Committee Member means a Council Member, employee of the Shire of Peppermint Grove or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 11 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.

Complaint Assessor means a person appointed by the Behaviour Complaints Officer in accordance with Part 2.2 and Part 3.8 of this Policy.

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 11(2)(a) of the Code of Conduct *[by Council resolution or by the CEO exercising delegated authority]*.

Council means the Council of the Shire of Peppermint Grove.

Council or Committee Meeting means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.



**Shire of Peppermint Grove
Behaviour Complaints Policy**

Policy Statement

1. Principles

1.1. Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

1.2. Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

1.3. Confidentiality

The Shire of Peppermint Grove will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

1.4. Accessibility

The Shire of Peppermint Grove will ensure that information on how to make a complaint, including this Policy, is available at the Shire's Administration Building and on the Shire's website. The Shire of Peppermint Grove will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.



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2. Roles

2.1. Behaviour Complaints Officer

The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

2.2. Complaint Assessor

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

2.3. Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in the Behaviour Complaints Committee Terms of Reference.



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3. Procedure

3.1. Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct *[clause 11(1) of the Code of Conduct]*.

A Complaint must be made within one (1) month after the alleged Breach *[clause 11(2)(c) of the Code of Conduct]*.

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made *[clause 11(2)(c) of the Code of Conduct]*.

3.2. Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.



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If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 15(1) of the Code of Conduct]*.

3.3. Withdrawing a Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint *[clause 14 of the Code of Conduct]*.

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

3.4. Notice to Complainant

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

3.5. Notice to Respondent

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.



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3.6. Alternative Dispute Resolution

The Shire of Peppermint Grove recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

3.7. Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

3.8. Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Shire of Peppermint Grove's Purchasing Policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.



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3.9. Search of Local Government Records

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire of Peppermint Grove's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire of Peppermint Grove Meeting Procedures/Policy.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

3.10. Assessment of the Complaint

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

3.11. Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.



**Shire of Peppermint Grove
Behaviour Complaints Policy**

3.12. Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach **did not** occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5)* of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.



**Shire of Peppermint Grove
Behaviour Complaints Policy**

3.13. Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1. Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

4.2. Dismissal

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the Respondent has taken remedial action in accordance with the Shire of Peppermint Grove Meeting Procedure Policy.

4.3. Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur *[clause 12(3) of the Code of Conduct]*.

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.



**Shire of Peppermint Grove
Behaviour Complaints Policy**

4.4. Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

4.5. Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

**ITEM 8.4.1
ATTACHMENT FOUR**



Shire of
Peppermint Grove

Behaviour Complaints Committee

Terms of Reference

May 2021



**Shire of Peppermint Grove
Terms of Reference**

Policy Title: Behaviour Complaints Committee Terms of Reference

Policy Objective

To establish Terms of Reference for the Behaviour Complaints Committee of the Shire of Peppermint Grove.

Policy Scope

This Policy applies exclusively to the Shire's Behaviour Complaints Committee.

Committee Function

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Peppermint Grove's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:

- Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.
- Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [*clause 12(3) of the Code of Conduct*].
- Determining reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining:
 - To take no further action; or
 - Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Behaviour Complaints Committee is limited by Condition of any Delegated Authority.

Membership

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

Membership of the Behaviour Complaints Committee will comprise of all members of Council, excluding the complainant or the respondent Council Members, appointed by Council in accordance with s.5.10 of the Act.



Shire of
Peppermint Grove

Shire of Peppermint Grove
Terms of Reference

Meeting Schedule

Meetings are to be scheduled as required by the CEO in consultation with the Committee Presiding Member.

Committee Governance

Complaints Behaviour Committee meetings are required to:

- be called and convened by the CEO, as required, in consultation with the Committee's Presiding Member;
- include public question time *[Admin.r.5]*
- make the Committee Notice Papers and Agenda publicly available *[s.5.94(p), s.5.96A(h)]*, with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2) *[Admin.r.14]*; and
- make Committee minutes publicly available *[s.5.94(n), s.5.96A(h)]*, with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).



Ordinary Council Meeting

8.4.2 – Model Standards for CEO Recruitment, Performance and Termination



Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination

***Local Government (Administration) Amendment
Regulations 2021***

February 2021

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Preface

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

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. These guidelines will assist local governments in meeting the model standards prescribed in the *Local Government (Administration) Amendment Regulations 2021*.

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

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

Part 1 – Recruitment and Selection

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

Principles

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

Recruitment and Selection Standard

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

- S1.1** The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- S1.2** The council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
- S1.3** The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.
- S1.4** The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- S1.5** The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- S1.6** The local government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- S1.7** The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.

Recruitment and Selection Standard cont.

- S1.8** The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- S1.9** The council has endorsed by absolute majority the final appointment.
- S1.10** The council has approved the employment contract by absolute majority.
- S1.11** The local government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

Guidelines

Recruitment and selection process

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

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

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

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

Advertising

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

It is a requirement that a local government is to give Statewide public notice if the position of CEO becomes vacant. Statewide public notice must contain:

- details of the remuneration and benefits offered;
- details of the place where applications are to be submitted;
- the date and time applications close;
- the duration of the proposed contract;
- a web address where the JDF can be accessed;
- contact details for a person who can provide further information; and
- any other relevant information.

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

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

A local government must publicly advertise the CEO position if the same person has remained in the job for 10 consecutive years. This requirement does not prevent the incumbent CEO from being employed for another term, provided they are selected in accordance with the standards for recruitment and selection.

Selection panel and independent person

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

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

The panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

It is essential that prior to a person's appointment to a selection panel they are informed of the duties and responsibilities of their role and that of the panel. It is recommended that local governments develop a policy or terms of reference to facilitate this process that incorporate the standards for recruitment at Division 2 of the *Local Government (Administration) Amendment Regulations (No.2) 2020*. A policy should include important information that outlines:

- The primary functions of the panel;
- Roles and responsibilities panel members;
- Composition of the panel;
- Duration of term;
- Desirable criteria for appointment to the panel;
- A requirement that panel members sign a confidentially agreement and agree to the duties and responsibilities of their role; and
- Any other information the local government deems necessary for the panel to effectively carry out their role.

Independent human resources consultant

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment and selection process (or any aspect of it). A member of the human resources team within a local government must not be involved in the recruitment of a new CEO.

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

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

- development or review of the JDF;
- development of selection criteria;
- development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- executive search;
- preliminary assessment of the applications;
- shortlisting;
- drafting questions for interview;
- coordinating interviews;
- preparing the selection summary assessment and recommendation;

- arranging for an integrity check and/or police clearance; and
- assisting the council in preparing the employment contract.

The consultant is not to be directly involved in determining which applicant should be recommended for the position, their role is not one of decision-maker.

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

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

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

If a decision is made to engage an independent human resources consultant, it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with them. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

Council's responsibilities

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

- Conduct interviews: This should be done by the selection panel. However, council may decide to interview applicants recommended by the selection panel. A consultant can provide support with interviews, providing advice on the recruitment and selection process and writing up recommendations. The consultant may also arrange referee reports and checks of applicants.
- Make the decision about who to appoint to the position of CEO: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: Noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions.

Creating Diversity

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview

questions are objective and gauge the applicants' suitability, reducing biases in assessment (see examples below).

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

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnicity, age and experiential diversity is represented on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will assist in making quality decisions regarding suitable applicants.

Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

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

Due Diligence

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

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

A council may wish to contact a person who is not listed as an applicant's referee,

such as a previous employer. This may be useful in obtaining further information regarding an applicant's character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of social media and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government's values. This should be made clear in the application information. To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.

Selection

Once the application period closes, the selection panel, or consultant on behalf of the selection panel, must assess applications and identify a shortlist of applicants to be interviewed.

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

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

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

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

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

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

Employment contract

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations.

Section 5.39 of the Act provides that a CEO's employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.

Further, the employment contract is of no effect unless it contains:

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

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

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

The CEO's employment contract should clearly outline grounds for termination and the termination process in accordance with the standards in regulations.

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

Appointment

A decision to make an offer of employment to a preferred applicant must be made by an absolute majority of council. If the preferred applicant accepts the offer and the proposed terms of the contract without negotiation, there is no further requirement for council to endorse the applicant and the contract. However, if there is a process of negotiation to finalise the terms and conditions of the contract, council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. In both instances, the employment contract must be signed by all parties.

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

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

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

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

Confidentiality

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants' personal details, assessment details, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process. It is recommended that selection panel members and councillors sign a confidentiality agreement to ensure that they are aware of their obligations.

CEO induction

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

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

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

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

Part 2 – Performance Review

Principles

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

Performance Review Standards

The minimum standard for performance review will be met if:

- S2.1** Performance criteria is specific, relevant, measurable, achievable and time-based.
- S2.2** The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3** The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- S2.4** The collection of evidence regarding performance outcomes is thorough and comprehensive.
- S2.5** Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- S2.6** The council has endorsed the performance review assessment by absolute majority.

Guidelines

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

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

Employment contract and performance agreement

Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO's performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a "performance agreement" which includes the

performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO's professional development goals and outline a plan to achieve these goals.

Performance Criteria

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

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. It is important that the outcomes associated with these tasks are measurable and clearly defined. These could be in relation to:

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

Performance criteria should focus on the priorities of the council and, if appropriate, can be assigned priority weighting in percentages. The council and CEO should set goals related to target outcomes for future achievement in the performance criteria. Goals should be specific, measurable, achievable, relevant and time-based.

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

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such as a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that such contextual factors are given appropriate weighting and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council. Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the

achievement of performance criteria.

Performance review panel

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council. It is also recommended that council develop a policy to guide the performance review process. A policy might include the composition of the panel, primary functions, the role and appointment of an independent consultant, and the responsibilities of review panel members.

Independent consultant

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

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

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

Assessing performance

It is a requirement of the regulations that the process by which the CEO's performance will be reviewed is documented and agreed to by both parties. Council and the CEO must also agree on any performance criteria that is in addition to what is specified in the CEO's contract of employment. The option to include additional criteria for performance review purposes by agreement provides a degree of flexibility for both parties in response to changing circumstances and priorities.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the

council as part of regular reporting. These sources include:

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

It is important that, in addition to looking at the achievement of key performance indicators (KPIs), the council considers the following:

- How the CEO has achieved the outcomes. In particular, whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance? (for example, the impact of COVID-19.)
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

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

Addressing performance issues

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

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.

It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet performance criteria does not necessarily mean the CEO has performed poorly and, for this reason,

performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area.

While there are obligations on the council to manage the CEO in regard to their performance, when it extends into potential wrongdoing (misconduct), the council should be referring the matter to the Public Sector Commission or Corruption and Crime Commission. This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

Confidentiality

The council must ensure that accurate and comprehensive records of the performance management process are created. Any information produced must be kept confidential.

Part 3 – Termination

Principles

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

Termination Standards

The minimum standards for the termination of a CEO's contract will be met if:

- S3.1** Decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
- S3.2** Performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the local government.
- S3.3** The principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
- S3.4** Decisions are impartial and transparent.
- S3.5** The council of the local government has endorsed the termination by absolute majority.
- S3.6** The required notice of termination (which outlines the reasons for termination) is provided in writing.

Guidelines

Reasons for termination

The early termination of a CEO's employment may end due to:

- poor performance;
- misconduct; or
- non-performance or repudiation of contract terms.

There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work, it includes:

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work;
- disruptive or negative behaviour at work;
- not meeting the performance criteria set out in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues;
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

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

Examples of serious misconduct can include:

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

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

Termination on the basis of misconduct is covered by employment law. A local government should seek independent legal, employment or industrial relations advice prior to a termination. A council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process.

A local government is required to endorse the decision to terminate a CEO's employment by way of an absolute majority decision. A local government must certify that the termination was in accordance with the adopted standards in regulations.

Opportunity to improve and mediation

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to address any issues. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary. If a local government decides to terminate the employment of the CEO it must have conducted a performance review in the previous 12 months in accordance with section 5.38 of the Act.

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

Termination report

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy any issues, and an explanation of the CEO's failure to do so. Council must provide prior opportunities and support to the CEO to assist them in remedying the issues which form the basis of the termination. It is a requirement of the regulations that council must provide written notice to the CEO outlining the reasons for their decision to terminate. In addition, council must certify that the termination of the CEO's employment was carried out in accordance with the standards set out in regulations.

Confidentiality

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of their rights and entitlements. Notice of termination of employment is required to be given in writing. Where possible, the news of termination of employment should also be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of their employment.

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

Disclaimer

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

**ITEM 8.4.2
ATTACHMENT TWO**



Shire of
Peppermint Grove

Standards for CEO Recruitment, Performance and Termination

May 2021

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Shire of Peppermint Grove
CEO Standards

Shire of Peppermint Grove Standards for CEO Recruitment, Performance and Termination

Policy Purpose:

This Policy is adopted in accordance with section 5.39B of the *Local Government Act 1995*.

Division 1 — Preliminary provisions

1. Citation

These are the *Shire of Peppermint Grove* Standards for CEO Recruitment, Performance and Termination.

2. Terms used

(1) In these standards —

Act means the Local Government Act 1995;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the *Shire of Peppermint Grove*;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.



**Shire of Peppermint Grove
CEO Standards**

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.



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7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or
 - (ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

(1) In this clause —

independent person means a person other than any of the following —

- (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
- (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.



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- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
 - (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
 - (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
 - (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.
- 10. Application of cl. 5 where new process carried out**
- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
 - (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
 - (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.



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CEO Standards**

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —

commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.

- (2) This clause applies if —

- (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;

and

- (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.



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CEO Standards**

- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.



**Shire of Peppermint Grove
CEO Standards**

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - (d) genuinely considering any response given by the CEO in response to the allegations.



Shire of
Peppermint Grove

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CEO Standards

22. Additional principles applying to termination for performance related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12 month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.



Ordinary Council Meeting

8.4.3 – Delegations Register Review 2021



Shire of
Peppermint Grove

DELEGATIONS REGISTER

Last Review: May 2020

Delegations Register
May 2020

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INTRODUCTION

The purpose of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to customer service. The Register of Delegation of Authority details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council.

Section 5.42 of the Local Government Act 1995 provides for delegation:

- (1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
- (a) this Act other than those referred to in section 5.43; or*
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

All delegations made by the Council must be by absolute majority decision.

The Act specifies in Section 5.43 when a local government cannot delegate:

- A local government cannot delegate to a CEO any of the following powers or duties —*
- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
 - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
 - (c) appointing an auditor;*
 - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
 - (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
 - (f) borrowing money on behalf of the local government;*
 - (g) hearing or determining an objection of a kind referred to in section 9.5;*
 - (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
 - (h) any power or duty that requires the approval of the Minister or the Governor;*
 - (i) such other powers or duties as may be prescribed.*

Delegations Register
May 2020

The Act allows for the CEO to delegate any of his/her powers to another employee, which must be done in writing. The Act also allows for the CEO to place conditions on any delegations if he/she desires.

The Register of Delegation of Authority, being this manual, relevant to the CEO is required to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The aim of this delegated authority manual is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.[MT1]

Delegations Register
May 2020

PART ONE – FUNCTION OF LOCAL GOVERNMENT

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.1	Local Government Act 1995 s. 5.36 (1)	Chief Executive Officer Sub-Delegate Nil	Appointment of Acting Chief Executive Officer

1.1 Appointment of Acting Chief Executive Officer

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government under Section 5.36 (1) of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint an Acting Chief Executive Officer during periods of the Chief Executive Officer's absence.

Conditions

1. The Chief Executive Officer will be delegated power to appoint an Acting Chief Executive Officer for periods of up to four (4) weeks;
2. The Chief Executive Officer will notify the Shire President and Councillors of all appointments under this delegation.

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Sub-Delegation

Nil

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.2	Local Government (Financial Management) Regulations, Regulation 12	Chief Executive Officer Sub-Delegate Manager, Corporate Services	Payments from the Municipal Fund, and Trust Fund.

1.2 Payments from the Municipal Fund, and Trust Fund.

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government in accordance with Regulation 12 of the *Local Government (Financial Management) Regulations 1996* in relation to Section 6.10 of the *Local Government Act 1995*. This enables the Chief Executive Officer to make payments from the Shire's Municipal Fund, and Trust Fund.

Conditions

1. A list of all payments made from the Municipal Fund, and Trust Fund will be provided to Council on a monthly basis.

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.3	Local Government Act 1995, s. 9.10	Chief Executive Officer	Appointment of Authorised Persons – Miscellaneous Provisions About Enforcement.
			Sub-Delegate Nil	

1.3 Appointment of Authorised Persons – Miscellaneous Provisions About Enforcement.

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government under Section 9.10 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to perform particular functions related to Miscellaneous Provisions About Enforcement (s. 9.11 – 9.23)

Conditions

1. The Chief Executive Officer will issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has or is about to be affected by any exercise of authority by the authorised person.
2. The Chief Executive Officer will maintain a register of all authorised persons.
- ~~3. An authorised person will not be authorised in relation to s.9.17, s. 9.19 and s. 9.20.~~

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

Verification

Adopted May 2020

Delegations Register
May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Sub-Delegation

Nil

Related Documents

Dogs Local Law

Dog Act 1976

Parking and Facilities Local Law

Subdivision 1 — Miscellaneous provisions about enforcement

9.10. Appointment of authorised persons

- (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.
- (2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.4	Local Government Act 1995, s. 3.47	Chief Executive Officer	Disposal of Confiscated or Uncollected Goods
			Sub-Delegate	
			Nil	

1.4 Disposal of Confiscated or Uncollected Goods

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government under Section 3.47 of the *Local Government Act 1995* to enable the Chief Executive Officer to dispose of confiscated or uncollected goods.

Conditions

1. Disposal will be subject to goods, including vehicles, not being reported stolen.
2. A Register of all disposed goods to be maintained, including value of disposed goods.

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Sub-Delegation

Dinghies

Related Documents

Delegations Register
May 2020

3.47. Disposing of confiscated or uncollected goods

- (1) The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43.
- (2) The local government may sell or otherwise dispose of any vehicle that has not been collected within —
 - (a) 2 months of a notice having been given under section 3.40(3); or
 - (b) 7 days of a declaration being made under section 3.40A(4) that the vehicle is an abandoned vehicle wreck.
- (2a) The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in subsection (2b) of —
 - (a) a notice having been given under section 3.42(1)(b) or 3.44; or
 - (b) being impounded if the local government has been unable, after making reasonable efforts to do so, to give that notice to the alleged offender.
- (2b) The period after which goods may be sold or otherwise disposed of under subsection (2a) is —
 - (a) for perishable goods — 3 days;
 - (b) for animals — 7 days;
 - (ca) for prescribed non-perishable goods — one month;
 - (c) for other non-perishable goods — 2 months.
- (3) Section 3.58 applies to the sale of goods under this section as if they were property referred to in that section.
- (4) Money received by a local government from the sale of goods under subsection (2a) is to be credited to its trust fund except to the extent required to meet the costs and expenses incurred by the local government in removing, impounding and selling the goods.
- (5) Money received by a local government from the sale of a vehicle under subsection (2) is to be credited to its trust fund except to the extent required to meet the costs referred to in section 3.46 and the expenses incurred by the local government in selling the vehicle.
- (6) Unless this section requires it to be credited to its trust fund, money received by a local government from the sale under this section of any goods is to be credited to its municipal fund.

[Section 3.47 amended by No. 64 of 1998 s. 11; No. 49 of 2004 s. 25(4); No. 17 of 2009 s. 9.]

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.5	Local Government Act 1995, s. 3.24	Chief Executive Officer	Appointment of Authorised Persons – Certain Provisions Relating to Land
			Sub-Delegate	
			Nil	

1.5 Appointment of Authorised Persons – Certain Provisions Relating to Land

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government under Section 3.24 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to undertake activities relating to Certain Provisions Relating to Land, s. 3.25 – 3.27.

Conditions

1. The Chief Executive Officer will maintain a register of authorised persons.

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Delegations Register
May 2020

Sub-Delegation

| Nil [CRAA2]

Related Documents

File on Authorised officers

Subdivision 2 — Certain provisions about land

3.24. Authorising persons under this Subdivision

The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.6	Local Government Act 1995, s. 3.39	Chief Executive Officer	Appointment of Authorised Persons - Power to Remove or Impound Goods
			Sub-Delegate Nil	

1.6 Appointment of Authorised Persons - Power to Remove or Impound Goods

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government under Section 3.39 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to remove or impound goods as defined in s. 3.38.

Conditions

1. The Chief Executive Officer will maintain a register of authorised persons.

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Sub-Delegation

Delegations Register
May 2020

Nil

Related Documents

Dinghies

Authorised Officers

Disposal uncollected goods etc

3.39. Power to remove and impound

- (1) An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention that can lead to impounding.
- (2) A person may use reasonable force to exercise the power given by subsection (1).

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.7	Local Government Act 1995, s. 3.31 (2)	Chief Executive Officer	Authorised Persons - Power to Enter Property
			Sub-Delegate	
			Nil	

1.7 Authorised Persons - Power to Enter Property

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government under Section 3.31 (2) of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to enter property as detailed in subdivision 3 – Powers of Entry.

Conditions

1. The Chief Executive Officer will maintain a register of authorised persons.

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Sub-Delegation

Nil

Related Documents

Delegations Register
May 2020

Authorised Officers

26. Powers of local government

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:
Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.
[Section 26 amended by No. 17 of 1918 s. 5; No. 14 of 1996 s. 4.]

3.31. General procedure for entering property

- (1) Except in an emergency or if the entry is authorised by the warrant of a justice, entry by or on behalf of a local government on to any land, premises or thing is not lawful unless —
 - (a) the consent of the owner or occupier has been obtained; or
 - (b) notice has been given under section 3.32.
- (2) If notice has been given under section 3.32, a person authorised by the local government to do so may lawfully enter the land, premises or thing without the consent of the owner or occupier unless the owner or occupier or a person authorised by the owner or occupier objects to the entry.
- (3) The powers conferred on a local government under this section may be exercised instead of the powers conferred under the *Public Works Act 1902* and are not subject to any qualification or restriction by any provision of that Act.

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.8	Health Act 1911, s. 26	Manager Development Services Chief Executive Officer	Appointment of Authorised Persons – Health Act 2016
			Sub-Delegate	
			Manager Development Services Nil	

1.8 Appointment of Authorised Persons – Health Act 2016

Delegator

Council

Power/Duty

To exercise authority to the CEO to appoint or designate authorised officers under the provisions of Section 2 of the Public Health Act 2016.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the Local Government Act 1995.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 of the Local Government Act 1995, at least once every financial year.

Sub-Delegation

Nil

Related Documents

Delegations Register
May 2020

Public Health Act 2016

26. Powers of local government

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

[Section 26 amended by No. 17 of 1918 s. 5; No. 14 of 1996 s. 4.]

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.9	Local Government Act 1995, s. 3.18	Chief Executive Officer	Enforcement of Local Laws
			Sub-Delegate	
			Nil	

1.9 Enforcement of Local Laws

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government under Section 3.18 of the *Local Government Act 1995* to enforce the provisions of local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Delegations Register
May 2020

Related Documents

Local Law Related to Fencing

Emission and Reflection of Light Local Law

Parking and Parking Facilities Local Law

Local Government Property Local Law

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law

Dog Act 1976

Authorised Officer File

3.18. *Performing executive functions:*

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
- (2) In performing its executive functions, a local government may provide services and facilities.
- (3) A local government is to satisfy itself that services and facilities that it provides —
 - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
 - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
 - (c) are managed efficiently and effectively.

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.10	Local Government Act 1995, s. 2.5 (2)	Chief Executive Officer	Authorising the Affixing of the Common Seal to Documents
			Sub-Delegate Nil	

1.10 Authorising the Affixing of the Common Seal to Documents

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government under Section 2.5 (2) of the *Local Government Act 1995* to enable the Chief Executive Officer to affix the Common Seal to certain documents.

Conditions

The Chief Executive Officer will authorise the affixing of the Common Seal to a document that needs the Shire's Common Seal to be legally effective and that is in one or more of the following categories:

1. Documents required satisfying conditions of sub-division and/or development approval.
2. Documents required to affect the transfer of land as part of a settlement transaction (sale and purchase).
3. Documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire.
4. Documents required to affect the grant of leasehold interests in land either by the Shire to a third party, or by a third party to the Shire.
5. Documents required to affect the grant of a licence either by the Shire to a third party, or by a third party to the Shire.
6. Documents required to affect the subdivision of land, including the strata titling of land.
7. Documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office).
8. Documents that are necessary or appropriate to enable the Chief Executive Officer to carry out her functions under any written law.

Delegations Register
May 2020

9. The affixing of the Common Seal must be consistent with a Council policy or decision.
10. While the Chief Executive Officer can authorise the affixing of the Common Seal to a document as classified, it is also necessary for the document to be signed by both the Shire President and the Chief Executive Officer.

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*,

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Sub-Delegation

Nil

Related Documents

Seal Register

Delegations Register
May 2020

2.5. *Local governments created as bodies corporate*

- (1) When an area of the State becomes a district, a local government is established for the district.
- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.
- (4) The corporate name of the local government is the combination of the district's designation and name.

Example: City of *(name of district)*

- (5) If the district's name incorporates its designation, the designation is not repeated in the corporate name of the local government.

Example:

district's name : Albany (Town)

corporate name : Town of Albany

- (6) Proceedings may be taken by or against the local government in its corporate name.

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.11	Food Act 2008	Chief Executive Officer Sub-Delegate Manager, Development Services	Appointment Authorised Officer

1.11 Appointment Authorised Officer

Delegator

Council

Power/Duty

To exercise the powers and duties of the Food Act 2008.

Conditions

In accordance with [the Food Act](#) Section 118 (3) without limiting the Interpretation Act 1984 s.59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to:

- (a) Any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function;
- (b) Any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 of the *Local Government Act 1995*, at least once every financial year.

Related Documents

Food Regulations 2009

Delegations Register
May 2020

Authorised Officer File

Section 118 Food Act 2008

(3) Without limiting the Interpretation Act 1984 section 59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to —

- (a) any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function; and
- (b) any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.

Division 2 — Functions of enforcement agencies

118. Functions of enforcement agencies and delegation

- (1) An enforcement agency has the functions in relation to the administration of this Act that are conferred or imposed on the agency by or under this Act or are delegated to the agency under this Act.
- (2) A function conferred or imposed on an enforcement agency may be delegated —
 - (a) if the enforcement agency is the CEO — in accordance with section 117; or
 - (b) if the enforcement agency is a local government or a person or body, or a person or body within a class of persons or bodies, prescribed by the regulations — subject to subsections (3) and (4), in accordance with the regulations.
- (3) Without limiting the *Interpretation Act 1984* section 59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to —
 - (a) any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function; and
 - (b) any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.
- (4) If —
 - (a) regulations referred to in subsection (2)(b) expressly authorise a delegated function of an enforcement agency to be further delegated; and
 - (b) the delegated function is further delegated to a person or body in accordance with those regulations,subsection (3) applies to the performance by the person or body of that function as if the function were performed and delegated as described in that subsection.

Delegations Register
May 2020

PART TWO – FINANCIAL MANAGEMENT

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.1	Local Government Act 1995, s. 6.14	Chief Executive Officer Sub-Delegate Manager, Corporate & Community Services	INVESTMENT OF SURPLUS FUNDS

2.1 Investment of Surplus Funds

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government under Section 6.14 of the *Local Government Act 1996* to enable to Chief Executive Officer to invest surplus funds.

Conditions

1. Funds to be invested in accordance with Policy F2 – Investment of Surplus Funds.

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.2	Section 6.49 of <i>Local Government Act</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer Sub-Delegate Manager Corporate and Community Services	AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES

2.2 Agreement as to Payment of Rates and Service Charges

Delegator

Council

Power/Duty

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person for payment of rates and service charges.

Conditions

Subject to the arrangements agreed to being on the basis that the total debt outstanding will be extinguished by the next following 30 June.

Statutory Framework

The Chief Executive Officer is delegated the power to make an agreement with a person for payment of rates and service charges, subject to section 6.49 *Local Government Act 1995*.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Delegations Register
May 2020

Sub-Delegation

Manager of Corporate & Community Services

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.3	Section 6.12 (1)(c) of <i>Local Government Act</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer Sub-Delegate Nil	AUTHORITY TO WRITE OFF MONIES (NOT RATES OR SERVICE CHARGES)

2.3 Authority to Write Off Monies (Not Rates or Service Charges)

Delegator

Council

Power/Duty

Authority to write off money including fines and penalties that is owed to the local government

Conditions

1. The Chief Executive Officer is authorised to exercise this delegation subject to the maximum amount of any write off being \$500.
2. This delegation includes the write off of fines and penalties that have been imposed by the court that are considered unrecoverable.
3. The Chief Executive Officer shall report to the Audit, Risk and Governance Committee at least six monthly on the exercise of this delegation

Statutory Framework

The Chief Executive Officer is delegated the power to write off any amount of money owed to the Shire, other than an amount of money owing in respect of rates and service charges.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Delegations Register
May 2020

Sub-Delegation

Nil

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Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.4	Section 6.12 (1)(c) and (2) of <i>Local Government Act/</i> Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer Sub-Delegate Nil	AUTHORITY TO WRITE OFF RATES OR SERVICE CHARGES

2.4- Authority to Write Off Rates and Service Charges

Delegator

Council

Power/Duty

Authority to write off rates or service charges owed to the local government.

Conditions

1. The Chief Executive Officer is authorised to exercise this delegation subject to the maximum amount of any write off being \$200.
2. The Chief Executive Officer shall report to the Audit & Risk Management Committee Council at least six monthly on the exercise of this delegation

Statutory Framework

The Chief Executive Officer is delegated the power to write off rates or service charges owed to the Shire.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Delegations Register
May 2020

Sub-Delegation

NII

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Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.5	Section 6.56 of <i>Local Government Act 1995</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer Sub-Delegate Manager of Corporate & Community Services	RATES OR SERVICE CHARGES RECOVERABLE IN COURT

2.5 Rates or Service Charges Recoverable in Court

Delegator

Council

Power/Duty

If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the cost of proceedings, if any, for that recovery in a court of competent jurisdiction. Rates or service charges due by the same person to the local government may be included in one writ, summons or other process.

Conditions

Nil

Statutory Framework

Power to recover a rate or service charge, as well as the cost of proceedings, if any, for that recovery in a court of competent jurisdiction. Power to include in one writ the rates or service charges due by the same person to the local government.

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act*

Delegations Register
May 2020

1995, at least once every financial year.

Sub-Delegation

Manager of Corporate & Community Services

Delegations Register
May 2020

PART THREE – PLANNING AND BUILDING

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.1	Building Act 2011 – Section 20 & 22 Division 2 of Part 2 Divisions 1 & 2 of Part 4 Division 5 of Part 8	Chief Executive Officer Sub-Delegate Manager Development Services	BUILDING ACT 2011 – BUILDING PERMITS, DEMOLITION PERMITS, OCCUPANCY PERMITS, BUILDING APPROVAL CERTIFICATES AND BUILDING ORDERS

3.1 Building Act 2011 – Building Permits, Demolition Permits, Occupancy Permits, Building Approval Certificates and Building Orders

Delegator

Council pursuant to Section 127 (1) of the *Building Act 2011*.

Power/Duty

Approve or refuse building permit applications, demolition permit applications, occupancy permit (including extension of permit), building approval certificate (including extension of certificate), building approval certificates (strata) and issue and revocation of building orders.

Conditions

CEO to advise elected members when a Building licence is refused.

Statutory Framework

The Chief Executive Officer is delegated the power to sign/issue or refuse building permit applications, demolition permit applications, occupancy permit (including extension of permit), building approval certificate (including extension of certificate), issue and revocation of building orders.

Verification

Adopted May 2020

Delegations Register
May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Sub-Delegation

Nil

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.2	Building Act 2011 – Section 127	Chief Executive Officer Sub-Delegate Manager Development Services	BUILDING LICENCE APPROVALS VARIATION

3.2 Building Licence Approvals Variation

Delegator

Council

Power/Duty

To exercise the powers and duties of the local government under Section 127 of the *Building Act 2011* and to administer sections 20, 21, 22, 58, 65, 110 and 117 of the *Building Act 2011* to enable the Manager Development Services to approve Building Licences.

Conditions

1. The Chief Executive Officer be authorised to approve building plans that have minor variations to the plans approved by Council during the Development Application process. Minor variations are those which do not increase the impact on streetscape overlooking or overshadowing of neighbouring properties.
2. The Chief Executive Officer to provide elected members with a monthly list of all approved Building Licences, including any minor variations via the monthly Matters for Information report in the OCM Agenda.

Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*

Verification

Last Review May 2020

Delegations Register
May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Sub-Delegation

Nil

Related Documents

Shire of Peppermint Grove Town Planning Scheme No.4
Residential Design Codes
Building Act 2011
Building Regulations 2012
Building Code of Australia
Refer to Register Building Licenses Register

Building Act 2011

Plans of Buildings to be approved by local government

127. Delegation: special permit authorities and local government

- (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision on this Act.
- (2) A delegation of a special permit authority's powers or duties may be only to an employee of the special permit authority or to an employee of one of the legal entities that comprise the special permit authority.
- (3) A delegation of a local government's powers or duties may be only to a person employed by the local government under the Local Government Act 1995 section 5.36.
- (4) The delegation must be in writing executed by or on behalf of the special permit authority or by the local government.
- (5) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (6) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (7) Nothing in this section limits the ability of the permit authority to perform a function through an officer or agent.

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.3	Sec. 70 of <i>Building Regulations 2012</i> Sec 133 of <i>Building Act 2011</i>	Chief Executive Officer	ENFORCEMENT AND LEGAL PROCEEDINGS (SWIMMING POOLS)
			Sub-Delegate Manager Development Services	

3.3 Enforcement and Legal Proceedings (Swimming Pools)

Delegator

Council

Power/Duty

Implement enforcement and legal proceeding matters under the *Building Act 2011*, Part 8; and *Building Regulations 2012* Part 10.

Conditions

The Chief Executive Officer is delegated the following authority:
To enforce the requirements of the *Building Regulations 2012* to require property owners to ensure that all private swimming and spa pools have a compliant barrier installed that restricts access by young children to the pool and its immediate surrounds.

Statutory Framework

Delegated authority to enforce the requirements of the *Building Regulations 2012* (Reg 50) to require property owner the to require property owners to ensure that all private swimming and spa pools have a compliant barrier installed that restricts access by young children to the pool and it's immediate surrounds.

Verification

Adopted May 2020

Delegations Register
May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Sub-Delegation

Manager Development Services

Delegations Register
May 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.4	<i>Planning and Development Act 2005 – Part 13</i> <i>Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2, Part 10, Clause 82</i>	Chief Executive Officer Sub-Delegate Manager Development Services	PLANNING AND DEVELOPMENT APPLICATION

3.4 Planning and Development Application

Delegator

Council

Power/Duty

Applications for development approval under the Shire of Peppermint Grove's Local Planning Scheme No4 and the *Planning and Development Act 2005*.

Conditions

1. Any application is to be referred to Council for determination if one or more elected member request such referral by written request to the Chief Executive Officer;
2. Any application for planning approval shall be referred to Council for determination, where requested by the applicant in writing;
3. The Chief Executive Officer is to report to the Council, on a monthly basis where the exercise of powers and functions related to this delegation has been undertaken.
4. The Chief Executive Officer is to only sub-delegate to the Manager Development Services.

Statutory Framework

The Chief Executive Officer is delegated the power to approve, approve with conditions, or refuse development applications, including applications for change of use, retrospective planning applications, and amendments to approved plans subject to the approval guidelines.

Delegations Register
May 2020

Verification

Adopted May 2020

Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

Sub-Delegation

Manager Development Services

Related Documents

- Shire of Peppermint Grove, Local Planning Scheme 4
- Local Planning Policies as adopted by Council

See Decision Pathway - Flow Chart

Guidelines

- 1) Approve development applications for a "Single House", "Ancillary dwelling" "Grouped dwellings" or any associated, ancillary or incidental development (outbuildings, garages/ carports, pergolas/ gazebos and other structures requiring a planning application, roofing materials, front boundary fences, retaining walls and swimming pools) that:
 - a) Satisfy the provisions of Local Planning Scheme 4, Council policies, where the assessment is deemed to comply with the Shire's adopted Local Planning Policies and the Residential Design Codes; or
 - b) Are assessed to comply with a) above except for one design parameter (be it height, plot ratio, setback or other site design requirement) and upon assessment that proposed variation can meet design principles of R Codes for that design element, and in the case of quantitative variation shall be less than 5% variation from LPS 4 or R Codes; and
 - c) After the proposal has been referred for invited comment and where no objections have been received from the affected landowners which relate to the design element variation; and
 - d) Where the existing house is not in the heritage list adopted under clause 8 of the Deemed Provisions and has not been subject to a Notice to list and that process is current.

Delegations Register
May 2020

- 2) Approve applications for non-residential development where the development is considered minor, meets all LPS 4 requirements and has no impact upon adjoining landowners other than what is allowed within the Scheme.
- 3) Approve applications that seek to approve an extension to an expired or expiring development approval provided there are no changes made to the original design and approved plans and the Local Scheme/Policy has not changed in that time.
- 4) Check and clear all conditions on planning approvals (development and subdivision), except those requiring specific referral back to Council for clearance approval.
- 5) To vary development application fees in cases where the listed fee is not reflective of the extent of any additional work requirement.
- 6) Approve applications for home business where no valid objections have been received from affected adjoining landowners and where the proposal is consistent with LPS 4.
- 7) Approve retrospective applications in accordance with clause 65 of the Deemed Provisions (Planning and Development – Local Planning Schemes - Regulations 2015 Schedule 2)
- 8) Provide written advice of Shire recommendation advice to other authorities who will make a decision (WAPC, DBCA, SRT, State Heritage Office) on a development or subdivision application provided the advice is consistent with local planning policy, the LPS 4 and R Codes.
- 9) Provide written advice to Department of Transport, MRWA, DPLH, Department of Commerce and Energy in response to requests for feedback on policy formation or related administrative matters.
- 10) Refuse applications for development (also to recommend refusal to WAPC for subdivision referred applications) which do not accord with LPS 4 and R Codes standards and provisions or are uses not permitted in the Zoning Table (X uses).

Notification

Where the Chief Executive has received matters which may be dealt with under this delegation, a list of matter/s pending action shall be circulated to Elected Members on a weekly or less frequency, so as to provide a period of **72 hours** within which that matter may be 'called-in' for consideration by Council; such that a call-in request shall be requested by one member without a declarable interest in that matter.



Ordinary Council Meeting

8.4.4 – Matters for Information and Noting

Matters for Information and Noting

Building Permits Issued April 2021

No Building Permits for April

Planning Approvals Issued April 2021

Application Number	Location	Delegated Authority
DA2021/00006	PLC	Officer
DA2021/00007	9 McNeil Street	Officer
DA2021/00008	PLC	Officer

Infringements April 2021

Date Issued	Parking Infringement Location	Value
20/04/2021	Johnston Street	\$45
28/04/2021	Johnston Street	\$45
28/04/2021	Johnston Street	\$45
28/04/2021	Johnston Street	\$45
28/04/2021	Johnston Street	\$45
Total Value		\$225

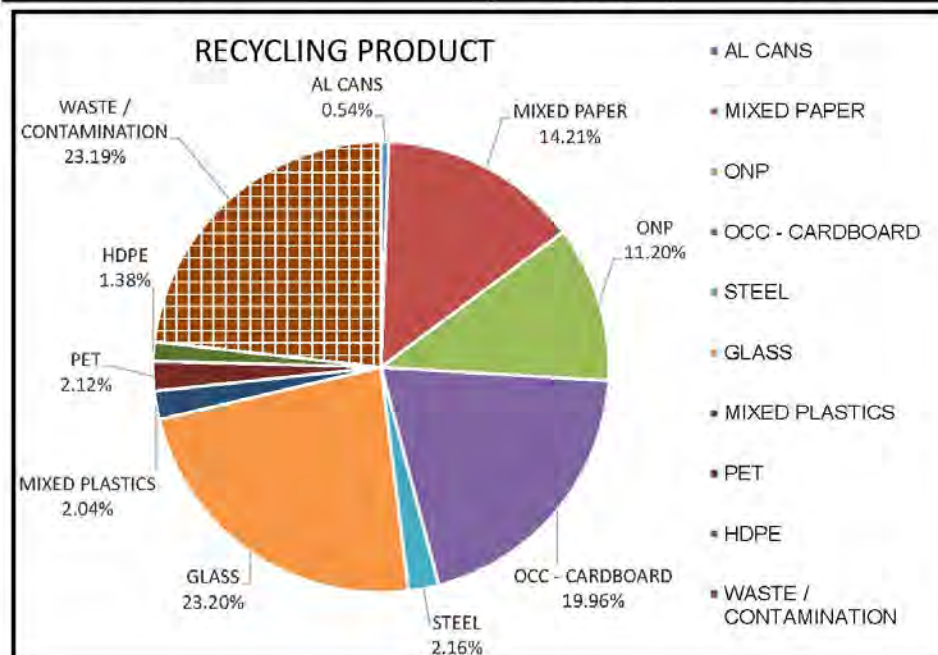
Library Statistics April 2021

Library Statistics	April 2021	April 2020
Loans	14665	17069
New Borrowers	274	288

**RECYCLING TONNAGES AND
PRODUCT TONNAGES
MARCH 2021**



PRODUCT	PRODUCT Percentages	PRODUCT Tonnages
AL CANS	0.54	0.11
MIXED PAPER	14.21	2.94
ONP	11.20	2.32
OCC - CARDBOARD	19.96	4.13
STEEL	2.16	0.45
GLASS	23.20	4.80
MIXED PLASTICS	2.04	0.42
PET	2.12	0.44
HDPE	1.38	0.29
TOTAL RECOVERED	76.81	15.91
WASTE / CONTAMINATION	23.19	4.80
MONTHLY TOTAL	100.00	20.71



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