



City of Rockingham

MINUTES

Corporate and Community Development Committee Meeting

Held on Tuesday 20 April 2021 at 4:00pm
City of Rockingham Chambers



City of Rockingham
Corporate and Community Development
Committee Minutes
4:00pm Tuesday 20 April 2021



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City of Rockingham
Corporate and Community Development
Committee Meeting Minutes
Tuesday 20 April 2021 - Council Boardroom



1.	Declaration of Opening
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The Chairperson declared the Corporate and Community Development Committee meeting open at **4.00pm**, welcomed all present, and referred to the Acknowledgement of Country.

2. Record of Attendance/Apologies/Approved Leave of Absence

2.1 Councillors

Cr Joy Stewart Chairperson
Cr Sally Davies
Cr Craig Buchanan
Cr Rae Cottam
Cr Leigh Liley

2.2 Executive

Mr Michael Parker	Chief Executive Officer
Mr John Pearson	Director Corporate Services
Mr Peter Doherty	Director Legal Services and General Counsel
Mr Peter Varris	Manager Governance and Councillor Support
Mr Michael Yakas	Manager Customer and Corporate Support
Mr Allan Moles	Manager Financial Services
Mr Nuno Dionisio	Manager Waste Services
Ms Nollaig Baker	Manager Strategy, Marketing and Communications
Mr Nick Brown	Manager Community and Leisure Facilities
Mr Gary Rogers	Manager Community Infrastructure Planning
Ms Mary-Jane Rigby	Manager Community Safety and Support Services
Ms Julia Dick	Collaborative Manager, Community Capacity Bldg
Ms Alison Oliver	Manager Library and Information Services
Mr Scott Jarvis	Manager Economic Development and Tourism
Mrs Jelette Edwards	Governance Coordinator
Mrs Diane Zanre	PA to Director Community Development

2.3 Members of the Gallery: Nil

2.4 Apologies: Nil

2.5 Approved Leave of Absence: Nil

3. Responses to Previous Public Questions Taken on Notice

Nil

4.	Public Question Time
	<p>4:00pm The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that questions should relate to the business of the Committee and this is the only opportunity in the meeting for the public to ask questions.</p> <p>There were none.</p>
5.	Confirmation of Minutes of the Previous Meeting
	<p>Moved Cr Cottam, seconded Cr Buchanan:</p> <p>That Committee CONFIRMS the Minutes of the Corporate and Community Development Committee Meeting held on 23 March 2021, as a true and accurate record.</p> <p>Committee Voting (Carried) – 5/0</p>
6.	Matters Arising from the Previous Minutes
	<p>Nil</p>
7.	Announcement by the Presiding Person without Discussion
	<p>4:01pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.</p>
8.	Declarations of Members and Officers Interests
	<p>4:01pm The Chairperson asked if there were any interests to declare.</p> <p>There were none.</p>
9.	Petitions/Deputations/Presentations/Submissions
	<p>Nil</p>
10.	Matters for which the Meeting may be Closed
	<p>4:02pm The Chairperson advised in accordance with section 5.23(2)(b) and (2)(e)(iii) of the Local Government Act 1995 – if there were any questions or debate on Confidential Item CD-009/21 Cultural Development and the Arts Advisory Committee Membership – New Appointments, then the Committee will need to defer the matter for consideration at Agenda Item 18 - Matters Behind Closed Doors.</p> <p>There were no questions or request for debate.</p>

Community Development

CONFIDENTIAL ITEM

NOT FOR PUBLIC ACCESS

Section 5.95(3) Local Government Act 1995 (the Act)

This item may be discussed behind closed doors as per Section 5.23(2)(b) and (2)(e)(iii) of the Act

Community Development Cultural Development and the Arts		
Reference No & Subject:	CD-009/21	Cultural Development and the Arts Advisory Committee Membership – New Appointments (<i>Absolute Majority</i>)
File No:	CSV/27-07	
Proponent/s:		
Author:	Ms Jillian Obiri-Boateng, Collaborative Manager Community Capacity Building	
Other Contributors:	Ms Donna Cochrane, Coordinator Cultural Development and the Arts	
Date of Committee Meeting:	20 April 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		
Maps/Diagrams:		

Voting Requirements

Absolute Majority

Officer Recommendation

That Council **APPOINTS** the following two community members to the Cultural Development and the Arts Advisory Committee until 30 September 2022:

1. Mr Andy Quilty
2. Ms Gillian Peebles

Confirmed at a Corporate and Community
Development Committee meeting held on
Tuesday 18 May 2021


Presiding Member

Committee Recommendation

Moved Cr Liley, seconded Cr Buchanan:

That Council **APPOINTS** the following two community members to the Cultural Development and the Arts Advisory Committee until 30 September 2022:

1. Mr Andy Quilty
2. Ms Gillian Peebles

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

11.	Bulletin Items
	<p>Corporate and General Management Services Information Bulletin – April 2021</p> <p>Corporate Services</p> <ol style="list-style-type: none"> 1. Corporate Services Team Overview 2. Human Resource Update 3. Project Status Reports <ol style="list-style-type: none"> 3.1 Implementation of Online Timesheets 3.2 Intranet Review and Update 3.3 Challenger Redevelopment Transition 4. Information Items <ol style="list-style-type: none"> 4.1 List of Payments March 2021 4.2 Monthly Financial Management Report February 2021 4.3 Amending Rate Record – Write Off 4.4 Financial Hardship – COVID-19 Rates Write Off 4.5 Awarding of Tenders by CEO - Delegated Authority 4.6 Delegated Authority to Dispose of Property by way of Lease 4.7 Development Contribution Scheme <p>General Management Services Directorate</p> <ol style="list-style-type: none"> 1. General Management Services Team Overview 2. Human Resource Update 3. Project Status Reports <ol style="list-style-type: none"> 3.1 Rockingham Renaissance Technopole 4. Information Items <ol style="list-style-type: none"> 4.1 Meetings and Events 4.2 Use of the Common Seal 4.3 COVID-19 <p>Governance and Councillor Support</p> <ol style="list-style-type: none"> 1. Governance and Councillor Support Team Overview 2. Human Resource Update 3. Project Status Reports 4. Information Items <ol style="list-style-type: none"> 4.1 Baldivis Ward Vacancy 4.2 Model Code of Conduct – Council Members, Committee Members and Candidates 4.3 Local Laws 4.4 Global Friendship 4.5 Freedom of Information (FOI) Requests 4.6 Councillor Requests 4.7 Citizenships 4.8 Australian Coastal Councils Association Inc. Newsletter 4.9 WALGA Quarterly Overview Report for the City of Rockingham 4.10 Coming Events 4.11 Notice of Motion – Status Report <p>Human Resources</p> <ol style="list-style-type: none"> 1. Human Resources Team Overview 2. Human Resource Update 3. Project Status Reports

4.	Information Items
4.1	Recruitment
4.2	Occupational Safety and Health Statistics
Strategy, Marketing and Communications	
1.	Strategy, Marketing and Communications Team Overview
2.	Human Resource Update
3.	Project Status Reports
3.1	Entry Statement Signage
3.2	Strategic Community Plan (2019-2029) - Minor Review
4.	Information Items
4.1	Team Plan
4.2	Community Engagement
4.3	Rock Port
4.4	Social Media
4.5	Media Tracking
Legal Services & General Counsel	
1.	Legal Services & General Counsel Team Overview
2.	Human Resource Update
3.	Project Status Reports
4.	Information Items
	Provision of Legal Advice
4.1	Legal Advice – Local Government Operational Matters
4.2	State Administrative Tribunal
4.3	Magistrates Court
4.4	Supreme Court
4.5	Fair Work Commission
4.6	Industrial Magistrates Courts

Committee Recommendation

Moved Cr Buchanan, seconded Cr Liley:

That Councillors acknowledge having read the Corporate and General Management Services Information Bulletin – April 2021 and the content be accepted.

Committee Voting (Carried) – 5/0

Community Development Information Bulletin – April 2021	
Community Safety and Support Services	
1.	Community Safety and Support Services Team Overview
2.	Human Resource Update
3.	Project Status Reports
4.	Information items
4.1	Community Support Services
4.2	Rockingham Connect Community Transport Project
4.3	Community Safety
4.4	Compliance Community Engagement
Library Services	
1.	Library Services Team Overview
2.	Human Resource Update
3.	Project Status Reports

4. Information items
 - 4.1 February 2021 Library Services Statistics
 - 4.2 Mary Davies Library and Community Centre
 - 4.3 Baldivis South Community Centre
 - 4.4 Rockingham Central Library
 - 4.5 Safety Bay Library
 - 4.6 Warnbro Community Library
 - 4.7 February 2021 Library Facebook Activity
 - 4.8 Golden Bay Pop Up Library

Community Infrastructure Planning

1. Community Infrastructure Planning Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information items
 - 4.1 Aqua Jetty Stage 2 20
 - 4.2 Baldivis District Sporting Complex
 - 4.3 Koorana Reserve Master Plan
 - 4.4 Rockingham Youth Centre
 - 4.5 Lark Hill Sportsplex Northern Expansion
 - 4.6 Stan Twight Reserve Clubroom Extension

Community Capacity Building

1. Community Capacity Building Team Overview
2. Human Resource Update
3. Project Status Reports
 - 3.1 Symphony Orchestra
4. Information Items
 - 4.1 Community Grants Program
 - 4.2 Reconciliation Action Plan (RAP)
 - 4.3 Seniors
 - 4.4 Volunteering
 - 4.5 Early Years, Children and Learning Community
 - 4.6 Sport and Recreation
 - 4.7 Health and Wellbeing
 - 4.8 Rockingham Youth Centre
 - 4.9 Cultural Development and the Arts

Community and Leisure Facilities

1. Community and Leisure Facilities Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information items
 - 4.1 Mike Barnett Sports Complex
 - 4.2 Rockingham Aquatic Centre
 - 4.3 Aqua Jetty
 - 4.4 Warnbro Community Recreation Centre
 - 4.5 Autumn Centre

Economic Development and Tourism

1. Economic Development and Tourism Team Overview
2. Human Resource Update

	3.	Project Status Reports
	3.1	Local Business Development
	3.2	Iconic Economic Development / Tourism Events
	3.3	Destination Marketing
	3.4	Visitor Servicing Fee – Tourism Rockingham
	4.	Information Items
	4.1	Stakeholder Engagement - Economic Development
	4.2	Stakeholder Engagement - Tourism

Committee Recommendation

Moved Cr Liley, seconded Cr Buchanan:

That Councillors acknowledge having read the Community Development Information Bulletin – April 2021 and the content be accepted.

Committee Voting (Carried) – 5/0

12. Agenda Items

Corporate Services

Corporate Services Financial Services	
Reference No & Subject:	CS-009/21 Proposed 2021/2022 Fees and Charges
File No:	FLM/17-05
Proponent/s:	
Author:	Mrs Esther Ruskulis, Senior Financial Services Officer
Other Contributors:	Mr Allan Moles, Manager Financial Services
Date of Committee Meeting:	20 April 2021
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
Attachments:	Proposed Schedule of Fees and Charges for 2021/2022
Maps/Diagrams:	

Purpose of Report

To approve the proposed Schedule of Fees and Charges for financial year 2021/2022.

Background

The fees and charges imposed by the City of Rockingham can be categorised into three main types:

1. Fees and charges set by Council under Section 6.16 of the Local Government Act 1995 (the Act).
2. Fees and charges set by Council under other sections of the Act or other legislation where Council has the discretion to set the charge.
3. Fees and charges imposed covered by local law or other legislation and Council does not have discretion to change them.

Details

The proposed Schedule of Fees and Charges for 2021/2022 document lists all fees and charges with details of the current and proposed fees, excluding Landfill Services fees and charges.

The fees and charges below are new for 2021/2022 and are highlighted in yellow in the document:

- Rockingham Aquatic Centre – Restructure of Group Fitness and Learn To Swim Fees (item 5.6)
- Rockingham Aquatic Centre – Addition of Kidsport Voucher Program (item 5.6)
- Aqua Jetty – as per page 20 to 24 of the attachment (item 5.7)
- Mike Barnett Sports Complex – Outdoor Court Fees (item 5.8)
- Warnbro Recreation Complex – Fees for 30 minute Group Fitness Classes (item 5.9)
- Certification of Building Compliance (item 8.2)
- R Code Variations - Charge System Overhauled to Reflect Statutory Charges (item 8.3)
- Building Services – Copy of Commercial House Plans Fee (item 8.9)
- Application of Approval to Construct or Alter a Food Vehicle (item 11.2)
- Disposal of Effluent and Liquid Waste (item 11.2)
- Food Education Program Fee (item 11.2)

The Fees and Charges in the following areas are proposed to change and are highlighted in yellow in the document:

- Library Services Administration Fees (item 4.1)
- Mary Davies Library and Community Centre Hall Hire Bonds (item 4.3)
- Baldivis South Community Centre Hall Hire Bonds (item 4.4)
- Rockingham Arts Centre – Hall Hire Fees (item 5.4)
- Play Group Room 1 – Hall Hire Fees (item 5.4)
- Gary Holland Community Centre – Hall Hire Inclusions and Fees (item 5.4)
- Recreation Grounds – Change in Reserves with Non Prepaid Flood Lighting Fees (item 5.5)
- Rockingham Aquatic Centre – as per page 18 to 20 of the attachment (item 5.6)
- Aqua Jetty – as per page 20 to 24 of the attachment (item 5.7)
- Warnbro Recreation Centre – Group Fitness Class Fees and 12 month Membership (item 5.9)
- Engineering Services – Private Works Fee (item 6.1)
- Funeral Director Licenses and Burial Fees (item 6.3)
- Disposal of Ashes and Monumental Works/Memorial Fees (item 6.3)
- Building/Demolition Permits (item 8.1)
- Building Services – Occupancy Permits (item 8.4)
- Building Services – Copy of House Plans Fees (item 8.9)
- Health Services – Definition of Alfresco Dining (item 11.2)

Implications to Consider

- a. **Consultation with the Community**
Nil
- b. **Consultation with Government Agencies**
Nil

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Effective governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*

d. Policy

Nil

e. Financial

The Fees and Charges endorsed will be included for adoption in the 2021/2022 Annual Budget.

The annual fees and charges estimated as per the 2021/2022 Business Plan are \$36.5 million.

f. Legal and Statutory

Sections 6.16 and 6.17 of the Local Government Act 1995 and Regulation 25 of the Local Government (Financial Management) Regulations 1996 relate to the imposition of fees and charges.

Regulation 25 of the Local Government (Financial Management) Regulations 1996 provides that the annual budget is to include an estimate of the total revenue from the fees or charges from each program.

Section 6.16(1) of the Local Government Act 1995 allows a local government to impose (by absolute majority) and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

Section 6.16(2) of the Local Government Act 1995 states that a fee or charge may be imposed for the following:

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government,
- (b) supplying a service or carrying out work at the request of a person,
- (c) providing information from local government records subject to some limitations,
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate and
- (e) supplying goods.

Section 6.17(1) of the Local Government Act 1995 states that in determining the amount of a fee or charge for a service or for goods, a local government is required to take into consideration the following factors:

- (a) the cost to the local government of providing the service or goods,
- (b) the importance of the service or goods to the community, and
- (c) the price at which the service or goods could be provided by an alternative provider.

Section 6.16(3) of the Local Government Act 1995 requires that fees and charges are to be imposed when adopting the annual budget.

Council is requested to approve the Schedule of Fees and Charges for 2021/2022. The proposed fees and charges will be adopted in June 2021 as part of the 2021/2022 Annual Budget.

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment : High and Extreme Risks

Finance / Personal Health and Safety : Medium, High and Extreme Risks

Nil

Comments

It is considered best practice to approve fees and charges prior to budget adoption. This is to ensure that all community members are adequately informed of any changes and to assist in the budget preparation process with any proposed changes identified prior to adoption in the budget.

All relevant fees have been considered pursuant to Section 6.17 of the Local Government Act 1995 with the majority of fees and charges remaining unchanged in the new financial year. The proposed changes include some new fees and charges and while some fees and charges have increased, others have decreased as a result of the review.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the proposed Schedule of Fees and Charges for financial year 2021/2022.

Committee Recommendation

Moved Cr Buchanan, seconded Cr Davies:

That Council **APPROVES** the proposed Schedule of Fees and Charges for financial year 2021/2022.

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Corporate Services Director and Support



Reference No & Subject:	CS-010/21	Disposal by Lease of the Rockingham Golf Driving Range
File No:	LGS/39-04	
Proponent/s:		
Author:	Ms Renee Sinclair-Deane, Senior Administration Officer - Leasing	
Other Contributors:	Ms Claire Levesque, Administration officer - Leasing	
Date of Committee Meeting:	20 April 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	A 50,116m ² portion of Reserve 30623, Lot 1521 Patterson Road and Lot 2146 Ennis Avenue, East Rockingham	
Lot Area:	342,275m ²	
Attachments:		
Maps/Diagrams:	1. Golf Driving Range Location (map) 2. Approximate Lease Boundary - outlined orange (aerial photo)	

Purpose of Report

For Council to consider submissions received for the disposal and approve a lease for a term of five years to The Third Wish Pty Ltd for a portion of Reserve 30623, Lot 1521 Patterson Road and Lot 2146 Ennis Avenue, East Rockingham.

Background

The subject land has been leased since 1994 for the purpose of a golf driving range. The current lessee assumed responsibility for the lease in 2004.

A market rent valuation was undertaken in October 2019 by a licenced valuer, valuing the rent at \$5,000.00 per annum excluding GST and variable outgoings.

The proposed lease was approved by the Director Corporate Services under delegated authority in November 2019.

The proposed conditions of the lease and rent were accepted by the lessee in January 2021.

The Minister for Lands consented to the proposed lease in January 2021.

In accordance with Section 3.58(3) of the Local Government Act 1995 the City advertised details of the proposed lease by local public notice inviting submissions between 3 February 2021 and 24 February 2021. The City received a single submission on 3 February 2021.

Details

Land Details

Crown Land Reserve number: 30623. Reserve purpose: recreation. Reserve Area: 342,275m². The City has care, control and management of the reserve under Management Order XE E297865. The reserve has power to lease for any term not exceeding 21 years.

The reserve is comprised of:

- 1521 Patterson Rd, East Rockingham, Crown Land Title, Volume LR3141 and Folio 844, being 261,135m²
- 2146 Ennis Avenue, East Rockingham, Crown Land Title, Volume LR3141 and Folio 843, being 81,140m².

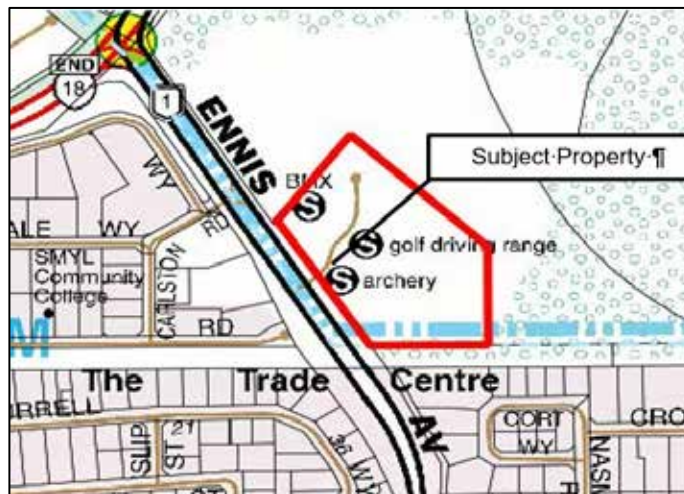
The proposed lease purpose of golf practice, golf driving range and batting practice cages is compliant with the reserve purpose, being "recreation"; and with TPS Zoning, being "public open space".

Prior to commencement of the original lease in 1994, the land was used as a landfill site.

Premises

The premises is a 51,492m² portion of Reserve 30623, situated across a portion of both Lot 1521 and Lot 2146. The premises includes a car parking area, storage shed, toilet block, golf driving shelter, free standing shop/office building, putting area and large open field. The leased area is not defined by fencing or other physical boundary markers on all boundary lines.

The premises is not connected to sewer or scheme water.



1. Golf Driving Range Location (map)



2. Approximate lease boundary - outlined orange (aerial photo)

Implications to Consider

a. Consultation with the Community

In accordance with Section 3.58(3) of the Local Government Act 1995 the City advertised details of the proposed lease by local public notice inviting submissions between 3 February 2021 and 24 February 2021. The notice included lease location, proposed lessee name, agreed rent, market rent value and lease term and invited public submissions on the proposal, for a period of 14 days. The notice was placed on all City library notice boards, the City's website, the Sound Telegraph newspaper and posted on the City's Facebook page on 3 February 2021.

The City received one submission by email on 3 February 2021 which is summarised below.

Name	Issues Raised	Officer Response
Mr Chris Arrell - Waikiki	<ul style="list-style-type: none">Was the proposed lease advertised through an expression of interest process?How is market value calculated and by who?Are existing structures on the site included in the lease?Is it a new lease?Was the valuation prepared on behalf of the City?If the current lease includes an agreement to offer the lease at market value only to the current lessee.What is the purpose of advertising the proposed lease if the deal is done and closed? The process does not appear to be in the public interest.The City should comply with Section 190 of the Local Government Act 1989 and Council had considered uses of the site from 6 months before the end of the existing lease.	<ul style="list-style-type: none">The lease was not advertised through expression of interest as the current lessee was prepared to pay full market value rent.The market rental value was determined by a licenced valuer - Hemsley Paterson, Valuers and Property Advisers.Existing structures are included in the new lease.It is a new lease to the same tenant.Yes.No – the lease may be for any value. City policy required consideration for commercial leases to be at market value.The lease has not been executed. The purpose of the advertised notice of proposed lease to invite submissions on the proposed lease.The legislation the City is required to comply with is the Local Government Act 1995. The Local Government Act 1989 appears to be Victorian legislation and has no jurisdiction in Western Australia

b. Consultation with Government Agencies

The Minister of Planning, Lands and Heritage must consent to the lease prior to its execution. This is a requirement of the Management Order issued over the Crown Reserve.

The Minister for Lands provided consent to the proposed lease in January 2021.

c. Strategic

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objectives contained in the Community Plan 2019-2029:

Aspiration 2: *Grow and Nurture Community Connectedness and Wellbeing*

Strategic Objective: *Services and Facilities – Provide cost effective services and facilities which meet community needs.*

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Management of current assets - Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.*

d. Policy

The lease meets the requirements and processes of Council Policy – Leasing Policy

e. Financial

The City will receive \$5,000.00 in rent, excluding GST for the first year of the lease. An annual 3% increase will be applied with market review every third year.

The lessee is responsible for payment of all:

- Electricity consumption and service charges
- Taxes, levies, statutory or other charges associated with occupation of the premises
- Costs associated with phone line and/or internet connection and all telephone and/or internet usage expenses
- Fire and emergency service inspections and servicing
- Termite inspections and treatments
- Insurances relevant to occupation of the premises
- Maintenance expenses.

f. Legal and Statutory

Section 3.58(3) of the Local Government Act 1995 (the Act) relates to the disposal of property and where a property is disposed by means other than tender or public auction, requires the Local Government give public notice and consider any submissions received in respect of the proposal. The requirement to give public notice applies to the proposed lease. Any submissions must be considered by the City.

The City received a submission by email on 3 February 2021 which is summarised in this report.

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment : High and Extreme Risks

Finance / Personal Health and Safety : Medium, High and Extreme Risks

Nil

Comments

This lease requires Council approval due to the submission received. All terms of the lease align with the requirements of a commercial lease as defined in Council Policy - Leasing Policy.

Due to the previous use of the land as a landfill site and potential contamination, the lease restricts bore water use and prohibits digging or the removal of soil without an approved waste management plan. Further, given the site is part of an old landfill, there are ongoing land management requirements of the City. Also of note, discussions have occurred with Development WA regarding the future industrialisation/development of the reserve and the subject land is also the proposed site for a new freight rail loop. These matters have been considered within the lease with a clause permitting termination by any party at their absolute discretion with 12 months written notice.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **APPROVES** the disposal by lease of a 50,116m² portion of Reserve 30623, Lot 1521 Patterson Road and Lot 2146 Ennis Avenue, East Rockingham to The Third Wish Pty. Ltd. for a term of five years with a rent of \$5,000.00 per annum, excluding GST for the first year of the lease, increased annually by 3% and reviewed to market value on the commencement of the third year of the lease.
2. **NOTES** the submissions received and the officer responses on the proposed lease in accordance with Section 3.58(3) of the Local Government Act 1995.
3. **NOTES** the reason for decision – the lease meets Council Policy – Leasing Policy requirements.

Committee Recommendation

Moved Cr Buchanan, seconded Cr Liley:

That Council:

1. **APPROVES** the disposal by lease of a 50,116m² portion of Reserve 30623, Lot 1521 Patterson Road and Lot 2146 Ennis Avenue, East Rockingham to The Third Wish Pty. Ltd. for a term of five years with a rent of \$5,000.00 per annum, excluding GST for the first year of the lease, increased annually by 3% and reviewed to market value on the commencement of the third year of the lease.
2. **NOTES** the submissions received and the officer responses on the proposed lease in accordance with Section 3.58(3) of the Local Government Act 1995.
3. **NOTES** the reason for decision – the lease meets Council Policy – Leasing Policy requirements.

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Corporate Services Director and Support



Reference No & Subject:	CS-011/21	Disposal by Lease of the First Floor Commercial Office Space in the Gary Holland Community Centre
File No:	LGS/34-4	
Proponent/s:		
Author:	Ms Renee Sinclair-Deane, Senior Administration Officer - Leasing	
Other Contributors:		
Date of Committee Meeting:	20 April 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	A 136m ² portion of the Gary Holland Community Centre, Reserve 49939, Lot 300 Kent St, Rockingham	
Lot Area:	6627m ²	
Attachments:		
Maps/Diagrams:	<ol style="list-style-type: none">1. Gary Holland Community Centre location (map)2. First floor of the Gary Holland Community Centre - lease area outlined and hatched red	

Purpose of Report

For Council to consider submissions received for the disposal and approve a lease for a term of two years with a three year option the first floor commercial office space in the Gary Holland Community with a rent of \$30,000.00 per annum excluding GST for the first year of the lease.

Background

RSM Australia Pty Ltd (lessee) has leased since February 2016. In November 2020 the lessee requested a new lease with the City for the subject site.

In February 2021 market rental value determined for the space to be \$30,000.00 per annum plus GST excluding variable outgoings.

The proposed lease was approved by the Director Corporate Services under delegated authority in February 2021.

In March 2021 the lessee accepted the draft lease and the market rent and the Department of Planning, Lands and Heritage approved the lease

In accordance with Section 3.58(3) of the Local Government Act 1995, the City advertised details of the proposed lease by local public notice inviting submissions between 17 March 2021 and 7 April 2021. The City received three submissions.

Details

Land Details

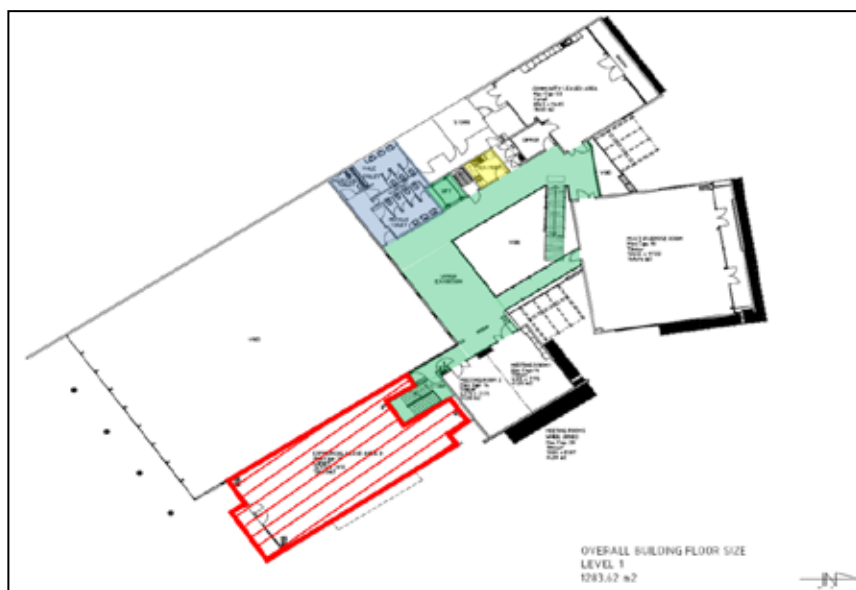
Crown Reserve number: 49939. Reserve purpose: Community Centre. Reserve Area: 6627m². The City has care, control and management of the reserve under Management Order K30882. The reserve has power to lease for any term not exceeding 21 years. The proposed lease purpose of "office" is compliant with the reserve purpose.

Premises

The premises is a 136m² portion of Reserve 49939. It is situated on the first floor of the Gary Holland Community Centre and includes a south east facing balcony, office partitioning, air conditioning and access to the shared first floor community centre kitchenette and toilets.



1. Gary Holland Community Centre location (map)



2. First floor of the Gary Holland Community Centre - lease area outlined and hatched red

Implications to Consider

a. Consultation with the Community

In accordance with Section 3.58(3) of the Local Government Act 1995, the City advertised details of the proposed lease by local public notice inviting submissions between 17 March 2021 and 7 April 2021. The notice included details of the proposed lease, including lease location, proposed lessee name, agreed rent, market rent value and lease term and invited public submissions on the proposal. The notice was placed on all City library notice boards, the City's website, the Sound Telegraph newspaper and posted on the City's Facebook on 17 March 2021.

The City received three submission via "Share Your Thoughts" between 18 March 2021 and 22 March 2021.

#	Name	Issues Raised	Officer Response
1	Diane Park Waikiki	<ul style="list-style-type: none">Absolutely let to RSM PTY Ltd for the market value, even a slight reduction. RKCC have had it for 30% below market value for long enough.	<ul style="list-style-type: none">The location has no relationship with the RKCC and they have never occupied the leasehold area.
2	Tony Solin Shoalwater	<ul style="list-style-type: none">RSM should be prioritised for a further period of lease at this venue - they are exemplary tenants.	<ul style="list-style-type: none">Noted
3	Jarl Andersen Shoalwater	<ul style="list-style-type: none">I support the proposal to lease 136m2 of Gary Holland Community Centre upper floor space to RSM (Robson Rhodes - Salustro Reydel - McCladrey), for the very reason that if the floor space is available and vacant, the best option is to lease it, providing income for the Centre and the Rockingham Community. RSM is a reputable international corporate and financial consultancy firm and can only become an asset to the Rockingham business environment. RSM's presence in the community will bring a refreshing contribution to the mix of professionalism existing within our city. It will assist in further developing Rockingham as a destination to do business.	<ul style="list-style-type: none">RSM is an existing long term tenant at the site

b. Consultation with Government Agencies

The Minister of Planning, Lands and Heritage must consent to the lease prior to its execution. This is a requirement of the Management Order issued over the Crown Reserve.

The Minister for Lands provided consent to the proposed lease on 24 March 2021.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

Aspiration 2: *Grow and Nurture Community Connectedness and Wellbeing*

Strategic Objective: *Services and Facilities – Provide cost effective services and facilities which meet community needs.*

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Management of current assets - Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.*

d. Policy

The lease meets the requirements and processes of Council Policy – Leasing Policy

e. Financial

The City will receive \$30,000.00 in rent, excluding GST for the first year of the lease. An annual 3% increase will be applied with market review every third year.

In line with all other leases at the Gary Holland Community Centre, the lessee will not be required to reimburse the City for any water consumption, service or excess charge or any water rates as the only accessible toilets are public toilets and the kitchens areas are shared by community centre hirers and tenants. There is no water connection within the premises.

The lessee will not be charged rubbish removal charges as the bins are communal.

The lessee will be responsible for payment of all:

- Taxes, levies, statutory or other charges associated with occupation of the premises
- Costs associated with phone line and/or internet connection and all telephone and/or internet usage expenses
- Maintenance expenses excluding structural repairs

The City will invoice the lessee:

- Land rates
- Electricity consumption charges in accordance with the sub meter
- Emergency Services Levy relevant to the leased premises
- A portion of the Gary Holland Community Centre building insurance premium, security expenses and fire and emergency services expenses relevant to the leased area. That portion being 6.78% of the total building
- A portion of Gary Holland Community Centre common access area cleaning, building insurance premium, fire and emergency services expenses, and security expenses relevant to the leased area. That portion being 8.97% of the buildings total lettable area.

f. Legal and Statutory

Section 3.58(3) of the Local Government Act 1995 (the Act) relates to the disposal of property and where a property is disposed by means other than tender or public auction, requires the Local Government to give public notice and consider any submissions received in respect of the proposal. The requirement to give public notice applies to the proposed lease. Any submissions must be considered by the City.

The City received three submissions which are summarised in this report.

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment : High and Extreme Risks
Finance / Personal Health and Safety : Medium, High and Extreme Risks

Nil

Comments

This lease requires council approval due to the submissions received. All conditions of the lease align with the requirements of a commercial lease as defined in the City's Leasing Policy.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **APPROVES** the disposal by lease of the 136m² first floor commercial office space in the Gary Holland Community Centre, Lot 300 Kent St, Rockingham, to RSM Australia Pty. Ltd. for a term of two years with a three year option, with a rent of \$30,000.00 per annum, excluding GST for the first year of the lease, increased annually by 3% and reviewed to market value on the commencement of the third year of the lease.
2. **NOTES** the submissions received and the officer responses on the proposed lease in accordance with Section 3.58(3) of the Local Government Act 1995.
3. **NOTES** the reason for decision – the lease meets Council Policy – Leasing Policy requirements.

Committee Recommendation

Moved Cr Buchanan, seconded Cr Liley:

That Council:

1. **APPROVES** the disposal by lease of the 136m² first floor commercial office space in the Gary Holland Community Centre, Lot 300 Kent St, Rockingham, to RSM Australia Pty. Ltd. for a term of two years with a three year option, with a rent of \$30,000.00 per annum, excluding GST for the first year of the lease, increased annually by 3% and reviewed to market value on the commencement of the third year of the lease.
2. **NOTES** the submissions received and the officer responses on the proposed lease in accordance with Section 3.58(3) of the Local Government Act 1995.
3. **NOTES** the reason for decision – the lease meets Council Policy – Leasing Policy requirements.

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

General Management Services

General Management Services Governance and Councillor Support



Reference No & Subject:	GM-014/21	Proposed Cats Amendment Local Law 2021 (Absolute Majority)
File No:	LWE/67	
Proponent/s:		
Author:	Ms Jelette Edwards, Governance Coordinator	
Other Contributors:	Mr David Caporn, Manager Compliance and Emergency Liaison Mr Brett Ashby, Manager Strategic Planning Mr Alan Bedwell, Coordinator Prosecutions Mr Rory Garven, Coordinator Sustainability and Environment Dr Paul Macintyre, GIS Officer Mr Nathan Leslie, Environmental Supervisor	
Date of Committee Meeting:	20 April 2021	
Previously before Council:	27 October 2020 (PD-048/20)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Legislative	
Site:		
Lot Area:		
Attachments:	1. Minutes of Governance Review Committee Meeting held on 30 March 2021 ¹ 2. Proposed City of Rockingham Cats Amendment Local Laws 2021	
Maps/Diagrams:		

Purpose of Report

To recommend the amendment of the Cats Local Law 2018 to specify areas within the City of Rockingham that will prohibit cats from entering.

The purpose and effect of the local law:

Purpose: To amend the City of Rockingham Cats Local Law 2018 to specify areas that prohibit cats and make it an offence for a cat to be in these areas.

Effect: Specify areas within the City of Rockingham that prohibit the entry of cats and provide a penalty for offences of cats entering these specified areas.

¹ Typographical error corrected.

Background

At the 27 October 2020 Council Meeting, Council resolved the following:

That Council DIRECTS the Chief Executive Officer to establish Cat Prohibited Areas over conservation areas of the Rockingham Lakes Regional Park by introducing provisions into the City of Rockingham Cats Local Law and advertise for public comment before April 2021.

This timeframe was extended to have the report be presented to April 2021.

The report was presented to the 30 March 2021 Governance Review Committee.

Details

In as far as domestic cat management goes, the Cat Act 2011 (the Cat Act) requires that all cats over six months of age are sterilised, microchipped, registered with local government and wear a tag in a public place. The Cat Act does not support local law provisions for wandering or nuisance cats including cat containment. Some Western Australian local governments have introduced local laws to restrict wandering or implement nuisance cat provisions, only to have them deleted by Governor's Order as they are not supported by the Cat Act.

The Joint Standing Committee on Delegated Legislation (JSCDL) in 2018 obtained undertaking from the City of Bunbury to remove paragraphs (a) and (e) (noted below) of the definition of 'nuisance' in the City of Bunbury Cat Local Law 2018 on the basis that those paragraphs were not within power under the Cat Act 2011 and the Local Government Act 1995 as they purport to apply to situations outside the ordinary and legal meanings of 'nuisance' and were unreasonable.

The deleted clauses were as follows;

- (a) excretes or urinates on property where the cat does not normally reside or is registered at;*
(e) is, or is likely to be, injurious or dangerous to the health of any person or domestic or native fauna.

The Cat Act 2011 however does allow for areas to be specified where cats can be prohibited absolutely. In this instance the proposal is only to prohibit cats in areas already identified in a City strategy.

Feral cats (*Felis catus*) are listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) as a key threatening process to the conservation of biodiversity in Australia. Feral cats prey on native fauna species, compete with native fauna for food, habitat and other resources.

The City's Natural Area Conservation Strategy 2017 (Strategy) identifies the following key management objectives to address the threats posed by feral cats within the City of Rockingham:

- Ensure feral animal control methods are suitable for use in close proximity to urban environments.
- Optimise the use of limited resources by undertaking monitoring to prioritise areas of high feral animal activity.
- Prioritise control in areas of high quality natural vegetation to prevent degradation of habitat value.
- Prioritise areas of known fauna habitat, particularly to support Southern Brown Bandicoot populations.

It should be noted that the Strategy does not distinguish between feral and domestic cats and domestic cats pose the same threats to biodiversity conservation as feral cats.

In terms of monitoring, data relating to the density and distribution of feral fauna populations is collected through the City's biannual Feral Animal Control Program. The program indicates that both domestic and feral cats are present in the City's reserves and posing a threat to native fauna, however, domestic cat numbers in reserves are approximately double those of feral cats. To ensure the control programs are effective long term, the transition of cats from domestic to stray or feral must be prevented. By prohibiting access to reserves for domestic cats the effectiveness of the Feral

Animal Control Program may also improve as it will more effectively target both the domestic and feral cat colonies.

To enable effective enforcement of proposed prohibited areas there will be an offence added for cats found in the prohibited areas. The modified penalty for the offence is a fine of \$200 which is in line with other penalties in the City's Cats Local Law 2018.

The following City managed reserves have been prioritised for the Feral Animal Control Program and as they are listed in the Strategy. This aligns the proposed local law with the objective of the Community Plan Strategy to have consistent approach. The following areas have been added to the proposed City of Rockingham Cats Amendment Local Law 2021 to be cat prohibited areas.

- Alf Powell Reserve
- Anstey Q
- Baldivis Children's Forest
- Baldivis Nature Reserve
- Baldivis Tramway
- Bordeaux Ramble
- CUD Swamp
- Dixon Road Conservation Precinct
- Frank Browne Reserve Rockingham Golf Course
- Golden Bay Foreshore
- Hidden Swamp
- Karnup Reserve School Site
- Karnup Town Site
- Kinsale Bend
- Lake Richmond
- Lark Hill Environmental Reserve
- Lewington Reserve
- Mandurah Hill
- Port Kennedy Foreshore
- Rockingham/The Esplanade Foreshore
- Sawley Close Nature Reserve
- Secret Harbour Foreshore
- Shoalwater/Safety Bay Foreshore
- Singleton Foreshore
- St Claire Foreshore
- Tamworth Hill Swamp
- Tenant Park Gardens
- Tuart Park
- Warnbro/Waikiki Foreshore
- Woodleigh Grove

The following areas are State managed reserves that are also recognised as priorities for the Feral Control Program. These areas have been added to the proposed City of Rockingham Cat Amendment Local Law 2021 to be cat prohibited areas.

- Anstey Swamp
- Lake Cooloongup
- Lake Walyungup
- Mandurah-Singleton Border reserve
- Paganoni Swamp
- Point Peron
- Port Kennedy Drive-Ennis Avenue Reserve
- Port Kennedy Dune conservation reserve
- Port Kennedy Scientific Park
- Rockingham Lakes East
- Tern Island

These reserves are a vital component of the City's natural capital, underpinning its identity, prosperity and lifestyle. Many of these areas are recognised by the State and Commonwealth governments for their conservation significance for containing Threatened Ecological Communities, priority flora and fauna species or Conservation Category Wetlands.

With the addition of prohibited areas to the local law it will also mean the inclusion of the definition of a cat management facility, where cats would be relocated if found in a prohibited area.

While these amendments are being added, additional definition of cattery will also be added. This addition has found to be an omission that needs to be rectified.

Implications to Consider

a. Consultation with the Community

Local government may make local laws using the process set out in section 3.12 of the Local Government Act 1995. This requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the City of Rockingham Cats Amendment Local Law 2021 is:

Purpose: To amend the City of Rockingham Cats Local Law 2018 to specify areas that prohibit cats and make it an offence for a cat to be in these areas.

Effect: Specify areas within the City of Rockingham that prohibit the entry of cats and provide a penalty for offences of cats entering these specified areas.

b. Consultation with Government Agencies

There has been consultation with the Department of Biodiversity, Conservation and Attractions (DBCA) who have welcomed the added enforcement measures. They provided the City with the correct names for areas within their control.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Preservation and Management of Bushland and Coastal Reserves – Encourage the sustainable management and use of the City's bushland and coastal reserves.*

Aspiration 4: *Deliver Quality leadership and Business Expertise*

Strategic Objective: *Effective Governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*

d. Policy

Nil

e. Financial

Funds have been allocated in the budget for costs associated with drafting, advertising and eventual Gazettal of the proposed local law.

f. Legal and Statutory

The Cat Act 2011 (the Cat Act) was created in November 2011 to encourage responsible cat ownership and provide powers for authorities to take action to support this. There are provisions in the Cat Act to specify places where cats are prohibited absolutely in local laws.

Section 79(1) of the Cat Act provides for a local government to make local laws to perform any of its functions under this Act.

Section 79(2) of the Cat Act states the local law only applies with the local government's district unless made to apply outside under section 80.

Section 79(3)(b) of the Cat Act allows a local law to be made for removing and impounding cats.

Section 79(3)(f) of the Cat Act allows a local law to be made for specifying places where cats are prohibited absolutely.

Section 3.16(4) of the Local Government Act 1995 (Act) provides a local government to determine* whether or not it considers that a local law should be repealed or amended.

Section 3.12 of the Act provides the procedure for making local laws that needs to be followed to for the local law to be valid.

Section 3.12(2) to (4) of the Act provides the initial procedure for making local laws.

(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

(3) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

** Absolute majority required.*

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment : High and Extreme Risks

Finance / Personal Health and Safety : Medium, High and Extreme Risks

Nil

Comments

The Cat Act 2011 does not provide the head of power for local governments to make local laws to restrict the wandering of cats. This is being pursued by the State Government however its legislative priority is unknown. Advocacy to the new Minister for Local Government about wandering cats legislation may be discussed following the public consultation period for this proposed Cats Amendment Local Law 2021.

The City is only prohibiting cats in areas within the City of Rockingham that have been prioritised for the Feral Animal Control Program. These areas have been added to the proposed City of Rockingham Cat Amendment Local Law 2021 to be cat prohibited areas. Some of these areas are State managed. However the Cat Act 2011 allows local governments to create a local law for the whole City of Rockingham district, including areas not managed by the local government.

The City of Rockingham is situated within the unique biogeographic region of south-western Australia, which is recognised as one of the thirty global biodiversity hotspots. These hotspots are identified on the basis of containing large numbers of endemic species that are found nowhere else on Earth, while also being vulnerable to significant threats as described in paper from Department of the Environment and Energy 2017, 'Adapting to climate change: building resilience.' Habitat loss, invasive flora and fauna, pathogens, climate change and a host of other factors are putting the unique diversity of plant and animal life in south-western Australia under increasing threat. In order to conserve our region's biodiversity and prevent further losses, it is critical that remnant natural areas are appropriately protected.

Domestic and feral cats represent a key threatening process to the conservation of biodiversity in the City of Rockingham. They are known to impact upon native species in the following ways:

- Predation of native fauna species, particularly birds and small marsupials;
- Competition with native fauna for food and shelter; and
- Spreading diseases.

The amendment to the Local Law is proposed to ensure that the unique biodiversity found in the City of Rockingham is protected from the threats posed by cats.

The list of areas prohibiting cats has been restricted to those areas that are priority currently being affected by cats and where intermittent trapping takes place.

Once this amendment local law is enacted Ranger services will be able to take enforcement action in respect of any domestic cats found in these prohibited areas.

Voting Requirements

Absolute Majority

Advisory Committee Recommendation

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, to give State wide and local public notice stating that:
 - It is proposed to make a Cats Amendment Local Law 2021, and a summary of its purpose and effect;
 - Copies of the proposed local law may be inspected at the City's offices;
 - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
2. **DIRECTS** the Chief Executive Officer In accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;
3. **DIRECTS** the Chief Executive Officer In accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and
4. **NOTES** that the results will be presented to Council for consideration of any submissions received.

Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

The Officer's Reason for Varying the Advisory Committee Recommendation

Not Applicable

Committee Recommendation

Moved Cr Buchanan, seconded Cr Liley:

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, to give State wide and local public notice stating that:
 - It is proposed to make a Cats Amendment Local Law 2021, and a summary of its purpose and effect;
 - Copies of the proposed local law may be inspected at the City's offices;
 - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
2. **DIRECTS** the Chief Executive Officer In accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;
3. **DIRECTS** the Chief Executive Officer In accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and
4. **NOTES** that the results will be presented to Council for consideration of any submissions received.

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

**General Management Services
Governance and Councillor Support
Governance Review Committee**



Reference No & Subject:	GM-015/21	Revised Council Policy – Honorary Freeman of the City of Rockingham
File No:	COM/76	
Proponent/s:		
Author:	Mr Peter Varris, Manager Governance and Councillor Support	
Other Contributors:		
Date of Committee Meeting:	20 April 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	<ol style="list-style-type: none">1. Minutes of the Governance Review Committee meeting held on 30 March 2021 (<i>Refer to Attachment 1 of GM-014/21</i>)2. Revised Council Policy – Honorary Freeman of the City of Rockingham3. Current Council Policy – Honorary Freeman of the Municipality – Nomination Procedure	
Maps/Diagrams:		

Purpose of Report

To consider a revised Council Policy - *Honorary Freeman of the City of Rockingham*.

Background

Council Policy - *Honorary Freeman of the Municipality – Nomination Procedure* was adopted by Council in 1994, with a subsequent amendment early in 1996. The bestowal of the title of Freeman is the highest honour that can be given by the City of Rockingham and as consequence should have appropriate rigour in the nomination and deliberative process.

Only six members of the Rockingham community have received the honour, these being –

- Mr Alfred Powell (dec.) – Bestowal 25 December 1976
- Mrs Mary Davies (dec.) – Bestowal 16 March 1995
- Mr Gary Holland (dec.) – Bestowal 16 December 1995

- Mrs Eileen Frith (dec.) – Bestowal 11 December 1998
- Mr Ernest England (dec.) – Bestowal 6 December 2002
- Mr Laurie Smith – Bestowal 12 December 2012

In reviewing the policy the City researched the local governments of Stirling, Swan, Joondalup, Bayswater and Wanneroo in respect to the policy and procedure in place for the grant of Honorary Freeman.

Details

The revised policy has been drafted with reference to the history of the Honour, further defining the eligibility and selection criteria, clarifying the nomination and deliberative process, defining the entitlements that accompany the title and the conduct expected of the recipients.

Attention has been given to ensure that the policy reflected the legislative requirements of the current Local Government Act 1995 in respect to the decision process around granting the title.

The draft policy was supported by the Governance Review Committee at its meeting held 30 March 2021.

Implications to Consider

a. Consultation with the Community

The policy will be subject to community consultation.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Effective Governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*

d. Policy

The revised policy – Honorary Freeman of the City of Rockingham is a 'General Council Policy' in accordance with the Policy Framework. A new or substantially amended policy is subject to a 14 day public consultation process.

e. Financial

The cost implication for policy adoption purposes is limited to advertising and in-house administrative arrangements. These are captured in the Governance and Councillor Support advertising budget. Advertising is expected to be approximately \$500.00. The cost of any bestowal of the honour of Freeman would be captured in the Members Expenses budget.

f. Legal and Statutory

Unlike the former Act (1960), the Local Government Act 1995 does not reference the title of Honorary Freeman.

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment : High and Extreme Risks

Finance / Personal Health and Safety : Medium, High and Extreme Risks

Nil

Comments

The revised Council policy provides a robust approach to the nomination procedure and awarding of the prestigious title of Freeman of the City of Rockingham. The draft reflects the intent of the current policy and better addresses the eligibility and selection criteria, the process required for Council deliberation, as well as highlights the entitlements and obligations of the title recipients.

The draft is commended to Council.

Voting Requirements

Simple Majority

Advisory Committee Recommendation

That Council **APPROVES** the following revised Council Policy – Honorary Freeman of the City of Rockingham for the purpose of public consultation –

Honorary Freeman of the City of Rockingham

Council Policy Objective

To outline the nomination, selection and awarding of the prestigious title '*Honorary Freeman of the City of Rockingham*', to recognise exceptional and meritorious service of an individual to the community of the City of Rockingham.

Council Policy Scope

This policy applies to any nomination proposed for the award of the title of '*Honorary Freeman of the City of Rockingham*'.

Council Policy Statement

Background

The title of 'Honorary Freeman' has its origins in mediaeval European history where a man who was bound to serve a landowner could, by special decree, be declared a 'free man' and so freed of former obligations to the landlord.

The former 1960 Local Government Act provided that Council may, by absolute majority, pass a resolution which confers the title 'Honorary Freeman of the Municipality' on any person. Such a conferment did not bestow any right or privilege on that person other than the right to use the title. Current legislative provisions are silent on this matter.

Subject to the eligibility and selection criteria of this policy being met, Council may, by an absolute majority decision, confer the title of '*Honorary Freeman of the City of Rockingham*' on any person. The honour is reserved to be awarded on rare and exceptional occasions for persons who have rendered exceptional and meritorious service to the community.

Eligibility

A nominee for the conferral of the title 'Honorary Freeman of the City of Rockingham' should ordinarily –

- have been resident of the City of Rockingham for a significant period (significant usually meaning at least 20 years);
- have given distinguished service to the community, preferably in more than one capacity and predominately on a voluntary basis;
- have made such a contribution that provided demonstrable benefits to the community; and
- displays the highest personal integrity and outstanding leadership.

Serving elected members of the City of Rockingham Council and State and Federal Parliament are ineligible for conferral.

Selection Criteria

Eligible nominees will be judged on their record of service to the community using the following selection criteria –

- Length of Service in a field (or fields) of activity.
- Level of commitment to the field (or fields) of activity.
- Breadth of service and organisations represented and the impact of that service.
- Benefits to the City of Rockingham community (specifically) and more broadly the State and Nation resulting from the nominee's endeavours.
- Personal leadership qualities (including inspiring and mentoring others).
- Special achievements of the nominee.

Nomination Procedure

Nominations for the Award of Honorary Freeman of the City of Rockingham may be made by individuals or organisations and are to be –

- a) made in the strictest confidence without the knowledge of the nominee.
- b) sponsored by a Council Member of the City of Rockingham, with support in writing of at least three other Council members.
- c) submitted to the Chief Executive Officer in writing using the Nomination Form prepared for that purpose.

The Chief Executive Officer (in consultation with the Mayor) is to verify the content of the nomination and will prepare a confidential report to an ordinary Council meeting with a recommendation to support or not to support the nomination.

Council is to consider the confidential report and a decision to confer the title of 'Honorary Freeman of the City of Rockingham' is to be made by absolute majority vote.

Prior to conferring the title the nominee must be advised of the nomination and the obligations and entitlement of the title, and the nominee must confirm their willingness to accept the award.

Awarding the Title

Once a nomination has been accepted by Council, the nominee and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and a suitable press statement is to be released.

The formal conferring of the title is to be carried out at a reception held by Council. This may be a special reception for this purpose, or the ceremony may form the focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony shall rest with the Mayor, in consultation with the Chief Executive Officer.

Entitlements

The successful nominee shall receive an illuminated framed certificate and a name badge which confirms their status and they may designate themselves as a Freeman of the City of Rockingham. A Freeman and their guest shall be invited to attend the following civic functions –

- Any future function awarding the title
- Australia Day Awards
- Annual Civic Reception
- Pioneers Luncheon
- Volunteer Receptions
- Official 'Opening' ceremonies.

Conduct

Honorary Freeman of the City of Rockingham are to conduct themselves in a manner befitting of the conferred honour at all times when attending a City of Rockingham function or representing the City. They should refrain from making critical or disparaging remarks about the City, Council or past or present Council Member and employees.

Council is entitled to withdraw the award where the conduct of a conferee reflects adversely on the City's reputation. Such a withdrawal shall be through a confidential report provided by the Chief Executive Officer.

Definitions

Nil

Legislation

Nil

Other Relevant Policies/ Key Documents

Council Policy – Functions Hosted by Council

Responsible Division

General Management Services

Review Date

April 2024

Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

The Officer's Reason for Varying the Advisory Committee Recommendation

Not Applicable

Committee Recommendation

Moved Cr Buchanan, seconded Cr Davies:

That Council **APPROVES** the following revised Council Policy – Honorary Freeman of the City of Rockingham for the purpose of public consultation –

Honorary Freeman of the City of Rockingham

Council Policy Objective

To outline the nomination, selection and awarding of the prestigious title '*Honorary Freeman of the City of Rockingham*', to recognise exceptional and meritorious service of an individual to the community of the City of Rockingham.

Council Policy Scope

This policy applies to any nomination proposed for the award of the title of '*Honorary Freeman of the City of Rockingham*'.

Council Policy Statement

Background

The title of 'Honorary Freeman' has its origins in mediaeval European history where a man who was bound to serve a landowner could, by special decree, be declared a 'free man' and so freed of former obligations to the landlord.

The former 1960 Local Government Act provided that Council may, by absolute majority, pass a resolution which confers the title 'Honorary Freeman of the Municipality' on any person. Such a conferment did not bestow any right or privilege on that person other than the right to use the title. Current legislative provisions are silent on this matter.

Subject to the eligibility and selection criteria of this policy being met, Council may, by an absolute majority decision, confer the title of '*Honorary Freeman of the City of Rockingham*' on any person. The honour is reserved to be awarded on rare and exceptional occasions for persons who have rendered exceptional and meritorious service to the community.

Eligibility

A nominee for the conferral of the title 'Honorary Freeman of the City of Rockingham' should ordinarily –

- have been resident of the City of Rockingham for a significant period (significant usually meaning at least 20 years);
- have given distinguished service to the community, preferably in more than one capacity and predominately on a voluntary basis;
- have made such a contribution that provided demonstrable benefits to the community; and
- displays the highest personal integrity and outstanding leadership.

Serving elected members of the City of Rockingham Council and State and Federal Parliament are ineligible for conferral.

Selection Criteria

Eligible nominees will be judged on their record of service to the community using the following selection criteria –

- Length of Service in a field (or fields) of activity.
- Level of commitment to the field (or fields) of activity.
- Breadth of service and organisations represented and the impact of that service.
- Benefits to the City of Rockingham community (specifically) and more broadly the State and Nation resulting from the nominee's endeavours.
- Personal leadership qualities (including inspiring and mentoring others).
- Special achievements of the nominee.

Nomination Procedure

Nominations for the Award of Honorary Freeman of the City of Rockingham may be made by individuals or organisations and are to be –

- d) made in the strictest confidence without the knowledge of the nominee.
- e) sponsored by a Council Member of the City of Rockingham, with support in writing of at least three other Council members.
- f) submitted to the Chief Executive Officer in writing using the Nomination Form prepared for that purpose.

The Chief Executive Officer (in consultation with the Mayor) is to verify the content of the nomination and will prepare a confidential report to an ordinary Council meeting with a recommendation to support or not to support the nomination.

Council is to consider the confidential report and a decision to confer the title of 'Honorary Freeman of the City of Rockingham' is to be made by absolute majority vote.

Prior to conferring the title the nominee must be advised of the nomination and the obligations and entitlement of the title, and the nominee must confirm their willingness to accept the award.

Awarding the Title

Once a nomination has been accepted by Council, the nominee and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and a suitable press statement is to be released.

The formal conferring of the title is to be carried out at a reception held by Council. This may be a special reception for this purpose, or the ceremony may form the focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony shall rest with the Mayor, in consultation with the Chief Executive Officer.

Entitlements

The successful nominee shall receive an illuminated framed certificate and a name badge which confirms their status and they may designate themselves as a Freeman of the City of Rockingham. A Freeman and their guest shall be invited to attend the following civic functions –

- Any future function awarding the title
- Australia Day Awards

- Annual Civic Reception
- Pioneers Luncheon
- Volunteer Receptions
- Official 'Opening' ceremonies.

Conduct

Honorary Freeman of the City of Rockingham are to conduct themselves in a manner befitting of the conferred honour at all times when attending a City of Rockingham function or representing the City. They should refrain from making critical or disparaging remarks about the City, Council or past or present Council Member and employees.

Council is entitled to withdraw the award where the conduct of a conferee reflects adversely on the City's reputation. Such a withdrawal shall be through a confidential report provided by the Chief Executive Officer.

Definitions

Nil

Legislation

Nil

Other Relevant Policies/ Key Documents

Council Policy – Functions Hosted by Council

Responsible Division

General Management Services

Review Date

April 2024

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

**General Management Services
Governance and Councillor Support
Governance Review Committee**



Reference No & Subject:	GM-016/21	Draft Council Policy – Appointment of Acting Chief Executive Officer (<i>Absolute Majority</i>)
File No:	CPM/3	
Proponent/s:		
Author:	Mr Peter Varris, Manager Governance and Councillor Support	
Other Contributors:		
Date of Committee Meeting:	20 April 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	<ol style="list-style-type: none">1. Minutes of the Governance Review Committee meeting held on 30 March 2021 (<i>Refer to Attachment 1 of GM-014/21</i>)2. Draft Council Policy – Appointment of Acting Chief Executive Officer	
Maps/Diagrams:		

Purpose of Report

To consider draft Council Policy – *Appointment of Acting Chief Executive Officer*.

Background

Draft Council Policy - *Appointment of Acting Chief Executive Officer* has been developed in response to the enactment of section 5.39C of the Local Government Act 1995 which requires local government to adopt a policy (by absolute majority) relating to –

- the employment of a 'temporary' CEO for a period of not more than one year, and
- the appointment of an acting CEO for a period of not more than one year.

Details

The draft policy has been developed to accommodate most circumstances where a temporary or acting CEO is required.

The draft provides for issues such as –

- Ability for City Directors to act in the capacity of acting CEO
- Various durations of absence by the CEO and respective provisions to appoint acting or temporary CEO
- Exceptional circumstances

In essence the CEO is able to appoint acting CEO/s for periods of up to three months and Council is able to appoint an acting CEO for periods in excess of three months.

In the circumstance where the CEO is unable to appoint an acting CEO (or the CEO's position becomes vacant), the Director Corporate Services will fulfil the role in an acting capacity for a period of up to one month. Should the absence or vacancy be anticipated to be in excess of one month Council will appoint an acting or temporary CEO at its next most practical meeting.

Delegation (Local Government to CEO) Register 1.9 *Appoint Acting Chief Executive Officer* provides the power for the CEO to appoint a person to act in the position of CEO. This delegation will need to be amended at the same time as the final adoption of the draft policy to reference that the delegation is subject to the policy requirements.

The draft policy was supported by the Governance Review Committee at its meeting held 30 March 2021.

Implications to Consider

a. **Consultation with the Community**

Nil

b. **Consultation with Government Agencies**

Nil

c. **Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Effective Governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*

d. **Policy**

The draft policy – Appointment of Acting Chief Executive Officer is a 'Legislative Policy' in accordance with the Policy Framework. A new or substantially amended policy is subject to a 14 day public consultation process, however given the administrative nature of this policy it is not proposed to seek public comment.

e. **Financial**

The cost implication for policy adoption purposes is limited to in-house administrative arrangements.

f. **Legal and Statutory**

Section 5.36(2)(a) of the Local Government Act 1995 states "a person is not to be employed in the position of CEO unless the council — (a) believes that the person is suitably qualified for the position."

Section 5.39C of the Local Government Act 1995 states -

5.39C. Policy for temporary employment or appointment of CEO

- (1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —
 - (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
 - (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year. * *Absolute majority required.*
- (2) A local government may amend* the policy. * *Absolute majority required.*
- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.

Section 49 of the Interpretation Act 1984 provides “*where a written law confers a power or imposes a duty on the holder of a public office as such, the power may be exercised and the duty shall be performed by the person for the time being lawfully holding, acting in, or performing the functions of the office.*”

Delegation (Local Government to CEO) Register 1.9 *Appoint Acting Chief Executive Officer* provides delegation to the CEO for “*the appointment of persons to perform the role of Acting Chief Executive Officer during the absence of the Chief Executive Officer.*”

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment : High and Extreme Risks

Finance / Personal Health and Safety : Medium, High and Extreme Risks

Nil

Comments

Council has a delegation in place to deal with the appointment of an Acting CEO, however new legislation requires a Council Policy to be adopted.

The draft Council policy provides a robust approach to the appointment of a person to act in the capacity of CEO and provides the Council the ability to determine who will fill the role for periods of greater than three months, or where the CEO is position becomes vacant.

The draft is commended to Council.

Voting Requirements

Absolute Majority

Advisory Committee Recommendation

That Council –

1. **APPROVES** the following Council Policy – Appointment of Acting Chief Executive Officer –
Appointment of Acting Chief Executive Officer

Council Policy Objective

To give instructions for the circumstances in which a suitably qualified person is –

- appointed in an acting capacity, or
- employed in a temporary capacity,

as the Chief Executive Officer for the City of Rockingham.

Council Policy Scope

This policy applies to Council, the Chief Executive Officer (CEO) and acting Chief Executive Officer of the City of Rockingham.

For the purpose of this policy all Directors of the City are considered to be suitably qualified to act in the capacity of CEO.

Council Policy Statement

The CEO is entitled to leave as provided in their contract of employment. It is important to ensure that a suitably qualified person is appointed to act in the capacity of the CEO in the following circumstances -

Short-term absence (for periods of five working days or less)

An acting CEO will be appointed by the CEO, if required.

For planned leave CEO will provide notification to council members. For unplanned leave the CEO will inform the Mayor.

Short-term absence (for periods of over five working days through to six weeks)

An acting CEO/s will be appointed by the CEO.

The CEO is to obtain support for leave from the Mayor and will provide notification to council members of the leave and the arrangements for an acting incumbent/s.

Medium-term absence (over six weeks to three months)

An acting CEO will be appointed by the CEO.

The CEO will obtain consent from Council for leave and advise the arrangements for acting incumbent/s.

Long-term absence (over three months)

The CEO will obtain consent from Council for leave and an acting CEO will be appointed by Council.

Exceptional circumstances

Where the CEO is absent or the position becomes vacant and the CEO has not appointed an Acting CEO, the Director Corporate Services will assume the role for a period of up to one month, confirmed by the Mayor in writing.

In the aforementioned circumstances, should the CEO's absence or the vacancy be anticipated to be in excess of one month, Council will appoint an acting or temporary CEO at its next most practical meeting.

An appointment under this policy cannot exceed one year.

Acting / temporary CEO arrangements

Acting and temporary CEOs will be delegated the powers and be able to discharge the duties of the CEO, subject to any limitations imposed by the CEO or Council through an appointment under this policy.

Definitions

Nil

Legislation

Section 5.36(2)(a) Local Government Act 1995 - Local government employees

- (1) A local government is to employ — (a) a person to be the CEO of the local government;

Section 5.39C Local Government Act 1995 - Policy for temporary employment or appointment of CEO

- (1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —
- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;

- (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year. * *Absolute majority required.*
- (2) A local government may amend* the policy. * *Absolute majority required.*
- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.

Section 49 Interpretation Act 1984 - Public officer's powers and duties may be exercised by acting officer etc.

Where a written law confers a power or imposes a duty on the holder of a public office as such, the power may be exercised and the duty shall be performed by the person for the time being lawfully holding, acting in, or performing the functions of the office.

Other Relevant Policies/ Key Documents

Delegated (Local Government to CEO) Register – Appoint Acting Chief Executive Officer

Responsible Division

General Management Services

Review Date

April 2024

2. **AMENDS** Local Government to CEO Delegation Register 1.9 – *Appoint Acting Chief Executive Officer* to replace Council's Conditions on Delegation with "*Subject to Council Policy – Appointment of Acting Chief Executive Officer*".

Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

The Officer's Reason for Varying the Advisory Committee Recommendation

Not Applicable

Committee Recommendation

Moved Cr Buchanan, seconded Cr Liley:

That Council –

1. **APPROVES** the following Council Policy – Appointment of Acting Chief Executive Officer –

Appointment of Acting Chief Executive Officer

Council Policy Objective

To give instructions for the circumstances in which a suitably qualified person is –

- appointed in an acting capacity, or
- employed in a temporary capacity,

as the Chief Executive Officer for the City of Rockingham.

Council Policy Scope

This policy applies to Council, the Chief Executive Officer (CEO) and acting Chief Executive Officer of the City of Rockingham.

For the purpose of this policy all Directors of the City are considered to be suitably qualified to act in the capacity of CEO.

Council Policy Statement

The CEO is entitled to leave as provided in their contract of employment. It is important to ensure that a suitably qualified person is appointed to act in the capacity of the CEO in the following circumstances -

Short-term absence (for periods of five working days or less)

An acting CEO will be appointed by the CEO, if required.

For planned leave CEO will provide notification to council members. For unplanned leave the CEO will inform the Mayor.

Short-term absence (for periods of over five working days through to six weeks)

An acting CEO/s will be appointed by the CEO.

The CEO is to obtain support for leave from the Mayor and will provide notification to council members of the leave and the arrangements for an acting incumbent/s.

Medium-term absence (over six weeks to three months)

An acting CEO will be appointed by the CEO.

The CEO will obtain consent from Council for leave and advise the arrangements for acting incumbent/s.

Long-term absence (over three months)

The CEO will obtain consent from Council for leave and an acting CEO will be appointed by Council.

Exceptional circumstances

Where the CEO is absent or the position becomes vacant and the CEO has not appointed an Acting CEO, the Director Corporate Services will assume the role for a period of up to one month, confirmed by the Mayor in writing.

In the aforementioned circumstances, should the CEO's absence or the vacancy be anticipated to be in excess of one month, Council will appoint an acting or temporary CEO at its next most practical meeting.

An appointment under this policy cannot exceed one year.

Acting / temporary CEO arrangements

Acting and temporary CEOs will be delegated the powers and be able to discharge the duties of the CEO, subject to any limitations imposed by the CEO or Council through an appointment under this policy.

Definitions

Nil

Legislation

Section 5.36(2)(a) Local Government Act 1995 - Local government employees

- (1) A local government is to employ — (a) a person to be the CEO of the local government;

Section 5.39C Local Government Act 1995 - Policy for temporary employment or appointment of CEO

- (1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —
- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
 - (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year. * *Absolute majority required.*
- (2) A local government may amend* the policy. * *Absolute majority required.*
- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.

Section 49 Interpretation Act 1984 - Public officer's powers and duties may be exercised by acting officer etc.

Where a written law confers a power or imposes a duty on the holder of a public office as such, the power may be exercised and the duty shall be performed by the person for the time being lawfully holding, acting in, or performing the functions of the office.

Other Relevant Policies/ Key Documents

Delegated (Local Government to CEO) Register – Appoint Acting Chief Executive Officer

Responsible Division

General Management Services

Review Date

April 2024

2. **AMENDS** Local Government to CEO Delegation Register 1.9 – *Appoint Acting Chief Executive Officer* to replace Council's Conditions on Delegation with "*Subject to Council Policy – Appointment of Acting Chief Executive Officer*".

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

**General Management Services
Governance and Councillor Support
Governance Review Committee**



Reference No & Subject:	GM-017/21	Draft Council Policy - Council Member Professional Development
File No:	CPM/3	
Proponent/s:		
Author:	Mr Peter Varris, Manager Governance and Councillor Support	
Other Contributors:		
Date of Committee Meeting:	20 April 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	<ol style="list-style-type: none">1. Minutes of the Governance Review Committee meeting held on 30 March 2021 (<i>Refer to Attachment 1 of GM-014/21</i>)2. Draft Council Policy – Council Member Professional Development3. Current Council Policy – Councillor Attendance at Conferences	
Maps/Diagrams:		

Purpose of Report

To consider a draft Council Policy, *Council Member Professional Development*, to meet the requirements of section 5.128 of the Local Government Act 1995.

Background

Changes to the Local Government Act 1995 (the Act) resulted in a new requirement for Council to adopt a policy in relation to the continuing professional development of council members. While Council has a policy in place relating to attendance at conferences, that policy does not address the training opportunities that are provide to assist council members in undertaking their role.

As a consequence a draft policy has been developed which meets the requirements of the Act with the intent of superseding the current 'conference' policy

Details

As stated in Division 2, regulation 4(2)(c) of the Local Government (Model Code of Conduct) Regulations 2021, “A council member or committee member should actively seek out and engage in training and development opportunities to improve the performance of their role”.

Section 5.128(1) of the Act states that a “local government must prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members.”

The draft policy has been developed to address the following professional development of council members –

- Mandatory Training
- Non-mandatory Training
- Conference and Attendance Guidelines

The policy has been drafted to incorporate the current conference attendance policy parameters with the mandatory training requirements and non-mandatory training opportunities. The City has researched and considered similar policies adopted by the Cities of Wanneroo, Stirling and Melville.

While mandatory training requirements are specified by regulation, non-mandatory training and conferences must be relevant to the role of local government council member, the terms of reference of a committee for which they are a member, and/or the strategic objectives or service delivery of the City.

Approval processes are in accordance with those currently in place. Some new provisions have been included to address issues such as conference attendance for council members nearing the end of their term and prohibition of ‘loyalty programs’ point accumulation for council members, as well as more detail and clarification around other matters relating to conferences.

The draft policy was supported by the Governance Review Committee at its meeting held 30 March 2021.

Implications to Consider

a. Consultation with the Community

The policy will be subject to community consultation.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Effective Governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*

d. Policy

The draft policy – *Council Member Professional Development* is a Legislative Policy’ in accordance with the Policy Framework. The Framework states – “Legislative Policy is policy required by the City under law. These Policies do not necessarily require rigour through a public consultation period. However the City will ensure a consistent approach to policy by applying the same minimum public consultation period as Statutory Policy.” Therefore a 14 day public consultation process applies.

Council is not required to have a policy in respect to training for non-councillor committee members, however the requirement for a policy may need to be considered given the model code of conduct principle that encourages committee members to pursue professional development.

e. Financial

The cost implication for policy adoption purposes is limited to advertising and in-house administrative arrangements. These are captured in the Governance and Councillor Support advertising budget. Advertising is expected to be approximately \$500.00.

f. Legal and Statutory

Section 5.90A *Training for council members* of the Act states –

(1) *Each council member must complete training in accordance with regulations.*

Section 5.128. *Policy for continuing professional development* of the Local Government Act 1995 states –

(1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members. * Absolute majority required.*

(2) *A local government may amend* the policy. * Absolute majority required.*

(3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

(4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

There are no current regulatory requirements at present in respect to (3) above.

Regulation 4(2)(c) of the Local Government (Model Code of Conduct) Regulations 2021 provides a general principle for council members to actively seek out and engage in training and professional development.

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment : High and Extreme Risks

Finance / Personal Health and Safety : Medium, High and Extreme Risks

Nil

Comments

The draft is commended to Council.

Voting Requirements

Simple Majority

Advisory Committee Recommendation

That Council **APPROVES** the following draft Council Policy – *Council Member Professional Development* for the purpose of public consultation –

Council Member Professional Development

Council Policy Objective

To facilitate the attendance of council member professional development such as conferences, seminars and training that are of relevance to the City of Rockingham (**City**) and will aid in the council member's professional development and the overall decision making of Council.

Division 2, regulation 4(2)(c) of the *Local Government (Model Code of Conduct) Regulations 2021* states that "A council member or committee member should actively seek out and engage in training and development opportunities to improve the performance of their role".

This policy addresses the legislative requirement of section 5.128 of the Local Government Act 1995.

Council Policy Scope

The registration and attendance at any professional development by Council Members of the City, including all related travel and expenses.

Council Policy Statement

Attendance at professional development by Council Members is critical in ensuring that they have up to date knowledge and training to remain abreast of contemporary practices in local government and the many special interest areas that Councils are involved with; e.g. community development, seniors interests, maritime infrastructure, emergency management, town planning, economic development and, community safety, etc. Typically all areas that are of strategic interest of, or impact upon or can influence the delivery of services provided by the City.

It is recognised that at times registration lead times to attend professional development are limited and prevent attendance where the Council's prior approval may be required. This policy seeks to ensure that Council Members can register and attend professional development that are of relevance to the strategic direction of the City and within existing budget allocations.

Mandatory Training

A Council Member that is required to complete mandatory training as per section 5.126 of the Act will be able to do so in the legislative time frame within existing budget allocations. Mandatory training is budgeted for as it is a legislative requirement.

Non-Mandatory Training

A Council Member is able and encouraged to undertake non-mandatory training. An example is the Diploma of Local Government. Non-mandatory training must be relevant to the role of local government Council Member and/or the terms of reference of any advisory, occasional or standing committee of which they are a member, and/or the strategic objectives or service delivery of the City.

Non-mandatory training is subject to the approval of the Chief Executive Officer.

Conference and Attendance Guidelines

Any conference under this policy must relate to the strategic objectives or service delivery of the City.

The Mayor may attend any conference within Australia that he or she determines is appropriate, in consultation with the Chief Executive Officer.

A Council Member who is a chairperson of an advisory, occasional or standing committees may attend one annual or major conference within Australia each year that is relevant to the purpose of the advisory, occasional or standing committee.

A Council Member who is not a chairperson of an advisory, occasional or standing committee may attend two conferences within Australia in each 4-year term that have relevance to the City's strategic objectives.

All Council Members may attend conferences, held in the Perth Metropolitan Area and Peel Region provided that no more than four Council Members attend each conference.

Council approval is required for a Council Member's attendance at an International Conference.

The opportunity to attend a conference under this policy is not cumulative and is re-established at the commencement of each term. Council approval is required if a conference is scheduled within three months of a requesting Council Member's term expiring.

All conference registrations, including travel requirements must be approved by the Chief Executive Officer and fall within budget constraints.

A Council Member is not to accumulate benefits associated with customer loyalty programs such as frequent flyer points while travelling on Council business. The City will not provide frequent flyer details to an airline when booking and paying for a flight.

Should a Council Member wish to upgrade their accommodation standard or extend their visit for personal reasons not associated with approved Council business, all extended stay and additional costs associated with that stay, are to be met by the Council Member (including any additional airfare costs).

Any conference not within the scope of the above entitlements is to be the subject to Council approval.

All expenses incurred by a Council Member's spouse or partner are to be met by the Council Member, except in the following circumstances:

- Registration and/or program fees for an accompanying person;
- Attendance at the official conference luncheon and/or dinner; and
- Accommodation provided where there is no increase in the costs of accommodation.

If the City does pay in the first instance due to expedience of bookings the costs must be reimbursed to the City immediately.

All expenses are to be administered as follows:

Expense Type	Extent of expense payable by City of Rockingham	Comments
Accommodation, meals, refreshments and direct expenses	All reasonable expenses on provision of receipts or suitable proof of expenditure	<ul style="list-style-type: none">· Executive standard accommodation or equivalent at venue or close proximity.· All arrangements to be made by the City. All reasonable expenses will be reimbursed upon provision of receipts or suitable proof of expenditure.· Meals shall be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, dinner where these are not provided at the event or during travel.· Incidental expenses shall be interpreted as reasonable expenses incurred by a council member including telephone calls, Wi-Fi charges, newspapers, laundry, public transport, taxi fares and sundry food items and beverages.· Hire cars may be booked to meet reasonable travel requirements during the event, subject to the approval of the Chief Executive Officer.
Travel Expenses	100% on provision of receipts or suitable proof of expenditure	All arrangements to be made by the City. All reasonable expenses will be reimbursed upon provision of receipts or suitable proof of expenditure. Economy return airfare (allowing flexibility for preferred travel arrangements). Premium economy return airfare only for flights longer than six hours duration leaving Australia.
Accommodation Allowance	In accordance with Schedule I, Clause 9 of the Public Service Award 1992	Where council members choose to not stay in hotel / motel accommodation.

Expense Type	Extent of expense payable by City of Rockingham	Comments
Partners costs	As per comments	All expenses incurred by the Council Member's spouse or partner are to be met by the Council Member, except in the following circumstances: <ul style="list-style-type: none">• Registration and/or program fees for an accompanying person;• Attendance at the official conference luncheon and/or dinner; and• Accommodation provided where there is no increase in the costs of accommodation.

Legislation

Local Government Act 1995

Section 5.126(1) - Each council member must complete training in accordance with regulations.

Section 5.128 - A local government must prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members.

Local Government (Administration) Regulations 1996 – regulations 35 and 36.

Local Government (Model Code of Conduct) Regulations 2021

Public Service Award 1992

Definitions

The Act - The Local Government Act 1995, as amended.

Advisory, Occasional or Standing Committee - A Committee of the City of Rockingham established pursuant to Section 5.8 of the Local Government Act 1995

Award - The Public Service Award 1992, as amended.

Conference - Any conference, convention, forum, information session, meeting, study tour, training session or workshop, or similar activity as determined by the Chief Executive Officer.

Council Member - All elected members and the Mayor.

Partner - Either spouse or defacto partner.

Other Relevant Policies/ Key Documents

Nil

Responsible Division

General Management Services

Review Date

xxx

Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

The Officer's Reason for Varying the Advisory Committee Recommendation

Not Applicable

Confirmed at a Corporate and Community
Development Committee meeting held on
Tuesday 18 May 2021


Presiding Member

Committee Recommendation

Moved Cr Buchanan, seconded Cr Liley:

That Council **APPROVES** the following draft Council Policy – *Council Member Professional Development* for the purpose of public consultation –

Council Member Professional Development

Council Policy Objective

To facilitate the attendance of council member professional development such as conferences, seminars and training that are of relevance to the City of Rockingham (**City**) and will aid in the council member's professional development and the overall decision making of Council.

Division 2, regulation 4(2)(c) of the *Local Government (Model Code of Conduct) Regulations 2021* states that "A council member or committee member should actively seek out and engage in training and development opportunities to improve the performance of their role".

This policy addresses the legislative requirement of section 5.128 of the Local Government Act 1995.

Council Policy Scope

The registration and attendance at any professional development by Council Members of the City, including all related travel and expenses.

Council Policy Statement

Attendance at professional development by Council Members is critical in ensuring that they have up to date knowledge and training to remain abreast of contemporary practices in local government and the many special interest areas that Councils are involved with; e.g. community development, seniors interests, maritime infrastructure, emergency management, town planning, economic development and, community safety, etc. Typically all areas that are of strategic interest of, or impact upon or can influence the delivery of services provided by the City.

It is recognised that at times registration lead times to attend professional development are limited and prevent attendance where the Council's prior approval may be required. This policy seeks to ensure that Council Members can register and attend professional development that are of relevance to the strategic direction of the City and within existing budget allocations.

Mandatory Training

A Council Member who² is required to complete mandatory training as per section 5.126 of the Act will be able to do so in the legislative time frame within existing budget allocations. Mandatory training is budgeted for as it is a legislative requirement.

Non-Mandatory Training

A Council Member is able and encouraged to undertake non-mandatory training. An example is the Diploma of Local Government. Non-mandatory training must be relevant to the role of local government Council Member and/or the terms of reference of any advisory, occasional or standing committee of which they are a member, and/or the strategic objectives or service delivery of the City.

Non-mandatory training is subject to the approval of the Chief Executive Officer.

Conference and Attendance Guidelines

Any conference under this policy must relate to the strategic objectives or service delivery of the City.

The Mayor may attend any conference within Australia that he or she determines is appropriate, in consultation with the Chief Executive Officer.

A Council Member who is a chairperson of an advisory, occasional or standing committees may attend one annual or major conference within Australia each year that is relevant to the purpose of the advisory, occasional or standing committee.

² Grammatical error corrected.

A Council Member who is not a chairperson of an advisory, occasional or standing committee may attend two conferences within Australia in each 4-year term that have relevance to the City's strategic objectives.

All Council Members may attend conferences, held in the Perth Metropolitan Area and Peel Region provided that no more than four Council Members attend each conference.

Council approval is required for a Council Member's attendance at an International Conference.

The opportunity to attend a conference under this policy is not cumulative and is re-established at the commencement of each term. Council approval is required if a conference is scheduled within three months of a requesting Council Member's term expiring.

All conference registrations, including travel requirements must be approved by the Chief Executive Officer and fall within budget constraints.

A Council Member is not to accumulate benefits associated with customer loyalty programs such as frequent flyer points while travelling on Council business. The City will not provide frequent flyer details to an airline when booking and paying for a flight.

Should a Council Member wish to upgrade their accommodation standard or extend their visit for personal reasons not associated with approved Council business, all extended stay and additional costs associated with that stay, are to be met by the Council Member (including any additional airfare costs).

Any conference not within the scope of the above entitlements is to be the subject to Council approval.

All expenses incurred by a Council Member's spouse or partner are to be met by the Council Member, except in the following circumstances:

- Registration and/or program fees for an accompanying person;
- Attendance at the official conference luncheon and/or dinner; and
- Accommodation provided where there is no increase in the costs of accommodation.

If the City does pay in the first instance due to expedience of bookings the costs must be reimbursed to the City immediately.

All expenses are to be administered as follows:

Expense Type	Extent of expense payable by City of Rockingham	Comments
Accommodation, meals, refreshments and direct expenses	All reasonable expenses on provision of receipts or suitable proof of expenditure	<ul style="list-style-type: none">• Executive standard accommodation or equivalent at venue or close proximity.• All arrangements to be made by the City. All reasonable expenses will be reimbursed upon provision of receipts or suitable proof of expenditure.• Meals shall be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, dinner where these are not provided at the event or during travel.• Incidental expenses shall be interpreted as reasonable expenses incurred by a council member including telephone calls, Wi-Fi charges, newspapers, laundry, public transport, taxi fares and sundry food items and beverages.• Hire cars may be booked to meet reasonable travel requirements during the event, subject to the approval of the Chief Executive Officer.

Expense Type	Extent of expense payable by City of Rockingham	Comments
Travel Expenses	100% on provision of receipts or suitable proof of expenditure	All arrangements to be made by the City. All reasonable expenses will be reimbursed upon provision of receipts or suitable proof of expenditure. Economy return airfare (allowing flexibility for preferred travel arrangements). Premium economy return airfare only for flights longer than six hours duration leaving Australia.
Accommodation Allowance	In accordance with Schedule I, Clause 9 of the Public Service Award 1992	Where council members choose to not stay in hotel / motel accommodation.
Partners costs	As per comments	All expenses incurred by the Council Member's spouse or partner are to be met by the Council Member, except in the following circumstances: <ul style="list-style-type: none"> Registration and/or program fees for an accompanying person; Attendance at the official conference luncheon and/or dinner; and Accommodation provided where there is no increase in the costs of accommodation.

Legislation

Local Government Act 1995

Section 5.126(1) - Each council member must complete training in accordance with regulations.

Section 5.128 - A local government must prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members.

Local Government (Administration) Regulations 1996 – regulations 35 and 36.

Local Government (Model Code of Conduct) Regulations 2021

Public Service Award 1992

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Conference - Any conference, convention, forum, information session, meeting, study tour, training session or workshop, or similar activity as determined by the Chief Executive Officer.

Council Member - All elected members and the Mayor.

Partner - Either spouse or defacto partner.

Other Relevant Policies/ Key Documents

Nil

Responsible Division

General Management Services

Review Date

xxx

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Correction of grammatical error.

Implications of the Changes to the Officer's Recommendation

Not Applicable

General Management Services Human Resource Development



Reference No & Subject:	GM-018/21	CEO Standards – Recruitment, Selection, Performance Review and Termination of Employment (<i>Absolute Majority</i>)
File No:	PSL/582-02	
Proponent/s:		
Author:	Mr Vince Ritorto, Manager Human Resource Development	
Other Contributors:	Mr Peter Varris, Manager Governance and Councillor Support Mr Michael Parker, Chief Executive Officer	
Date of Committee Meeting:	20 April 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	1. Extract of Local Government (Administration) Regulations 1996 – Schedule 2 – Model Standard for CEO recruitment, performance and termination 2. DLGSCI – Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination 3. Draft Council Policy – CEO Standards	
Maps/Diagrams:		

Purpose of Report

To adopt standards relating to the recruitment, selection, performance review, and termination of the Chief Executive Officer (CEO) in accordance with section 5.39B of the Local Government Act 1995.

Background

On 3 February 2021 the Local Government Act 1995 was amended to provide that regulations are to prescribe model standards for local governments in relation to –

- the recruitment of CEOs;
- the review of performance of CEOs; and
- the termination of the employment of CEOs.

The amendments further provided that local governments are to prepare and adopt (by absolute majority) standards to be observed by the local government that incorporated the model standards and this is to be done within three months of the amendment.

The Local Government (Administration) Regulations 1996 were also amended to incorporate the model standards as a schedule.

It is therefore necessary to adopt standards for this purpose by 3 May 2021.

Details

The legislation provides that Council must adopt the model standards as a minimum, however it may introduce additional standards provided they are consistent with the prescribed model.

The City has in practice a robust process for recruitment, selection and performance review of the CEO, utilising the services of independent recruitment and human resource consultants. The minimum standards generally reflect past practice by the City.

The model standard provides the following –

- Determination of selection criteria and approval of job description form (JDF)
- Advertising requirements
- JDF to be made available by Council
- Establishment of selection panel for employment of CEO
- Recommendation by selection panel
- Offer of employment in position of CEO
- Variations to proposed terms of contract of employment
- Recruitment requirements upon certain contract expiry
- Confidentiality of information
- Performance review process to be agreed between Council and CEO
- Carrying out a performance review
- Endorsement of performance review by Council
- CEO to be notified of results of performance review
- General principles applying to any termination
- Additional principles applying to termination for performance related reasons
- Decision to terminate
- Notice of termination of employment

CEO Recruitment

In regards to CEO recruitment, the City has adopted a consistent approach to the model standard, to ensure transparency with any selection outcome. This includes the appointment of an external recruitment consultant to formalise the recruitment methodology and oversee the selection process. It should be noted that the model standard requirement to have an independent panel member that is not an employee of the City, a council member or the external HR consultant is an additional measure of independence prescribed for transparency, and would need to be considered when any future selection process is required.

CEO Performance Review

Council has established and appointed members to a CEO Performance Review Committee which is facilitated through a suitably qualified independent (external) Human Resources consultant. The current assessment methodology utilised by the City is consistent with the model standard, and ensures a robust and objective review is undertaken to determine a valid performance rating.

CEO Termination Process

The City's current process is procedurally fair in that it applies the evidence, hearing and bias tests in making a determination of whether termination is an appropriate outcome. This is consistent with the model standard requirements under the Local Government Act 1995. The model standard basically sets out what is required from a common law perspective, and ensures that all local governments adhere to being fair and transparent in regards to making any decisions pertaining to employment.

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Information provided by the Department of Local Government Sport and Cultural Industries have been considered in respect to the preparation of this report.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Effective Governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*

d. Policy

To ensure that the model standards are incorporated into a regular review process with Council, it is proposed that Council adopts a Policy – CEO Standards which specifies that Council adopts the Standards as set down in regulation.

This will provide the opportunity for this and future Councils to review the standards and make additions, should it be seen desirable, as allowed in legislation.

Given the legislative nature of the model guidelines, that is, they are the minimum requirement for the City, it is not considered necessary to pursue public consultation in accordance with the policy framework.

e. Financial

The cost implication for model standard adoption purposes is limited to in-house administrative arrangements. These are captured in the General Management Services budget.

f. Legal and Statutory

Local Government Act 1995

5.39A. Model standards for CEO recruitment, performance and termination

(1) Regulations must prescribe model standards for local governments in relation to the following —

- (a) the recruitment of CEOs;
- (b) the review of the performance of CEOs;
- (c) the termination of the employment of CEOs.

5.39B. Adoption of model standards

(1) In this section — model standards means the model standards prescribed under section 5.39A(1).

- (2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards. * Absolute majority required.
- (4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.
- (5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.
- (6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.

Local Government (Administration) Regulations 1996

- Part 4 – Local Government Employees (specifically regulation 18FA)
Schedule 2 - Model standards for CEO recruitment, performance and termination1

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment : High and Extreme Risks

Finance / Personal Health and Safety : Medium, High and Extreme Risks

Nil

Comments

The model standards prescribed under the Local Government Act 1995 are consistent with the City's current human resource practices and processes in regards to recruitment, performance assessment and termination management. The model standards provide an industry benchmark in which the City is able to ensure it adopts a best practice approach in regards to its people management practices.

A Council Policy – CEO Standards has been drafted to provide a mechanism to ensure the review of the standards in conjunction with the Policy Framework.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. **ADOPTS** the Model standards for CEO recruitment, performance and termination as prescribed in Schedule 2 Local Government (Administration) Regulations 1996; and
2. **ADOPTS** Council Policy 'CEO Standards' as follows –

Council Policy – CEO Standards

Council Policy Objective

To ensure that Council complies with the legislative standards for the recruitment, selection, performance review and termination of employment of the CEO for the City of Rockingham.

Council Policy Scope

City of Rockingham council members, committee members, consultants and employees involved in the processes related to the recruitment, selection, performance review and termination of employment of the City of Rockingham CEO.

Council Policy Statement

Section 5.39B of the Local Government Act 1995 requires a local government to prepare and adopt standards to be observed by the local government that incorporate the model standards for CEO recruitment, performance and termination.

A local government may include additional provisions to the model standards but these must not be inconsistent to the model standards. The adopted standards are to be published on the local government's website.

To comply with the above requirements, Council adopts the model standards as prescribed in Schedule 2 of the Local Government (Administration) Regulations 1996, as appended.

Definitions

CEO - The Chief Executive Officer of the City of Rockingham

Legislation

Local Government Act 1995 - Section 5.39A Model standards for CEO recruitment, performance and termination

Local Government Act 1995 – Section 5.39B Adoption of model standards

Local Government (Administration) Regulations 1996 – Regulation 18FA Model Standards for CEO recruitment, performance and termination

Local Government (Administration) Regulations 1996 – Schedule 2 – Model Standards for CEO recruitment,

Other Relevant Policies/ Key Documents

Nil

Responsible Division

General Management Services

Review Date

xxx

Committee Recommendation

Moved Cr Buchanan, seconded Cr Liley:

That Council:

1. **ADOPTS** the Model standards for CEO recruitment, performance and termination as prescribed in Schedule 2 Local Government (Administration) Regulations 1996; and
2. **ADOPTS** Council Policy 'CEO Standards' as follows –

Council Policy – CEO Standards

Council Policy Objective

To ensure that Council complies with the legislative standards for the recruitment, selection, performance review and termination of employment of the CEO for the City of Rockingham.

Council Policy Scope

City of Rockingham council members, committee members, consultants and employees involved in the processes related to the recruitment, selection, performance review and termination of employment of the City of Rockingham CEO.

Council Policy Statement

Section 5.39B of the Local Government Act 1995 requires a local government to prepare and adopt standards to be observed by the local government that incorporate the model standards for CEO recruitment, performance and termination.

A local government may include additional provisions to the model standards but these must not be inconsistent to the model standards. The adopted standards are to be published on the local government's website.

To comply with the above requirements, Council adopts the model standards as prescribed in Schedule 2 of the Local Government (Administration) Regulations 1996, as appended.

Definitions

CEO - The Chief Executive Officer of the City of Rockingham

Legislation

Local Government Act 1995 - Section 5.39A Model standards for CEO recruitment, performance and termination

Local Government Act 1995 – Section 5.39B Adoption of model standards

Local Government (Administration) Regulations 1996 – Regulation 18FA Model Standards for CEO recruitment, performance and termination

Local Government (Administration) Regulations 1996 – Schedule 2 – Model Standards for CEO recruitment,

Other Relevant Policies/ Key Documents

Nil

Responsible Division

General Management Services

Review Date

XXX

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Community Development

Community Development Community Capacity Building	
Reference No & Subject:	CD-010/21 Rockingham Education and Training Advisory Committee change of representation (<i>Absolute Majority</i>)
File No:	CSV/1522-06
Proponent/s:	
Author:	Ms Emma Youd, Community Development Officer, Grants
Other Contributors:	Ms Belinda Trowbridge, Coordinator Community Capacity Building Ms Julia Dick, Collaborative Manager Community Capacity Building
Date of Committee Meeting:	20 April 2021
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
Attachments:	
Maps/Diagrams:	

Purpose of Report

For Council to appoint Ms Melinda Blagaich as the South Metropolitan TAFE representative to the Rockingham Education and Training Advisory Committee (RETAC).

Background

Mr Martin Turnbull was appointed as the South Metropolitan TAFE representative to the Rockingham Education and Training Advisory Committee in August 2020. Following staff changes in December 2020 at South Metropolitan TAFE, Mr Turnbull resigned from the committee.

Details

Ms Blagaich is the Manager Jobs and Skills Centres Rockingham and Peel and has been nominated by South Metropolitan TAFE as the new representative on RETAC. Ms Blagaich is passionate about building relationships to address barriers to education, identify career, training and employment

pathways, effectively help build local workforce solutions and to provide guidance on education, training and lifelong learning opportunities.

Implications to Consider

a. **Consultation with the Community**

Nil

b. **Consultation with Government Agencies**

Nil

c. **Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Effective Governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*

d. **Policy**

The Governance and Meeting Framework Council Policy outlines the membership composition and appointment of memberships on Advisory Committees. The RETAC membership composition requires a South Metropolitan TAFE representative.

e. **Financial**

Nil

f. **Legal and Statutory**

Local Government Act 1995 Section 5.10 (1) A Committee is to have as its members (a) persons appointed by absolute majority by the local government to be members of the committee.

g. **Risk**

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The appointment of Ms Melinda Blagaich is in line with South Metropolitan TAFE's review of work boundaries which has identified Ms Blagaich as the most appropriate RETAC member.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council **APPOINTS** Ms Melinda Blagaich as member of the Rockingham Education and Training Advisory Committee, representing South Metropolitan TAFE.

Committee Recommendation

Moved Cr Davies, seconded Cr Liley:

That Council **APPOINTS** Ms Melinda Blagaich as member of the Rockingham Education and Training Advisory Committee, representing South Metropolitan TAFE.

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Community Development Community Capacity Building		
Reference No & Subject:	CD-011/21	Council Policy - Art Collection Policy (Final) (Absolute Majority)
File No:	RCS/143-02	
Proponent/s:		
Author:	Ms Carly Kroczeck, Senior Project Officer	
Other Contributors:	Ms Donna Cochrane, Coordinator Cultural Development and the Arts Ms Jillian Obiri-Boateng, Collaborative Manager Community Capacity Building	
Date of Committee Meeting:	20 April 2021	
Previously before Council:	CD-003/21 (27 January 2021)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		
Maps/Diagrams:		

Purpose of Report

To seek Council adoption of the Council Policy - Art Collection Policy following the public comment period and to seek delegated authority to the Chief Executive Officer to approve the shortlisting of artists as part of the procurement process for the percent for art program.

Background

The draft Council Policy – Art Collection Policy was approved for public comment at the Ordinary Council Meeting held on 27 January 2021.

Details

The Council Policy – Art Collection Policy has been developed to provide a framework for the acquisition, maintenance and deaccession of artworks in the City's art collection.

The Policy includes a percent for art program, to ensure public art is adequately funded and included in relevant City infrastructure projects. The process to procure an artist and select public artwork is quite lengthy and complex. On this basis, the Policy allows the selection of shortlisted artists, as well as the selection of the final artwork to be delegated to the Chief Executive Officer (CEO) to ensure project timeframes are not impacted.

Implications to Consider

a. Consultation with the Community

The public comment period ran from 10 February 2021 to 3 March 2021. The opportunity to provide comment was advertised in the following ways:

- A public notice in the Sound Telegraph on Wednesday 10 February 2021;
- Email to members of the Cultural Advisory Committee advising them of the opportunity to comment;
- Email to relevant Rockport subscribers;
- Facebook post advertising of opportunities for residents to share their thoughts on items out for public comment.

A copy of the draft policy was made available on the City's website with submissions invited through the Share Your Thoughts page.

At the close of the public comment period, one comment had been received via Share Your Thoughts. This comment is shown in table 1 below.

Proponent	Comment	Officer Response
Mr J Anderson	<p>The City's Art Collection must reflect Rockingham's diverse heritage and culture. The collection should enhance public spaces and facilities, with artworks created by different local, national and international artists. Agree Artwork selected for the Art Collection must achieve the following overarching principles:</p> <ul style="list-style-type: none">• Diversity: The collection should showcase a diverse range of artistic styles, mediums and themes. Agree• Enhance Civic Infrastructure: The collection should contribute to the amenity and vibrancy of public places, spaces and infrastructure. Agree• Artistic Merit: The collection should contain artworks that are of a high quality, and responds to the local context. Agree• Community and Place Identity: The collection should respect and celebrate the City's diverse heritage and culture, reflecting connections to site specific history, including Aboriginal connection to place. Agree <p>Who gets to decide on the above principles? How is the public invited to participate? In many cities around the world, neighbourhoods and local communities produce public art (often as murals) that in incredibly diverse ways, express the emotions and state of mind of those communities. How would an equivalent be processed by the RKH (<i>sic</i>) City CEO and on the recommendations of who? Art may offend detractors purely for being a consideration in the first place, as a waste of ratepayers' money. Or, may offend those who see a personal attack in the artwork itself. Regardless, art is important way beyond being decorative, or otherwise. Artworks should also be chosen for their ability to awaken, challenge, deliver us from our comfort zones and make us think. It is not a bad thing having a good old barney over art.</p>	<p>Comments are noted.</p> <p>Council set principles through adoption of this Policy and in accordance with the Purchasing Policy.</p>

Table 1: Public Comments: Draft Art Collection Policy

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

Aspiration 2: *Grow and Nurture Community Connectedness and Wellbeing*

Strategic Objective: *Community Capacity Building – Empower the community across all ages and abilities to be culturally aware and involved with a diverse range of community initiatives that incorporate volunteering, sport and culture and the arts.*

d. Policy

The Council Policy – Art Collection Policy has been prepared in accordance with the City of Rockingham Policy Framework.

e. Financial

Projects in the Community Infrastructure Plan that are subject to the percent for art program have already had a percentage applied to the project budget.

f. Legal and Statutory

The draft Council Policy proposes that the acquisition of public art for the percent for art program is conducted through an expression of interest process. This process is guided by the Local Government (Functions and General) Regulations 1996 clause 23 (3), that states:

Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying goods or services.

Under Section 5.42 (1) of the Local Government Act 1995, Council may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

The City's Procurement Team have advised that to enable the CEO to approve the shortlisting of artists and invite them to submit a formal tender as outlined in the proposed Council Policy, Council is required to delegate authority to the CEO through a formal Council resolution. If Council approves the delegation of authority, the CEO will approve the shortlist of artists to be invited to submit a tender for percent for art projects only.

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The Council Policy – Art Collection Policy satisfies the requirements of the Cultural Development and the Arts Strategy to establish policies to guide the management of the City's art collection. The policy establishes the overarching principles that will be used to develop the Executive Policy and operational procedures.

A delegation of authority to the CEO is necessary for the approval of the shortlisting of artists from the expression of interest stage that will be invited to progress to formal tender. This will ensure the effective and efficient management of these types of projects, and minimise any potential delays that may arise in these complex public art projects.

The selection of artworks will be in line with the art collection principles as outlined in the Council Policy, and adhere to other relevant policies related to procurement and project management. Outcomes of the expression of interest process and artists invited to submit a tender under delegated authority will be reported through the monthly Community Development Bulletin.

There have been no changes to the policy since Council endorsed the draft for the purposes of public comment.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. **ADOPTS** the Council Policy - Art Collection Policy
2. **DELEGATES** authority to the Chief Executive Officer to approve, subject to the requirements of the Council Policy, the short listing of artists to be invited to tender as part of the expression of interest process for percent for art projects.

Council Policy - Art Collection

Council Policy Objective

To provide a framework for the acquisition and disposal of artwork for the City's Art Collection.

Council Policy Scope

This Policy applies to all Moveable Art in the City's current and future collection, as well as Public Art on, or to be erected on, land under the care and control of the City.

This Policy does not apply to artworks which are commissioned, installed and maintained by private entities unless the works are to be ceded to the City.

Council Policy Statement

The City's Art Collection must reflect Rockingham's diverse heritage and culture. The collection should enhance public spaces and facilities, with artworks created by different local, national and international artists.

Art Collection Principles

Artwork selected for the Art Collection must achieve the following overarching principles:

- **Diversity:** The collection should showcase a diverse range of artistic styles, mediums and themes.
- **Enhance Civic Infrastructure:** The collection should contribute to the amenity and vibrancy of public places, spaces and infrastructure.
- **Artistic Merit:** The collection should contain artworks that are of a high quality, and responds to the local context.
- **Community and Place Identity:** The collection should respect and celebrate the City's diverse heritage and culture, reflecting connections to site specific history, including Aboriginal connection to place.

When selecting artworks for the Art Collection, the following secondary principles should also be considered:

- **Cultural Diversity:** The collection should represent cultural diversity through artistic concepts or artist selection.
- **Cultural Tourism:** The collection should contribute to the City's liveability, vibrancy and provide opportunities to attract visitors to the area.
- **Local Cultural Economy:** The collection should support the City's local cultural economy by building the capacity of local artists.

Acquisition

Artwork for the City's Art Collection can only be acquired by the Chief Executive Officer.

Percent for Art Program

A percent for Public Art will be included in the budgets for all civic infrastructure projects initiated by the City. The following thresholds will apply to civic infrastructure projects:

- Under \$3M – no mandatory contribution required.
- \$3m or over – 2% of the estimated project cost up to a maximum \$200,000.

If the scale of the project warrants a greater financial investment, Council approval is required.

The Chief Executive Officer will consider and approve the selection of artists and the final design for Percent for Art projects.

Deaccession

Artwork may be removed from the Art Collection for the following reasons:

- It is in poor condition and the cost of repairing the artwork exceeds the valuation;
- It does not align with the Art Collection Principles;
- It does not align with City's vision of being welcoming and inclusive, as outlined in the Strategic Community Plan,
- Public safety; or
- Theft.

Executive Policy and Guidelines

The CEO will develop, implement and maintain policies, procedures and guidelines to guide the management of the Art Collection.

Definitions

Art Collection: Any Moveable or Public Art which has been commissioned or acquired by the City.

Art Collection Management: The acquisition, maintenance and deaccessioning of items in the City's Art Collection.

Civic Infrastructure: Public buildings and spaces including parks provided to facilitate community activities, and contribute to community health and wellbeing.

Deaccession: Officially remove an item from the Art Collection.

Moveable Art: Non-permanent indoor artworks which can be transported to various locations. This may include paintings, sculptures and maquettes.

Public Art: Permanent artworks which are displayed in or visually accessible from public spaces. This may include ground treatments, lighting, digital displays, screens, canopies, sculptures or murals.

Legislation

Nil

Other Relevant Policies/ Key Documents

Cultural Development and the Arts Strategy 2018 – 2022

Executive Policy – Art Collection Management

Asset Management Policy

Responsible Division

Community Development

Review Date

January 2024

Committee Recommendation

Moved Cr Liley, seconded Cr Buchanan:

That Council:

1. **ADOPTS** the Council Policy - Art Collection Policy
2. **DELEGATES** authority to the Chief Executive Officer to approve, subject to the requirements of the Council Policy, the short listing of artists to be invited to tender as part of the expression of interest process for percent for art projects.

Council Policy - Art Collection

Council Policy Objective

To provide a framework for the acquisition and disposal of artwork for the City's Art Collection.

Council Policy Scope

This Policy applies to all Moveable Art in the City's current and future collection, as well as Public Art on, or to be erected on, land under the care and control of the City.

This Policy does not apply to artworks which are commissioned, installed and maintained by private entities unless the works are to be ceded to the City.

Council Policy Statement

The City's Art Collection must reflect Rockingham's diverse heritage and culture. The collection should enhance public spaces and facilities, with artworks created by different local, national and international artists.

Art Collection Principles

Artwork selected for the Art Collection must achieve the following overarching principles:

- **Diversity:** The collection should showcase a diverse range of artistic styles, mediums and themes.
- **Enhance Civic Infrastructure:** The collection should contribute to the amenity and vibrancy of public places, spaces and infrastructure.
- **Artistic Merit:** The collection should contain artworks that are of a high quality, and responds to the local context.
- **Community and Place Identity:** The collection should respect and celebrate the City's diverse heritage and culture, reflecting connections to site specific history, including Aboriginal connection to place.

When selecting artworks for the Art Collection, the following secondary principles should also be considered:

- **Cultural Diversity:** The collection should represent cultural diversity through artistic concepts or artist selection.
- **Cultural Tourism:** The collection should contribute to the City's liveability, vibrancy and provide opportunities to attract visitors to the area.
- **Local Cultural Economy:** The collection should support the City's local cultural economy by building the capacity of local artists.

Acquisition

Artwork for the City's Art Collection can only be acquired by the Chief Executive Officer.

Percent for Art Program

A percent for Public Art will be included in the budgets for all civic infrastructure projects initiated by the City. The following thresholds will apply to civic infrastructure projects:

- Under \$3M – no mandatory contribution required.
- \$3m or over – 2% of the estimated project cost up to a maximum \$200,000.

If the scale of the project warrants a greater financial investment, Council approval is required.

The Chief Executive Officer will consider and approve the selection of artists and the final design for Percent for Art projects.

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Legislation

Nil

Other Relevant Policies/ Key Documents

Cultural Development and the Arts Strategy 2018 – 2022

Executive Policy – Art Collection Management

Asset Management Policy

Responsible Division

Community Development

Review Date

January 2024

Committee Voting (Carried) – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

13.	Reports of Councillors
	Nil
14.	Addendum Agenda
	Nil
15.	Motions of which Previous Notice has been given
	Nil
16.	Notices of motion for Consideration at the Following Meeting
	Nil
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee
	Nil
18.	Matters Behind Closed Doors
	Nil
19.	Date and Time of Next Meeting
	The next Corporate and Community Development Committee meeting will be held on Tuesday 18 May 2021 in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
20.	Closure
	There being no further business, the Chairperson thanked those persons present for attending the Corporate and Community Development Committee meeting, and declared the meeting closed at 4:34pm .