



# City of Rockingham

## MINUTES

### Corporate and Community Development Committee Meeting

Held on Tuesday 15 August 2023 at 4:00pm  
City of Rockingham Council Chamber




**City of Rockingham**  
**Corporate and Community Development**  
**Committee Minutes**  
 4:00pm Tuesday 15 August 2023



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<b>1.</b>	<b>Declaration of Opening</b>																																																		
	<p>The Chairperson declared the Corporate and Community Development Committee meeting open at <b>4:00pm</b> and welcomed all present.</p> <p><b>Acknowledgement of Country</b></p> <p>The Chairperson noted that the City of Rockingham acknowledges the Traditional Owners and Custodians of this land, the Binjareb and Whadjuk Nyoongar peoples and their continuing connection to the land, waters and community. We pay our respects to all members of Aboriginal communities and their cultures; and to Elders past and present.</p>																																																		
<b>2.</b>	<b>Record of Attendance/Apologies/Approved Leave of Absence</b>																																																		
	<p><b>2.1 Council Members</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Cr Leigh Liley</td> <td style="width: 50%;">Chairperson</td> </tr> <tr> <td>Cr Craig Buchanan, JP</td> <td></td> </tr> <tr> <td>Cr Rae Cottam <i>(via Zoom)</i></td> <td></td> </tr> <tr> <td>Cr Sally Davies <i>(via Zoom)</i></td> <td></td> </tr> <tr> <td>Cr Hayley Edwards <i>(Deputy Mayor)</i></td> <td>Deputising for Cr Caroline Hume</td> </tr> <tr> <td>Cr Dawn Jecks</td> <td>Deputising for Cr Robert Schmidt</td> </tr> </table> <p><i>Note: All Council Members attending by electronic means have endorsed declarations pursuant to Local Government (Administration) Regulations 1996, r14C(5) which are captured in the City's record management system. This Note is to reflect the requirements of r.14C (7).</i></p> <p><b>2.2 Executive</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Mr Michael Parker</td> <td style="width: 50%;">Chief Executive Officer</td> </tr> <tr> <td>Mr Michael Holland</td> <td>Director Community Development</td> </tr> <tr> <td>Mr Peter Doherty <i>(via Zoom)</i></td> <td>Director Legal Services and General Counsel</td> </tr> <tr> <td>Mr Jim Olynyk, JP</td> <td>Manager Governance and Councillor Support</td> </tr> <tr> <td>Mr Michael Yakas</td> <td>Manager Customer and Corporate Support</td> </tr> <tr> <td>Mr Alvin Santiago</td> <td>Manager Financial Services</td> </tr> <tr> <td>Mr Michael Callaghan</td> <td>A/Manager Strategy and Corporate Communications</td> </tr> <tr> <td>Mr Richard Hardy</td> <td>A/Manager Community and Leisure Facilities</td> </tr> <tr> <td>Mr Gary Rogers</td> <td>Manager Community Infrastructure Planning</td> </tr> <tr> <td>Ms Mary-Jane Rigby</td> <td>Manager Community Safety and Support Services</td> </tr> <tr> <td>Ms Alison Oliver</td> <td>Manager Library and Information Services</td> </tr> <tr> <td>Ms Melissa James</td> <td>Manager Economic Development and Tourism</td> </tr> <tr> <td>Ms Katie MacLachlan</td> <td>Financial Controller</td> </tr> <tr> <td>Ms Melissa Swaney</td> <td>Strategic Projects Coordinator</td> </tr> <tr> <td>Mr David Waller</td> <td>Coordinator Statutory Planning</td> </tr> <tr> <td>Ms Louise Pleasance</td> <td>Governance Coordinator</td> </tr> <tr> <td>Ms Sue Langley</td> <td>Governance Officer</td> </tr> <tr> <td>Ms Diane Zanre</td> <td>PA to Director Community Development</td> </tr> <tr> <td>Ms Demi McRedmond</td> <td>EA to Director Corporate Services</td> </tr> </table>	Cr Leigh Liley	Chairperson	Cr Craig Buchanan, JP		Cr Rae Cottam <i>(via Zoom)</i>		Cr Sally Davies <i>(via Zoom)</i>		Cr Hayley Edwards <i>(Deputy Mayor)</i>	Deputising for Cr Caroline Hume	Cr Dawn Jecks	Deputising for Cr Robert Schmidt	Mr Michael Parker	Chief Executive Officer	Mr Michael Holland	Director Community Development	Mr Peter Doherty <i>(via Zoom)</i>	Director Legal Services and General Counsel	Mr Jim Olynyk, JP	Manager Governance and Councillor Support	Mr Michael Yakas	Manager Customer and Corporate Support	Mr Alvin Santiago	Manager Financial Services	Mr Michael Callaghan	A/Manager Strategy and Corporate Communications	Mr Richard Hardy	A/Manager Community and Leisure Facilities	Mr Gary Rogers	Manager Community Infrastructure Planning	Ms Mary-Jane Rigby	Manager Community Safety and Support Services	Ms Alison Oliver	Manager Library and Information Services	Ms Melissa James	Manager Economic Development and Tourism	Ms Katie MacLachlan	Financial Controller	Ms Melissa Swaney	Strategic Projects Coordinator	Mr David Waller	Coordinator Statutory Planning	Ms Louise Pleasance	Governance Coordinator	Ms Sue Langley	Governance Officer	Ms Diane Zanre	PA to Director Community Development	Ms Demi McRedmond	EA to Director Corporate Services
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	<p><b>2.3 Members of the Gallery:</b> Nil</p> <p><b>2.4 Apologies:</b>                  Cr Caroline Hume                  Mr John Pearson Director Corporate Services</p> <p><b>2.5 Approved Leave of Absence:</b>                  Cr Robert Schmidt</p>
<b>3.</b>	<b>Responses to Previous Public Questions Taken on Notice</b>
	Nil
<b>4.</b>	<b>Public Question Time</b>
	<p><b>4:02pm</b> 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>
<b>5.</b>	<b>Confirmation of Minutes of the Previous Meeting</b>
	<p><b>Moved Cr Buchanan, seconded Cr Davies:</b></p> <p>That Committee <b>CONFIRMS</b> the Minutes of the Corporate and Community Development Committee Meeting held on 18 July 2023, as a true and accurate record.</p> <p style="text-align: right;">Committee Voting (Carried) – 6/0</p>
<b>6.</b>	<b>Matters Arising from the Previous Minutes</b>
	Nil
<b>7.</b>	<b>Announcement by the Presiding Person without Discussion</b>
	<p><b>4:03pm</b> 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>
<b>8.</b>	<b>Declarations of Members and Officers Interests</b>
	<p><b>4:03pm</b> The Chairperson asked if there were any interests to declare.</p> <p>There were none.</p>
<b>9.</b>	<b>Petitions/Deputations/Presentations/Submissions</b>
	Nil
<b>10.</b>	<b>Matters for which the Meeting may be Closed</b>
	Nil
<b>11.</b>	<b>Bulletin Items</b>
	<p><b>Corporate and General Management Services Information Bulletin – August 2023</b></p> <p><b>Corporate Services</b></p> <p>1. Corporate Services Team Overview</p>

2.	Project Status Reports
2.1	Online Rostering
2.2	Mandalay Upgrade
2.3	Microsoft 365
3.	Information Items
3.1	List of Payments July 2023
3.2	Monthly Financial Management Report June 2023
3.3	Change in Method of Valuation from Unimproved Value to Gross Rental Value
3.4	Amendment to Rate Record - Non-Rateable Land
3.5	Awarding of Tenders by CEO - Delegated Authority
3.6	Development Contribution Scheme
3.7	List of Write Offs for Debts under \$2,000
<b>General Management Services Directorate</b>	
1.	General Management Services Team Overview
2.	Project Status Reports
3.	Information Items
3.1	Meetings and Events
3.2	Use of the Common Seal
<b>Governance and Councillor Support</b>	
1.	Governance and Councillor Support Team Overview
2.	Project Status Reports
3.	Information Items
3.1	Freedom of Information (FOI) Requests
3.2	Council Member Requests
3.3	Citizenships
3.4	Pioneers' Luncheon
3.5	Australian Coastal Councils Association Inc. Newsletter
3.6	Coming Events
3.7	Notice of Motion – Status Report
<b>Human Resources</b>	
1.	Human Resources Team Overview
2.	Project Status Reports
3.	Information Items
3.1	Recruitment
3.2	Workplace Health and Safety Statistics
<b>Strategy, Marketing and Communications</b>	
1.	Strategy, Marketing and Communications Team Overview
2.	Project Status Reports
2.1	Strategic Community Plan (2023-2033) - Major Review
2.2	Customer Satisfaction Survey 2023
3.	Information Items
3.1	Team Plan
3.2	Signage Framework Policy
3.3	Community Engagement -Share your thoughts
3.4	Social Media
3.5	Media Tracking
<b>Legal Services and General Counsel</b>	
1.	Legal Services & General Counsel Team Overview
2.	Project Status Reports

	<ul style="list-style-type: none"><li>3. Information Items<ul style="list-style-type: none"><li>Provision of Legal Advice</li><li>3.1 Legal Advice – Local Government Operational Matters</li><li>3.2 Litigation</li></ul></li></ul>
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### Committee Recommendation

**Moved Cr Buchanan, seconded Cr Edwards:**

That Council Members acknowledge having read the Corporate and General Management Services Information Bulletin – August 2023 and the content be accepted.

Committee Voting (Carried) – 6/0

	<p><b>Community Development Information Bulletin – August 2023</b></p> <p><b>Community Safety and Support Services</b></p> <ul style="list-style-type: none"><li>1. Community Safety and Support Services Team Overview</li><li>2. Project Status Reports<ul style="list-style-type: none"><li>2.1 Alcohol Management Plan</li><li>2.2 Community Services Mapping</li><li>2.3 CCTV Plan</li><li>2.4 Assertive Outreach</li><li>2.5 Social Connection and Support Pilot Project</li><li>2.6 Crisis/Supported Accommodation</li></ul></li><li>3. Information Items<ul style="list-style-type: none"><li>3.1 Community Support Services</li><li>3.2 Rockingham Connect Community Transport Project</li><li>3.3 Community Safety</li><li>3.4 Community Engagement</li></ul></li></ul> <p><b>Library Services</b></p> <ul style="list-style-type: none"><li>1. Library Services Team Overview</li><li>2. Project Status Reports</li><li>3. Information Items<ul style="list-style-type: none"><li>3.1 June 2023 Library Services Statistics</li><li>3.2 Mary Davies Library and Community Centre</li><li>3.3 Baldivis South Community Centre</li><li>3.4 Rockingham Library</li><li>3.5 Safety Bay Library</li><li>3.6 Warnbro Community Library</li><li>3.7 June 2023 Library Facebook Activity</li></ul></li></ul> <p><b>Community Infrastructure Planning</b></p> <ul style="list-style-type: none"><li>1. Community Infrastructure Planning Team Overview</li><li>2. Project Status Reports</li><li>3. Information Items<ul style="list-style-type: none"><li>3.1 Aqua Jetty Stage 2</li><li>3.2 Baldivis District Sporting Complex</li><li>3.3 Safety Bay Foreshore Community Facility Development</li><li>3.4 Stan Twight Reserve Clubroom Redevelopment</li><li>3.5 Anniversary Park Clubroom Masterplan</li><li>3.6 Community Infrastructure Functionality Audit Report</li><li>3.7 Lark Hill Sportsplex Northern Expansion</li></ul></li></ul>
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<p><b>Community Capacity Building</b></p> <ol style="list-style-type: none"><li>1. Community Capacity Building Team Overview</li><li>2. Project Status Reports<ol style="list-style-type: none"><li>2.1 Seniors Strategy</li><li>2.2 Health and Wellbeing Strategy</li><li>2.3 Cultural Development and the Arts Strategy</li><li>2.4 Strategy for Early Years, Children and Young People</li></ol></li><li>3. Information Items<ol style="list-style-type: none"><li>3.1 Community Grants Program</li><li>3.2 Tertiary Scholarship Scheme</li><li>3.3 Reconciliation Action Plan</li><li>3.4 Seniors</li><li>3.5 City Volunteers</li><li>3.6 Rockingham Volunteer Centre</li><li>3.7 Early Years, Children and Families</li><li>3.8 Sport and Recreation</li><li>3.9 Health and Wellbeing</li><li>3.10 Rockingham Youth Centre (RYC)</li><li>3.11 Cultural Development and the Arts</li><li>3.12 Rockingham Arts Centre</li></ol></li></ol> <p><b>Community and Leisure Facilities</b></p> <ol style="list-style-type: none"><li>1. Community and Leisure Facilities Team Overview</li><li>2. Project Status Reports</li><li>3. Information Items<ol style="list-style-type: none"><li>3.1 Aqua Jetty</li><li>3.2 Warnbro Community Recreation Centre</li><li>3.3 Mike Barnett Sports Complex</li><li>3.4 Warnbro Community Recreation Centre Master Plan</li><li>3.5 Mike Barnett Sports Complex Needs Assessment and Feasibility Study</li><li>3.6 Gary Holland Community Centre</li><li>3.7 Autumn Centre</li><li>3.8 Baldivis Indoor Sport Complex</li></ol></li></ol> <p><b>Economic Development and Tourism</b></p> <ol style="list-style-type: none"><li>1. Economic Development and Tourism Team Overview</li><li>2. Project Status Reports<ol style="list-style-type: none"><li>2.1 Local Business Development</li><li>2.2 Iconic Economic Development / Tourism Events</li><li>2.3 Destination Marketing</li><li>2.4 Visitor Servicing Fee for Service</li><li>2.5 Tourism Strategy</li><li>2.6 Mobile Visitor Service Unit</li></ol></li><li>3. Information Items<ol style="list-style-type: none"><li>3.1 Stakeholder Engagement - Economic Development and Tourism</li></ol></li></ol>
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### Committee Recommendation

**Moved Cr Buchanan, seconded Cr Jecks:**

That Council Members acknowledge having read the Community Development Information Bulletin – August 2023 and the content be accepted.

Committee Voting (Carried) – 6/0

## 12. Agenda Items

### Corporate Services

Corporate Services Financial Services		
<b>Report number / title:</b>	CS-020/23	Sundry Debtor Write-Offs
File number:	FLM/198	
Proponent/s:		
Author:	Mrs Katie MacLachlan, Financial Controller	
Other Contributor/s:		
Date of Committee meeting:	15 August 2023	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:		
Maps/Diagrams:		
Site:		
Lot Area:		

### Purpose of Report

To seek Council approval to write-off sundry debts totalling \$9,370.69 from individual debts exceeding \$2,000.

### Background

The City of Rockingham (**City**) follows debt recovery procedures. Where every attempt to recover the debt is unsuccessful, and the cost of pursuing the debt through legal means outweighs the benefit, it may be necessary to write-off the debt.

Council has delegated the write-off of monies owing to the Chief Executive Officer to a maximum value of \$2,000.

This report seeks Council's approval to write-off sundry debts totalling \$9,370.69 from individual debtors exceeding \$2,000.

### Details

The debtors recommended for write-off are summarised as follows:

Debtor No.	Nature of Charge	Amount	Rationale for Write-Off
4847	Parking Prosecution	\$3,499.41	The debt was settled in the Fines Enforcement Registry (FER) at a lesser <sup>1</sup> amount.
6907	Court Imposed Penalty – Planning Prosecution	\$2,727.06	Debtor is deceased.
7254	Removal of Non-Compliant Verge Materials	\$3,144.22	Uneconomical to persue <sup>2</sup> given cost of recovery.
<b>Total</b>		<b>\$9,370.69</b>	

### 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 that empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment*

**d. Policy**

Nil

**e. Financial**

The City has a provision for doubtful debts, recognising that some debts may not be recoverable. These debtors are included in this provision. Therefore should Council resolve to write-off these funds, it will have no impact this financial year. The total amount proposed to be written off is \$9,370.69.

**f. Legal and Statutory**

Section 6.12(1)(c) of the *Local Government Act 1995* enables a Local Government to write off an amount of money owing to the local government.

**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

<sup>1</sup> Typographical error corrected – lessor to lesser

<sup>2</sup> Typographical error corrected – peruse to pursue

### Comments

Debtors 4847, 6907 and 7254 are deemed uneconomical to pursue further. The debts remain outstanding despite all appropriate collection process being used. They are recommended for write-off accordingly.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **WRITES-OFF** the following sundry debts:

Debtor Number	Amount
4847	\$3,499.41
6907	\$2,727.06
7254	\$3,144.22

### Committee Recommendation

**Moved Cr Buchanan, seconded Cr Edwards:**

That Council **WRITES-OFF** the following sundry debts:

Debtor Number	Amount
4847	\$3,499.41
6907	\$2,727.06
7254	\$3,144.22

Committee Voting (Carried) – 6/0

### 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 Strategy, Marketing and Communications



<b>Report number / title:</b>	<b>GM-021/23</b>	<b>City of Rockingham Strategic Community Plan (2023-2033)</b>
File number:	CPM/245	
Proponent/s:		
Author:	Mr Michael Callaghan, Acting Manager Strategy, Marketing and Communications	
Other Contributor/s:	Ms Melissa Swaney, Strategic Projects Coordinator Ms Nollaig Baker, Manager Strategy, Marketing and Communications	
Date of Committee meeting:	15 August 2023	
Previously before Council:	GM-014/22 (August 2022), GM-006/23 (February 2023), GM-014/23 (June 2023)	
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:	1. Strategic Community Plan (2023-2033)	
Maps/Diagrams:		
Site:		
Lot Area:		

## Purpose of Report

The purpose of this report is to recommend that the Council adopt the Strategic Community Plan (2023-2033).

## Background

Under the *Local Government Act 1995* local governments are required to create a 10-year Strategic Community Plan, with a major review every four years and a minor review every two years.

The Strategic Community Plan (**SCP**) sets out the direction for the City of Rockingham (**City**) and responds to the community's vision and aspirations for the future. It provides the structure for the implementation of the vision and aspirations through the Community Plan Strategies and 10-year Corporate Business Plan.

The draft SCP (2023-2033) was developed with, and on behalf of, our community through consultation which ran from November 2022-March 2023. Elected Members, members of Advisory and Reference groups, and members of the broader community have been engaged through an extensive engagement program which yielded 4,645 inputs from across our community.

The consultation outcomes delivered a strong direction from community members on their vision for the future, and what they expect Council and the City to deliver to make these aspirations a reality. From these outcomes the draft Strategic Community Plan (2023-2033) was prepared.

In June 2023 Council endorsed the draft Strategic Community Plan (2023-2033) for the purpose of public comment, which was widely advertised to the community.

### Details

A local government Strategic Community Plan is an aspirational document that aims to inform how the City can deliver the community's vision for the future. Through a comprehensive community engagement program, the major review of the City's SCP (2019-2029) has achieved a robust evidence-based vision, aspirations and outcomes. Alongside the engagement program, contemporary research including strategic risks and opportunities have informed the development of the draft SCP.

The SCP (2023-2033) is the plan that helps the City prioritise services and resources while balancing population growth and future local and global impacts. The objectives and desired outcomes within this plan will be implemented through the Community Plan Strategies, the Asset Management Plan, and the Community Infrastructure Plan. The identified actions will also be incorporated into the City's 10-year Business Plan, team plans, and the annual budget. The community and Council will be engaged further in the review and development of the strategies and plans according to the City's Strategic Development Framework Policy and Community Engagement Policy.



Following endorsement of the draft City of Rockingham Strategic Community Plan (2023-2033) for the purposes of public advertising by Council on Tuesday 27 June 2023 the period for public comment was open from 30 June until 28 July 2023. The comprehensive engagement program used to design the draft plan yielded 4,645 inputs from across our community, so Council can be satisfied that the draft Strategic Community Plan 2023-2033 is representative of our community's desire for the future.

As such, the key elements of the draft Strategic Community Plan (2023-2033) are the vision, aspirations and objectives, as follows:

**Vision**

A quality lifestyle. A sustainable future.

**Aspirations**

- 1. Social: A family-friendly, safe and connected community
- 2. Natural Environment: A place of natural beauty where the environment is respected
- 3. Built Environment: A built environment carefully planned for today and tomorrow
- 4. Economic: A vibrant economy creating opportunities
- 5. Leadership: Transparent and accountable leadership and governance

**Objectives**

- 1. Social Aspiration - A family-friendly, safe and connected community

Outcome	Objective (What needs to be achieved)
<b>Connected community</b>	Provide opportunities for community engagement and participation
<b>Community health and wellbeing</b>	Reinforce a strong sense of safety
	Strengthen community health and wellbeing
	Provide healthy lifestyle opportunities
<b>Accessible services</b>	Adapt services to meet changing community need
<b>Inclusive community</b>	Build connectivity with our diverse community

- 2. Natural Environment Aspiration - A place of natural beauty where the environment is respected

Outcome	Objective (What needs to be achieved)
<b>Protection of natural environment</b>	Reduce City's energy and water usage
	Minimise waste
	Mitigate and adapt to climate change impacts
<b>Sustainable natural green spaces</b>	Preserve and enhance biodiversity
	Improve community open spaces
	Improve amenity
	Increase tree canopy

3. Built Environment Aspiration - A built environment carefully planned for today and tomorrow

Outcome	Objective (What needs to be achieved)
<b>Built infrastructure meets current and future community needs</b>	Plan, build and maintain current and future assets
<b>Plan for sustainable growth</b>	Balance growth while maintaining the identified natural environment
	Create safe community places to live, recreate and work
	Create vibrant coastal foreshore
<b>Accessible and connected</b>	Plan and advocate for transport solutions

4. Economic Aspiration - A vibrant economy creating opportunities

Outcome	Objective (What needs to be achieved)
<b>Growing the business economy</b>	Actively support and develop local business growth
	Attract and promote new businesses and investment opportunities
<b>Local employment</b>	Support existing and new businesses to increase local employment opportunities
<b>A visitor destination</b>	Promote the City as a place to visit

5. Leadership Aspiration - Transparent and accountable leadership and governance

Outcome	Objective (What needs to be achieved)
<b>Quality leadership</b>	Ensure accountable and transparent governance
	Promote the City as a place for the future
	Active advocacy for the community
	Provide community communication and facilitate engagement opportunities
<b>Sustainable local government</b>	Optimise City resources
	Continual improvement

During the review period it was determined the Community Plan Strategy (CPS) Rockingham Strategic Metropolitan Centre Public Parking Strategy (2017) should be retained from the SCP 2019-2029 and will sit under Aspiration 3 - *Built Environment* in the SCP 2023-2033.

Council can be confident in the outcomes of the community engagement program and the final draft Strategic Community Plan (2023-2033). The draft SCP positions the City to deliver the community's vision: A quality lifestyle. A sustainable future.

**Implications to Consider**

**a. Consultation with the Community**

Public comment was invited on the draft Strategic Community Plan (2023-2033). The comment period for the draft SCP was extensively advertised through the following channels:

- The City’s website – Share Your Thoughts from 30 June – 28 July 2023
- The City’s social media – Posts on Facebook (30 June, 1 July, 14 July, 21 July and 24 July), Twitter (30 June, 17 July, 24 July), LinkedIn (30 June) and Instagram (20 July and 25 July)
- Email updates – to the SCP 2023-2033 interest group (30 June and 21 July 2023) and the Strategic Community Planning Interest group (30 June and 21 July 2023)
- Sound Telegraph – Advertisement in early general news on 5 July, 12 July and 19 July 2023
- Media Release 30 June 2023

Prior to the endorsement for advertising, the City also included updates about the draft SCP in the City Chronicle (Winter 2023) and City News (Sound Telegraph 28 June) which included information to create awareness about the coming opportunity to provide comment on the draft SCP.

During the four week public comment period a total of two comments were received. Neither comment addressed a need to review the draft vision, aspirations or objectives and both will be addressed by a review of the Community Plan Strategy: Cultural Development and Arts Strategy (2023-2027). A summary is provided below of all the comments that were received, along with the City’s response to each comment.

No.	Comment	Response
1	<p>I am finally able to have platform for my vision for the City of Rockingham is a Performing Arts Centre. That within it host multi facets that develop, display and showcase the talent within our City. This is why I wish for it to be considered by the City in the Strategic Community Plan.</p> <p>A Performing Arts Centre that could be the Opera House of the Region (got to think big) The CoR has one of the fastest growing populations. So we need the facility for Rock Eisteddfods, Dance recitals, an Auditorium for all groups to hold their Awards nights, entice local and international acts.</p> <p>Not to mention the Rock the Boat Film Festival even though in its infancy, a short film has already been short listed in 14 Major Countries or Cities around the world, show casing Rockingham.</p> <p>Production area for budding film makers, again pointing the spotlight on the area. Inter School Eisteddfods from around the areas.</p> <p>Off shoot to the Arts arena, with art groups and creative spaces.</p> <p>Then, ensuring that the Arts Centre is accessible to all, we would be actively removing barriers and enabling everyone to participate fully in the cultural life of our community. A Performing Arts Centre can act as a catalyst for this, by providing a platform for artists from diverse backgrounds and cultures to showcase their</p>	<p>This is a specific issue and was not raised to an aspirational level during the consultation and engagement period. This should be raised through the consultation and engagement for the Cultural Development and the Arts Strategy, as resolved previously by Council.</p>

No.	Comment	Response
	<p>talents. It would celebrate the richness of our community's diversity, promoting cultural exchange, and fostering understanding and appreciation among different groups.</p> <p>I firmly believe that the establishment of a Performing Arts Centre in our region would be a significant step towards realising our City's social aspirations. It would help create a Connected Community, promote Community Health and Wellbeing, provide Accessible services, and cultivate an Inclusive Community.</p> <p>I am confident that by supporting the creation of a Performing Arts Centre, we will be making a positive and lasting impact on our community.</p>	
2	<p>I am writing to advocate for the establishment of a <b>Performing Arts Centre</b> in the City of Rockingham.</p> <p>With our population approaching 150,000, Rockingham deserves a dedicated space for its residents to develop their artistic skills and provide opportunities for community engagement. Currently, we do not have any major communal venues for local residents to gather, and many local artists have to travel to Performing Arts Centres outside of the City of Rockingham in order to host or attend performances, conferences, festivals and workshops. If this Performing Arts Centre had everyday functionality and usage, then we would see an influx in visiting artists and audiences from neighbouring regions and beyond. The ripple effect from this would not only support the growth of our economy but also strengthen Rockingham's identity as a vibrant destination for Arts and Culture and serve as a place where the community can come together and connect. This facility would become a great recreational and creative outlet for younger members of the community, and no doubt, would lead to more connections and employment opportunities within and outside of Rockingham.</p> <p>I hope that the establishment of a Performing Arts Centre would help the City of Rockingham meet its aspirations of developing a vibrant economy and a safe and connected community.</p>	<p>This is a specific issue and was not raised to an aspirational level during the consultation and engagement period. This should be raised through the consultation and engagement for the Cultural Development and the Arts Strategy, as resolved previously by Council.</p>

Prior to the four week comment period the community was actively engaged through a series of consultation activities which ran from November 2022 to March 2023 in order to develop the draft SCP. Elected Members were engaged and informed at Council Engagement Sessions in:

- July 2022
- November 2022
- February 2023
- May 2023

**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 decision within a transparent, accountable, ethical, and compliant environment.*

**d. Policy**

The *Strategic Development Framework Policy* sets out the process for development of the review of the SCP, with community establishing the foundation of the plan followed by Council, staff and community further developing the vision and key focus areas. This process then refines the draft SCP ready for adoption by Council following a community consultation period.

The *Community Engagement Policy* is based on the International Association for Public Participation's Spectrum of Public Participation (IAP2) framework. In alignment with the Policy the SCP was approached as a high stakeholder participation project and sought community participation.

**e. Financial**

In the 2022/2023 financial year a budget of \$185,000 was allocated, of which \$129,028 has been spent. To date \$12,488 has been spent in the new financial year. Any required budget amendments will be made when final costs are known.

**f. Legal and Statutory**

Section 5.56 (1) of the *Local Government Act 1995* provides the statutory framework for planning for the future:

(1.) A local government is to plan for the future of the district.

(2.) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Regulation 19C of the *Local Government (Administration) Regulations 1996* provides the requirements that the Strategic Community Plan must meet. These requirements include the creation of an SCP that is specific to the local district, covers a period of 10 years, and includes the vision, aspirations and objectives of the local community. In addition, the SCP is required to be reviewed every four years, have regard to resources and demographic trends, must consult with electors and ratepayers of the district during the development of the SCP, and must include a description of that involvement.

**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**

A local government Strategic Community Plan is an aspirational document that aims to inform how the City can deliver the community's vision for the future. Through a comprehensive community engagement program, the major review of the City's SCP (2019-2029) has achieved a robust evidence-based vision, aspirations and outcomes.

Alongside the engagement program, contemporary research, including strategic risks and opportunities, informed the development of the draft SCP.

### Voting Requirements

Absolute Majority

### Officer Recommendation

That Council **ADOPTS** the Strategic Community Plan (2023-2033) as per Attachment 1.

### Committee Recommendation

**Moved Cr Davies, seconded Cr Buchanan:**

That Council **ADOPTS** the Strategic Community Plan (2023-2033) as per Attachment 1.

Committee Voting (Carried) – 6/0

### 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



<b>Report number / title:</b>	<b>GM-022/23</b>	<b>Policy Review: Council Member Professional Development Policy (Absolute Majority)</b>
File number:	CPM/3-08	
Proponent/s:		
Author:	Mr Jim Olynyk, Manager Governance and Councillor Support	
Other Contributor/s:	Mr David Blurton, Senior Projects Officer	
Date of Committee meeting:	15 August 2023	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:	1. Minutes of the Governance Review Committee meeting held on 26 July 2023 (Refer to Attachment 2 of Item 8.1)	
Maps/Diagrams:		
Site:		
Lot Area:		

### Purpose of Report

To review Council Policy – Council Member Professional Development.

### Background

The draft Council Member Professional Development Policy (**Policy**) was presented to the Governance Review Committee on 14 June 2023 where it was deferred by the Committee.

Officers have made amendments to the Policy based on what is considered good governance practice relevant to the topic and feedback from the June 2023 meeting. A revised Policy was again presented to the Governance Committee on 26 July 2023 for consideration.

### Details

The objective of the Policy is to facilitate 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.

### Implications to Consider

- a. **Consultation with the Community**  
Not Applicable
- 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 4:** *Deliver quality leadership and business expertise*

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

**d. Policy**

Council Policy – Policy Framework outlines the process for dealing with adoption of new or substantially amended policy which includes advertising. As this is an amendment to an existing policy and does not change the overall policy intent, but seeks to accommodate minor changes and clarification no further advertising is considered necessary.

**e. Financial**

Council Member Professional Development is accommodated within each annual Budget.

**f. Legal and Statutory**

Section 5.128 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.

(5) A local government —

(a) must review the policy after each ordinary election; and

(b) may review the policy at any other time.

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".

**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**

Officers in reviewing the subject of Memberships, following the Governance Committee meeting of 14 June 2023, have found it problematic in defining suitable eligible groups or organisations that will not present some degree of difficulty with administering the process. Policy reference to 'Memberships' as contained in previously presented draft versions have been removed with a

suggestion that as a matter of transparency individual memberships remain the responsibility of each Council Member.

The balance of suggested changes to the Policy include:

- Limiting enrolment in courses that provide formal qualification within six months of expiry of the Council Members term.
- The need for Council approval if a Council Member wants to attend a conference within six months of expiry of the Elected Members term, with exception of the WALGA Conference.
- Removal of reference to frequent flyer program when booking flights to conferences.
- Removal of limitation for only four Council Members to attend annual WALGA conference.

The Policy was presented to the Governance Review Committee meeting of 26 July 2023 for consideration.

Following the Governance Review Committee meeting held on 26 July 2023 an amendment to Council Member attendance at conferences was included to clarify that Council approval is not required within six months of the Council Member's term expiring for attendance at the WALGA Annual Conference/Convention.

### Voting Requirements

Absolute Majority

### Governance Review Committee Recommendation

That Council **ADOPTS** Council Policy – Council Member Professional Development as per Attachment 2.

Governance Review Committee voting – 3/1

Cr Buchan voted against

### Officer Recommendation if Different to Governance Review Committee Recommendation

That Council **ADOPTS** Council Policy – Council Member Professional Development:

#### Council Policy – 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* (Act).

##### 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

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 local governments are involved with.

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 events that are of relevance to the strategic direction of the City and within existing budget allocations.

### **Training**

A Council Member who is required to complete training as per section 5.126 of the Act must do so in the legislated time frame.

A Council Member is able and encouraged to undertake other training. Training must be relevant to the role of a 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.

Training is subject to the approval of the Chief Executive Officer.

Costs associated with attendance at - training and development activities will be provided for in the Council's annual training budget allocation.

Council Members cannot enrol in courses that provide a formal qualification (or accreditation) within six months of their term of office concluding.

### **Conference and Attendance Guidelines**

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

#### International Conferences

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

#### Mayor

The Mayor may attend any conference within Australia that they determine is appropriate, in consultation with the Chief Executive Officer.

#### Committee Presiding Member

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

#### Council Members

A Council Member who is not a chairperson of an advisory, occasional or standing committee may attend two conferences within Australia in each four 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 with the exception of the WALGA annual conference where all Council Members may attend.

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 six months of a requesting Council Member's term expiring, **with the exception of the WALGA annual conference/convention where all Council Members may attend.**

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 any customer loyalty programs while travelling on Council business.

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:

- 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.

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 an expenditure Tax Invoice.	<ul style="list-style-type: none"> <li>· Executive standard accommodation or equivalent at venue or close proximity.</li> <li>· All arrangements to be made by the City. All reasonable expenses will be reimbursed upon provision of receipts or suitable proof of expenditure.</li> <li>· 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.                             <ul style="list-style-type: none"> <li>- Breakfast maximum value \$40 per day</li> <li>- Lunch maximum value \$60 per day</li> <li>- Dinner maximum value \$80 per day</li> </ul> </li> <li>· 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. Maximum value \$50 per day.</li> <li>· Hire cars may be booked to meet reasonable travel requirements during the event, subject to the approval of the Chief Executive Officer.</li> </ul>
Travel Expenses	100% on provision of a Tax Invoice.	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.

**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**

June 2024

**The Officer's Reason for Varying the Governance Review Committee Recommendation**

An amendment to Council Member attendance at conferences has been included to clarify that Council approval is not required within six months of the Council Member's term expiring for attendance at the WALGA Annual Conference/Convention.

**Committee Recommendation**

**Moved Cr Davies, seconded Cr Liley:**

That Council **ADOPTS** Council Policy – Council Member Professional Development:

**Council Policy – 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* (Act).

**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**

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 local governments are involved with.

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*Local Government Act 1995*

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**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**

June 2024

Committee Voting (Lost) – 2/4

**Council Members voting for:**

Cr Davies                      Cr Liley

**Council Members voting against:**

Cr Buchanan                  Cr Jecks  
Cr Cottam                      Cr Edwards

**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



<b>Report number / title:</b>	<b>GM-023/23</b>	<b>Policy Review: Council Policy - Policy Framework</b>
<b>File number:</b>	CPM/3-08	
<b>Proponent/s:</b>		
<b>Author:</b>	Mr Jim Olynyk, Manager Governance and Councillor Support	
<b>Other Contributor/s:</b>	Mr David Blurton, Senior Projects Officer	
<b>Date of Committee meeting:</b>	15 August 2023	
<b>Previously before Council:</b>		
<b>Disclosure of Interest:</b>		
<b>Nature of Council's role:</b>	Executive	
<b>Attachments:</b>	1. Minutes of the Governance Review Committee meeting held on 26 July 2023 ( <i>Refer to Attachment 2 of Item 8.2</i> )	
<b>Maps/Diagrams:</b>		
<b>Site:</b>		
<b>Lot Area:</b>		

### Purpose of Report

To review Council Policy – Policy Framework.

### Background

The Council Policy - Policy Framework is due for review in October 2023.

The existing Policy Framework defines the structure, format and content of all Council Policies as well as the policy development and review process. The objective of the Policy Framework is to ensure that all Council Policies are clear, consistent, regularly reviewed and reflect the good governance of the district.

### Details

#### Current Industry Practice

In developing this report, officers considered the policy development and review practices of fifteen (15) local governments.

It is not a legislative requirement to have such a policy in place, and this is reflected in the differing practices within the Industry. Not all Local Governments have an overarching policy to guide policy development which is the case with the Cities of Fremantle, Mandurah, Melville, South Perth and Swan.

Other Local Governments including the Cities of Stirling, Joondalup, Kalamunda, Wanneroo and Bunbury include information on policy development and review in a broader Governance Framework document or manual. In most cases, the information relating to policy provided in these documents is

relatively brief and simplified. The City of Greater Geraldton includes information on policy development, review and other information as a preface to its policy manual.

The Cities of Vincent, Gosnells, Cockburn and Kwinana have similar frameworks in place to the City of Rockingham with a number of variations identified. The City of Vincent's Policy aligns to its Community Strategic Plan and establishes a decision making hierarchy to define the role of policy in the local government environment. The policy provides for minor amendment by administration rather than Council and sets a standard review timeframe of at least once every four years.

The City of Gosnells Policy outlines the circumstances where policies should be amended and reviewed and includes a risk analysis and a review timeframe of every three years. It does not specify content, or format for policies nor does it differentiate between types of policies.

Both Cockburn and Kwinana's policies are very brief and contain minimal information on policy development. Cockburn's Policy also includes information on delegated authority review processes.

### Implications to Consider

**a. Consultation with the Community**

In regards to planning policy, it is a legal requirement under the *Planning and Development (Local Planning Schemes) Regulations 2015* to undertake a 21 day public consultation process when making or amending a Local Planning policy. The City of Rockingham has also adopted *Planning Procedure No. 1.3 Community Consultation* which sets the parameters for public consultation relating to planning matters.

There is no requirement to engage the Community on changes to this Policy as it is believed that the Council by section 2.7 Role of Council - "(2) (b) determine the local government's policies.", and as the governing body should decide its process for policy development and amendment.

**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 4:** *Deliver quality leadership and business expertise*

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

**d. Policy**

Council Policy – Policy Framework:

To ensure that all policies, procedures created for the City of Rockingham are relevant, clear, consistent, regularly reviewed and reflect the good governance of the district.

**e. Financial**

Not Applicable

**f. Legal and Statutory**

The *Local Government Act 1995* empowers Council in the determination of policy under section 2.7 Role of Council - "(2) (b) determine the local government's policies."

**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

By way of summary, Officers recommend the following key changes and areas of focus to Council Policy – Policy Framework document.

1. The format of Council policies are updated to more contemporary styling consistent with the City's Corporate Style guide.
2. Simplified text in the Policy Objective and Scope.
3. Addition of text in the Policy Statement section to explain the importance and function of policies.
4. Change of policy category from Council Policy - Statutory Policy, Legislative Policy and General Council Policy to Legislative Policy, Council Policy and Local Planning Policy which aligns with industry practice.
5. Change Executive Policies to Executive Standards which ensures there is no confusion with Council's role of determining policy under section 2.7 of the *Local Government Act 1995*. Executive Standards are determined by the Chief Executive Officer and Executive Management Team.
6. Added principals to be applied in policy development and review to ensure consistency and clarity.
7. Simplified new policy development and policy review flowchart and included commentary on existing Policy review committee structures.
8. Removal of public consultation as this is a consideration and part of the Council/Committee Report Template and decision process.
9. Included a new definition of Policy.

It is considered that proposed changes to the Council Policy – Policy Framework will provide greater clarity and guidance and represent a more contemporary approach to policy development and review.

Further, the Policy was presented to the Governance Review Committee meeting of 26 July 2023 for consideration. The Committee made the following amendment:

*Figure 1 New Policy Development Process: Flowchart Image 1 - Need for new policy **required by legislation or** resolved by Council*

to enable the development of new policy when legislation requires it.

Following the Governance Review Committee meeting held on 26 July 2023 a further amendment is suggested relocating the 'Other Supporting Documents' section including Executive Standards and Procedure Manuals. This results in the section being inserted after the Policy Adoption and Review Section, Figure 2 for document flow purposes.

## Voting Requirements

Simple Majority

## Governance Review Committee Recommendation

That Council **ADOPTS** Council Policy – Policy Framework as per Attachment 2 with the following amendment:

*Figure 1 New Policy Development Process: Flowchart Image 1 - Need for new policy **required by legislation or** resolved by Council*

Governance Review Committee voting - 4/0

## Officer Recommendation if Different to Governance Review Committee Recommendation

That Council **ADOPTS** Council Policy – Policy Framework:

### Council Policy - Policy Framework

#### Policy Objective

To ensure that Council's Policies are relevant, clear, consistent and support the delivery of good governance for the district.

#### Policy Scope

This policy applies to Council Members and Employees of the City of Rockingham.

#### Policy Statement

Section 2.7(2) (b) of the *Local Government Act 1995 (WA)* states that Council is to “determine the local governments policies”.

Policies reflect the current strategic positions of Council and provide direction to further the City's strategic goals and / or to meet statutory requirements. Policies can also provide detail on the manner in which the City undertakes, or requires others to undertake, certain works or activities.

Documented policies enable the effective and efficient management of Council resources and support the community to understand reasoning behind Council and Administration decisions.

A policy is not binding on Council, but provides a guideline for Council Members and officers to determine individual applications and requests.

There are various categories of Policy at the City of Rockingham; Council Policy, Legislative Policy and Local Planning Policy.

#### 1. Council Policy

A Council Policy is adopted by Council to provide the Chief Executive Officer the broad 'rules of engagement' or limits / boundaries in respect to a particular matter requiring action. A Council Policy establishes scope or guidelines for the City's actions and decision making.

#### 2. Legislative Policy

Legislative Policy is policy required by the City under law.

#### 3. Local Planning Policy

Local Planning Policies are determined by Council under the *Planning and Development (Local Planning Schemes) Regulations 2015*. They support delivery of the Council's Local Planning Strategy and Town Planning Scheme, and their purpose is to provide guidance, detail and consistency of treatment with respect to amenity and other relevant planning issues.

All Policies will be recorded in the City's record management system and reviewed at a minimum once every three years.

With the exception of a policy established under any Town or Local Planning Scheme or a policy which format is determined under legislation or Australian Standard, the following format is to be used when writing Council Policy and Legislative Policy:

- Policy Name
- Policy Objective
- Policy Scope
- Policy Statement
- Definitions
- Legislation
- Other Relevant Policy / Key Documents
- Responsible Division
- Review Date

### **Policy Development and Review Guiding Principles**

The following principles will be applied in policy development and review:

- Policies will be consistent with the City's strategic goals, values, risk appetite and policy template.
- Policies will be concise and state no more than is necessary to direct decision making and clarify expected outcomes.
- Policies will be clear and written in plain English to avoid ambiguity and to be easily understood by the reader.

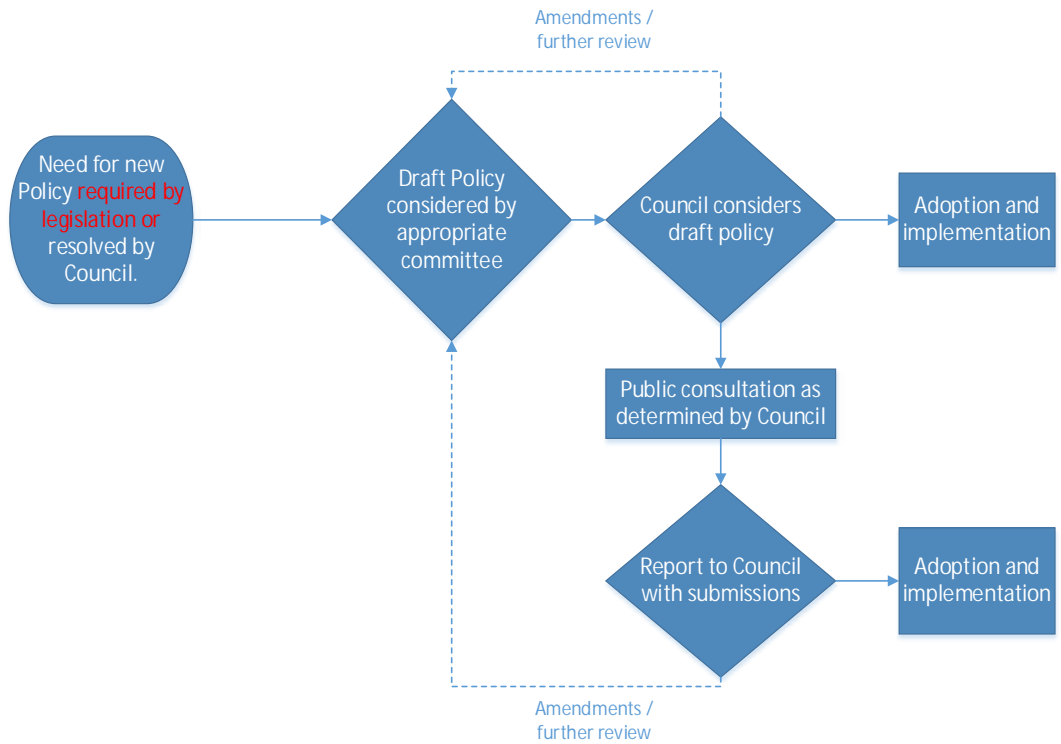
### **Policy Adoption Process**

The Council has an established governance structure in place to review Council, Legislative and Planning Policy. Figure 1 represents the process for the adoption of new policies and Figure 2 represents the process for review of existing policies at the City of Rockingham. In either case the following key elements may be researched and/or considered:

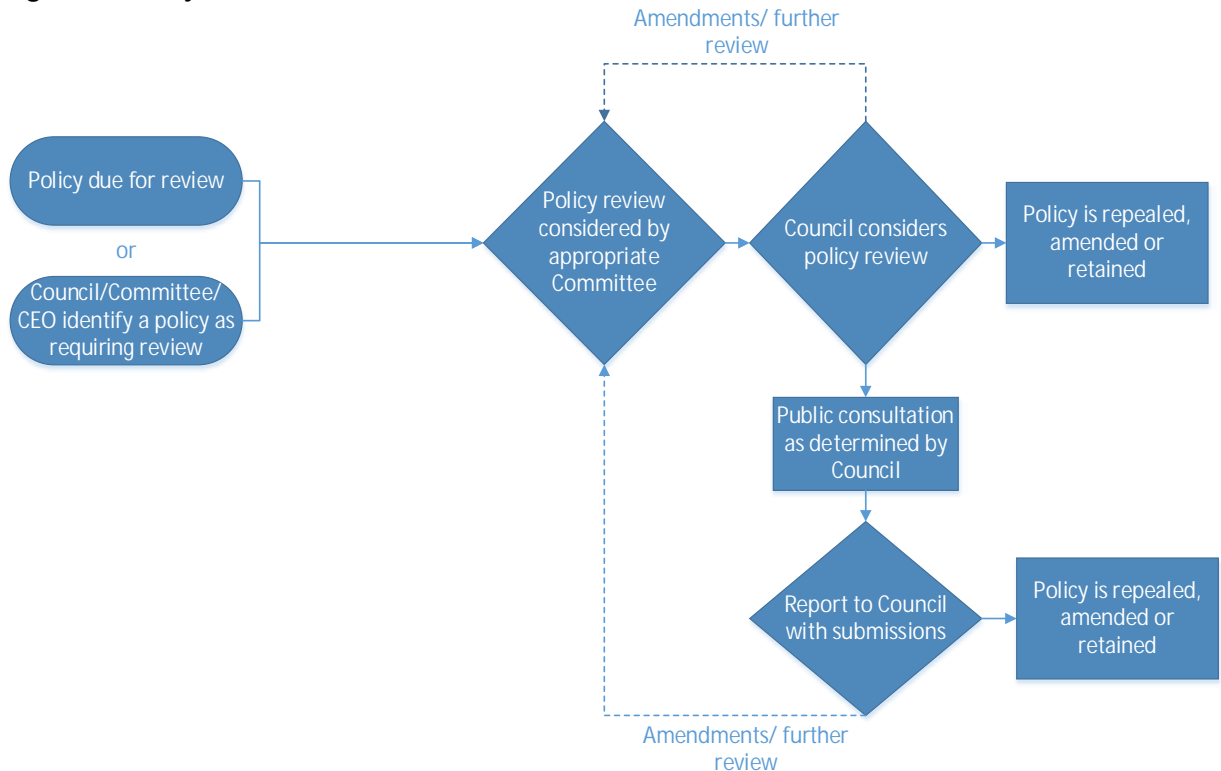
- (a) Statutory compliance obligations;
- (b) Industry standards, codes of practice, guidelines;
- (c) Risk implications;
- (d) Customer / community needs and expectations;
- (f) Whether it effectively integrates in the City's operations;
- (g) External stakeholder consultation
- (h) Internal stakeholder consultation (including relevant senior staff and Councillors);
- (i) Potential resource and budget implications; and
- (j) Strategic Community Plan.

Proposed new Council Policies and amendments to existing Council policies will be referred to either the Planning and Engineering Services Committee, the Corporate and Community Development Committee or the Governance Committee depending upon the nature of the policy.

**Figure 1. New Policy Development Process**



**Figure 2. Policy Review Process**



**Other Supporting Documents**

Executive Standards

An Executive Standard is adopted by the Executive Management Team and establishes a whole of organisation approach to operational matters. It may address several issues including:

- How the City will carry out, apply and/or action a Council Policy.
- Establishing a minimum standard to be adopted for the organisation, such as Human Resources and Information and Communication Technology (ICT) matters etc, to ensure there is a consistent approach to these matters.
- Providing guidelines that the Executive Management Team wishes to set in respect to operational matters within the organisation.

Executive Standards are created as internal documents for City administration which, are not adopted by Council or available to the public.

#### Procedure Manuals

Procedure Manuals are to be managed by individual Directors. They need to be established for each Directorate with a section for each team and reviewed at a minimum on an annual basis by the Director. Each amendment and review date must be recorded on the Manual for audit purposes.

Procedure Manuals will comprise key processes, procedures, systems and guidelines utilised in the day-to-day operations of the respective Teams. This will ensure recording of administration systems process and provide business continuity.

The Manual can be in any form decided by each Director. It must identify the key processes and guidelines for each team. Documentation is to ensure a high level of customer service, legislative compliance and meet Strategic Community Plan aspirations.

#### **Definitions**

The *Local Government Act 1995* does not define the term “policy” and hence, for the purpose of this policy, it shall mean:

A general rule, adopted by Council, which provides guidance to the City’s decision making by establishing principles that apply, or describe relevant considerations that ought to be taken into account when making decisions, in order to achieve outcomes that are consistent, equitable, reasonable and proportionate in the circumstances.

#### **Format**

To ensure a consistent approach to the structure and content of Council Policies, the Chief Executive Officer (CEO) by an Executive Standard will establish a template to be used for future policies. Planning Legislation and Scheme requirements may require variation from this format in the case of Town or Local Planning policies.

#### **Review Frequency**

The Council will review its policies at least once every three years to ensure they remain relevant to Council and the Community. This timeframe may be reduced where a policy position has become redundant due to a change in legislation or Council strategy.

#### **Legislation**

*Section 2.7(2)(b) – Local Government Act 1995 (WA)*

*Section 5.41(c) and (d) – Local Government Act 1995 (WA)*

*Planning and Development (Local Planning Schemes) Regulations 2015*

#### **Other Relevant Policies/ Key Documents**

Nil

#### **Responsible Division**

General Management Services

#### **Review Date**

August 2026

## The Officer's Reason for Varying the Governance Review Committee Recommendation

Minor format changes relocating the 'Other Supporting Documents' section including Executive Standards and Procedure Manuals. This results in the section being inserted after the Policy Adoption and Review Section, Figure 2, for document flow purposes.

## Committee Recommendation

*Note: The Chairperson advised that the following amendment has been included to ensure Policy reviews are appropriately dealt with.*

*All Policies will be recorded in the City's record management system and reviewed **at a minimum** once every three years **or as required, or determined by legislation.***

### Moved Cr Buchanan, seconded Cr Edwards:

That Council **ADOPTS** Council Policy – Policy Framework:

#### Council Policy - Policy Framework

##### Policy Objective

To ensure that Council's Policies are relevant, clear, consistent and support the delivery of good governance for the district.

##### Policy Scope

This policy applies to Council Members and Employees of the City of Rockingham.

##### Policy Statement

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There are various categories of Policy at the City of Rockingham; Council Policy, Legislative Policy and Local Planning Policy.

#### 4. Council Policy

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#### 5. Legislative Policy

Legislative Policy is policy required by the City under law.

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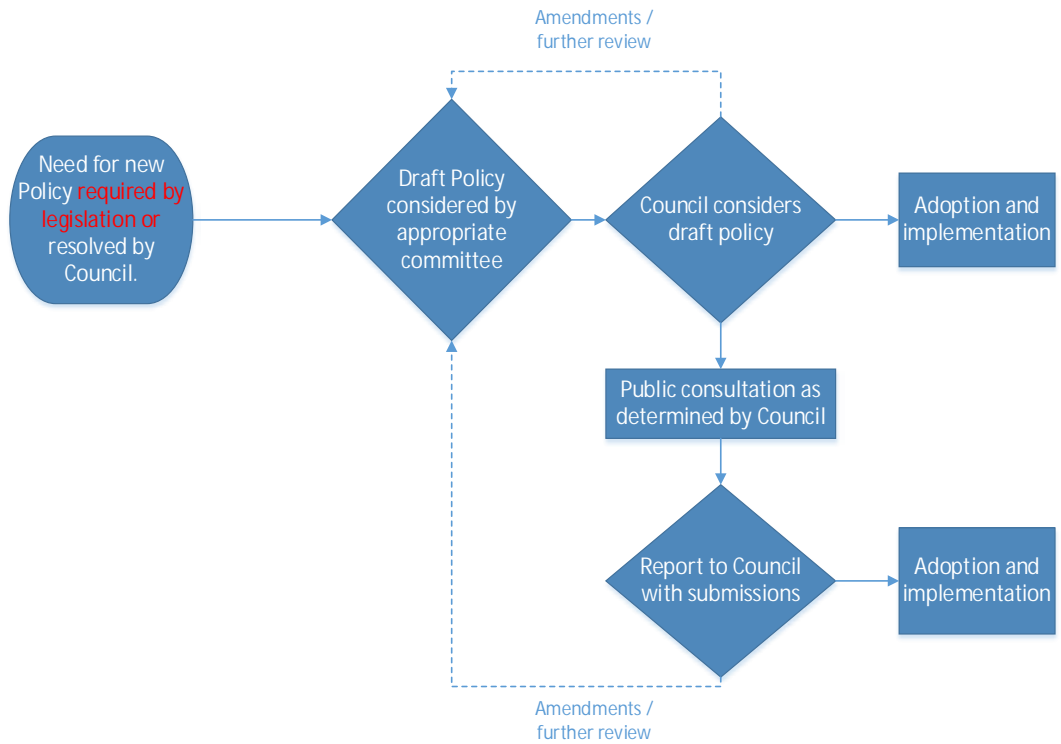
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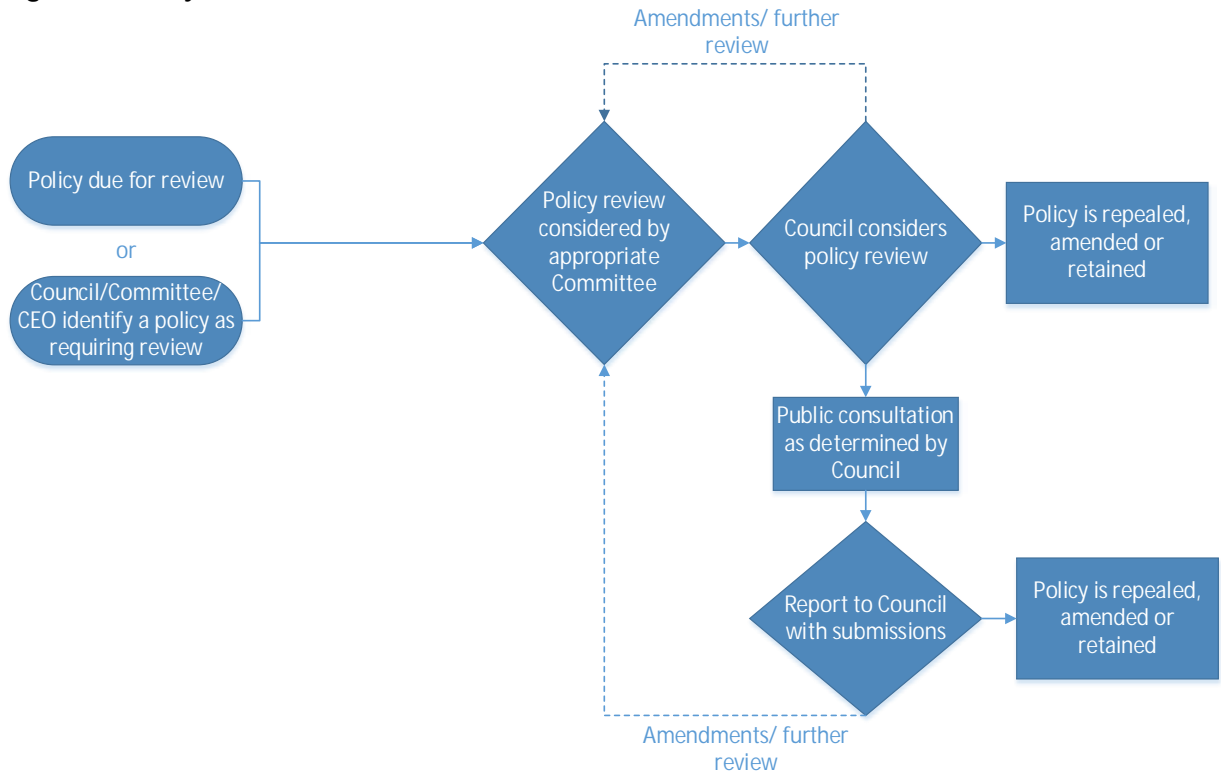
- (a) Statutory compliance obligations;
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- (f) Whether it effectively integrates in the City's operations;
- (g) External stakeholder consultation
- (h) Internal stakeholder consultation (including relevant senior staff and Councillors);
- (i) Potential resource and budget implications; and
- (j) Strategic Community Plan.

Proposed new Council Policies and amendments to existing Council policies will be referred to either the Planning and Engineering Services Committee, the Corporate and Community Development Committee or the Governance Committee depending upon the nature of the policy.

**Figure 1. New Policy Development Process**



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#### **Review Frequency**

The Council will review its policies at least once every three years to ensure they remain relevant to Council and the Community. This timeframe may be reduced where a policy position has become redundant due to a change in legislation or Council strategy.

#### **Legislation**

*Section 2.7(2)(b) – Local Government Act 1995 (WA)*

*Section 5.41(c) and (d) – Local Government Act 1995 (WA)*

*Planning and Development (Local Planning Schemes) Regulations 2015*

#### **Other Relevant Policies/ Key Documents**

Nil

#### **Responsible Division**

General Management Services

#### **Review Date**

August 2026

Committee Voting (Carried) – 6/0

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

An amendment was made to ensure Policy reviews are appropriately dealt with as required or as determined by legislation.

**Implications of the Changes to the Officer's Recommendation**

Not Applicable

## General Management Services Governance and Councillor Support



<b>Report number / title:</b>	<b>GM-024/23</b>	<b>Policy Review: Council Policy – Code of Conduct Complaints Management Process Policy</b>
File number:	CPM/3-08	
Proponent/s:		
Author:	Mr Jim Olynyk, Manager Governance and Councillor Support	
Other Contributor/s:	Mr David Blurton, Senior Projects Officer	
Date of Committee meeting:	15 August 2023	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:	1. Minutes of the Governance Review Committee meeting held on 26 July 2023 ( <i>Refer to Attachment 2 of Item 8.3</i> )	
Maps/Diagrams:		
Site:		
Lot Area:		

### Purpose of Report

To review Council Policy – Code of Conduct Complaints Management Process Policy.

### Background

The existing Code of Conduct Complaints Management Process Policy (**Policy**) is due for review.

The Policy defines the process and procedure for the management of complaints received under *City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates* document.

Clause 15(2) of the Code of Conduct provides that the procedure for dealing with Complaints may be determined by the local government to the extent that it is not dealt with by *the Local Government (Model Code of Conduct) Regulations 2021 (Regulations)*. This Policy meets this objective.

Officers have completed a review of the Policy and presented the outcome of the review to the Governance Committee for its consideration.

### Details

No significant changes are proposed to the existing policy.

## Implications to Consider

**a. Consultation with the Community**

Council Policy – Policy Framework outlines the process for dealing with adoption of new or substantially amended policy which includes advertising. As this is an amendment to an existing policy and does not change the overall policy intent, but seeks to accommodate minor changes and clarification no further advertising is considered necessary.

**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 4:** *Deliver quality leadership and business expertise*

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

**d. Policy**

Council Policy –Code of Conduct Complaints Management Process Policy:

To ensure that a Complaint received in relation to an alleged breach of Division 3 – Behaviour, of the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates is managed on the basis of –

- Confidentiality
- Timeliness
- Natural justice and due process
- Fairness and impartiality

Clause 15(2) of the Code of Conduct provides that the procedure for dealing with Complaints may be determined by the local government to the extent that it is not dealt with by *the Local Government (Model Code of Conduct) Regulations 2021* (Regulations). This policy (Policy) meets this objective.

**e. Financial**

Not Applicable

**f. Legal and Statutory**

The *Local Government Act 1995 (Act)* empowers Council in the determination of policy under section 2.7 Role of Council - "(2) (b) determine the local government's policies."

Section 5.104 of the Act requires a Local Government to prepare and adopt a code of conduct, that incorporates the provisions of the *Local Government (Model Code of Conduct) Regulation 2021*, Council resolution April 2021.

**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 Policy in its current form is considered contemporary. Adoption of the Policy is appropriate to ensure the management of complaints relating to the conduct of Council Members, Committee Members and Candidates is clear and consistent.

It is also timely for Council to review its Policy prior to the commencement of the 2023 local government election.

Further, the Policy was presented to the Governance Review Committee meeting of 26 July 2023 for consideration and was supported as per resolution below.

## Voting Requirements

Simple Majority

## Governance Review Committee Recommendation

That Council **ADOPTS** Council Policy – Code of Conduct Complaints Management as per Attachment 2.

Governance Review Committee voting – 4/0

## Officer Recommendation if Different to Governance Review Committee Recommendation

That Council **ADOPTS** Council Policy – Code of Conduct Complaints Management<sup>3</sup> as follows:

### Council Policy - Code of Conduct Complaints Management

#### Policy Objective

To ensure that a Complaint received in relation to an alleged breach of *Division 3 – Behaviour*, of the *City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates* is managed on the basis of –

- Confidentiality
- Timeliness
- Natural justice and due process
- Fairness and impartiality

Clause 15(2) of the Code of Conduct provides that the procedure for dealing with Complaints may be determined by the local government to the extent that it is not dealt with by *the Local Government (Model Code of Conduct) Regulations 2021* (Regulations). This policy (Policy) meets this objective.

#### Council Policy Scope

This Policy applies to Council Members, Committee Members, Candidates, Complaints Officers, and Complainants in respect to Complaints of an alleged breach of “Division 3 – Behaviour” of the Code of Conduct (Division 3 Complaints).

The management of Complaints related to Division 4 of the Code of Conduct is prescribed by the *Local Government Act 1995* (Act) and not by this policy. The CEO, or a senior officer nominated by the CEO, is the Complaints Officer for the purpose of Complaints related to Division 4.

<sup>3</sup> Correction of Council Policy title

## **Council Policy Statement**

### **1. Principles**

#### **1.1 Procedural fairness**

The principles of procedural fairness and natural justice will apply when dealing with a Division 3 Complaint under this Policy. In particular:

- a Respondent will be afforded a reasonable opportunity to be heard before any findings are made;
- a Respondent will be afforded a reasonable opportunity to be heard before any Plan is imposed;
- the decision maker must be objective and impartial and must act in an unbiased manner and must not act in a manner likely to give rise to a perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

#### **1.2 Consistency**

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

#### **1.3 Confidentiality**

All Complaints must, as far as possible, be dealt with confidentially until such a time as they are required to be reported to Council in accordance with this Policy or are otherwise lawfully made public or disclosed. The City of Rockingham will take all reasonable steps to maintain confidentiality when dealing with a Complaint, in order to protect both the Complainant and Respondent.

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

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

In order to allow the Respondent to understand and respond to the Complaint against them, the name of the Complainant will be provided to the Respondent, unless the Complainant provides valid reasons why this should not occur. The Complainant's contact information will not be provided to the Respondent.

#### **1.4 Accessibility**

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

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

#### **1.5 Perception of Bias**

A reasonable perception of bias may arise by virtue of personal, financial or family relationships, evidence of a closed mind or participation in the Complaint process (such as being a Complainant or Respondent).

Where a person's involvement in the decision-making process (whether at Council or Committee level) may reasonably give rise to a perception of bias on their behalf, they must recuse themselves.

### **2. Roles**

#### **2.1 Complaints Officer**

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

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

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

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

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

## 2.2 Complaints Assessor

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

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

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

## 2.3 Behaviour Complaints Committee

A Behaviour Complaints Committee is a Committee of Council that may be established in accordance with s.5.8 of the Act for the purpose of dealing with Division 3 Complaints.

Where established, the Behaviour Complaints Committee comprises all Council Members. An appointed Committee Member must recuse themselves if they are a Complainant or a Respondent.

The authority delegated to the Behaviour Complaints Committee will be specified by Council delegation and may include:

- Conditions to which the delegation is subject.
- Dismissing a Division 3 Complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.
- Making a finding as to whether the conduct specified in a Complaint did or did not occur, and whether a contravention of the Code of Conduct has been established, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur (Finding) [*clause 12(3) of the Code of Conduct*].
- Determining reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining:
  - To take no further action; or
  - To prepare and implement a Plan to address the behaviour of the person to whom the Complaint relates.

## 3. Complaint process

### 3.1 Making a Complaint

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

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

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

Save where this Policy otherwise provides, a Complaint will usually be determined by reference to the information provided by the Complainant and the Respondent.

A Complaint must:

- Be specific (including identifying the provisions of the Code of Conduct which the Complainant alleges have been breached).
- Provide as much supporting evidence as possible to assist an investigation (including the grounds and circumstances of the Complaint). This may include statutory declarations and witness statements.
- Provide the name of the Council Member, Committee Member or Candidate who has allegedly breached the Code of Conduct.
- Provide the name and contact details of the Complainant and the name and contact details of the person submitting the Complaint (if different to the Complainant).

Anonymous Complaints will not be investigated by the Complaints Officer unless required by law.

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

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

### 3.2 Candidate Complaints

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

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

- To the Complainant confirming receipt, and advising of the procedure for Candidate Complaints; and
- To the Respondent, including a summary of the Complaint, and advising of the procedure for Candidate Complaints.

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

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

### 3.3 Withdrawing a Complaint

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

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

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

### 3.4 Notice to Complainant

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

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

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

### 3.5 Notice to Respondent

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

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

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

### 3.6 Alternative Dispute Resolution

The City of Rockingham recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint.

Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

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

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

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

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

Examples of Alternate Dispute Resolution include –

- negotiation with the assistance of the Complaints Officer or other appropriate person as intermediary;
- facilitation with a contracted service provider such as a mediator or conciliator;
- other mutually agreed process.

### 3.7 Order of Complaints

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

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

### 3.8 Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Complaints Officer may appoint a suitably

qualified and experience Complaints Assessor, in accordance with the City of Rockingham Procurement Framework.

A Complaints Assessor may be appointed under the following circumstances -

- Where a Complaint relates to a Council Member;
- Where a Complaint relates to a Candidate who is elected as a Council Member; and
- Where internal resources are limited and/or the nature of the Complaint requires specific expertise.

In appointing a Complaints Assessor, the Complaints Officer will have regard to the qualifications and independence of the person appointed.

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

### 3.9 Search of Local Government Records

The Complaints Assessor may request the Complaints Officer to search for any relevant records in the City of Rockingham's record management system.

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

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the City of Rockingham *Standing Orders Local Law 2001*.

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

### 3.10 Assessment of the Complaint

The Complaints Officer or where appointed, the Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaints Officer or where appointed, the Complaints Assessor must ensure that the Respondent is provided with a reasonable opportunity to respond to the Complaint before forming any opinions, or drafting the Complaint Report or recommendations.

### 3.11 Complaint Report

The Complaints Officer or where appointed, the Complaints Assessor will prepare a Complaint Report that will:

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

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

The Complaints Officer or where appointed, the Complaints Assessor will include the Complaint Report in the Agenda for a meeting of the Council or where established, the Behaviour Complaints Committee. The Complaints Officer or where appointed, the Complaints Assessor will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

### 3.12 Complaint Determination Meeting

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

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

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

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

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

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

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

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

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

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

### 3.13 Compliance with Plan Requirement

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

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

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

#### 4. Decision Making

##### 4.1 Objectives and Principles

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

##### 4.2 Dismissal

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

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
  - (i) the behaviour was dealt with by the person presiding at the meeting; or
  - (ii) the Respondent has taken remedial action in accordance with the City of Rockingham *Standing Orders Local Law 2001*.

##### 4.3 Finding

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

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

##### 4.4 Action

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

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

##### 4.5 Plan Requirement

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

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

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

The Proposed Plan may also outline:

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

### Definitions

**Act** - means the *Local Government Act 1995*.

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

**Breach** - means a breach of Division 3 of the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates.

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

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

**CEO** - means the Chief Executive Officer of the City of Rockingham.

**Code** - means the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates.

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

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

**Complaint** - means a complaint submitted under Division 3, Clause 11 of the Code of Conduct.

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

**Complaints Assessor** – means an independent person appointed by the Complaints Officer to assess or manage a complaint in accordance with this policy and the Code of Conduct.

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

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

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

**Council** - means the Council of the City of Rockingham.

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

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

**Minor breach** - means a complaint made under Division 4 of the Code of Conduct.

**Plan** - means a Plan under clause 12(4)(b) of the Code, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

**Respondent** – means a Council Member, Committee Member or candidate the subject of a complaint.

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

#### **Legislation**

Local Government Act 1995 – Section 5.104 Adoption of model code of conduct:

Local Government Act 1995 – Section 5.105 Breaches by Council Members

Local Government (Model Code of Conduct) Regulations 2021

#### **Other Relevant Policies/ Key Documents**

City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates

#### **Responsible Division**

General Management Services

#### **Review Date**

August 2026

### **The Officer's Reason for Varying the Governance Review Committee Recommendation**

The Governance Review Committee recommendation to Council as identified in its Minutes of 26 July 2023 is being presented above to provide clarity and ease of policy identification for the reader and flow of information through to Council for decision. Please note there is no variation to the Governance Committee recommendation as referred above.

### **Committee Recommendation**

#### **Moved Cr Edwards, seconded Cr Buchanan:**

That Council **ADOPTS** Council Policy – Code of Conduct Complaints Management as follows:

#### **Council Policy - Code of Conduct Complaints Management**

##### **Policy Objective**

To ensure that a Complaint received in relation to an alleged breach of *Division 3 – Behaviour*, of the *City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates* is managed on the basis of –

- Confidentiality
- Timeliness
- Natural justice and due process
- Fairness and impartiality

Clause 15(2) of the Code of Conduct provides that the procedure for dealing with Complaints may be determined by the local government to the extent that it is not dealt with by *the Local Government (Model Code of Conduct) Regulations 2021* (Regulations). This policy (Policy) meets this objective.

##### **Council Policy Scope**

This Policy applies to Council Members, Committee Members, Candidates, Complaints Officers, and Complainants in respect to Complaints of an alleged breach of “Division 3 – Behaviour” of the Code of Conduct (Division 3 Complaints).

The management of Complaints related to Division 4 of the Code of Conduct is prescribed by the *Local Government Act 1995* (Act) and not by this policy. The CEO, or a senior officer nominated by the CEO, is the Complaints Officer for the purpose of Complaints related to Division 4.

## Council Policy Statement

### 1. Principles

#### 1.1 Procedural fairness

The principles of procedural fairness and natural justice will apply when dealing with a Division 3 Complaint under this Policy. In particular:

- a Respondent will be afforded a reasonable opportunity to be heard before any findings are made;
- a Respondent will be afforded a reasonable opportunity to be heard before any Plan is imposed;
- the decision maker must be objective and impartial and must act in an unbiased manner and must not act in a manner likely to give rise to a perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

#### 1.2 Consistency

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

#### 1.3 Confidentiality

All Complaints must, as far as possible, be dealt with confidentially until such a time as they are required to be reported to Council in accordance with this Policy or are otherwise lawfully made public or disclosed. The City of Rockingham will take all reasonable steps to maintain confidentiality when dealing with a Complaint, in order to protect both the Complainant and Respondent.

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

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

In order to allow the Respondent to understand and respond to the Complaint against them, the name of the Complainant will be provided to the Respondent, unless the Complainant provides valid reasons why this should not occur. The Complainant's contact information will not be provided to the Respondent.

#### 1.4 Accessibility

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

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

#### 1.5 Perception of Bias

A reasonable perception of bias may arise by virtue of personal, financial or family relationships, evidence of a closed mind or participation in the Complaint process (such as being a Complainant or Respondent).

Where a person's involvement in the decision-making process (whether at Council or Committee level) may reasonably give rise to a perception of bias on their behalf, they must recuse themselves.

### 2. Roles

#### 2.1 Complaints Officer

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

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

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

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

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

## 2.2 Complaints Assessor

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

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

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

## 2.3 Behaviour Complaints Committee

A Behaviour Complaints Committee is a Committee of Council that may be established in accordance with s.5.8 of the Act for the purpose of dealing with Division 3 Complaints.

Where established, the Behaviour Complaints Committee comprises all Council Members. An appointed Committee Member must recuse themselves if they are a Complainant or a Respondent.

The authority delegated to the Behaviour Complaints Committee will be specified by Council delegation and may include:

- Conditions to which the delegation is subject.
- Dismissing a Division 3 Complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.
- Making a finding as to whether the conduct specified in a Complaint did or did not occur, and whether a contravention of the Code of Conduct has been established, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur (Finding) [*clause 12(3) of the Code of Conduct*].
- Determining reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining:
  - To take no further action; or
  - To prepare and implement a Plan to address the behaviour of the person to whom the Complaint relates.

## 3. Complaint process

### 3.1 Making a Complaint

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

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

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

Save where this Policy otherwise provides, a Complaint will usually be determined by reference to the information provided by the Complainant and the Respondent.

A Complaint must:

- Be specific (including identifying the provisions of the Code of Conduct which the Complainant alleges have been breached).
- Provide as much supporting evidence as possible to assist an investigation (including the grounds and circumstances of the Complaint). This may include statutory declarations and witness statements.
- Provide the name of the Council Member, Committee Member or Candidate who has allegedly breached the Code of Conduct.
- Provide the name and contact details of the Complainant and the name and contact details of the person submitting the Complaint (if different to the Complainant).

Anonymous Complaints will not be investigated by the Complaints Officer unless required by law.

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

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

### 3.2 Candidate Complaints

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

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

- To the Complainant confirming receipt, and advising of the procedure for Candidate Complaints; and
- To the Respondent, including a summary of the Complaint, and advising of the procedure for Candidate Complaints.

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

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

### 3.3 Withdrawing a Complaint

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

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

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

### 3.4 Notice to Complainant

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

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

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

### 3.5 Notice to Respondent

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

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

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

### 3.6 Alternative Dispute Resolution

The City of Rockingham recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint.

Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

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

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

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

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

Examples of Alternate Dispute Resolution include –

- negotiation with the assistance of the Complaints Officer or other appropriate person as intermediary;
- facilitation with a contracted service provider such as a mediator or conciliator;
- other mutually agreed process.

### 3.7 Order of Complaints

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

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

### 3.8 Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Complaints Officer may appoint a suitably qualified and experience Complaints Assessor, in accordance with the City of Rockingham Procurement Framework.

A Complaints Assessor may be appointed under the following circumstances -

- Where a Complaint relates to a Council Member;
- Where a Complaint relates to a Candidate who is elected as a Council Member; and
- Where internal resources are limited and/or the nature of the Complaint requires specific expertise.

In appointing a Complaints Assessor, the Complaints Officer will have regard to the qualifications and independence of the person appointed.

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

### 3.9 Search of Local Government Records

The Complaints Assessor may request the Complaints Officer to search for any relevant records in the City of Rockingham's record management system.

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

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the City of Rockingham *Standing Orders Local Law 2001*.

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

### 3.10 Assessment of the Complaint

The Complaints Officer or where appointed, the Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaints Officer or where appointed, the Complaints Assessor must ensure that the Respondent is provided with a reasonable opportunity to respond to the Complaint before forming any opinions, or drafting the Complaint Report or recommendations.

### 3.11 Complaint Report

The Complaints Officer or where appointed, the Complaints Assessor will prepare a Complaint Report that will:

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

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

The Complaints Officer or where appointed, the Complaints Assessor will include the Complaint Report in the Agenda for a meeting of the Council or where established, the Behaviour Complaints Committee. The Complaints Officer or where appointed, the Complaints Assessor will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

### 3.12 Complaint Determination Meeting

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

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

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

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

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

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

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

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

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

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

### 3.13 Compliance with Plan Requirement

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

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

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

#### 4. Decision Making

##### 4.1 Objectives and Principles

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

##### 4.2 Dismissal

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

- (c) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (d) either —
  - (iii) the behaviour was dealt with by the person presiding at the meeting; or
  - (iv) the Respondent has taken remedial action in accordance with the City of Rockingham *Standing Orders Local Law 2001*.

##### 4.3 Finding

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

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

##### 4.4 Action

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

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

##### 4.5 Plan Requirement

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

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

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

The Proposed Plan may also outline:

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

### Definitions

**Act** - means the *Local Government Act 1995*.

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

**Breach** - means a breach of Division 3 of the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates.

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

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

**CEO** - means the Chief Executive Officer of the City of Rockingham.

**Code** - means the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates.

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

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

**Complaint** - means a complaint submitted under Division 3, Clause 11 of the Code of Conduct.

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

**Complaints Assessor** – means an independent person appointed by the Complaints Officer to assess or manage a complaint in accordance with this policy and the Code of Conduct.

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

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

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

**Council** - means the Council of the City of Rockingham.

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

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

**Minor breach** - means a complaint made under Division 4 of the Code of Conduct.

**Plan** - means a Plan under clause 12(4)(b) of the Code, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

**Respondent** – means a Council Member, Committee Member or candidate the subject of a complaint.

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

**Legislation**

Local Government Act 1995 – Section 5.104 Adoption of model code of conduct:

Local Government Act 1995 – Section 5.105 Breaches by Council Members

Local Government (Model Code of Conduct) Regulations 2021

**Other Relevant Policies/ Key Documents**

City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates

**Responsible Division**

General Management Services

**Review Date**

August 2026

Committee Voting (Carried) – 6/0

**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



<b>Report number / title:</b>	<b>GM-025/23</b>	<b>Policy Review: Council Policy – Recording and Streaming Council Meetings</b>
File number:	CPM/3-08	
Proponent/s:		
Author:	Mr Jim Olynyk, Manager Governance and Councillor Support	
Other Contributor/s:	Mr David Blurton, Senior Projects Officer	
Date of Committee meeting:	15 August 2023	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:	1. Minutes of the Governance Review Committee meeting held on 26 July 2023 ( <i>Refer to Attachment 2 of Item 8.4</i> )	
Maps/Diagrams:		
Site:		
Lot Area:		

### Purpose of Report

To review Council Policy – Recording and Streaming Council Meetings (**Policy**).

### Background

The existing Council Policy – Recording and Streaming Council Meetings is due for review.

The Policy provides the requirements for the audio and video recording and streaming of Council Meetings and how those recordings may be used and made available.

The City of Rockingham (**City**) commenced live streaming of Council Meetings in January 2022 and the inclusion of public question time and deputations was resolved in December 2022.

Officers have completed a review of the Policy and presented the outcome of the review to the Governance Committee for its consideration.

### Details

Minor amendments to the Policy are proposed, including clarifying legislation references, removal of operational functions such as the provision of training and Executive Policy and Procedures.

### Implications to Consider

a. **Consultation with the Community**

Council Policy – Policy Framework outlines the process for dealing with adoption of new or substantially amended policy which includes advertising. As this is an amendment to an

existing policy and does not change the overall policy intent, but seeks to accommodate minor changes and clarification no further advertising is considered necessary.

**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 4:** *Deliver quality leadership and business expertise*

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

**d. Policy**

Council Policy – Policy Framework:

To ensure that all policies, procedures created for the City of Rockingham are relevant, clear, consistent, regularly reviewed and reflect the good governance of the district.

**e. Financial**

Not Applicable

**f. Legal and Statutory**

The *Local Government Act 1995 (Act)* empowers Council in the determination of policy under section 2.7 Role of Council - "(2) (b) determine the local government's policies."

The *Local Government Amendment Act 2023* on proclamation of part 58, and its subsequent regulations will result in this Policy requiring review including the electronic broadcasting and video recording of council meetings which will include committee meetings.

**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 Policy was recently reviewed to include public question time and deputations, Council Meeting December 2022. Pending the future proclamation of part 58 of the *Local Government Amendment Act 2023* resulting in section 5.23A 'Electronic broadcasting and video or audio recording of council meetings' being legislated, only minor amendments are proposed. The new section will make mandatory the requirement for Council and Committee meetings to be broadcast and recorded. The associated regulations will determine the extent that this Policy will be amended to meet the legislated requirements.

Adoption of the amended policy is considered appropriate to meet the City's policy framework review process until such time that the *Local Government Act 1995* is amended and regulations are in place for mandatory broadcasting and recording. It is considered premature to anticipate the specific requirements prior to the finalisation of regulations.

Further, the Policy was presented to the Governance Review Committee meeting of 26 July 2023 for consideration and was supported as per the resolution below.

**Voting Requirements**

Simple Majority

### Governance Review Committee Recommendation

That Council **ADOPTS** the Council Policy – Recording and Streaming Council Meetings as per Attachment 2.

Governance Review Committee voting – 4/0

### Officer Recommendation if Different to Governance Review Committee Recommendation

That Council **ADOPTS** the Council Policy – Recording and Streaming Council Meetings as follows:

#### Council Policy - Recording and Streaming Council Meetings

##### Council Policy Objective

To provide the requirements for the audio and video recording and live streaming of Council Meetings and establish how the recordings may be used and made available. This policy seeks to promote greater access for the community to the Council decision making process.

##### Council Policy Scope

This policy applies to all Ordinary and Special Council Meetings held in the Council Chambers.

##### Council Policy Statement

##### Recording and Streaming

Council Meetings must be streamed online via the City's website, with the exception of confidential items in accordance with Section 5.23 of the *Local Government Act 1995* (the Act) and periods of adjournment or as determined by the Presiding Member in accordance with the *City of Rockingham Standing Orders Local Law 2001 (Standing Orders)*.

Signage must be displayed notifying attendees that the meeting is audio and video recorded and live streamed.

The Presiding Member will make an announcement at the start of every meeting, drawing attention to the fact that the meeting will be live streamed and recorded, and/or any other information deemed necessary and relevant to the Council's approval and decision making process.

The Presiding Member may authorise, at their discretion, streaming to cease at any time subject to the Standing Orders.

The City will make every reasonable effort to ensure that the live stream is operational and that the recording of the live stream is made available on the City's website as soon as practicable after the conclusion of Council Meetings. However, should any technical difficulties arise, the live stream and/or recording may not be available or may be delayed.

All recordings must be retained as a City record in accordance with the *State Records Act 2000*.

##### Other matters

Under the *Copyright Act 1968*, the City reserves all rights in relation to its copyright of the web stream and recording. Copying or distribution of any part of the web stream or recording is not permitted. The City of Rockingham prohibits any reproduction, distribution, republication and/or retransmission of Council meeting audio and video recordings without prior written consent of the City.

The official record of the meeting is the adopted minutes of that meeting kept in accordance with the Act. Acting on decisions made, as seen or heard during a recording or stream should be avoided, until the minutes of the meeting are available or until the official notification is received from the City on a decision made at the meeting.

Opinions expressed or statements made by persons during the course of Council Meetings, and contained within video and audio recording, are the opinions or statements of those individual persons, and are not necessarily opinions or statements of the City.

Attendance at Council meetings do not provide Councillors, staff or members of the public with Absolute Privilege and comments may be subject to the rule of defamation and legislation.

#### Definitions

**Absolute Privilege** – An absolute defence to an otherwise defamatory statement because of the venue or context in which the statement was made.

**Council Meetings** – the Ordinary Meetings of Council and Special Meetings of Council.

**Presiding Member** - For the purpose of Council or Special Council Meetings, the Presiding Member is the Mayor, or if unavailable the Deputy Mayor or another Councillor as determined by the Council.

#### Legislation

*Local Government Act 1995*

*State Records Act 2000*

*Defamation Act 2005*

*Copyright Act 1968*

#### Other Relevant Policies/ Key Documents

City of Rockingham Standing Orders Local Law 2001

City of Rockingham Employee Code of Conduct

City of Rockingham Code of Conduct for Elected Members, Committee Members and Candidates

#### Responsible Division

General Management Services

#### Review Date

June 2026

### The Officer's Reason for Varying the Governance Review Committee Recommendation

The Governance Review Committee recommendation to Council as identified in its Minutes of 26 July 2023 is being presented above to provide clarity and ease of policy identification for the reader and flow of information through to Council for decision. Please note there is no variation to the Governance Committee recommendation as referred above.

### Committee Recommendation

#### Moved Cr Edwards, seconded Cr Buchanan:

That Council **ADOPTS** the Council Policy – Recording and Streaming Council Meetings as follows:

#### Council Policy - Recording and Streaming Council Meetings

##### Council Policy Objective

To provide the requirements for the audio and video recording and live streaming of Council Meetings and establish how the recordings may be used and made available. This policy seeks to promote greater access for the community to the Council decision making process.

##### Council Policy Scope

This policy applies to all Ordinary and Special Council Meetings held in the Council Chambers.

##### Council Policy Statement

##### Recording and Streaming

Council Meetings must be streamed online via the City's website, with the exception of confidential items in accordance with Section 5.23 of the *Local Government Act 1995* (the Act) and periods of

adjournment or as determined by the Presiding Member in accordance with the *City of Rockingham Standing Orders Local Law 2001 (Standing Orders)*.

Signage must be displayed notifying attendees that the meeting is audio and video recorded and live streamed.

The Presiding Member will make an announcement at the start of every meeting, drawing attention to the fact that the meeting will be live streamed and recorded, and/or any other information deemed necessary and relevant to the Council's approval and decision making process.

The Presiding Member may authorise, at their discretion, streaming to cease at any time subject to the Standing Orders.

The City will make every reasonable effort to ensure that the live stream is operational and that the recording of the live stream is made available on the City's website as soon as practicable after the conclusion of Council Meetings. However, should any technical difficulties arise, the live stream and/or recording may not be available or may be delayed.

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Under the *Copyright Act 1968*, the City reserves all rights in relation to its copyright of the web stream and recording. Copying or distribution of any part of the web stream or recording is not permitted. The City of Rockingham prohibits any reproduction, distribution, republication and/or retransmission of Council meeting audio and video recordings without prior written consent of the City.

The official record of the meeting is the adopted minutes of that meeting kept in accordance with the Act. Acting on decisions made, as seen or heard during a recording or stream should be avoided, until the minutes of the meeting are available or until the official notification is received from the City on a decision made at the meeting.

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Attendance at Council meetings do not provide Councillors, staff or members of the public with Absolute Privilege and comments may be subject to the rule of defamation and legislation.

### **Definitions**

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**Council Meetings** – the Ordinary Meetings of Council and Special Meetings of Council.

**Presiding Member** - For the purpose of Council or Special Council Meetings, the Presiding Member is the Mayor, or if unavailable the Deputy Mayor or another Councillor as determined by the Council.

### **Legislation**

*Local Government Act 1995*

*State Records Act 2000*

*Defamation Act 2005*

*Copyright Act 1968*

### **Other Relevant Policies/ Key Documents**

City of Rockingham Standing Orders Local Law 2001

City of Rockingham Employee Code of Conduct

City of Rockingham Code of Conduct for Elected Members, Committee Members and Candidates

**Responsible Division**

General Management Services

**Review Date**

June 2026

Committee Voting (Carried) – 6/0

**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



<b>Report number / title:</b>	<b>GM-026/23</b>	<b>Policy Review: Council Policy – Award and Scholarship Scheme for Local Schools</b>
File number:	CPM/3-08	
Proponent/s:		
Author:	Mr Jim Olynyk, Manager Governance and Councillor Support	
Other Contributor/s:	Mr David Blurton, Senior Projects Officer	
Date of Committee meeting:	15 August 2023	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:	1. Minutes of the Governance Review Committee meeting held on 26 July 2023 ( <i>Refer to Attachment 2 of Item 8.5</i> )	
Maps/Diagrams:		
Site:		
Lot Area:		

### Purpose of Report

To review Council Policy – Award and Scholarship Scheme for Local Schools (**Policy**).

### Background

The existing Council Policy – Award and Scholarship Scheme for Local Schools is due for review.

The Policy outlines the City of Rockingham's support for local schools to recognise and reward students for high standards of behaviour and academic performance. The scheme plays an important role by increasing the profile, prominence and recognition of education and its relationship to community life.

The City of Rockingham (**City**) adopted the scheme in 1998 and it has been highly regarded and utilised across the City. The Mayor or a Council Member representing the Ward in which the school resides attends the end of year ceremony to present the award or scholarship from the City.

Officers have completed a review of the Council's Policy and presented the outcome of the review to the Governance Committee for consideration.

### Details

Minor amendments are proposed to streamline the Policy and make clear that the awards and scholarships recognise either academic results or high standards of behaviour. Responsibility of awards, scholarships and vouchers upon delivery to the schools has also been clarified.

## Implications to Consider

**a. Consultation with the Community**

Council Policy – Policy Framework outlines the process for dealing with adoption of new or substantially amended policy which includes advertising. As this is an amendment to an existing policy and does not change the overall policy intent, but seeks to accommodate minor changes and clarification no further advertising is considered necessary.

**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 4:** *Deliver quality leadership and business expertise*

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

**d. Policy**

Council Policy – Policy Framework:

To ensure that all policies, procedures created for the City of Rockingham are relevant, clear, consistent, regularly reviewed and reflect the good governance of the district.

**e. Financial**

Not Applicable

**f. Legal and Statutory**

Nil

**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 review of the Policy is considered appropriate in accordance with the Policy Framework and the upcoming cycle of graduation and end of year ceremonies where the formal recognition of student achievement will occur. The proposed amendments do not impact on the policy objective and make minor administrative improvements to the content.

Further, the Policy was presented to the Governance Review Committee meeting of 26 July 2023 for consideration. The Committee made the following amendment to paragraph 4 under the heading title 'General':

Presentation of the awards and scholarships will be made by the Mayor or **an available Councillor, with first preference given to the Councillors of the Ward** in which the school resides.

This was to make clear that the Councillor of the Ward in which the school resides is given first preference however it is not restricted if those Councillors are unavailable.

## Voting Requirements

Simple Majority

### Governance Review Committee Recommendation

That Council **ADOPTS** Council Policy – Award and Scholarship Scheme for Local Schools as per Attachment 2 with the following amendment to paragraph 4 under the heading title 'General':

Presentation of the awards and scholarships will be made by the Mayor or **an available Councillor, with first preference given to the Councillors of the Ward** in which the school resides.

Governance Review Committee voting - 4/0

### Officer Recommendation if Different to Governance Review Committee Recommendation

That Council **ADOPTS** Council Policy – Award and Scholarship Scheme for Local Schools as follows:

#### Council Policy - Award and Scholarship Scheme for Local Schools

##### Council Policy Objective

The City of Rockingham Award and Scholarship Scheme for local schools provides students with recognition and reward for high standards of behaviour and or academic performance at school. The scheme plays an important role by increasing the profile, prominence and recognition of education and its relationship to community life.

##### Council Policy Scope

The policy applies to local schools in the City of Rockingham and to City employees administering the Award and Scholarship Scheme.

##### Council Policy Statement

Each year, the City of Rockingham Award and Scholarship Scheme recognises and rewards achievement for students completing years 6, 10 and 12.

##### Awards (for Years 6, 10 and 12)

Students selected by each local school in Years 6, 10 and 12 will be presented with an award of \$100.00 in recognition of high standards of behaviour and academic performance.

Each school will be entitled to select student/s for an Award based on the following criteria:

School Year	Year Size (students)	Number of Nominations
6	0 to 60	One
	> 60	Two
10	0 to 200	One
	> 200	Two
12	0 to 200	One
	> 200	Two

##### Scholarships (for Year 10 only)

Each local high school will be entitled to select one additional student from Year 10 for a scholarship supporting ongoing academic studies by assisting in meeting education fees and book costs associated with Year 11 or a TAFE course.

The student selected by the school will be presented with a scholarship of \$400.00

Scholarships will be available to locally residing students who are continuing their education within the local (City of Rockingham) high school or TAFE system. An exception may be made if the approved TAFE courses are not available within the City of Rockingham.

##### Year 6 Book Voucher Awards

Two book vouchers to the value \$30 each will be provided to each primary school for end of year prizes awarded to Year 6 graduating students. These are to be presented either by the Mayor or Councillors who represent the Ward in which the school resides.

## General

Both awards and scholarships will recognise general academic results and positive student behaviour. Each local school may select students for the awards, scholarship or vouchers based on predetermined criteria decided upon by the school.

All awards, scholarships and vouchers are coordinated by City of Rockingham Officers. On delivery to the school, for the purpose of the end of year ceremony, the school accepts responsibility for the safe keeping and facilitation of presenting the award, scholarship or voucher to the nominated student.

Presentation of the awards and scholarships will be made by the Mayor or an available Councillor, with first preference given to the Councillors of the Ward in which the school resides.

## Definitions

Nil

## Legislation

Nil

## Other Relevant Policies/ Key Documents

Nil

## Responsible Division

General Management Services

## Review Date

June 2026

### The Officer's Reason for Varying the Governance Review Committee Recommendation

The Governance Review Committee recommendation to Council as identified in its Minutes of 26 July 2023 is being presented above to provide clarity and ease of policy identification for the reader and flow of information through to Council for decision. Please note there is no variation to the Governance Committee recommendation as referred above.

### Committee Recommendation

#### Moved Cr Edwards, seconded Cr Buchanan:

That Council **ADOPTS** Council Policy – Award and Scholarship Scheme for Local Schools as follows:

#### Council Policy - Award and Scholarship Scheme for Local Schools

##### Council Policy Objective

The City of Rockingham Award and Scholarship Scheme for local schools provides students with recognition and reward for high standards of behaviour and or academic performance at school. The scheme plays an important role by increasing the profile, prominence and recognition of education and its relationship to community life.

##### Council Policy Scope

The policy applies to local schools in the City of Rockingham and to City employees administering the Award and Scholarship Scheme.

##### Council Policy Statement

Each year, the City of Rockingham Award and Scholarship Scheme recognises and rewards achievement for students completing years 6, 10 and 12.

##### Awards (for Years 6, 10 and 12)

Students selected by each local school in Years 6, 10 and 12 will be presented with an award of \$100.00 in recognition of high standards of behaviour and academic performance.

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	> 200	Two

#### Scholarships (for Year 10 only)

Each local high school will be entitled to select one additional student from Year 10 for a scholarship supporting ongoing academic studies by assisting in meeting education fees and book costs associated with Year 11 or a TAFE course.

The student selected by the school will be presented with a scholarship of \$400.00

Scholarships will be available to locally residing students who are continuing their education within the local (City of Rockingham) high school or TAFE system. An exception may be made if the approved TAFE courses are not available within the City of Rockingham.

#### Year 6 Book Voucher Awards

Two book vouchers to the value \$30 each will be provided to each primary school for end of year prizes awarded to Year 6 graduating students. These are to be presented either by the Mayor or Councillors who represent the Ward in which the school resides.

#### General

Both awards and scholarships will recognise general academic results and positive student behaviour.

Each local school may select students for the awards, scholarship or vouchers based on predetermined criteria decided upon by the school.

All awards, scholarships and vouchers are coordinated by City of Rockingham Officers. On delivery to the school, for the purpose of the end of year ceremony, the school accepts responsibility for the safe keeping and facilitation of presenting the award, scholarship or voucher to the nominated student.

Presentation of the awards and scholarships will be made by the Mayor or an available Councillor, with first preference given to the Councillors of the Ward in which the school resides.

#### Definitions

Nil

#### Legislation

Nil

#### Other Relevant Policies/ Key Documents

Nil

#### Responsible Division

General Management Services

#### Review Date

June 2026

Committee Voting (Carried) – 6/0

#### 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



<b>Report number / title:</b>	<b>GM-027/23</b>	<b>Standing Committee Meeting Commencement Time</b>
File number:	CPM/3-08	
Proponent/s:		
Author:	Ms Louise Pleasance, Governance Coordinator	
Other Contributor/s:	Mr Jim Olynyk, Manager Governance and Councillor Support	
Date of Committee meeting:	15 August 2023	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:	1. Minutes of the Governance Review Committee meeting held on 26 July 2023 ( <i>Refer to Attachment 2 of GM-022/23</i> )	
Maps/Diagrams:		
Site:		
Lot Area:		

### Purpose of Report

City of Rockingham (**City**) Standing Committees presently convene at 4pm. To allow for greater flexibility and attendance this report seeks Council approval to amend the start time to 5pm for the following Standing Committees:

- Planning and Engineering Services Committee; and
- Corporate and Community Development Committee.

### Details

Council at its Meeting of 25 October 2022, determined Council and Standing Committee Meeting dates and times for the 2023 year, which included the Standing Committee commencement time of 4pm.

Council Policy – Governance and Meeting Framework (**Policy**) provides for a functional, transparent and compliance meeting framework and outlines the role and function of the Standing, Committees of Council (**Committee Meetings**). However, only the Council Meeting start time of 6pm is included in the Policy.

A commencement time of 4pm for the Committee Meetings presents challenges for Council Members. To accommodate external commitments of Council Members it is proposed to amend commencement time of Standing Committees to 5pm.

## Implications to Consider

**a. Consultation with the Community**

Not Applicable

**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 4:** *Deliver quality leadership and business expertise*

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

**d. Policy**

Council Policy – Governance and Meeting Framework

*To provide a functional, transparent and legally compliant meetings framework.*

**e. Financial**

Not Applicable

**f. Legal and Statutory**

Section 5.25(1)(g) of the *Local Government Act 1995 (Act)* stipulates the giving of public notice of the date and agenda for Council and Committee meetings.

Regulation 12(2) of the *Local Government (Administration) Regulations 1996 (Regulations)* further refines the Act to specify that the time and place of ordinary council meetings and committees that are open to the public must be published on the City's website.

**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 City endeavours to provide effective, timely and responsive decision making to meet the needs of the community and determining matters before Council. A commencement time of 4pm for the Committee Meetings requires review to allow Council Members to accommodate external commitments and it is proposed to amend the commencement time to 5pm.

The current times for Council Meetings and Committee Meetings are published on the City's website as required by the Regulations. The amendment to the commencement time of the Committee Meetings will be updated on the City's website and also through public notice to support open and transparent communication to the community.

The upcoming review of the Council Policy – Governance and Meeting Framework, will consider the merits of including commencement times in policy or the flexibility for the Occasional and Advisory Committee to set each of its meeting commencement times at its first meeting, allowing all members to consider their availability and attendance.

The Council and Committee Meetings will continue to be determined by Council before the beginning of each year and will be made publicly available via the City's website, in accordance with r.12 of the Regulations.

The Governance Review Committee considered the change of commencement time for the Standing Committee's at its meeting of 26 July 2023 and supported the recommendation.

### Voting Requirements

Simple Majority

### Governance Review Committee Recommendation

That Council **APPROVES** the change of commencement time of the City of Rockingham Standing Committees:

- Planning and Engineering Services Committee; and
- Corporate and Community Development Committee

to 5pm.

Governance Review Committee voting – 4/0

### Officer Recommendation if Different to Governance Review Committee Recommendation

That Council **APPROVES** the change of commencement time of the City of Rockingham Standing Committees:

- Planning and Engineering Services Committee; and
- Corporate and Community Development Committee

to 5pm, effective from September 2023.

### The Officer's Reason for Varying the Governance Review Committee Recommendation

Amendment clarifying commencement date.

### Committee Recommendation

**Moved Cr Edwards, seconded Cr Buchanan:**

That Council **APPROVES** the change of commencement time of the City of Rockingham Standing Committees:

- Planning and Engineering Services Committee; and
- Corporate and Community Development Committee

to 5pm, effective from September 2023.

Committee Voting (Carried) – 6/0

### 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



<b>Report number / title:</b>	<b>GM-028/23</b>	<b>Council Member Attendance at Professional Development Conference: WALGA Local Government Convention 17 – 19 September 2023</b>
File number:	CPM/3-08	
Proponent/s:		
Author:	Mr Jim Olynyk, Manager Governance and Councillor Support	
Other Contributor/s:	Ms Louise Pleasance, Governance Coordinator	
Date of Committee meeting:	15 August 2023	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:		
Maps/Diagrams:		
Site:		
Lot Area:		

### Purpose of Report

To request Council approval of an application to attend professional development conferences within three months of a Council Members term expiry.

### Background

An application from Cr Buchan has been received to attend Day One of the Western Australian Local Government Association (**WALGA**) Local Government Convention and the Australian Local Government Women's Association (WA) (**ALGWA WA**) Breakfast to be held in September 2023.

### Details

The request is being forwarded to Council for its consideration in accordance with Council Policy – Council Member Professional Development (**Policy**). Cr Buchan's term as a Council Member expires in October 2023.

### Implications to Consider

- a. **Consultation with the Community**  
Not Applicable
- 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 4:** *Deliver quality leadership and business expertise*

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

**d. Policy**

Council Policy – Council Member Professional Development requires:

*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.*

*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.*

**e. Financial**

Council Member Professional Development is accommodated within each annual Budget. Day One registration at the WALGA Conference is \$648 and an additional cost will apply for the ALGWA WA Breakfast.

**f. Legal and Statutory**

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".

**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**

Policy states that Council approval is required if a conference is scheduled within three months of a requesting Council Member's term expiring. Cr Buchan's term expires in October 2023.

Within this Agenda at Item GM-022/23 it should be noted that an amendment to the Council Policy – Council Member Professional Development is being placed before Council for consideration. If supported by Council this will see the policy amended to provide that:

Council approval is required if a conference is scheduled within six months of a requesting Council Member's term expiring, with the exception of the WALGA annual conference/convention where all Council Members may attend.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** Councillor Buchan's application to attend Day One of the WALGA Local Government Convention and the ALGWA WA Breakfast in September 2023.

### Committee Recommendation

**Moved Cr Buchanan, seconded Cr Jecks:**

That Council **APPROVES** Councillor Buchan's application to attend Day One of the WALGA Local Government Convention and the ALGWA WA Breakfast in September 2023.

Committee Voting (Carried) – 6/0

### 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 Planning and Development Statutory Planning



<b>Report number / title:</b>	CD-017/23	<b>Community Grants Program Policy Amendment – Heritage Assistance Grants</b>
File number:	GRS/48	
Proponent/s:		
Author:	Mr Mike Ross, Manager Statutory Planning	
Other Contributor/s:	Mr Peter Ricci, Director, Planning and Development Services	
Date of Committee meeting:	15 August 2023	
Previously before Council:	PD-020/22 (June 2022), PD-036/22 (September 2022), PD-013/33 (March 2023)	
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:	1. Community Grants Program Committee meeting minutes – 15 June 2023	
Maps/Diagrams:		
Site:		
Lot Area:		

## Purpose of Report

For Council to consider amendments to the Community Grants Program Policy (CGP Policy) to include Heritage Assistance Grants for the purpose of advertising.

## Background

The Community Grants Program (CGP) aims to provide financial assistance to individuals and incorporated organisations/associations, to deliver initiatives which provide benefits and outcomes in the following target areas:

- Community Development
- Sport and Recreation
- Economic Development
- Environment and Heritage
- Culture and the Arts
- Emergency Services

The CGP has five key areas comprising Minor Grants (Travel Subsidy Grants, Youth Engagement Grants, General Grants), Major Grants, Major Events Sponsorship, City Property Grants (Leased/Licensed Property Grants, Maintenance and Rates Subsidy), and Community Infrastructure. In June 2022, Council resolved not to support Heritage Rates Concessions, as recommended for investigation in the Council's adopted Heritage Strategy 2020-2025. It was further resolved to support an investigation into the suitability of Heritage Assistance Grant incentives, as a means of encouraging the conservation of privately owned heritage places in the City.

In September 2022, Council considered the outcomes of the investigation into Heritage Assistance Grants to encourage the conservation of privately owned heritage places in the City, when it resolved to support the introduction of annual Heritage Assistance Grants under the framework of the City's Community Grants Program.

In January 2023, the Community Grants Committee discussed updating the CGP Policy to include Heritage Assistance Grants. At this meeting there was general discussion on how the criteria for Heritage Assistance Grants can be included in the CGP Policy to ensure that the information can be readily available to and understood by owners. Based on the Committee feedback provided, further refinements to the CGP Policy are proposed to make Heritage Assistance Grants easier to understand.

In June 2023, the Community Grants Program Committee considered amendments to the Community Grants Program Policy to include Heritage Assistance Grants, and resolved as follows:

*"That Council ENDORSES the Community Grants Program Policy to include Heritage Assistance Grants amendments and draft Heritage Assistance Grant Guidelines for the purpose of public advertising."*

**Details**

The proposed changes to the CGP Policy include Heritage Assistance Grants as a new grant category in the policy document.

The key changes are as follows:

Heritage Assistance Grants

Heritage Assistance Grants, for a property on the City's Heritage List, for each property owner or strata titled development, will apply as follows:

<b>Grant Category</b>	<b>Local Heritage List - Heritage Management Category</b>	<b>Heritage Documentation</b>	<b>Conservation Works</b>	<b>Total</b>
Major	Category 1 – Exceptional Significance	\$2,000	\$7,000	\$9,000
Medium	Category 2 – Considerable Significance Category 3 – Some/Moderate Significance	\$2,000	\$5,000	\$7,000
Strata titled development	Category 1 to 3 Management Category	\$2,000	\$7,000	\$9,000

Table No.1 – Maximum Heritage Assistance Grant Amounts

Note 1:  
 Category 1 places are also referred to as Management Category A in the City's Municipal Heritage Inventory (Heritage Survey).  
 Category 2 places are referred to as Management Category B in the City's Municipal Heritage Inventory (Heritage Survey).  
 Category 3 places are also referred to as Management Category C in the City's Municipal Heritage Inventory (Heritage Survey).

In March 2023, Council adopted Local Planning Policy No.3.3.26 – Guidelines to establishing a Heritage List (LPP3.3.26), which included new Management Categories 1 to 4 (Table 2 below) intended to replace the current Management Categories A to D. This misalignment of LPP3.3.26 will be reconciled when the Heritage List and Municipal Heritage Inventory are reviewed in 2023/24.

Level of significance to local area	Category	Description	Heritage list
Exceptional significance	1	Essential to the heritage of the locality	All places included in heritage list
Considerable significance	2	Rare or outstanding example	All places included in heritage list
Some / Moderate significance	3	Very important to the heritage of the locality	Places may be included in the heritage list
Little significance	4	Contributes to the heritage of the locality	Below the threshold for the heritage list

Table 2 –Heritage Significance and Inclusion in the Heritage List

Eligible projects may include up to 50% of the total cost of conservation works up to the maximum total amounts in Table No.1 and up to 50% of funding towards Heritage Documentation.

Heritage Assistance Grants will be considered by the Community Grants Program Committee and a formal grant acquittal process is required.

Heritage Assistance Grants will not be eligible when funding has already been allocated in the WA Heritage Council Grants Program.

Eligibility criteria is set out in the CGP and Guidelines being prepared separately outline the requirements under which the City considers applications for the City’s Community Grants Program - Heritage Assistance Grant.

**Implications to Consider**

**a. Consultation with the Community**

The CGP Policy amendments will be advertised for a period of 14 days seeking public comment as follows:

- Owners of Local Heritage Listed Properties will be notified in writing;
- An advertisement will be included in the local newspapers;
- Information will be included on the City’s Website; and
- Details of the proposal can be viewed at the City’s Administration Building.

**b. Consultation with Government Agencies**

The City will consult with the Department of Planning, Lands and Heritage (DPLH) on the proposed amendments to the CGP Policy during advertising.

**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:** *Responsive Planning and Control of Land Use – Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.*

**d. Policy**

The CGP Policy has been prepared in accordance with the City of Rockingham Policy Framework. This Framework requires all new or significantly amended policies to be subject to a 14 day public comment period.

**e. Financial**

Heritage Assistance Grants

It is recommended that Heritage Assistance Grant funding be initially capped at a total of \$30,000 per year. This overall grant amount will be incorporated within the current overall annual budget allocation adopted by Council for the Community Grants Program.

It is recommended that a review period of two years be provided to ascertain the take up of grants.

The allocation of funding is proposed to occur at the same time that proposed changes to the CGP Policy are considered by Council and will commence in 2024/25.

**f. Legal and Statutory**

Not Applicable

**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 proposed changes to the CGP Policy include provision for new Heritage Assistance Grants to owners of Heritage Listed properties.

Heritage Assistance Grant Guidelines are also being prepared separately by the City to guide the preparation and assessment of grant applications from individual owners of Heritage Listed properties, as follows:

- Provides further guidance on the criteria for applying a Heritage Assistance Grant;
- Explains how it applies to places on the Heritage List; and
- Details the procedures for making application for a Heritage Assistance Grant.

The Heritage Assistance Guidelines once finalised will assist in the administration of Heritage Assistance Grants within the framework of the CGP.

It is considered that the proposed CGP Policy changes will allow for a consistent, fair and equitable approach to owners of places on the City's local Heritage List.

It is recommended that Council endorse the CGP Policy changes for the purpose of seeking public comment.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ENDORSES** the Community Grants Program Policy to include Heritage Assistance Grants amendments (in red), for the purpose of public advertising.

## Committee Recommendation

### Moved Cr Buchanan, seconded Cr Cottam:

That Council **ENDORSES** the Community Grants Program Policy to include Heritage Assistance Grants amendments (in red), for the purpose of public advertising, as follows:

### Community Grants Program Policy

#### Council Policy Objective

To provide a framework for the categorisation, application, assessment and provision of City funding through the City's Community Grants Program.

#### Council Policy Scope

This policy applies to the provision of funding through the Community Grants Program, for individuals (resident) and incorporated not-for-profit organisations/associations, or those limited by guarantee based or providing services within the Rockingham community.

#### Council Policy Statement

The Community Grants Program aims to provide financial assistance to individuals and incorporated organisations/ associations, to deliver initiatives which provide benefits and outcomes in the following target areas:

- Community Development
- Sport and Recreation
- Economic Development
- Environment and Heritage
- Culture and the Arts
- Emergency Services

#### Grant Categories

##### Minor Grants up to \$3,000

Travel Subsidy Grants – A grant is available to individuals and teams who are authorised by their association's governing body to participate in accredited interstate and international competitions, travelling outside of Western Australia, for the following maximum amounts:

- Interstate Travel Individual: \$150
- Interstate Travel Team: \$750
- International Travel Individual: \$300
- International Travel Team: \$1,500

Youth Encouragement Grant – A grant of up to \$500 is available to individuals aged between 12 and 24 to participate in opportunities that develop:

- Leadership
- Employability
- Social skills and knowledge
- Learning (educational opportunities outside of usual school options/alternate pathway program/ability to participate in further education)
- Community participation.

General Grants - A grant of up to \$3,000 is available to incorporated associations to assist with the delivery of programs and events that benefit the local community and /or address priority community issues.

Minor grants are to be considered by the CEO. Formal acquittal processes are not mandatory but may be requested if considered appropriate

#### Major Grants up to \$10,000

A grant of between \$3,001 and \$10,000 is available to incorporated associations to assist with programs and events that significantly benefit the local community and /or address priority community issues.

Major grants are to be considered by the Community Grants Program Committee and a formal grant acquittal process is required.

#### Major Events Sponsorship

Sponsorship of up to \$20,000 per annum for up to 3 years is available to incorporated not-for-profit associations, and those limited by guarantee, to assist with events that strongly demonstrate significant benefits to the local community. All applicants must demonstrate significant volunteer involvement, and if successful, must identify the City as a major sponsor.

The two types of eligible major events are:

**Economic Development Event:** An event that demonstrates significant direct stimulus to the Rockingham economy, including local businesses, and extensive marketing opportunities for the City.

**Community Development Event:** An event that shows evidence of successful delivery in the previous calendar year (or years), which attracted at least 5,000 people, and which has a direct benefit to the Rockingham Community.

As an inaugural/one-off event cannot demonstrate past evidence of success, the applicant must satisfy all other relevant assessment criteria, and demonstrate experience managing similar scaled events or partnership programs. Inaugural and one-off events will be eligible for \$20,000 for up to one year.

Major Events Sponsorship Grants are to be considered by the Community Grants Program Committee and a formal grant acquittal process is required.

#### City Property Grants

**Leased/Licensed Property Grants: Maintenance** – grants of up to \$10,000 per year are available to incorporated not-for-profit associations, and those limited by guarantee, that lease/licence City owned facilities to assist with the maintenance obligations outlined in their lease /licence.

**Leased Property Grants: Rates Subsidy** - a grant equal to the amount of rates levied on City properties leased to incorporated associations will be applied to those properties' annual rates liability.

Maintenance and Rate Subsidy Grants will be considered by the CEO.

#### Community Infrastructure Grants

**Planning Grants** – Grants of up to \$20,000 are available as a contribution toward planning activities that assist groups to undertake strategic planning or to determine the need and feasibility of infrastructure projects that benefit the Rockingham community. Proposed infrastructure projects must be on land owned or managed by the City or Department of Education, where a shared use agreement is in place.

**Capital Grants** – Grants of up to \$50,000 are available as a contribution toward construction, expansion, upgrade or refurbishment of community infrastructure that benefits the Rockingham community. Proposed projects must be on land that is owned or managed by the City or Department of Education, where a shared use agreement is in place.

Community Infrastructure Grants will be considered by the Community Grants Program Committee and a formal grant acquittal process is required.

#### Heritage Assistance Grants

Heritage Assistance Grants for a property on the City's Heritage List, for each property owner or strata titled development, will apply as follows:

<b>Grant Category</b>	<b>Local Heritage List - Category</b>	<b>Heritage Documentation</b>	<b>Conservation Works</b>	<b>Total</b>
Major	Category 1 - Exceptional Significance	\$2,000	\$7,000	\$9,000
Medium	Category 2 - Considerable Significance Category 3 – Some/ Moderate Significance	\$2,000	\$5,000	\$7,000
Strata titled development (whole development)	Category 1 to 3 Management Category	\$2,000	\$7,000	\$9,000

Table No. 1 – Maximum Heritage Assistance Grant Amounts

Category 1 places are also referred to as Management Category A in the City's Municipal Heritage Inventory (Heritage Survey).

Category 2 places are also referred to as Management Category B in the City's Municipal Heritage Inventory (Heritage Survey).

Category 3 places are also referred to as Management Category C in the City's Municipal Heritage Inventory (Heritage Survey).

Eligible projects may include up to 50% of the total cost up to the maximum total amounts in Table No.1.

Heritage Assistance Grants will be considered by the Community Grants Program Committee and a formal grant acquittal process is required.

Heritage Grants will not be eligible when funding has already been allocated in the WA Heritage Council Grants Program.

Full eligibility criteria is outlined in the City's Heritage Assistance Grant Guidelines.

Funding Criteria

Immediately following the Council elections, election of Committees and the election of the Presiding Member the first item of business for the Community Grants Program Committee is to consider and recommend application assessment criteria that will apply for the following two years, for Council consideration.

All decisions, including those made under delegation by the CEO will be guided by these criteria.

Community Grants Program Committee

The Community Grants Program Committee will consider applications for Major Grants, Major Events Sponsorship, Community Infrastructure Planning and Capital Grants, and Heritage Grants. This will occur over three funding rounds per annum, applying as far as is practicable, one third of budgeted funds per round. Each grant application will be assessed by officers working within the division team that is most closely aligned to the focus area of that grant submission. Officer recommendations will be provided to the Committee for recommendation. Committee recommendations will then be presented to Council for final determination.

Ineligibility

The following are ineligible for grant funding:

- Individuals (except for Travel Subsidy, Youth Encouragement Grants and Heritage Assistance Grants)
- Schools (except for teams in the Travel Subsidy Grant)
- Public companies (except for those limited by guarantee)
- Private companies (except Heritage Assistance Grants); Local, State or Federal Government authorities/agencies.

- Administration costs such as bonds, employee salaries/wages, seasonal ground allocation and event management fees.

#### Auspice Organisation

In the context of grant applications, an auspice organisation is legally and financially responsible to receive the grant money, ensure the program/event is completed on time and submit the acquittal and evaluation report.

The Auspice organisation must also:

- Ensure that the program/event for which funding is sought furthers the mission/objectives of their organisation in some way
- Check the constituent documents (constitution, rules, by-laws)
- Ensure that entering into the auspice agreement is consistent with the objectives and powers of their organisation.

#### Perception of Bias

In accordance with best practice public sector transparency and accountability principles, all committee members and staff who are, or have in the last three years, been a board member, committee member, executive member of an association applying for funds, shall disqualify themselves from all aspects of the consideration process from receipt of application through to consideration at the Community Grants Program Committee.

#### Complimentary Tickets for City of Rockingham Funded Events

The acceptance or otherwise of complimentary tickets for City of Rockingham funded events shall be in accordance with the Council's Attendance at Events policy.

#### Executive Policies and Procedures

The CEO shall ensure that executive policies and procedures are implemented that provide for the effective and equitable consideration, approval, distribution, measurement and acquittal of grant funds.

#### **Definitions**

**Maintenance** - means regular ongoing day to day work necessary to keep assets operating and to achieve its optimum life expectancy. Example – painting, glazing, air conditioning repairs, tap seal repairs.

**Infrastructure** – Physical facilities and structures that are fixed and meet a long-term need

**Incorporated Associations** - An “incorporated association”:

- (a) Is incorporated under the Associations Incorporation Act 2015
- (b) Cannot operate for the profit or gain of its individual members
- (c) Contributes to the community in a social, sporting, cultural, environmental or charitable context
- (d) Demonstrates local volunteer involvement.

**Company Limited by Guarantee (CLG)** - Specialised form of public company designed for non-profit and charitable organisations. In Australia companies limited by guarantee are subject to the Corporations Act 2001 (Commonwealth) and administered by the Australian Securities and Investments Commission (ASIC)

**Auspice Organisation** – is an incorporated organisation or CLG that applies for a grant on behalf of an unincorporated organisation. The auspice organisation is responsible for the financial management of the grant. An auspice agreement is a legally binding contract. It sets out the legal obligations of both organisations toward each other and in relation to any specific funding or other agreements.

**Local Heritage Survey**- the Heritage Act 2018 requires each Local Government to identify places of cultural heritage significance in a local heritage survey (LHS). This is also known as a Municipal Heritage Inventory (fmr).

**Legislation**

Associations Incorporation Act 2015

**Other Relevant Policies/ Key Documents**

Strategic Community Plan 2015-2025

Governance and Meeting Framework Policy

Leasing Policy

Asset Register

Other Community Plan Strategy Documents

Delegations Register

Attendance at Events

**Responsible Division**

Community Development

**Review Date**

August 2025

Committee Voting (Carried) – 6/0

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

Not Applicable

**Implications of the Changes to the Officer's Recommendation**

Not Applicable

<b>13.</b>	<b>Reports of Council Members</b>
	Nil
<b>14.</b>	<b>Addendum Agenda</b>
	Nil
<b>15.</b>	<b>Motions of which Previous Notice has been given</b>
	Nil
<b>16.</b>	<b>Notices of motion for Consideration at the Following Meeting</b>
	Nil
<b>17.</b>	<b>Urgent Business Approved by the Person Presiding or by Decision of the Committee</b>
	Nil
<b>18.</b>	<b>Matters Behind Closed Doors</b>
	Nil
<b>19.</b>	<b>Date and Time of Next Meeting</b>
	The next Corporate and Community Development Committee meeting will be held on <b>Tuesday 19 September 2023</b> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
<b>20.</b>	<b>Closure</b>
	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 <b>4:54pm</b> .