

Please note: These minutes are yet to be confirmed as a true record of proceedings

**CITY OF BUSSELTON**

**MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 9 APRIL 2019**

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## MINUTES

MINUTES OF POLICY AND LEGISLATION COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 9 APRIL 2019 AT 2.00PM.

### 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 2.05pm

### 2. ATTENDANCE

#### Presiding Member:

Cr Grant Henley Mayor

#### Members:

Cr Ross Paine  
Cr Kelly Hick  
Cr Lyndon Miles  
Cr Robert Reekie Deputy Member

#### Officers:

Mr Mike Archer, Chief Executive Officer (entered the meeting at 2.14pm)  
Ms Sarah Pierson, Manager, Governance and Corporate Services  
Mrs Emma Heys, Governance Coordinator

#### Apologies:

Cr Rob Bennett

### 3. PUBLIC QUESTION TIME

Nil

### 4. DISCLOSURE OF INTERESTS

Nil

### 5. CONFIRMATION AND RECEIPT OF MINUTES

#### 5.1 Minutes of the Policy and Legislation Committee Meeting held 12 March 2019

#### COMMITTEE DECISION

**PL1904/241** Moved Councillor K Hick, seconded Councillor R Reekie

That the Minutes of the Policy and Legislation Committee Meeting held 12 March 2019 be confirmed as a true and correct record.

**CARRIED 5/0**

**7. GENERAL DISCUSSION ITEMS**

- 7.1 The Manager of Governance and Corporate Services briefed the Committee on the current status with respect to leave of absences for the committee and the requirements under the Policy and Legislation Committee Terms of Reference.. The committee was in support of officers providing a report to Council with a proposed course of action which enables Cr Bennett to remain a member of the Committee.

## 6. REPORTS

### 6.1 TERMINOLOGY FOR THE REMOVAL OF A COUNCIL POLICY FROM EFFECT

<b>SUBJECT INDEX:</b>	Council Policies
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Governance
<b>REPORTING OFFICER:</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

#### PRÉCIS

This report addresses discussion and concerns that have been raised within the Policy and Legislation Committee about the appropriate word to use in the context of removing a Council policy from effect, and recommends adoption of the word rescind (rescission) as the most appropriate term.

#### BACKGROUND

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the Governance Systems Review (GSR). Included in the scope of the review was the City's policy and procedure framework with recommendations made in relation to the nature and intent of Council policies; namely that Council policies should deal with higher level strategies and objectives. In accordance with the recommendations of the GSR, a policy review is being undertaken and a number of policies are, and are expected to be, recommended for rescission.

Concerns have been raised by members at previous Policy and Legislation Committee meetings about the use of the word rescind (rescission) in relation to the removing of Council policies from effect and at the meeting of 12 March 2019 members requested that officers provided more information, including definitions and application in a local government context, around the commonly used terms 'Revoke', 'Rescind' and 'Withdraw' when referring to the removal of a Council policy from effect.

This report responds to that request and makes a recommendation to the Policy and Legislation Committee for the term 'rescind' to be used when removing a policy from effect.

#### STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) it is the role of the Council to determine the local government's policies. The City of Busselton Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of the Act. It is relevant to note that, aside from references in the Act to the requirement for specific policies (eg a Purchasing Policy) there are no other statutory requirements with respect to policies, their adoption or, importantly in this context, their removal.

#### RELEVANT PLANS AND POLICIES

There are no plans or policies relevant to this matter.

## FINANCIAL IMPLICATIONS

There are no financial implications associated with this report or its recommendations.

## LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial plan implications associated with this report or its recommendations.

## STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation primarily aligns with the following Key Goal Area and Community Objective of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6 - LEADERSHIP: Visionary, collaborative, accountable  
6.1 Governance systems, process and practices are responsible, ethical and transparent.

## RISK ASSESSMENT

There are no identified risks of a medium or greater level associated with the officer recommendation.

## CONSULTATION

Advice in relation to the use of the word rescind and / or revoke in this context has previously been sought from WALGA, with the advice below received:

*The words "rescind" and "revoke" will only be problematic if they are used in conjunction with the Administration Regulation 10 process for "Revoking or Changing decisions" to effect the revoking of the policy.*

*If a Council resolution states: That Council revokes (rescinds) Policy XYZ, effective from dd Month yyyy, as the policy is no longer relevant to the operations of the City.*

*The effect of this resolution is that the policy was effective from the date originally adopted, including all consequential amendments resolved by Council, through to the date resolved by Council for the revocation to take effect.*

*This is different than if the Council uses the Admin. Reg. 10 process, as the effect would be that the **original decision** to adopt the policy would be revoked and therefore it would be as if the policy never existed, calling into question all the decisions made under that policy in the intervening period.*

*So, the issue is not with the words themselves, but with the process that is used to make the decision.*

*If using the words "rescind" or "revoke" in a context other than in an Admin Reg.10 process causes confusion for the organisation, then it is up to the organisation to determine if other words better clarify the process which is being undertaken.*

We are not using the *Local Government Administration Regulations 1996* – Regulation 10 (Admin Regulation 10) process to remove a council policy from effect. Admin Regulation 10(3) states ‘This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different’. We are not in this case changing a decision – that is the first decision to adopt the policy, we are instead saying that now, as at this point in time, we want to make a new decision to remove the policy from effect.

As per above, there is therefore no required or ‘correct’ word to use in this context, it is for the organisation to determine the terminology that is most appropriate.

With respect to the suggested phrase “That Council revokes (rescinds) Policy XYZ, effective from dd Month yyyy, as the policy is no longer relevant to the operations of the City”, and in particular the underlined portion, given that it can be difficult to predict exactly when the policy will be rescinded we have instead used the phrase “That the Council rescind Council Policy XYZ”. While we have contemplated adding the words “effective immediately” they are considered potentially redundant.

#### **OFFICER COMMENT**

Officers have at various points considered the following words to use in this context:

- Revoke
- Rescind
- Withdraw (from effect)

Some common dictionary definitions are provided for each below.

#### Revoke

- officially cancel (a decree, decision, or promise).
- when people in authority revoke something such as a licence, a law, or an agreement, they cancel it.
- to say officially that an agreement, permission, a law etc. is no longer in effect: e.g. The authorities have revoked their original decision to allow development of this rural area.

#### Rescind

- revoke, cancel, or repeal (a law, order, or agreement)
- if a government or a group of people in power rescind a law or agreement, they officially withdraw it and state that it is no longer valid
- to make a law, agreement, order, or decision no longer have any (legal) power: e.g. the policy of charging air travellers for vegetarian meals proved unpopular and has already been rescinded

#### Withdraw (from effect)

- remove or take away (something) from a particular place or position
- if you withdraw something from a place, you remove it or take it away
- to take or move out or back, or to remove: eg Once in court, he withdrew the statement he'd made to the police (= he claimed it was false); all charges against them were withdrawn after the prosecution's case collapsed.

The Interpretation Act 1984 has the following definition of repeal – repeal includes rescind, revoke, cancel, or delete.

It is and has been (aside from one instance) the officer recommendation that the word rescind be used. This is on the basis that the word revoke is used in Admin Regulation 10 and its use may lead to confusion, and the word / phrase withdraw (from effect) is cumbersome and less formal (as noted when it was used once).

It is the officer view that the use of the word rescind, given it is not being used in conjunction with Admin Regulation 10, is appropriate. If however Councillors would prefer to use an alternative word (noting that the word rescind and revoke are both defined within the Interpretation Act to mean repeal) then withdraw or remove from effect is considered an alternative option.

### **CONCLUSION**

Officers recommend the word rescind to be the most appropriate term to be used in the context of removing a Council policy from effect.

### **OPTIONS**

The Policy and Legislation Committee may choose to use an alternative word to rescind. Withdraw or remove from effect is considered an alternative option.

### **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The adopted terminology will be implemented for all future reports.

### **COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

**PL1904/242** Moved Councillor R Paine, seconded Councillor L Miles

That the Committee:



1. adopt the use of the word rescind (rescission) for recommendations to remove Council policies from effect; and
2. recommend the use of the following phrase or similar "That the Council rescind Council Policy XYZ, as the policy is longer relevant to the operations of the City"

**CARRIED 5/0**

2.14pm

At this time the Chief Executive Officer entered the meeting.

## 6.2 RECISSION OF COUNCIL POLICY 065/2 - COUNCIL PROPERTY - GRANTING OF ACCESS TO PUBLIC VENUES

<b>SUBJECT INDEX:</b>	Council Policy
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Governance Coordinator - Emma Heys
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Council Property - Granting of Access to Public Venues Attachment B  Non-Exclusive use of City Land 

### PRÉCIS

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). Included in the scope of review was the City's policy and procedure framework with recommendations made in relation to the nature and intent of Council policies; namely that Council policies should deal with high level strategies and objectives.

In accordance with the recommendations of the GSR, the purpose of this report is to recommend that Council Policy 065/2 – Council Property – Granting of Access to Public Venues (Attachment A) (the Policy), be rescinded.

### BACKGROUND

The objective of the Policy is to assess and manage the use of hall facilities under the Council's direct care and control in cases where there is a retail or commercial element. These include those facilities where there may be a perception of an unfair advantage by way of direct competition with other activities carried out in recognised commercial floor space throughout the district.

The Policy outlines the categories which are to be used to prioritise applications from community groups to gain access to public venues. The Policy was previously used to support Council policy 027 Community Facilities Bookings, which was rescinded in November 2017 and replaced with an amended version of Council policy, 249 Non-Exclusive use of City Land (C1712/322) (Attachment B).

Council policy 249 Non-Exclusive use of City Land includes the objectives and principles of fair and equitable allocation of hall facilities to community groups and is the policy that is principally applied to manage the non-exclusive commercial use of City land.

### STATUTORY ENVIRONMENT

Several pieces of legislation provide for the legal parameters of the use of public land and facilities, including, but not limited to:

- Local Government Act 1995
- Land Administration Act 1997
- Food Act 2008
- Public Health Act 2016
- City of Busselton Local Laws such as the Local Government Property Local Law 2010 and Activities in Thoroughfares and Public Places and Trading Local Law 2015.



## RELEVANT PLANS AND POLICIES

The GSR was undertaken over a 3 month period by Mr John Woodhouse LLB Juris and made the recommendations in relation to the City's policy and procedure framework, including but not limited to the following:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
  - a. *Should deal with higher level objectives and strategies;*
  - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
  - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

Council Policies Non-Exclusive Use of City Land; Markets; and Events are relevant documents to this report in that they all address the non-exclusive use of City property for both commercial and community purposes in varying capacities.

An associated policy to this report is Council Policy 248 'Leases of City Land and Buildings', which outlines the framework and methodology under which the City may grant exclusive use of land or buildings within the City district, be it owned or managed by the City outright or on behalf of the Crown.

## FINANCIAL IMPLICATIONS

There are no financial implications associated with the officer recommendation.

## LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial plans implications associated with the officer recommendation.

## STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation primarily aligns with the following Key Goal Area and Community Objective of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 1 – LEADERSHIP: Visionary, collaborative, accountable  
6.1 Governance systems, process and practices are responsible, ethical and transparent

## RISK ASSESSMENT

There are no identified risks of a medium or greater level associated with the officer recommendation.

**CONSULTATION**

No external consultation was considered necessary as part of the review of this Policy.

**OFFICER COMMENT**

The purpose of the Policy is to outline categories to be utilised when assessing the priority of applications from community groups for the hire of hall facilities, where there may be a perceived unfair advantage by way of direct competition with commercial businesses in the district.

The Policy was previously used to support Council Policy 027 Community Facilities Bookings, which was rescinded in November 2017. The overarching objectives and principles of both Council policies were included in the amendments to Council policy 249 Non-Exclusive use of City Land (Attachment B).

Council policy 249 Non-Exclusive Use of City Land articulates and updates the position of the City in relation to the use of City land and facilities. The objectives of Council policy 249 seek to achieve both the fair and equitable use of City land and facilities, we well as encourage innovation, new business development and economic growth, and provide for a financial return to ratepayers.

**CONCLUSION**

It is considered that the objectives of the Policy are sufficiently covered off in Council policy 249 and therefore it is recommended that Council rescind the Policy.

**OPTIONS**

Council could instead choose for the Policy to be maintained and updated to the new template and/or further reviewed.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy will be rescinded immediately upon the adoption of the officer recommendation.

**OFFICER RECOMMENDATION**

That the Council rescind Council Policy 065/2 Council Property – Granting of Access to Public Venues, as the overarching objectives within this policy are adequately catered for within Council Policy 249 Non-Exclusive use of City Land.

**COMMITTEE DECISION**




**PL1904/243** Moved Councillor L Miles, seconded Councillor R Paine

That the Committee defer consideration of the policy until a future meeting so that it can be further reviewed in conjunction with review of Policy 249 with the policy position with respect to hierarchy of use to be further clarified.

**CARRIED 5/0**

Reason: The Committee felt that the Policy should be reviewed in conjunction with Policy 249.

### 6.3 AMENDED COUNCIL POLICY - DESIGNATION OF SENIOR EMPLOYEE AND ACTING CEO

<b>SUBJECT INDEX:</b>	Council Policies
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Governance
<b>REPORTING OFFICER:</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Policy  Attachment B Current Policy  Attachment C Tracked changes version 

#### PRÉCIS

This report presents a revised Council policy - Designation of Senior Employees and Acting CEO (Attachment A) (the Policy) for Council approval, with the current policy having been amended to incorporate a policy statement with respect to the Council's succession planning strategy for the role of Chief Executive Officer (CEO). It is recommended that Council adopt the Policy.

#### BACKGROUND

Section 5.37(1) of the Local Government Act 1995 (the Act) provides for a local government to designate employees or persons belonging to a class of employees to be Senior Employees. Section 5.37(2) of the Act requires the CEO to inform the Council of each proposal to employ or dismiss a Senior Employee.

The current policy in relation to the designation of senior employees and the appointment of an acting CEO was adopted in June 2018. Prior to its adoption Council had in place a policy entitled 'Senior Employees' which designated senior employees but did not deal with the appointment of an Acting CEO.

Section 5.36 of the Act establishes that a person is not to be employed in the position of CEO unless the council believes that the person is suitably qualified for the position. While the CEO has responsibility under his contract of employment for all staffing matters, including the appointment of an Acting CEO for periods when he is on leave, it was identified during a review of the City's governance system that the lack of a formal policy position was a gap in the City's policy framework.

In February 2018 the City was invited to participate in a self-assessment governance review facilitated by the Australian Institute of Company Directors (AICD). One of the statements explored within the review was whether the Council has an appropriate CEO succession plan in place that helps to ensure continuity in the management of the local government's activities. While the responses indicated a 'sound' overall rating, it was from a Council member perspective one of the lower average scoring statements.

Further to this the CEO has recently completed some professional development with respect to best practice governance structures, where the importance of clearly identifying a succession planning strategy for critical and senior roles such as a Chief Executive Officer was stressed. The amendments to the Policy seeks to do this.

## **STATUTORY ENVIRONMENT**

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

As detailed in the background section of this report section 5.36 and 5.37 of the Act sets out requirements in relation to the appointment of a CEO and any designated Senior Employees.

## **RELEVANT PLANS AND POLICIES**

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the Governance Systems Review (GSR). The framework sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

## **FINANCIAL IMPLICATIONS**

Adoption of the Policy has no budget implications.

## **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

Adoption of the Policy has no long term financial plan implications.

## **STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation primarily aligns with the following Key Goal Area/s and Community Objective/s of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6 - LEADERSHIP: Visionary, collaborative, accountable

6.1 Governance systems, process and practices are responsible, ethical and transparent.

## **RISK ASSESSMENT**

There are no risks identified of a medium or greater level associated with the officer recommendation, with the Policy serving to secure the operational effectiveness of the organisation.

## **CONSULTATION**

No external consultation was required or undertaken in relation to this matter.

## **OFFICER COMMENT**

Since commencing employment in August 2010, the CEO has effectively managed the appointment of an Acting CEO for his periods of leave, ensuring that each Senior Employee is given the opportunity to act, while at the same time ensuring timing is appropriate to each person and their role requirements. This has enabled all four Senior Employees to develop their skills and gain experience in the role of CEO, and minimises the risk of the organisation not having a suitably capable person to act as CEO.

The purpose of the Policy (as amended) is to formalise Council's position with respect to which class of employees are the most suitably qualified for the position of Acting CEO, and, in addition, to formally recognise the benefit that acting in the role of CEO can provide for Senior Employees and the organisation in terms of succession planning. Effective succession planning is vitally important for ensuring the continued success of any business or organisation. In times of crisis in particular having a clear succession plan can save an organisation significant time and money and ensure its goals and objectives continue to be realised.

The Policy also makes it clear that Council will make the appointment of a Senior Employee to the role of Acting CEO in the event that the CEO is incapacitated or otherwise unable to, for instance in the event of death. This provides surety and greater clarity with respect to how and from which class of employees an Acting CEO would be appointed in the event of an unforeseen event.

## **CONCLUSION**

The Policy has been updated to formally recognise the importance of providing Senior Employees (City Directors) with the opportunity to act in the role of CEO for succession planning purposes and to provide surety about what would happen in the event that the CEO was unexpectedly unable to appoint an Acting CEO as per the other provisions of the Policy.

## **OPTIONS**

1. Council could decide not to adopt the Policy and instead choose to take a different position in relation to succession planning, noting that the Policy formalises the current established approach.
2. Council could require further amendments to the Policy.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy will be placed on the City's website within one week of adoption.

## **OFFICER RECOMMENDATION**

That the Council adopts the amended Designation of Senior Employees and Acting CEO Council policy as per Attachment A, to replace the current policy (Attachment B).

## **COMMITTEE RECOMMENDATION**

**PL1904/244** Moved Councillor R Paine, seconded Councillor R Reekie



That the Council adopts the amended Designation of Senior Employees and Acting CEO Council policy as per Attachment A, to replace the current policy (Attachment B) subject to rewording of 5.5 to read:

*Council recognises that the appointment of Senior Employees to the role of Acting Chief Executive Officer is an effective succession planning strategy, providing Senior Employees with valuable exposure to and experience in the functions of a Chief Executive Officer.*

**CARRIED 5/0**

Reason: The Committee felt that it would improve readability and clarity.

#### 6.4 REVIEW OF COUNCIL POLICY COUNCILLOR INDUCTION TRAINING AND PROFESSIONAL DEVELOPMENT

<b>SUBJECT INDEX:</b>	Council Policy
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Governance
<b>REPORTING OFFICER:</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Policy  Attachment B Current Policy 

#### PRÉCIS

This report presents a revised 'Elected Member Training and Professional Development' Council policy (Attachment A) (the Policy) for Council approval, with the current policy entitled 'Councillors Induction, Training and Professional Development' (Attachment B) having been amended as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy format, is considered to be of continuing relevance and is therefore recommended for Council approval.

#### BACKGROUND

The current policy was last reviewed as part of the City's policy review process and re-adopted in May 2017, with amendments to incorporate guidelines in relation to overseas travel, contained at the time in Council policy 013 – Specific Requirements for Development Opportunities Involving Significant Travel. Council policy 013 was revoked as a result.

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). The GSR made the following recommendations with respect to the City's policy and procedure framework:

- 1. There should be a review of the Council Policies with the intent that a Council Policy:*
  - a. Should deal with higher level objectives and strategies;*
  - b. Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
  - c. Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
- 2. As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
- 3. Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

Prompted by the findings of the GSR and the ongoing requirement to periodically review Council policies, the Policy has again been reviewed by officers and, being considered of continuing relevance, is presented for the Council's consideration, with amendments.

## **STATUTORY ENVIRONMENT**

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) it is the role of the Council to determine the local government's policies. The City of Busselton Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

As an outcome of Phase 1 of the Local Government Act review process the Local Government Legislation Amendment Bill 2019 has been introduced and has progressed to the Second Reading stage. Included in the bill is universal training for candidates and council members. Candidates will be required to complete an online induction prior to nominating for election. Following election, elected members will be required to complete five modules of training within the first 12 months of being in office. The foundation units, which will all be available online, will cover a range of topics that will equip council members with the basic skills and knowledge to carry out their duties. No penalties for failure to complete the training will be set at this time. There will, however, be a requirement for councils to report annually on the training completed by all elected members.

The final element of universal training is the requirement for councils to develop an ongoing professional development training policy, with local governments to tailor training to strengthen their council members' capacity to perform their role. This Policy aligns with this pending requirement.

## **RELEVANT PLANS AND POLICIES**

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the GSR. The framework sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

## **FINANCIAL IMPLICATIONS**

Adoption of the Policy has no immediate budget implications, with the City's annual budget containing an appropriate amount to meet the Policy requirements. The form and associated costs of any introduced mandatory training is currently unknown. While the Policy proposes that the costs be prioritised from the annual allowance, therefore limiting the financial impacts upon introduction, the potential for this to have future budgetary impacts is acknowledged.

## **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

Adoption of the Policy has no long term financial plan implications.

## **STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation primarily aligns with the following Key Goal Area and Community Objective of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6 - LEADERSHIP: Visionary, collaborative, accountable  
6.1 Governance systems, process and practices are responsible, ethical and transparent.

## **RISK ASSESSMENT**

There are no risks identified of a medium or greater level associated with the officer recommendation, with the Policy maintaining Council's support for elected members to receive training and development which will assist them to undertake their very important role.

## CONSULTATION

No external consultation was required or undertaken in relation to this matter.

## OFFICER COMMENT

The purpose of the Policy is to provide a framework within which elected members may access an annual allowance to fund training and professional development opportunities that will assist them to undertake their role through the development of relevant skills and competencies.

The Policy has been amended to provide greater clarity as to what the annual allowance will be, recommending that it be set at \$3,000 per annum, based on a financial year and pro-rata for elected members elected or standing for election. Aside from overall streamlining of the policy content, other more significant amendments are:

- Removal of reference to the pre-election seminar for aspiring Councillors. While it is intended that an information session for candidates will be held as part of the election process, it is considered outside the scope of the Policy. Additionally as discussed under Statutory Environment under the Local Government Legislation Amendment Bill 2019, it is proposed that candidates will be required to complete an online induction prior to nominating for election.
- Removal of reference to the City induction program for new elected members. While an induction program is considered an important training and development initiative for elected members, it is not funded from the annual allowance and hence is considered to fall outside of the scope of the Policy. Its importance is noted however and a comprehensive induction program is being developed ready for the 2019 election and any resulting new elected members.
- Inclusion of a reference to likely mandatory training for elected members.
- Removal of the ability for unused funds to be carried forward to the next financial year. This has not been occurring in practice and is not considered best practice, instead elected members are encouraged to attend relevant and regular training and development throughout their term.
- Retention of the restriction on intrastate training and development attendance (to two elected members at the same time) unless however the training is mandatory or universal to the functions of an elected member, or it is training being held within the City of Busselton or adjoining districts, where it would make sense to be well represented.
- Standardises reporting requirements for interstate training and development opportunities, removing the when considered appropriate wording.
- Removal of operational detail such as the requirement for the CEO to maintain a register of elected member training and development expenses (something that occurs in any event).

## CONCLUSION

The Policy updates and replaces the current 'Councillors Induction, Training and Professional Development', and in doing so refocuses the policy content to the provision and use of an annual allowance for elected member training and development.

## OPTIONS

Should Council not agree with the officer recommendation they could

1. decide not to adopt the Policy and instead take a different position / approach.
2. require further amendments to the Policy.



**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy will be placed on the City's website within one week of adoption.

**OFFICER RECOMMENDATION**

That the Council adopts the Elected Member Training and Professional Development Council policy as per Attachment A, to replace the Councillor Induction, Training and Professional Development policy (Attachment B).

**COMMITTEE RECOMMENDATION**

**PL1904/245** Moved Councillor G Henley, seconded Councillor R Paine

That the Council adopts the Elected Member Training and Professional Development Council policy as per Attachment A, to replace the Councillor Induction, Training and Professional Development policy (Attachment B) subject to the rewording of the definition of Annual Allowance to:

*"An amount which is an equal share of the budget allocation for Councillor training and development, allocated on a pro-rata basis for each elected member's term of office."*

**CARRIED 5/0**

Reason: The budget amount may increase, or potentially decrease, over time and the policy could therefore become redundant, additionally the costs of future mandatory training are currently unknown.

3.02pm : At this time the Chief Executive Officer left the meeting.

3.05pm : At this time the Chief Executive Officer returned to the meeting.

**7. GENERAL DISCUSSION ITEMS**

7.2 The Chief Executive Officer informed the Committee of a proposed Elected Member Charter, Manual and updated Code of Conduct. The Chief Exectuive Officer agreed to provide examples of a Elected Member Charter and arrange a future workshop.

**8. NEXT MEETING DATE**

Tuesday, 14 May 2019

**9. CLOSURE**

The meeting closed at 3.29pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 18 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON TUESDAY, 14 MAY 2019.	
DATE: _____	PRESIDING MEMBER: _____