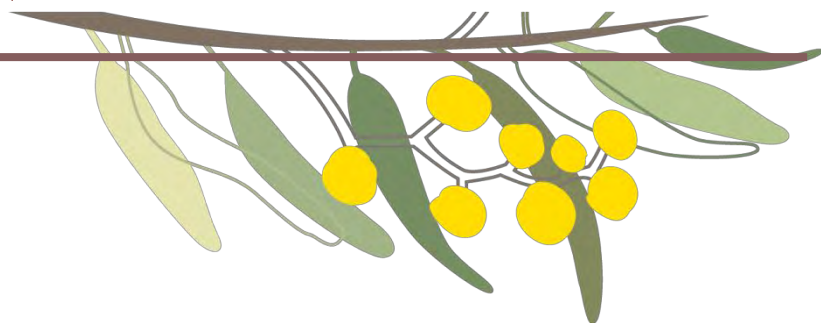




SHIRE OF WOODANILLING



ORDINARY MEETING OF COUNCIL Agenda 19 November 2019

Dear Elected Member

The next Ordinary Meeting of Council of the Shire of Woodanilling will be held on 19/11/2019 in the Council Chambers, 3316 Robinson Road, Woodanilling commencing at 4.00p.m.

STEPHEN GASH
CHIEF EXECUTIVE OFFICER

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ORDINARY MEETING OF COUNCIL AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1. DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Division 6 Subdivision 1 of the Local Government Act 1995 requires Council Members and Employees to declare any direct or indirect financial interest or general interest in any matter listed in this Agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter be discussed.

NB: A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the declared matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Disclosures of Interest Affecting Impartiality are required to be declared and recorded in the minutes of a meeting. Councillors who declare such an interest are still permitted to remain in the meeting and to participate in the discussion and voting on the particular matter. This does not lessen the obligation of declaring financial interests etc. covered under the Local Government Act.

To help with complying with the requirements of declaring Interests Affecting Impartiality the following statement is recommended to be announced by the person declaring such an interest and to be produced in the minutes.

"I (give circumstances of the interest being declared, eg: have a long standing personal friendship with the proponent). As a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Present:

Cr HR Thomson	Shire President	Cr M Trimming	
Cr D Douglas	Deputy Shire President	Cr S Jefferies	
Cr P Morrell		Stephen Gash	Chief Executive Officer
Cr T Brown		Sue Dowson	Deputy CEO
		Colleen Pollard	ASO
		Stuart Buxton	WS

Apologies:

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. PETITIONS / DEPUTATIONS / PRESENTATIONS

Great Southern Treasures Meeting update held on 24/10/2019

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS BY SHIRE PRESIDENT AND/OR DEPUTY PRESIDENT WITHOUT DISCUSSION

8. CONFIRMATION OF COUNCIL MEETING MINUTES:

8.1. ORDINARY MEETING OF COUNCIL HELD – 22/10/2019

COUNCIL DECISION

That the Minutes of the Ordinary Meeting of Council held 22 October 2019 be confirmed as a true and correct record of proceedings without amendment.

9. CONFIRMATION OF OTHER MEETING MINUTES:

Nil

10. OFFICER'S REPORTS

10.1.COUNCIL MEETING DATES 2020

Proponent	Shire of Woodanilling
Owner	
Location/Address	
Author of Report	CPollard ASO
Date of Meeting	19 November 2019
Previous Reports	
Disclosure of any Interest	Nil
File Reference	4.1.15
Attachments	Policy 21

BRIEF SUMMARY

Council is being asked to adopt Council Meeting dates for the year 2020.

BACKGROUND

In accordance with the Regulation 12 of the Local Government (Administration) Regulation 1996, Local Governments are required to give local public notice of the date, time and place with respect to ordinary council meetings and, committee meetings which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

STATUTORY/LEGAL IMPLICATIONS

Local Government Act 1995 - Section 5.25(1)(g). Regulations about council and committee meetings and committees.

Local Government (Administration) Regulations 1996 - Section 12. Meetings, public notice of.

POLICY IMPLICATIONS

Policy No 21 states: Council meetings will be held on every third Tuesday of each month and commence at 4:00pm, with the exception of January of each year when there will be no meeting.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Theme 3 CS.3 Ensure quality decision making by Council is supported by good policies, procedures and legislation

CONSULTATION/COMMUNICATION

Nil

RISK MANAGEMENT

Low (1)

COMMENT

The proposed meeting schedule for 2020 is as follows:

18 February 2020

17 March 2020

21 April 2020

19 May 2020

16 June 2020

21 July 2020

18 August 2020

15 September 2020

20 October 2020

17 November 2020

15 December 2020

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – ITEM 10.1 COUNCIL MEETING DATES 2020

- 1) Ordinary Council Meetings be scheduled for the third Tuesday of each month for 2020 commencing at 4.00pm with the following exception.
 - No scheduled meeting to be held in January.
- 2) The following dates be approved for the 2020 year for Council Meetings.
 - 18 February 2020
 - 17 March 2020
 - 21 April 2020
 - 19 May 2020
 - 16 June 2020
 - 21 July 2020
 - 18 August 2020
 - 15 September 2020
 - 20 October 2020
 - 17 November 2020
 - 15 December 2020

10.2 THIRD PARTY APPEAL RIGHTS - WALGA FEEDBACK

Proponent	Shire of Woodanilling
Owner	
Location/Address	
Author of Report	Stephen Gash - CEO
Date of Meeting	19 November 2019
Previous Reports	
Disclosure of any Interest	Nil
File Reference	
Attachments	WALGA AGM Item and Request for Feedback

BRIEF SUMMARY

To consider the request from the Western Australian Local Government Association (WALGA) to advise whether the August 2019 WALGA Annual General Meeting (AGM) amendment to the preferred model for Third Party Appeal Rights in Planning is supported by Council.

BACKGROUND

The preferred model for Third Party Appeal Rights in Planning was originally developed to give Local Government the ability to appeal a decision by a Development Assessment Panel (DAP) or Joint Development Assessment Panel (JDAP) where an approval or refusal decision is made contrary to the recommendations of the Responsible Authority Report (RAR) or Council position.

At the WALGA AGM held in August 2019, two (2) motions were carried by the attendees as follows:

- 1. That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.*
- 2. That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.*

Prior to WALGA's State Council considering this AGM motion at its meeting in March 2020, WALGA have requested that each Council advise whether they support or do not support this motion to amend the Preferred Model.

STATUTORY/LEGAL IMPLICATIONS

Planning and Development Act 2005.

Planning and Development (Development Assessment Panels) Regulations 2011.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Any changes to planning processes will have an effect on Local Government planning positions.

CONSULTATION/COMMUNICATION

Previously contributed to the preferred model through the Great Southern Zone considerations.

RISK MANAGEMENT

The preferred model proposes the ability for the local government to appeal a decision of the Development Assessment Panel. Broadening third party rights may add significant complexity and concern over misuse of the appeal process to add delay and costs.

COMMENT

It would appear that this amendment is supported by metropolitan Councils who hope to use community sentiment to help them appeal decisions made by DAPs that are in opposition to Council position.

Although these appeal rights would only apply to DAP and JDAP decisions (large developments) in the rural and regional areas, it would add another level of complexity to the already complex planning process.

It is with this in mind that it is recommended that Council does not support the amendment to the preferred model.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – ITEM 10.2 THIRD PARTY APPEAL RIGHTS

That the Western Australian Local Government Association (WALGA) be informed that the Shire Woodanilling does not support the amendment to the preferred model for Third Party Appeal Rights in Planning

From: [Louise Cockroft](#)
To: [Stephen Gash - CEO Woodanilling](#)
Cc: [Louise Cockroft](#)
Subject: Amendment to Preferred Model - Third Party Appeal Rights in Planning
Date: Wednesday, 6 November 2019 3:20:08 PM
Attachments: [3.9 Third Party Appeal Rights.pdf](#)

Sent on behalf of Nick Sloan, Chief Executive Officer, WALGA

06 November 2019
VJ/NS

Our Ref: 06-06-01-0001

Mr Stephen Gash
Chief Executive Officer
Shire of Woodanilling

Dear Stephen

AMENDMENT TO PREFERRED MODEL – THIRD PARTY APPEAL RIGHTS IN PLANNING

At the August 2019 WALGA Annual General Meeting (AGM), an item was discussed by members which proposed an amendment to the existing 'Preferred Model' for Third Party Appeal Rights for decisions made by Development Assessment Panels. A copy of the minutes of the Annual General Meeting are attached.

The following motion was carried by the attendees: -

1. *That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.*
2. *That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.*

Prior to WALGA's State Council considering this AGM motion at its meeting in March 2020, could you please indicate if your Council supports or does not support this motion to amend the Preferred Model.

Submissions can be made:

- To the Planning Team via email at planning@walga.asn.au or
- By mail to WALGA directly at PO Box 1544, West Perth WA 6872

Comments would be appreciated before **30 January 2020**.

Any questions or comments can be sent to the above email or call on 9213 2000 to discuss with a member of the Planning Team.

Kind regards,

Nick

Nick Sloan | Chief Executive Officer | WALGA
(p) (08) 9213 2025 | (m) 0408 941 792 | (e) nsloan@walga.asn.au

3.9 Third Party Appeal Rights

MOTION

Moved Cr Georgia Johnson, City of Bayswater
Seconded Cr Julie Mathison, City of Subiaco

IN BRIEF

- Further amendments proposed to the Preferred Model for Third Party Appeals Process

1. That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.
2. That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

CARRIED

MEMBER COMMENT

The Council has taken a particularly strong stand on this important issue and it is requested that this matter be given further consideration.

SECRETARIAT COMMENT

At its May 2019 meeting, WALGA's State Council considered a 'Preferred Model' and resolved that WALGA:

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels, and
2. Endorses the 'Preferred Model' as presented in the May 2019 Agenda, as the Third Party Appeals process for decisions made by Development Assessment Panels and in future give consideration to broadening Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.

(Resolution 44.4/2019)

The above resolution was sent to the Minister for Transport: Planning with a copy of the proposed model (as attached).

The May 2019 Agenda item sought to finalise a 'Preferred Model' for appeals on Development Assessment Panel decisions. WALGA's State Council considered several alternative WALGA Zone resolutions, as several Zones proposed alternative 'Preferred Models' for decisions made by DAPs, preferred types of Third Party Appeals and one Zone indicated its opposition to any Third Party Appeals model being introduced, as follows: -

SOUTH METROPOLITAN ZONE

That the Position Statement be referred back to WALGA officers to provide an evidence case to support the need for change, the expected benefits, and an analysis of the implications of change in terms of cost, resource and timeframes by utilising the experience of other States where third party appeals exist and applying that to the system proposed.

GREAT SOUTHERN COUNTRY ZONE

That the Zone opposes Third Party Appeals in relation to Item 5.2 in the May 2019 WALGA State Council Agenda.

EAST METROPOLITAN ZONE

That there be an amendment to the Preferred Model, being that third parties are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

CENTRAL METROPOLITAN ZONE

That WALGA:

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels; and
2. Endorses the original December 2018 'Preferred Model' as the third party appeals process for decisions made by the Development Assessment Panels with the following amendments:
 - a. DOT POINT 1 "which could possibly be expanded later if it proves to be beneficial" to be removed
 - b. DOT POINT 4 to be replaced with "Other affected parties would be able to appeal a DAP decision"

Based on the formal resolutions received and members discussions at Zone meetings, there were a range of options available for State Council to consider at its meeting in May: -

1. Not adopt a Preferred Model until more information on cost and resource implications is provided;
2. Adopt the Preferred Model as presented in the May 2019 Agenda;
3. Adopt the Preferred Model as presented in the May 2019 Agenda, with the amendments suggested by the East Metropolitan Zone, ie ability to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels;
4. Adopt the Preferred Model as circulated to members in December 2018;
5. Adopt the Preferred Model as circulated to members in December 2018, with the amendments suggested by the Central Metropolitan Zone;
6. Adopt the Preferred Model with different amendments (any amendments discussed by State Council);
7. Not adopt any Preferred Model but still advocate for Third Party Appeal Rights for DAPs decisions
8. Adopt a different Third Party Appeal model (ie wider than just for DAPs);
9. Consult the sector again on what model of Third Party Appeal rights is considered acceptable given the wide range of views;
10. Return to the pre-May 2018 position, where any Third Party Appeal rights are not supported

The preferred approach by State Council was to adopt the Preferred Model as presented in the May 2019 Agenda, as it would provide the starting point for discussion with the State Government about the introduction of Third Party Appeals for Development Assessment Panel decisions.

WALGA provided this position to the Minister for Transport; Planning and the Minister's response was as follows:

I note WALGA's State Council endorsed Preferred Model on this matter, however I maintain concerns regarding the unnecessary complexity and red tape third party appeal rights would add to the

planning system, which is contrary to the objectives of the Government's commitment to planning reform.

The Department of Planning, Lands and Heritage received 254 submissions in response to the Green Paper, including many which confirmed the issues and views identified in the Green Paper regarding the current DAP system.

An Action Plan for planning reform which contains a program of initiatives to address the concerns identified by the Green Paper and submissions is currently being finalised by the Department for consideration by Government.

I will make announcements regarding the content of the Action Plan and reform initiatives in the near future.

Preferred Model

Third Party Appeal Rights for decisions made by Development Assessment Panels

Benefits of Third Party Appeal Right for decisions made by Development Assessment Panels

- Only Local Governments will be able to challenge and seek review of DAP decisions that are made contrary to the recommendations of the Responsible Authority Report (RAR) or Council position.
- In future, possible consideration to a broadening of Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.
- Local Government would be able to appeal a DAP decision and defend the merits of their policies and defend the enforceability of their conditions.
- More transparent process in both decision making and condition setting, resulting in more accountable DAP members.

- Would allow for an appeal to be made on the conditions of approval or refusal
 - i) that may have been removed from a RAR; or
 - ii) added to the decision, particularly where no liaison has occurred with the Local Government for clearing or enforcing the condition; or
 - iii) applied inappropriately i.e. the condition would change the intent or design of the development and therefore a new application should have been lodged.
- Limits appeal rights to larger, more complex applications and would filter out 'smaller' impact applications which could potentially overburden the system.
- Provides the opportunity for additional information to be included in the appeal process, particularly if information was not received before the DAP meeting.
- Provides the ability to challenge any new information being presented at the DAP meeting without the Local Government being able to undertake any assessment of the new information (unassessed revised plans are currently being lodged and approved at meetings).
- Able to appeal the 'Deferral' process being over utilised, i.e. DAPs are tending to defer applications multiple times rather than making a decision to approve or refuse the proposal.
- Can give the Local Government more confidence that the developer will provide a fully complete application and discuss the application with the Local Government first, rather than relying on the DAP to condition the proposal requiring additional critical information.

Appellants in a Third Party Appeal

Should be for

- A Local Government where DAP has gone against the position of Council itself; or
- A Local Government where DAP has gone against the Responsible Authority Report (RAR)

Local Government makes a submission

- SAT would need to ensure that appeals are made on valid planning grounds and are not made for commercial or vexatious reasons.
- The existing Directions Hearing process could be used to see if the appeal has reasonable planning merit, which would assist in providing clarity on what constitutes a valid planning consideration and what would be an invalid planning consideration. The Directions Hearing could consider the appellant's justification for submitting the appeal, in particular, whether the grounds of appeal are supported by documentary evidence or other material (a similar process for justifying the lodgement of an appeal already exists through Section 76 of the *Planning and Development Act 2005*).
-
- *** Will need to discuss with SAT the definition of 'valid planning grounds' to determine whether the submission has reasonable grounds for appeal***

What can be appealed?

- DAP applications that are compulsory over \$10 million for JDAPs and \$20 million for City of Perth DAP; or
- DAP applications in the optional threshold \$2m – 10m for JDAPs and in the City of Perth \$2 million - \$20 million; or
- DAP applications seeking amendments to approvals *i.e.* Form 2 applications proposing a change to the development application, and including applications for an extension of time

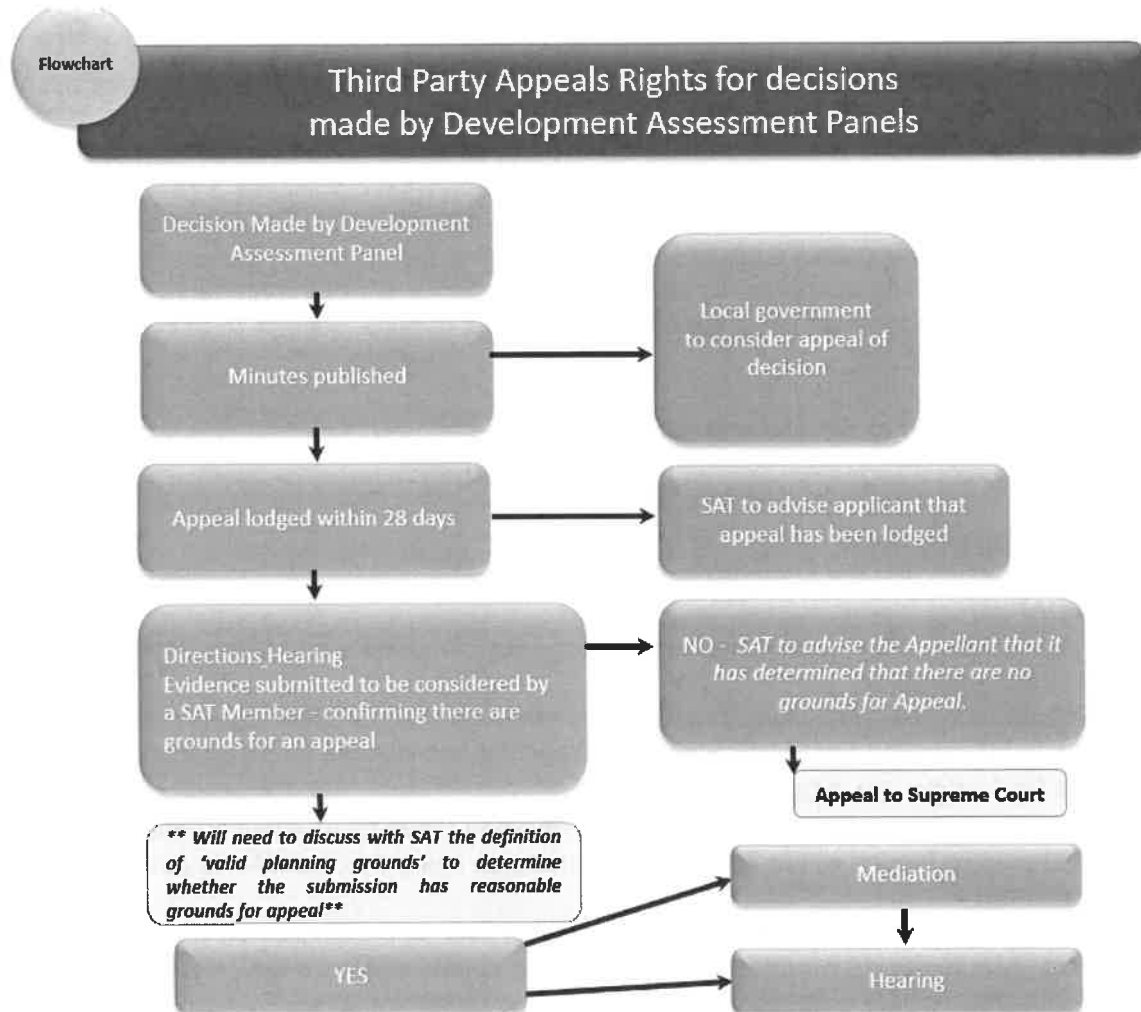
Timeframe to lodge an appeal

- As per the existing timeframe, an appeal on a decision made by a Development Assessment Panel should be lodged within 28 days of the decision being made public, ie publishing of the DAP minutes.
- Local Governments would need to determine within their own organisation what process to follow in order to decide whether or not to lodge an appeal against a DAP decision. In many cases this may require a Special Council meeting to determine this.

Costs

- Any Local Government would need to cover their costs of initiating the appeal, attending SAT directions, mediation and hearings, and costs could also include obtaining expert advice.

Appeals Process



10.3 LICENSED PILOTS ON REGIONAL DISTRIBUTOR ROADS

Proponent	Shire of Woodanilling
Owner	
Location/Address	
Author of Report	Stephen Gash - CEO
Date of Meeting	19 November 2019
Previous Reports	
Disclosure of any Interest	Nil
File Reference	
Attachments	Agricultural Pilots Flow Chart

BRIEF SUMMARY

To consider the implications Agricultural Pilot Flow Chart November 2019.

BACKGROUND

The Heavy Vehicle Agricultural Pilot Declaration 2018 (attached) specified a 1km maximum on State roads without a licenced heavy vehicle pilot and was followed in May 2019 with the attached flow chart supporting this declaration.

Following review of the towed agricultural implements and alignment with the Restricted Access Vehicle (RAV) network the flow chart November 2019 (attached) was published. This now specifically lists regional distributor roads with State roads as coded orange on the referenced maps.

STATUTORY/LEGAL IMPLICATIONS

Road Traffic (Vehicles) Act 2012.

Road Traffic (Vehicles) Regulations 2014.

Heavy Vehicle Agricultural Pilot Declaration 2018.

Restricted Access Vehicle Scheme.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The requirement for licensed heavy vehicle pilot's vs agricultural pilot's, due to the 1 km limit on regional distributors, may have significant impost of farmers adjoining the regional distributors.

STRATEGIC IMPLICATIONS

The Woodanilling road network has been designed to coordinate freight tasks on specific roads. There is concern about unintended consequences by diverting traffic to back roads.

CONSULTATION/COMMUNICATION

Previous State consultation with industry stakeholders and WALGA as part of Ag Freight, and

RISK MANAGEMENT

Both the safety on the regional distributor and local roads needs to be considered.

COMMENT

Two roads Robinson West Rd and Katanning Dumbleyung (Oxley Rd) have been specified within the Shire of Woodanilling as regional distributors requiring licensed heavy vehicle pilots to move further than 1km for specified vehicle types.

The issues are:

- Robinson Rd West has twelve (12) intersecting local roads along its length and only two (2) are crossroads.

- Of the remaining 10 intersecting roads on Robinson West Rd, only two are within 1 km of each other.
- Robinson Rd West is one of the safer Shire roads because of the pavement and shoulder width being designed to be the 'backbone' of the central part of the Shire for heavy vehicles, noting it is also the longest Shire road with the most farm frontage for agricultural freight tasks.
- There are concerns that the 1km limit along Robinson Rd West will force traffic onto adjacent Roads that would create a higher risk, even with agricultural pilots, given the clearance widths.

Councillors have been approached by farmers who operate on both sides of the Woodanilling regional distributor roads to highlight the impact on operations. A suggested improvement is to consider raising the 1km maximum on regional distributors to extend to the next local government through road intersection.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – ITEM 10.3 LICENSED PILOTS ON REGIONAL DISTRIBUTOR ROADS

That Council request the Great Southern Zone of WALGA to consider the impact of the November 2019 flow chart for agricultural pilots, and specifically request the review of the distance limit on regional distributors to be expanded to the nearest local government 'through road' connection.

TRANSPORT

TN401

ROAD TRAFFIC (VEHICLES) ACT 2012 ROAD TRAFFIC (VEHICLES) REGULATIONS 2014

HEAVY VEHICLE AGRICULTURAL PILOT AUTHORISATION 2018

I, Richard Sellers, Commissioner of Main Roads, acting pursuant to regulation 454B (2) of the *Road Traffic (Vehicles) Regulations 2014* hereby authorise that a person being a holder of a valid driver's licence for that class of vehicle, may use a pilot vehicle for the purpose of facilitating the movement of an Oversize Agricultural Vehicle, subject to the conditions as specified in this authorisation.

1. Revocation of previous Authorisation

The *Heavy Vehicle Agricultural Pilot Authorisation 2017* is revoked.

2. Citation

This authorisation is the *Heavy Vehicle Agricultural Pilot Authorisation 2018*.

3. Commencement

This authorisation takes effect on the day that it is published.

4. Interpretation

In this authorisation, unless the contrary intention appears—

Agricultural Pilot Operational Requirements means the document, as amended from time to time, entitled "Agricultural Pilot Operational Requirements" published on the Main Roads website.

Drivers Licence does not include a provisional licence.

Gate to Gate means the movement between two gates located on the same road where the distance between the two gates is no greater than 1 kilometre.

Licensed Heavy Vehicle Pilot means a holder of a heavy vehicle pilot licence issued under Part 13A of the *Road Traffic (Vehicles) Regulations 2014*.

Local Government Road means a road that is under the responsibility of the local government of the district in which it is situated.

Oversize Agricultural Vehicle means a vehicle used for an agricultural application, including the movement of agricultural implements and machines by an agricultural vehicle dealer and earthmoving machinery used by an earthmoving contractor specifically engaged in agricultural applications.

Perth Metropolitan Region means the region described in Schedule 3 of the *Planning and Development Act 2005*.

State Road means a road that is under the responsibility of Main Roads.

5. Application

(1) This authorisation only applies to a person, who is—

- (a) not a Licensed Heavy Vehicle Pilot; and
- (b) driving a pilot vehicle for the purpose of facilitating the movement of an Oversize Agricultural Vehicle.

6. General Conditions

(1) A driver of a pilot vehicle must not accompany an Oversize Agricultural Vehicle unless—

- (a) the Oversize Agricultural Vehicle does not exceed 7.5 metres in width and/or 40 metres in length;
- (b) the Oversize Agricultural Vehicle is being moved for total distance no greater than 100 kilometres from the point of origin to the final destination, unless it is also accompanied by at least one Licensed Heavy Vehicle Pilot; and
- (c) the driver and the pilot vehicle comply with the requirements specified in the *Agricultural Pilot Operational Requirements*.

7. Access Conditions

(1) The driver of a pilot vehicle must only accompany an Oversize Agricultural Vehicle while it is travelling on a Local Government road outside of the Perth Metropolitan Region.

(2) Despite subclause (1), the driver of a pilot vehicle may accompany an Oversize Agricultural Vehicle on a State Road provided—

- (a) the State Road is outside the Perth Metropolitan Region; and
- (b) the State Road is being used to access—
 - (i) the nearest appropriate Local Government Road; or
 - (ii) farm gates for the purpose of a gate to gate movement when both gates are located on the State Road; and
- (c) when the distance travelled on the State Road is greater than 1 kilometre, the Oversize Agricultural Vehicle must also be accompanied by at least one Licensed Heavy Vehicle Pilot.

(3) A pilot vehicle is not required when travelling from gate to gate on the same Local Government Road, for a distance not exceeding 1 kilometre, subject to traffic management requirements defined in regulation 425(3)(b) of the *Road Traffic (Vehicles) Regulations 2014*.

(4) The number of pilot vehicles required to facilitate the movement of an Oversize Agricultural Vehicle must be in accordance with the following tables—

Table 1: Pilot Vehicle Requirements—Day-time Travel

Overall Width of Vehicle or Combination	Overall Length of Vehicle or Combination	Pilot Vehicles Required
> 3.5m—≤ 4.5m	≤ 40m	1 x Pilot Vehicle
> 4.5m—≤ 5.5m	≤ 40m	2 x Pilot Vehicles
> 5.5m—≤ 7.5m	≤ 40m	3 x Pilot Vehicles

Table 2: Pilot Vehicle Requirements—Night-time Travel

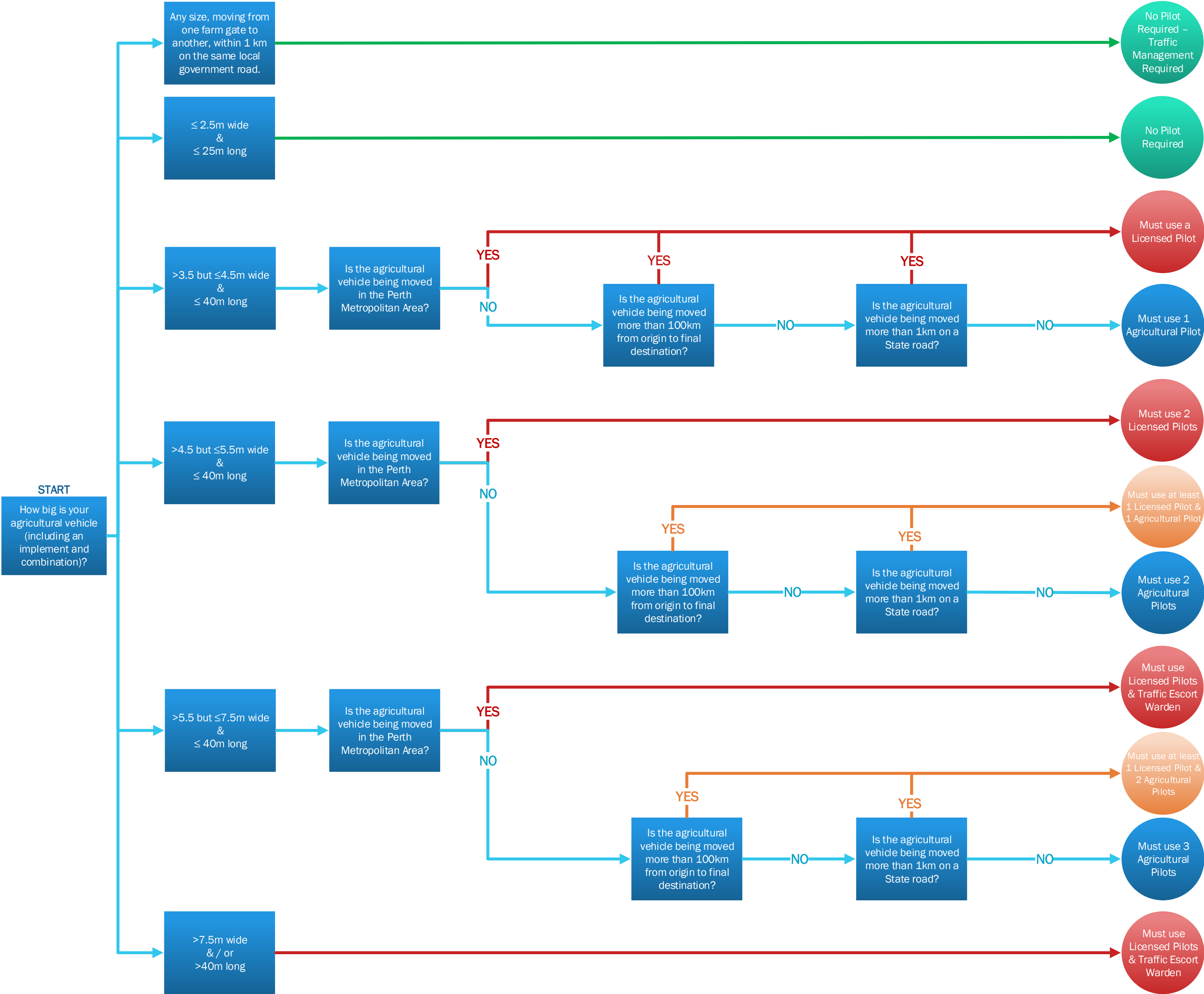
Overall Width of Vehicle or Combination	Overall Length of Vehicle or Combination	Pilot Vehicles Required
> 3.1m—≤ 3.2m	> 22m—≤ 25m	1 x Pilot Vehicle
> 3.1m—≤ 3.2m	> 25m—≤ 30m	2 x Pilot Vehicles
> 3.2m	> 30m	No travel permitted at night

Dated: 28 December 2018

RICHARD SELLERS, Commissioner of Main Roads.

Agricultural Pilot Requirements

MAY 2019



mainroads
WESTERN AUSTRALIA

For more information contact our Heavy Vehicle Help Desk on 138 486 or visit the Pilots page of our website at www.mainroads.wa.gov.au



For more information contact our Heavy Vehicle Help Desk on 138 486 or visit the Agricultural Vehicles page of our website at www.mainroads.wa.gov.au

Agricultural Pilot Requirements

Start

How big is your agricultural vehicle?
("vehicle" includes a machine, implement and combination)

NOTE 1: Where a Licensed Pilot is specified, it may be substituted for an Agricultural Pilot, provided there is a holder of a Heavy Vehicle Pilot Licence in the **lead Oversize Agricultural Vehicle**, overseeing the pilots.

NOTE 2: If your Oversize Agricultural Vehicle consists of an auger or conveyor with a rear overhang exceeding 10.0m, it must be accompanied by at least one (1) Agricultural Pilot to safely facilitate the excessive tail swing.

NOTE 3: A maximum of 3 agricultural combinations, each with up to 3 towed agricultural implements, may travel in convoy when required to be accompanied by a pilot.

Size

Any size, moving from one farm gate to another, within 1 km on the same local government road

≤ 3.8m wide & ≤ 25m long (outside the Red Zone)

> 3.8m but ≤ 4.5m wide & a length up to 40m

> 4.5m but ≤ 6.5m wide & a length up to 40m

> 6.5m but ≤ 8.5m wide & a length up to 40m

Required Pilots

No Pilot Required - Traffic Management Required

No Pilot Required

1 Agricultural Pilot

1 Licensed Pilot

Standard Heavy Vehicle Pilot Requirements Apply

1 Agricultural Pilot

1 Licensed Pilot

1 Licensed Pilot & 1 Agricultural Pilot

Standard Heavy Vehicle Pilot Requirements Apply

1 Agricultural Pilot

1 Licensed Pilot & 1 Agricultural Pilot

1 Licensed Pilot & 2 Agricultural Pilots

Standard Heavy Vehicle Pilot Requirements Apply

Are you in a Green Zone?

Y

Are you in an Orange Zone?

Y

Are you in a Red Zone?

Y

Are you travelling less than 1km between Green Zones?

Y

N

Are you in a Green Zone?

Y

Are you in an Orange Zone?

Y

Are you in a Red Zone?

Y

Are you travelling less than 1km between Green Zones?

Y

N

Are you travelling less than 5km on an Orange Zone road?

Y

N

Are you in a Green Zone?

Y

Are you in an Orange Zone?

Y

Are you in a Red Zone?

Y

Are you travelling less than 1km between Green Zones?

Y

N

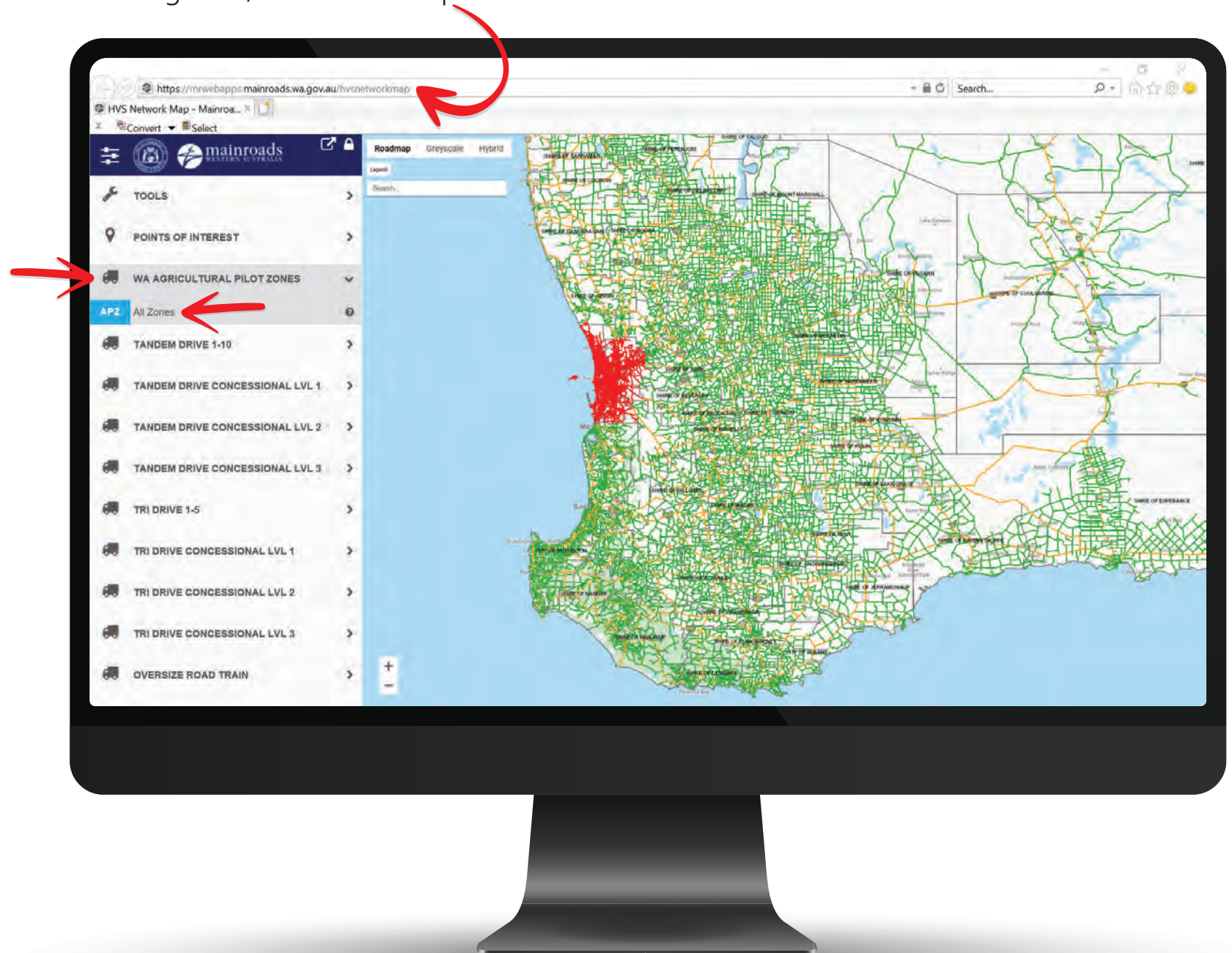
Are you travelling less than 5km on an Orange Zone road?

Y

N

RAV Mapping Tool - WA Agricultural Pilot Zones

<https://mrwebapps.mainroads.wa.gov.au/hvsnetworkmap>



SCAN ME

10.4 HIRE OF COLLINS ROLLER TO KATANNING SPEEDWAY CLUB

Proponent	Shire of Woodanilling
Owner	
Location/Address	
Author of Report	Stephen Gash - CEO
Date of Meeting	19 November 2019
Previous Reports	
Disclosure of any Interest	Nil
File Reference	
Attachments	Hire of Collins Roller to Katanning Speedway

BRIEF SUMMARY

To consider a hire of the Collins roller to the Katanning Speedway.

BACKGROUND

The Shire of Woodanilling has been approached by the Katanning Speedway to be able to use the Collins towed roller, owned by the Shire.

STATUTORY/LEGAL IMPLICATIONS

Local Government Act 1995 s3.58.

POLICY IMPLICATIONS

There is no Shire policy for disposal of surplus plant, so the Act and Regulations apply to disposal by sale or lease of local government property, or advertising of hire fees/charges and seeking appropriate feedback.

FINANCIAL IMPLICATIONS

The roller is Asset No 131, Plant No PRLR3 and has had \$461 in maintenance cost and \$533 in depreciation over the last two years.

The written down value is still \$7,220 following revaluation in 2016, which is why a hire arrangement is proposed until the plant and works Committee can review the roller requirements for future operations. Council would then need to consider requirements for advertising and disposal permanently under the Local Government Act 1995.

With Katanning Speedway required to cover maintenance costs and liability a minimal hire cost of \$1 per annum is proposed until 31 December 2020. As there is no listing for hire of the Collins Roller in the Fees and Charges, any resolved fee would need to be advertised with 28 days and comments considered.

STRATEGIC IMPLICATIONS

The roller is currently not being used and has minimal operating costs to the Shire. Its use by the Katanning Speedway is consistent with community support, given the speedway involvement of Woodanilling community members, as long as there is no additional cost or liability to the Shire.

CONSULTATION/COMMUNICATION

Request directly from Katanning Speedway.

RISK MANAGEMENT

Any agreement needs to reflect Katanning Speedway acceptance of all maintenance costs and liability for use.

COMMENT

The Collins roller was acquired in 1975 with an estimated useful life of 20 years at the time.

The roller is a towed implement and its use has declined in recent years due to its manoeuvrability for typical shire construction in narrow road reserves, where back and forth or turning movements are frequent. It is now regarded as surplus to requirements for day to day Shire operations.

The roller is ideally suited to maintaining the Speedway track given the unidirectional maintenance of the track surface and would assist the maintenance of a regional speedway asset used by the broader district.

The Shire maintains an ezi-roll attachment for the grader and will be considering alternatives, including self-propelled multi-tyre roller in the 2020/21 plant replacement program when a grader is due for renewal.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION – ITEM 10.4 HIRE OF COLLINS ROLLER TO KATANNING SPEEDWAY CLUB

That Council:

- 1. Advertise its intention to hire the Collins Towed Roller to the Katanning Speedway Club Inc until 31 December 2020 for consideration of \$1, on the condition that the club assumes all liability and maintenance costs over this period, and consider submissions; and**
- 2. Authorise the Chief Executive Officer to finalise the hire agreement if no dissenting submissions are received.**

11. COUNCILLOR'S REPORTS ON MEETINGS ATTENDED

11.1.COUNCILLOR'S/ DELEGATES MEETINGS ATTENDED FOR THE PERIOD – 23/10/2019 – 15/11/2019

Lesley Trimming – Great Southern Treasures 24/10/2019

12. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL

13.1.COUNCILLORS AND /OR OFFICERS

14. ITEMS FOR DISCUSSION

Nil

15. INFORMATION ITEMS

15.1.ADOPTION OF INFORMATION REPORTS

RECOMMENDATION – INFORMATION REPORT 19/11/2019

That Council endorses the information contained in the following information reports.

15.2.MONTHLY FINANCIAL REPORTS – FOR THE PERIOD 01/10/2019 – 31/10/2019

To be provided under separate cover from Moore Stephens prior to meeting.

15.3.MONTHLY RATES REPORTS – FOR THE PERIOD ENDING – 31/10/2019

OUTSTANDING RATES	31/10/2019
Description	Balance
Rates	\$ 94,151.79
Legal charges	\$ 1,666.20
Penalty charges	\$ 8,397.05
Other Charges	\$ -
Instalment admin Fee	\$ 158.37
Instalment interest	\$ 105.59
Fire breaks	\$ 1,619.00
ESL Penalty	\$ 520.98
Sub total	\$ 106,618.98
Rubbish removal	\$ 9,140.05
Sub total	\$ 9,140.05
ESL	\$ 6,538.64
Sub total	\$ 6,538.64
Rates paid in advance	-\$ 8,557.76
Sub total	-\$ 8,557.76
Grand total	\$ 113,739.91

SUNDRY DEBTORS OUTSTANDING 90 DAYS OR GREATER

CLIENT #	DETAILS	AMOUNT
504	Funding	\$5400.00
20384	Block Slashing fees	\$786.39
136	Block Slashing	\$150.00
79	WANDRA Funding	\$22570.11
133	Standpipe Water	\$9.45
114	WANDRAA standpipe Water (currently been recouped through final claim submitted to main roads)	\$12757.85
21010	Standpipe Water Charges	\$371.00
47	Standpipe Water Charges	\$93.02
9	Block Slashing as per firebreak notice	\$172.90
57	Planning Fee	\$939.68
76	Standpipe Water	\$1.05
146	Staff reimbursements	\$193.48
135	Block Slashing	\$350.00
90545	Standpipe Water Charges	\$2205.00
	Under and overs	\$0.00
	Total	\$45999.93

TOTAL SUNDRY DEBTORS OUTSTANDING

30 DAYS AND LESS	60 DAYS	90 DAYS OR GREATER	TOTAL
\$0.00	\$390.00	\$45999.93	\$46389.93

15.4.SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD 16/10/2019 – 15/11/2019

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Shire of Woodanilling

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT4338	18/10/2019	Dwanie Cooper	Payroll deductions	1		170.00
EFT4339	18/10/2019	Moore Stephens	Accounting	1		7,535.00
EFT4340	18/10/2019	Alexander Galt & Co	Parts	1		277.70
EFT4341	18/10/2019	Lush Fire & Planning	Planning Services 01 Aug - 30 Sept 2019	1		786.50
EFT4342	18/10/2019	Di Candilo Steel City	Parts	1		697.40
EFT4343	18/10/2019	Bullivants	Parts	1		83.25
EFT4344	18/10/2019	Frontline Fire & Rescue	Fire Equipment	1		412.74
EFT4345	18/10/2019	Automotive Electrical & 4WD Accessories	Parts	1		554.46
EFT4346	18/10/2019	Garden Retic Services	Oval Retic repair	1		1,349.70
EFT4347	18/10/2019	Rapid Print Finishing & Pritchard Bookbinders	Binding	1		187.00
EFT4348	18/10/2019	MultiSpares	Parts	1		491.69
EFT4349	18/10/2019	AFGRI Equipment	Repair WO.010	1		1,446.42
EFT4350	18/10/2019	WA Contract Ranger Services	Ranger	1		467.50
EFT4351	18/10/2019	Toll Transport	Freight	1		24.59
EFT4352	18/10/2019	Katanning Districts Carpet Care	Cleaning Contract	1		472.50
EFT4353	18/10/2019	Katanning Stock & Trading	Materials	1		36.65
EFT4354	18/10/2019	Synergy	Street lights 02 Sept -02 Oct 2019	1		583.58
EFT4355	18/10/2019	Staff Lotto	Payroll deductions	1		50.00

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT4356	18/10/2019	Edwards Motors	Parts	1		210.00
EFT4357	18/10/2019	Beaurepaires Wagin	Parts	1		4,510.50
EFT4358	18/10/2019	JR & A Hersey	Materials	1		732.97
EFT4359	18/10/2019	Kleenheat Gas	Pavilion	1		69.30
EFT4360	18/10/2019	BOC Gases Australia	Gases	1		23.94
EFT4361	18/10/2019	LGIS	Liability	1		32,161.86
EFT4362	18/10/2019	DFES	ESL	1		756.00
EFT4363	18/10/2019	Katanning Hardware	Air Hoses	1		122.44
EFT4364	18/10/2019	Tyrepower Katanning	WO.00	1		185.00
EFT4365	18/10/2019	Staff Christmas Club	Payroll deductions	1		257.00
EFT4366	18/10/2019	RSPCA WA	Payroll deductions	1		5.00
EFT4367	18/10/2019	Hughans Saw Services	Parts	1		1,346.40
EFT4368	18/10/2019	Sandy Boxall Catering	Catering	1		220.00
EFT4369	18/10/2019	Officeworks	Stationary	1		281.29
EFT4370	25/10/2019	Dwanie Cooper	Payroll deductions	1		170.00
EFT4371	25/10/2019	Hall Electrical & Data Services	Oval Light repairs	1		5,235.22
EFT4372	25/10/2019	Automotive Electrical & 4WD Accessories	Parts	1		107.57
EFT4373	25/10/2019	Toll Transport	Freight	1		53.85
EFT4374	25/10/2019	Katanning Districts Carpet Care	Cleaning contract	1		210.00

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT4375	25/10/2019	Katanning Stock & Trading	Materials	1		34.50
EFT4376	25/10/2019	Synergy	Admin.	1		3,506.79
EFT4377	25/10/2019	Woodanilling Store	Groceries, fuel	1		266.00
EFT4378	25/10/2019	Staff Lotto	Payroll deductions	1		50.00
EFT4379	25/10/2019	PCS	IT Support	1		2,045.00
EFT4380	25/10/2019	Katanning Hardware	Gas	1		180.00
EFT4381	25/10/2019	Great Southern Waste Disposal	Rubbish removal	1		2,477.78
EFT4382	25/10/2019	Tyrepower Katanning	Parts	1		46.00
EFT4383	25/10/2019	Staff Christmas Club	Payroll deductions	1		257.00
EFT4384	25/10/2019	RSPCA WA	Payroll deductions	1		5.00
EFT4385	31/10/2019	Toll Transport	Freight	1		10.73
EFT4387	31/10/2019	Katanning Stock & Trading	Materials	1		11.80
EFT4388	31/10/2019	Staff Lotto	Payroll deductions	1		50.00
EFT4389	31/10/2019	Great Southern Fuel Supplies	Bulk Diesel	1		7,196.77
EFT4390	31/10/2019	Stewart & Heaton Clothing Co	Goods	1		54.15
EFT4391	31/10/2019	Campbell Beck's Smart Shop	Laminating	1		45.00
EFT4392	31/10/2019	Katanning Hardware	Materials	1		953.61
EFT4393	31/10/2019	Staff Christmas Club	Payroll deductions	1		257.00

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT4394	31/10/2019	RSPCA WA	Payroll deductions	1		5.00
EFT4395	08/11/2019	West Australian Newspaper	Bushfire Directory	1		165.00
EFT4396	08/11/2019	Moore Stephens	Annual Financial Statements	1		11,330.00
EFT4397	08/11/2019	Alexander Galt & Co	Materials	1		10.00
EFT4398	08/11/2019	Bullivants	Parts	1		61.05
EFT4399	08/11/2019	JBs Quality Meats	Catering	1		173.00
EFT4400	08/11/2019	QFH Multiparts	Parts	1		20.90
EFT4401	08/11/2019	AM Bolts & Nuts	Parts	1		23.10
EFT4402	08/11/2019	Wren Oil	Filter Drum exchange	1		154.00
EFT4403	08/11/2019	MultiSpares	Parts	1		993.28
EFT4404	08/11/2019	Corsign WA	Posts	1		1,815.00
EFT4405	08/11/2019	McGuffie Transport	Freight	1		593.45
EFT4406	08/11/2019	Toll Transport	Freight	1		53.47
EFT4407	08/11/2019	Colas WA	Emulsion	1		1,892.00
EFT4408	08/11/2019	Katanning Districts Carpet Care	Cleaning contract	1		420.00
EFT4409	08/11/2019	Foodworks Wagin Co-op	catering	1		58.88
EFT4410	08/11/2019	Staff Lotto	Payroll deductions	1		50.00
EFT4411	08/11/2019	Edwards Motors	Pressure cleaner	1		299.00
EFT4412	08/11/2019	Beaurepaires Wagin	Tyres	1		357.55

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT4413	08/11/2019	JR & A Hersey	PPE	1		180.05
EFT4414	08/11/2019	BOC Gases Australia	Gases	1		13.55
EFT4415	08/11/2019	Burando Hill	Parts	1		301.62
EFT4416	08/11/2019	RCPA WA	Pipe & materials	1		1,325.42
EFT4417	08/11/2019	David Gray & Co	Materials	1		2,194.50
EFT4418	08/11/2019	EW & RJ Pugh	Pump septic	1		431.00
EFT4419	08/11/2019	Katanning Hardware	PPE	1		6,982.98
EFT4420	08/11/2019	Staff Christmas Club	Payroll deductions	1		257.00
EFT4421	08/11/2019	RSPCA WA	Payroll deductions	1		5.00
EFT4422	08/11/2019	Officeworks	Stationary	1		170.51
EFT4423	15/11/2019	Major Motors	Parts	1		37.98
EFT4424	15/11/2019	KJB Plumbing & Gas	Install HWU 13 Cardigan St	1		958.00
EFT4425	15/11/2019	Dongolocking Plumbing & Gas	Standpipe repair	1		689.27
EFT4426	15/11/2019	Hall Electrical & Data Services	Maintenance 13 Cardigan St	1		148.94
EFT4427	15/11/2019	RAMM Software	Software contract	1		6,271.93
EFT4428	15/11/2019	Brenton Norrie	Maintenance 3340 Robinson Road	1		1,077.50
EFT4429	15/11/2019	WA Contract Ranger Services	Ranger contract	1		561.00
EFT4430	15/11/2019	Katanning Districts Carpet Care	Cleaning contract	1		210.00

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT4431	15/11/2019	Zurich Insurance	WO.022 Excess	1		300.00
EFT4432	15/11/2019	Eaton Trophies	Councillor gift	1		47.55
EFT4433	15/11/2019	ATO	Oct BAS 2019	1		16,931.00
EFT4434	15/11/2019	Synergy	02 Oct - 01 Nov 2019	1		564.76
EFT4435	15/11/2019	Staff Lotto	Payroll deductions	1		50.00
EFT4436	15/11/2019	Great Southern Fuel Supplies	Fuel	1		9,819.89
EFT4437	15/11/2019	JR & A Hersey	Parts	1		60.21
EFT4438	15/11/2019	Lincolns	Audit Acquittal	1		990.00
EFT4439	15/11/2019	Ray Ford Signs	Road Property Marker	1		37.40
EFT4440	15/11/2019	Winc	Stationary	1		217.70
EFT4441	15/11/2019	Emerald Garden	Wreath	1		100.00
EFT4442	15/11/2019	BTW Rural Supplies	Parts	1		49.90
EFT4443	15/11/2019	Katanning McIntosh & Son	Parts	1		74.38
EFT4444	15/11/2019	Katanning Hardware	Materials	1		115.89
EFT4445	15/11/2019	Albany Best Office Systems	Copier contract	1		480.48
EFT4446	15/11/2019	Staff Christmas Club	Payroll deductions	1		257.00
EFT4447	15/11/2019	RSPCA WA	Payroll deductions	1		5.00
EFT4448	15/11/2019	Widespread Contracting	Contract Excavator	1		1,270.50
EFT4449	15/11/2019	T-Quip	Parts	1		281.20

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
15311	18/10/2019	Petty Cash Recoup	Petty Cash Recoup	1		208.20
15312	25/10/2019	Australia Post	Stamps	1		500.00
15314	08/11/2019	Petty Cash Recoup	Petty Cash Recoup	1		188.07
DD2686.1	16/10/2019	WA Super	Payroll deductions	1		956.17
DD2686.2	16/10/2019	Australian Superannuation	Superannuation contributions	1		762.03
DD2686.3	16/10/2019	Hesta	Superannuation contributions	1		430.10
DD2686.4	16/10/2019	MLC Navigator Retirement Plan	Superannuation contributions	1		182.48
DD2686.5	16/10/2019	Colonial Select Personnel Super	Superannuation contributions	1		93.90
DD2686.6	16/10/2019	REST	Superannuation contributions	1		107.41
DD2686.7	16/10/2019	CBUS Superannuation	Superannuation contributions	1		29.65
DD2687.1	06/11/2019	Water Corporation	Admin Office	1		7.79
DD2691.1	23/10/2019	WA Super	Payroll deductions	1		949.20
DD2691.2	23/10/2019	Australian Superannuation	Superannuation contributions	1		762.03
DD2691.3	23/10/2019	Hesta	Superannuation contributions	1		430.10
DD2691.4	23/10/2019	MLC Navigator Retirement Plan	Superannuation contributions	1		136.87
DD2691.5	23/10/2019	Colonial Select Personnel Super	Superannuation contributions	1		93.90
DD2691.6	23/10/2019	REST	Superannuation contributions	1		107.41
DD2691.7	23/10/2019	CBUS Superannuation	Superannuation contributions	1		29.65

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
DD2693.1	06/11/2019	Water Corporation	6 Aug - 15 Oct 2019	1		99.81
DD2693.2	01/11/2019	Water Corporation	6 Aug - 15 Oct 2019	1		579.79
DD2693.3	01/11/2019	Westnet	4WDL monthly hosting	1		124.99
DD2698.1	21/10/2019	SkyMesh	Internet Contract	1		125.00
DD2698.2	17/10/2019	ClickSuper	Transaction fee	1		9.79
DD2702.1	30/10/2019	WA Super	Payroll deductions	1		949.13
DD2702.2	30/10/2019	Australian Superannuation	Superannuation contributions	1		762.03
DD2702.3	30/10/2019	Hesta	Superannuation contributions	1		430.10
DD2702.4	30/10/2019	MLC Navigator Retirement Plan	Superannuation contributions	1		182.48
DD2702.5	30/10/2019	Colonial Select Personnel Super	Superannuation contributions	1		93.90
DD2702.6	30/10/2019	REST	Superannuation contributions	1		115.96
DD2702.7	30/10/2019	CBUS Superannuation	Superannuation contributions	1		29.65
DD2703.1	30/10/2019	Telstra	Admin	1		253.10
DD2703.2	12/11/2019	Water Corporation	Town Standpipe	1		4,665.60
DD2711.1	01/11/2019	Water Corporation	6 aug - 15 Oct 2019	1		445.65
DD2712.1	03/11/2019	NAB - Credit Card	Credit Card fee	1		210.97
DD2714.1	06/11/2019	WA Super	Payroll deductions	1		943.77
DD2714.2	06/11/2019	Australian Superannuation	Superannuation contributions	1		761.82
DD2714.3	06/11/2019	Hesta	Superannuation contributions	1		430.10

Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
DD2714.4	06/11/2019	MLC Navigator Retirement Plan	Superannuation contributions	1		186.63
DD2714.5	06/11/2019	Colonial Select Personnel Super	Superannuation contributions	1		93.90
DD2714.6	06/11/2019	REST	Superannuation contributions	1		134.13
DD2717.1	13/11/2019	Telstra	Admin	1		419.94
DD2726.1	13/11/2019	WA Super	Payroll deductions	1		833.33
DD2726.2	13/11/2019	Australian Superannuation	Superannuation contributions	1		762.03
DD2726.3	13/11/2019	Hesta	Superannuation contributions	1		430.10
DD2726.4	13/11/2019	MLC Navigator Retirement Plan	Superannuation contributions	1		182.48
DD2726.5	13/11/2019	Colonial Select Personnel Super	Superannuation contributions	1		93.90
DD2726.6	13/11/2019	REST	Superannuation contributions	1		107.41
DD2726.7	13/11/2019	CBUS Superannuation	Superannuation contributions	1		59.31

REPORT TOTALS

Bank Code	Bank Name	TOTAL
1	Municipal Bank	172,167.70
TOTAL		172,167.70

15.5. DEPUTY CEO REPORTS

Office Christmas Closure

In accordance with *Policy No: 100* The Administration Office will be closed from 12pm on Tuesday 24th Dec 2019 and then reopening on Monday the 6th January 2020. The Shire Depot will close from Thursday 19th December 2019 and returning to work on Tuesday the 7th January 2020.

Fire Break Inspections

DCEO will report on the Town Compliance post fire break inspections held on the 18th November 2019.

Environmental Health Officer Visit

The Shires EHO will visit on 20 and 21 November 2019. An update will be provided to Council on current compliance actions and complaints.

Bushfire MAF Funding

The Shire has been notified of its success with its town bushfire mitigation activity fund application. \$82,500 needs to be expended and acquitted by 15 June 2010.

Notice is given the CEO intends to sign acceptance of the grant noting there are no financial risks to the Shire if there are further delays due to the clearing permit process.

DCEO to give update on clearing permit process.

15.6. CEO REPORTS

15.6.1 Notice of Regional Meetings

GS Regional Road Group 25 November 2019 9.30am in Katanning

GS Zone of WALGA 25 November 2019 12.30pm Katanning

4WDL Meeting 10 December 2019 Dumbleyung

15.6.2 Local Government Insurance Services Report and Surplus (Commercial in Confidence)

Attached

Health and wellbeing services

The LGIS Health and Wellbeing Program is another popular Scheme benefit; it's designed to improve the health awareness and outcomes of WA local government workers through:

- Providing education and awareness raising sessions to improve the health and wellbeing of staff and prevent or delay the onset of illness, disease and injury.
- Providing screening programs that assist to identify risk factors that may require further health management.

Healthy workers are reported to be more productive than unhealthy workers, record fewer injuries, sick days, and work-related injury claims. Improving the health and wellbeing of workers can also lead to:

- Increased worker engagement and morale
- Improved safety performance
- Decreased musculoskeletal injury
- Increased worker retention
- Decreased absenteeism and presenteeism

Making the most of your membership

2018/19 Shire of Woodanilling health and wellbeing benefits taken

Corporate massage	-
Exercise program	-
Flu vaccinations	✓
Health assessment (basic/short)	-
Health assessment (long/executive)	-
Injury prevention	-
Health seminars	-
Health lifestyle challenge	-
Hearing tests	-
Online mental health tool	-
Skin screens	✓

Your 2019/20 health & wellbeing funding balance: \$547.25

Cover tailored to local government

LGIS membership provides the best cover which meets the needs of modern progressive local governments. In 2018/19 our members benefited from unique cover tailored to local government needs which allowed them to get on with delivering valued community services.

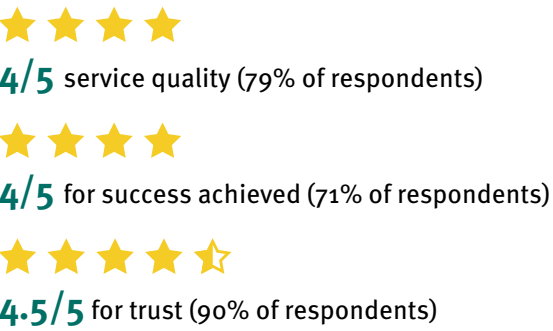
- Building cladding**
No exclusions in to Liability arising from your building surveyors surveyors, planning and cladding risks. This is a significant benefit in the current environment and in particular where buildings have been identified within a local government's area in the state wide cladding audit.
- Flood damage**
Assets are automatically covered for flood damage under LGIS Property, not an optional extra for additional cost. We believe protection for the community's assets against flood risk is essential for 'local government with exposure.
- Molestation**
No sexual abuse and molestation exclusion.
- Catastrophic events**
Appropriate limits of protection for local government, as modelled by actuarial consultants, that are necessary if a catastrophic events occur.
- Unique cover**
Unique local government covers such as costs to run evacuation centres, upgrade green assets and dilapidation.
- Appropriate liability**
Appropriate limits of \$600M for local government liability exposures, as modelled by actuarial consultants, that is available without sublimit on significant risks such as bushfire liability.
- Nil deductible**
Nil deductible on all public liability claims. This removes member's burden of responsibility to seek their own legal advice and defence, including legal fees and settlement amounts.
- Cover simplified**
Liability protection is provided under a broad-form policy to prevent the inevitable complications arising from competing insurers (e.g. where a claim could trigger both public liability and professional indemnity covers).
- Stable workers' comp**
Members of the Scheme are not subject to the ongoing instability and increases of the WorkCover WA gazetted rate which has increased 42% over the past two years.

What you told us

At the beginning of 2019 we asked our members – elected members, CEO's, executives and operational staff – what we were doing well and where we can improve.

What you think about us

You gave us a score out of 5 for the following:



The importance of risk services



Our focus to improve in 2019/20

- Increase communication with elected members
- Focus on high quality member services
- More regular visits to smaller members
- Present at more council meetings.

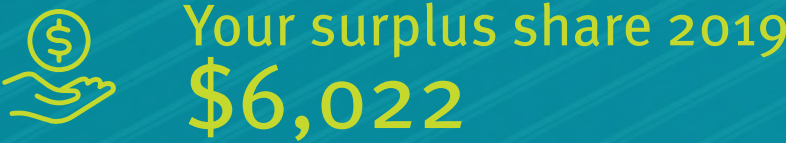


Shire of Woodanilling
Local governments working together

We help our members build better communities by containing costs, providing the best cover and helping them manage risks, through a member-owned mutual insurance model

LGIS is local governments working together:

- We make sure that our members have the best cover and if disaster strikes we get the member, and their community, back on their feet as soon as possible.
- We understand local government and we're here for the long term to share knowledge and tailor services to minimise the total cost of risk for our membership.



Contact Details

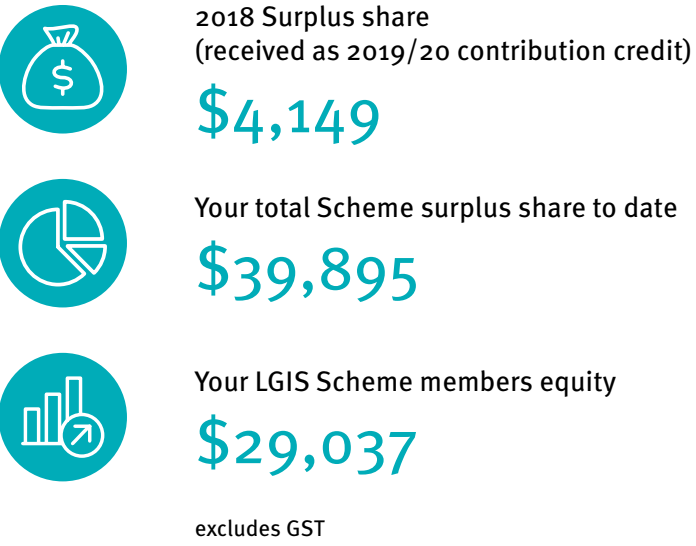
Please feel free to contact us if you have any further questions about your membership.

Carrisa Chung
Account Chair
LGIS
T: 08 9483 8861
carrisa.chung@lgiswa.com.au

Sandra Clohessy
Account Manager
LGIS
T: 08 9483 8865
sandra.clohessy@lgiswa.com.au

2018/19 LGISWA Annual Report

Now available in the website Member Centre at lgiswa.com.au or contact your Account Manager for a hard copy.



“**100%**
of WALGA
Members are
LGIS Members”

Over the past few years a number local governments have sought to test the value of the LGIS WA Scheme. It's a testament to the enduring value of the mutual model that the City of Kalamunda, Shire of Wiluna and Shire of Coolgardie have returned, and those who went to tender have remained with the Scheme.



Returning members: City of Kalamunda, Shire of Wiluna and Shire of Coolgardie



100% of WALGA members are LGIS members

LGIS performance in 2018/19

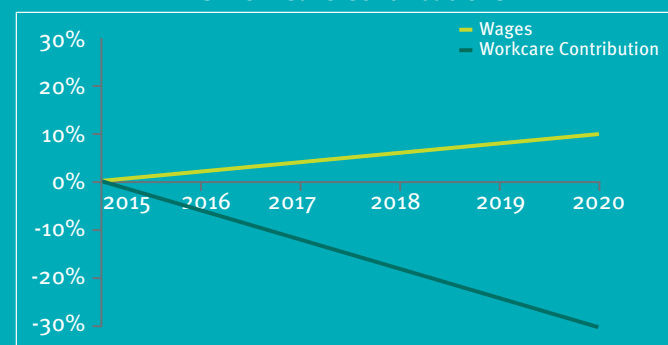
The financial performance of the Scheme remained robust this year, despite competitive pressures in the market where commercial insurers offered unsustainable, discounted premiums to achieve growth in the short term. LGIS membership was strong in 2018/19 and continues to be in 2019/20, demonstrating that WA local governments understand that the mutual Scheme remains the best option for sustainable, long term and appropriate cover for the WA sector.

The surplus for 2019 is well in excess of budget and, combined with the previous year's allocation, has allowed the Scheme Board to declare a distribution of \$6 M to members.

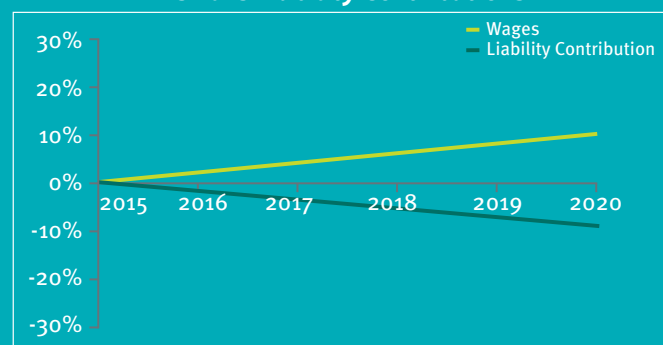
Our solid financial year performance can be attributed to a number of factors – our proactive and collaborative approach to risk management which contributed significantly to containing claims; and solid returns on our investments.

The graphs below demonstrate that member contributions have remained stable even with local government risk profiles evolving.

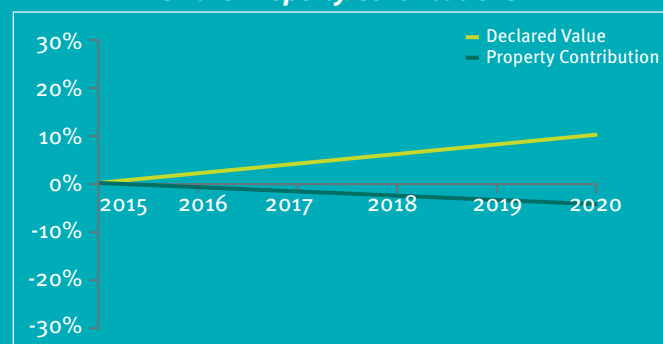
5 Year Trend – Members Declared Wages vs WorkCare Contributions



5 Year Trend – Members Declared Wages vs LGIS Liability Contributions



5 Year Trend – Members Declared Assets vs LGIS Property Contributions



LGIS WA Annual Report

The LGISWA Annual Report is now available in the members' centre of the LGISWA website for more information on the performance of your Scheme in 2018/19.

Protecting members and your community

The true value of your protection is only realised in times of adversity and we've helped our members back on their feet after some significant losses. We consider the sector when handling claims and always look to defend local government members from future issues.

The reductions in contribution enjoyed by our members in recent times are not a one year 'special'. They are the result of prudential management of the Scheme and a strategic decision by the Board to re-distribute surpluses to members.

Your Scheme by the numbers – 2018/19



1,721 New liability and property claims managed by LGIS



\$7M Property claims incurred in 2018/19



17,000 Bushfire volunteers covered (including significant expansion of benefits)



\$13.7M in Workers' Compensation claims incurred in 2018/19

Receiving your surplus share

Following last year's surplus allocation, all members were informed of a contribution credit plan, whereby members would share in credits in the order of \$4.5 M each year until 2021 to contain their membership costs. Your share of \$4.5 M was duly credited off your 2019/20 Scheme membership costs.

This year, as well as the increased surplus amount each member will be given a choice to take their share of the surplus as a credit off next years membership renewal contributions, as a dividend payment or held in trust for funding risk management initiatives.

How is my share of the surplus calculated?

Each member's share of the surplus is assessed on a formula which reflects their respective contributions and incurred claims costs over a four year time horizon.



How do I know that LGIS has 'enough in the pot' to cover claims?

The 'pot' (i.e. prudential reserves) is determined considering development factors. 'Development factors' is an insurance term for 'things that are likely to happen given previous trends'. We engage PwC actuaries to independently model and assess our reserves, which determines how much needs to be collected in contributions.

Locally managed claims

LGIS handled 2,473 claims across the property, liability, WorkCare and bushfire volunteer personal accident portfolios in 2018/19. Each claim was handled by the member's dedicated specialist claims consultant who managed the process from beginning to end.

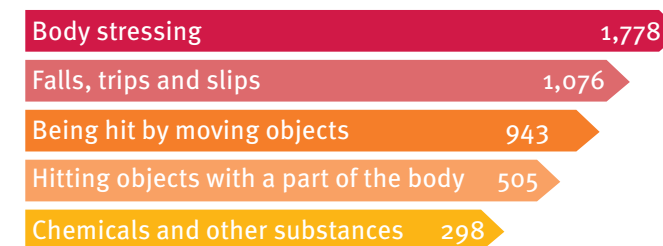
Claims hotspots



Over the past five years we've seen some consistent trends in claims from our local government members.

WorkCare

Causation hotspots last 5 years (all members)



Mental stress catching up



Although not in the top five claims areas mental stress isn't far behind. Claims costs for mental stress are increasing, making it an area to watch for the WA local government sector.

Proactive on workers' compensation

Looking for ways to reduce the number of workers' compensation claims for your local government? Claims analysis highlights four key areas which need focus across LGIS members:



Fit for purpose. Employ people who are right for the role, ensure that employees are physically capable of fulfilling the responsibilities of the job.



HR Process. Review your HR practices and make sure that managers are trained and supported.



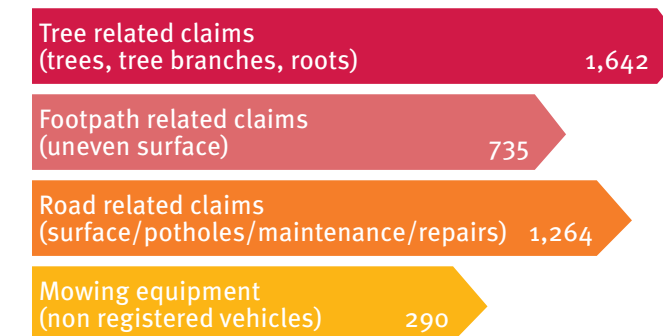
Aging workforce. Over 50% of claims are from the 40-60 age group of local government workers. Review tasks and physical requirements; make sure the individual is able to work within their capacity.



Manual handling and job dictionaries. Job dictionaries document the physical requirements of a role; coupled with manual handling training and guidelines they help to match an individual to a role and work within their capacity to reduce injury.

Liability

Causation hotspots past 5 years (all members)



Proactive on liability

Looking for ways to reduce local government's liability exposure? Claims analysis highlights four key areas which need focus across LGIS members:



Trees. Review lists of recommended trees for verges and public places selecting breeds with non-invasive roots. Review complaint handling process to make sure appropriate action is taken.



Footpaths. Audit/review and action to footpaths and areas which attract large amount of footfall to be repaired or section of area replaced. Lack of lighting is also an issue and planning around this is paramount.



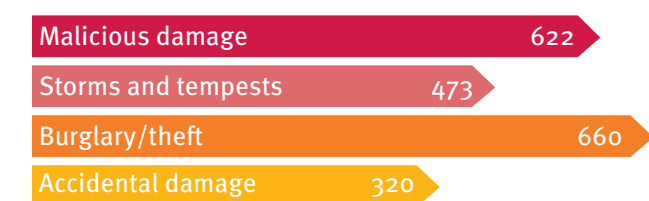
Roadworks. Make sure that pre and post inspections are carried out and documented ensuring that there is evidence that the inspection has occurred. Also make sure that correct signage is used.



Mowing equipment. Make sure signage is clear and the area is free of pedestrians.

Property

Causation hotspots past 5 years (all members)



Simple steps on property protection



Controls. Investigate the benefits of passive controls such as CCTV, vegetation management, lighting which would increase the risk of an offender being sighted.



Maintenance. Improved housekeeping within and around buildings and ensure preventative maintenance is completed on schedule – simple things such as ensuring bins are secured/ gutters are regularly cleaned, no dense foliage encroaching on property.



Contractors. Ensure contractors are appropriately managed and apply your local governments hot works arrangements.



Windows. Consider the value of using window treatments such as plastic microfilm to reinforce glass.

Unique member benefits – managing local government risk together

As the protection partner of choice for WA local governments, we understand the complexity of the sector like no other – we know that cover is only the beginning.

That's why membership of LGIS delivers more than 'insurance' to your local government.

Scheme membership provides an abundance of risk services which align with the priorities of local governments.

In 2018/19 LGIS members received a range of risk and governance services as part of their membership which reduced the number of claims and contained the costs of cover. Of the services offered the '3 Steps to Safety' program (22%) which supports members in creating safe workplaces was the most utilised, closely followed by the general risk program (20%) which assists members in anticipating, identifying and managing their liability and property risk exposures.

Risk services delivered directly to members in 2018/19



Making the most of your membership

2018/19 Shire of Woodanilling benefits taken

Injury management program	-	General risk management	✓
HR Risk and preventative stress management	✓	Injury prevention training	-
Emergency risk management	-	OSH '3 steps to Safety' and advisory program	-

15.6.3 WALGA Spend Analysis

Attached



2018/19 Expenditure and Savings

PREFERRED SUPPLIER PROGRAM

Shire of Woodanilling

This information is accurate as at : 1/10/2019

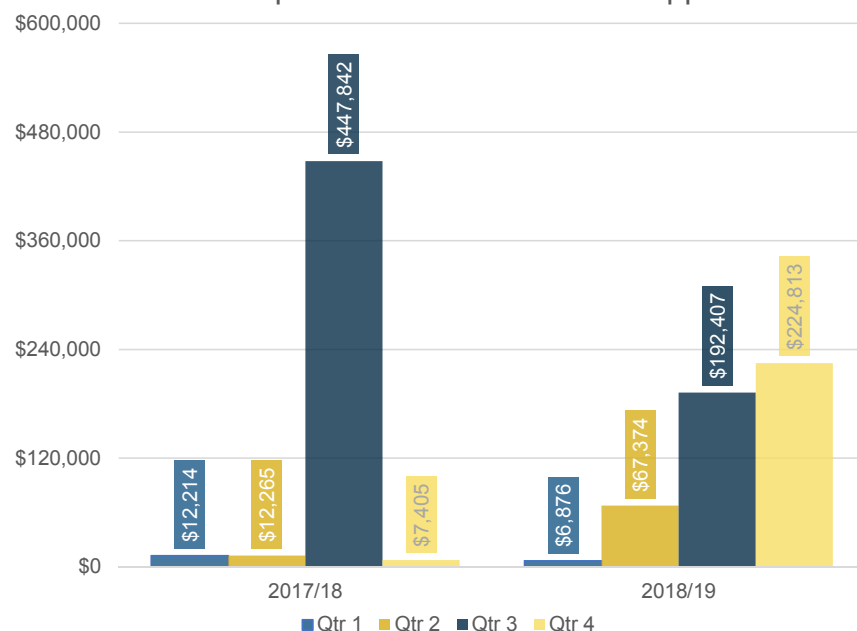
SUMMARY

Total Benefits	
Management Fee to WALGA	\$6,196
Savings from Preferred Supplier Program	\$44,319
LGIS Dividends	\$4,595

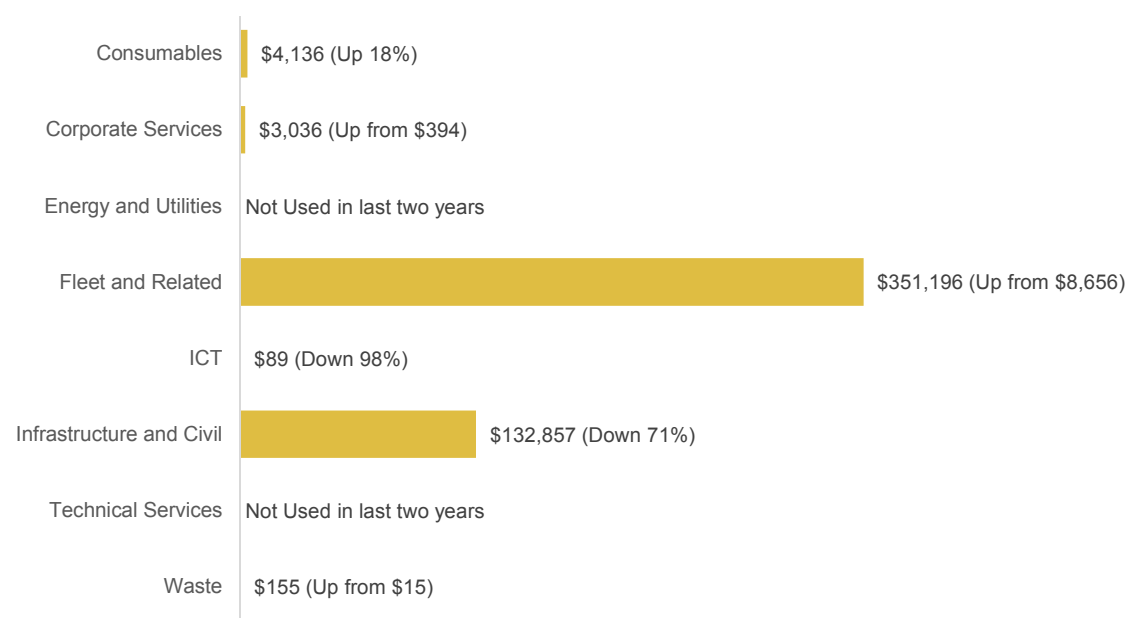
WALGA SUBSCRIPTIONS FOR 2018/19

Business Service	Subscriber	Business Service	Subscriber	Business Service	Subscriber
Council Connect	YES	Employee Relations	NO	Local Laws Service	YES
Environment Planning Tool	NO	Local Government Act Guide	YES	Tax Service	NO
Procurement Services	NO				

Annual Expenditure with Preferred Suppliers



2018/19 Category Spend





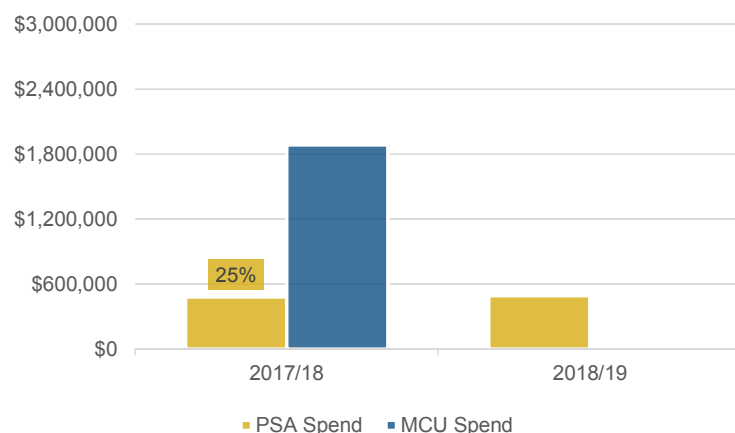
2018/19 Expenditure and Savings

PREFERRED SUPPLIER PROGRAM

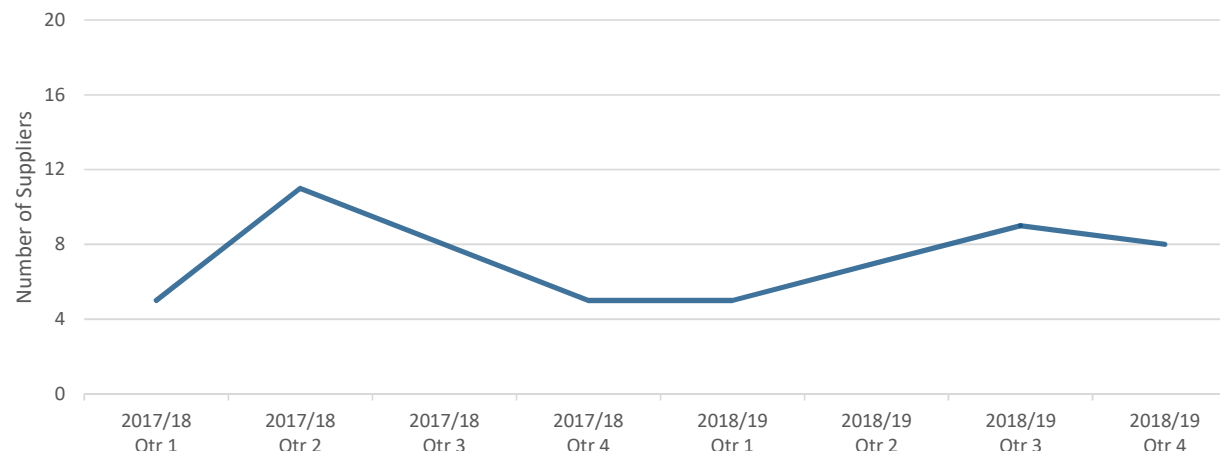
Shire of Woodanilling

This information is accurate as at : 1/10/2019

PSA Usage compared to Reported Expenditure



Suppliers Reporting Spend per Period



*PSA Spend aligns with Materials, Contracts and Utilities (MCU) expenditure by Local Government. This proportion estimates how much of a Council's MCU has been fulfilled by Preferred Suppliers during the relevant Financial Year. Note: MCU data is obtained from mycouncil.wa.gov.au

PREFERRED SUPPLIER PROGRAM

2017/18 Financial Year

2018/19 Financial Year

Preferred Supplier Arrangements	Indicative Savings Synopsis	Expenditure	Retail cost	Indicative Savings	Conservative Savings	Expenditure	Retail cost	Indicative Savings	Conservative Savings
Agricultural and Turf Machinery and General Power Equipment	An average discount of 12% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Asset Management Consultancy Services	An average discount of 11-12% against market rates	\$ 125,570	\$ 125,570	\$ -	\$ -	\$ 68,712	\$ 78,082	\$ 9,370	\$ 4,685
Audit and Compliance Services	Up to 12% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Bulk Fuel, Fuel Card Services, and Oils and Lubricants	Discounts of up to 6 cents per litre on Fuel Card Services, up to 40% on Oils & Lubricants and significant discounts on Bulk Fuel purchases	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Business Systems Software and Services	Up to 60% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Call Centre Management Services	Up to 13% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -



2018/19 Expenditure and Savings

PREFERRED SUPPLIER PROGRAM

Shire of Woodanilling

This information is accurate as at : 1/10/2019

PREFERRED SUPPLIER PROGRAM

2017/18 Financial Year

2018/19 Financial Year

Preferred Supplier Arrangements	Indicative Savings Synopsis	Expenditure	Retail cost	Indicative Savings	Conservative Savings	Expenditure	Retail cost	Indicative Savings	Conservative Savings
Corporate Wardrobe	Up to 25% below market rates	\$ 548	\$ 548	\$ -	\$ -	\$ 1,376	\$ 1,835	\$ 459	\$ 229
Debt Management*	Each supplier reports savings per job	\$ -	Refer to note	\$ -	\$ -	\$ -	Refer to note	\$ -	\$ -
Energy Services	Up to 30% off retail prices	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Engineering Consulting Services	An average discount of 12% against market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Environmental Consulting Services (NAM)	An average discount of 15%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
General Hardware	An average discount of 10%	\$ 1,062	\$ 1,250	\$ 187	\$ 94	\$ 246	\$ 273	\$ 27	\$ 14
Group Advertising Services**	Up to 33% below market rates	\$ -	\$ -	\$ -	\$ -	\$ 3,036	\$ 4,531	\$ 1,495	\$ 748
Heritage Advisory Services	An average of 12% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ICT and Related Services	Between 10% and 30% below market rates	\$ 120	\$ 141	\$ 21	\$ 11	\$ 89	\$ 105	\$ 16	\$ 8
Legal Services	Up to 30% below market rates	\$ 394	\$ 394	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Library Services***	Up to 35% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Marketing and Media Services	Up to 10% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Microsoft Arrangement	Up to 19% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Mobile Garbage Bins	Up to 32% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Office & Workplace Furniture & Fitout	An average discount of 20% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Office and Workplace Supplies	Up to 70% below market rates	\$ 1,356	\$ 2,259	\$ 904	\$ 452	\$ 2,514	\$ 4,190	\$ 1,676	\$ 838
Operating Lease and Finance Solutions	Procurement benefits and investment opportunities, estimating 15% in indirect savings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Plant Machinery Equipment	Up to 12% off market rates	\$ -	\$ -	\$ -	\$ -	\$ 323,960	\$ 368,136	\$ 44,176	\$ 22,088
Parks & Gardens Goods & Services****	Up to 20% off market rates	\$ -	\$ -	\$ -	\$ -	\$ 38,450	\$ 45,235	\$ 6,785	\$ 3,393
Road Building Materials Related Services	An average discount of 10% below market rates	\$ 333,232	\$ 372,326	\$ 39,094	\$ 19,547	\$ 16,242	\$ 18,047	\$ 1,805	\$ 902

*A consistent discount rate is not attributed to the Debt Management arrangement. Each Supplier applies concessions dependent upon the nature and complexity of the debt recovery.

**Advertising and Media Services has been refreshed and renamed to Group Advertising Services

*** Library Services amalgamates LMS, RFID, Stocks and Supplies into one contract.

****Parks & Gardens Goods & Services amalgamated Playground Goods and Services, Landscape Infrastructure and Organic Composting Services during 2018/19.



2018/19 Expenditure and Savings

PREFERRED SUPPLIER PROGRAM

Shire of Woodanilling

This information is accurate as at : 1/10/2019

PREFERRED SUPPLIER PROGRAM

2017/18 Financial Year

2018/19 Financial Year

Preferred Supplier Arrangements	Indicative Savings Synopsis	Expenditure	Retail cost	Indicative Savings	Conservative Savings	Expenditure	Retail cost	Indicative Savings	Conservative Savings
Security Systems and Services	Between 8% and 20% off services and hardware	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Signs and Related Equipment	An average of 5% below market rates across various products	\$ 4,325	\$ 4,553	\$ 228	\$ 114	\$ 9,453	\$ 9,950	\$ 498	\$ 249
Sweeping Equipment (Specialised Trucks and Bodies)	An average discount of 10% against market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Telecommunication Services	Up to 70% below market rates	\$ 3,901	\$ 9,753	\$ 5,852	\$ 2,926	\$ -	\$ -	\$ -	\$ -
Temporary Personnel Services	An average discount of 20% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Town Planning and Related Services	Discounted hourly rates averaging 5%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Trucks	Up to 30% below market rates	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Tyres, Tubes and Automotive and Marine Batteries	Up to 42% for tyres and 60% for batteries	\$ 8,656	\$ 15,738	\$ 7,082	\$ 3,541	\$ 27,236	\$ 49,520	\$ 22,284	\$ 11,142
Used Oil	An average discount of 20% below market rates	\$ 15	\$ 19	\$ 4	\$ 2	\$ 155	\$ 201	\$ 46	\$ 23
Waste Collection Goods and Services	Up to 10% off Collection	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Workwear and Personal Protective Equipment (PPE)	An average discount of 25% below market rates	\$ 548	\$ 730	\$ 183	\$ 91	\$ -	\$ -	\$ -	\$ -
PREFERRED SUPPLIER PROGRAM TOTAL		\$ 479,727	\$ 533,282	\$ 53,555	\$ 26,778	\$ 491,469	\$ 580,106	\$ 88,637	\$ 44,319

Assumptions, Notes and Buyers Tips

1. The applied savings rates are determined during evaluation stage of the Request. A Preferred Supplier agrees to provide a discount rate over normal market prices and exclusively to WALGA Members.
2. Pricing and discounts may vary between Preferred Suppliers on the same Arrangement.
3. 'Expenditure' is the discounted price WALGA Members have paid to Preferred Suppliers throughout the financial year.
4. 'Retail cost' represents the estimated price non-WALGA Members can expect to pay without the contractually-agreed Preferred Supplier discount rate.
5. 'Conservative Savings' represents a 50% reduction in the 'Indicative Savings' amount representing a fair and reasonable figure in recognition that members can obtain discounts in their own right.
6. Savings are additional to efficiency savings generated by the reduction in tender administration costs and streamlined quotation processes.
7. Preferred Supplier pricing (where available) can be obtained as commercial in confidence information by logging into eQuotes (www.vendorpanel.com.au).
8. Preferred Supplier Arrangement pricing is based on sector-wide expenditure and all Preferred Suppliers are contractually required to provide their best rates exclusively through the WALGA Arrangements.
9. WALGA members can use the tender exempt nature of Preferred Supplier Arrangements to negotiate optimal 'value for money' outcomes.

15.6.4 Local Government to State Roads

Robinson Rd West is one of 10 roads to be considered as future State Roads. For Information

Main Roads Future State Administered Roads - Rural:

Summary of Project Activity for Regional Road Groups

Main Roads has been working with WALGA Regional Road Groups to review and update administrative road classification criteria for rural roads since 2018. This update is required to provide a modern interpretation of the Main Roads Act 1930, taking into consideration current traffic environment and transport network requirements.

Draft administrative road classification criteria for rural roads were prepared and circulated to Main Roads Regional Managers and Regional Asset Managers for comment in 2018. After feedback from the regions was received, a series of sensitivity studies were undertaken by Main Roads on a number of nominated local and existing state roads to compare outcomes using previous and updated assessment criteria. Results confirmed logical and expected assessment outcomes.

An initial meeting between Main Roads and WALGA took place in August 2018, to discuss the administrative road classification document in preparation for presentation to the Technical Working Group meetings.

Main Roads distributed the updated criteria to the Regional Managers and Regional Asset Managers in November 2018, for the purposes of consulting Local Governments through the Regional Road Groups (technical sub-committees) for input and comment, in order that the criteria may be finalised.

The submission of the finalised criteria received endorsement from the WALGA State Council in March 2019.

Further requests and feedback was sought from the Regions and RRGs and a number of roads were given desktop assessments against the criteria with existing information, such as Traffic Counts. The roads as attached were those that were seen to pass the required scoring criteria, or be within the marginal range to warrant further investigation.

The attached maps indicate all of the roads to be considered outside of the Metro/Peel Region at this time, with location maps included for those roads relevant to your region. These roads will now undergo a full assessment with Local Governments being contacted for current traffic counts and other relevant information. Roads that are identified as being possible State Administered Roads will then be listed into short, medium and long term categories for possible transfer.

This information is for your information and each affected Local Government will be contacted individually.

NOTE 1 – Even if a road has a score that exceeds the requirement of the Assessment Criteria, it must also be seen to perform an individual network role in the State Road Network that is not considered to be performed by an existing State Road.

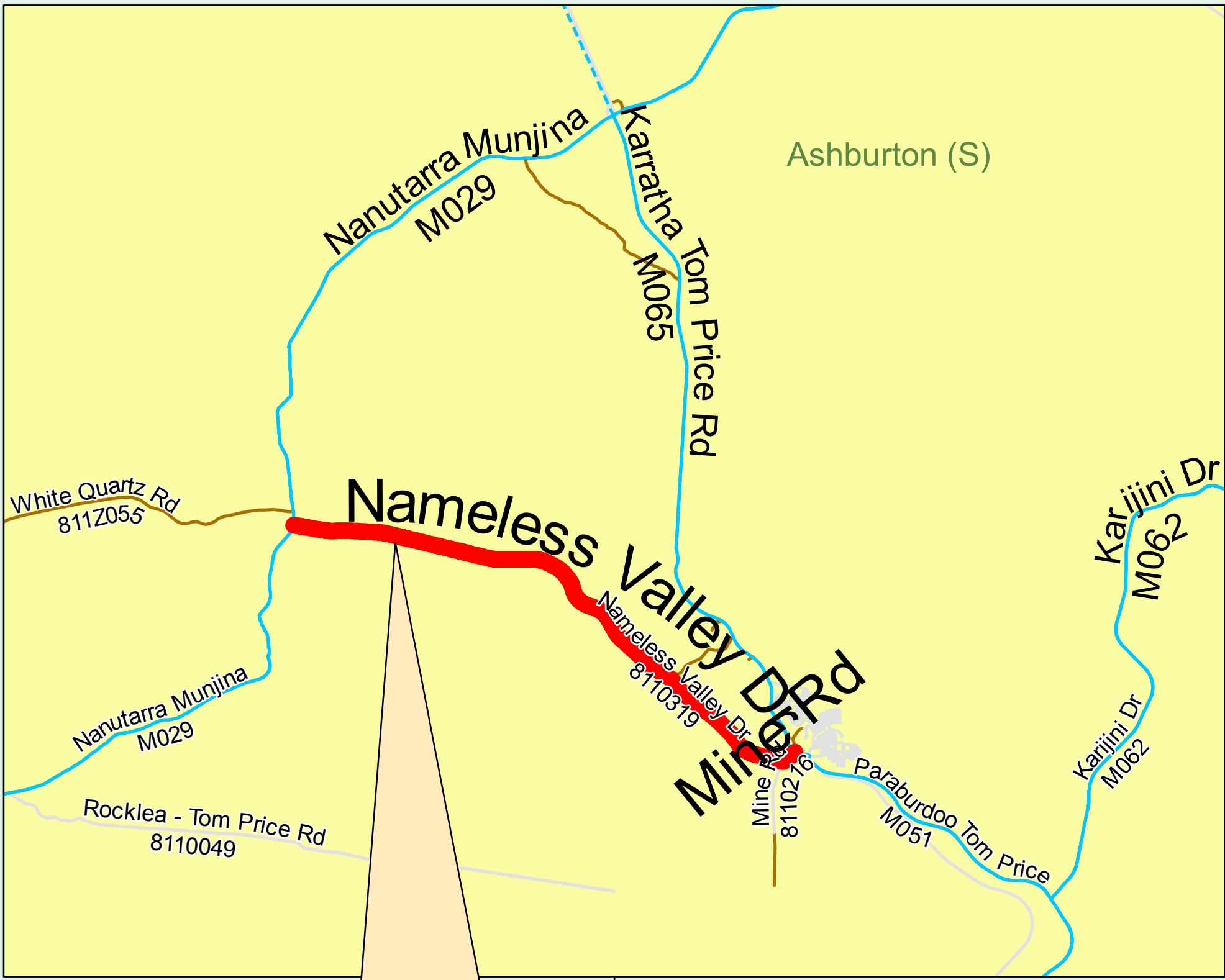
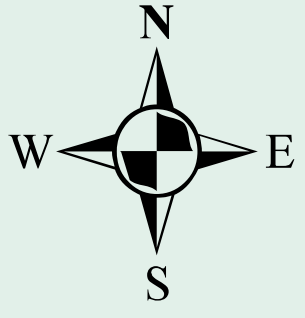
NOTE 2 – Any transfer of assets must also be approved by State Treasury as under the Main Roads Act Section 13 it states “*the Commissioner shall take into account the moneys available or likely to be available for main roads or highways*”. Funds are deemed to be available, or likely to be available, if the asset transfer is approved by Treasury.

Ron Tolliday

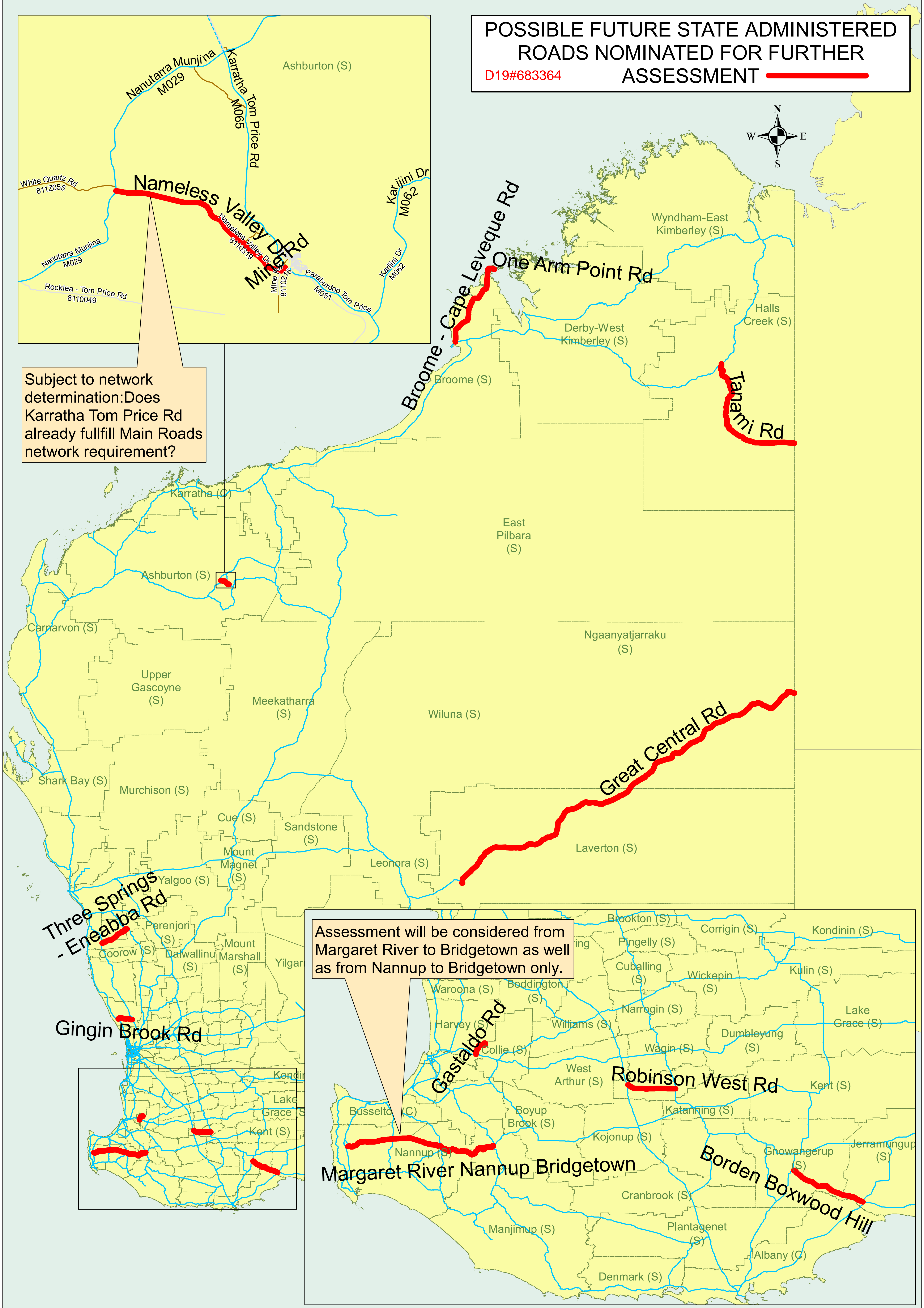
Road Classification Manager

POSSIBLE FUTURE STATE ADMINISTERED
ROADS NOMINATED FOR FURTHER
ASSESSMENT

D19#683364



Subject to network
determination: Does
Karatha Tom Price Rd
already fulfill Main Roads
network requirement?



Assessment will be considered from
Margaret River to Bridgetown as well
as from Nannup to Bridgetown only.

15.6.5 Feedback / Questionnaires to DLGSC by 6 December 2019

1. Draft Code of Conduct
2. Draft CEO Standards



Department of
Local Government, Sport
and Cultural Industries



*Local Government
Act 1995 Review*
agile • smart • inclusive



LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

Mandatory Code of Conduct for Council Members, Committee Members and Candidates

Draft for Consultation

Contents

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Part B – Behaviour	5
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Preface

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces a mandatory code of conduct for council members, committee members and candidates. These reforms are intended to ensure that standards of behaviour are consistent between local governments and address community expectations.

This document outlines the proposed Code which will inform the drafting of regulations. This is contained in the grey boxes. The accompanying guidelines provide clarification and guidance in relation to compliance and enforcement of the Code and would be available on the Department's website.

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

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

Feedback is sought on the proposed Code and guidelines and associated matters.

A survey is available at www.dlgsc.wa.gov.au/lgareview or you can provide your feedback to actreview@dlgsc.wa.gov.au by **22 November 2019**.

Mandatory Code of Conduct

Preamble

The purpose of this Code of Conduct (Code) is to guide the decisions, actions and behaviours of council members, committee members and candidates running for election.

As an elected representative, council members govern the affairs and are responsible for the performance of their local government. To do this, council members must demonstrate professional and ethical behaviour to build and strengthen trust in their communities.

A person who has nominated to be a council member is also required to demonstrate professional and ethical behaviour during the election campaign.

In addition to carrying out the duties outlined in the *Local Government Act 1995*, council members and committee members must comply with the provisions in this Code of Conduct in carrying out their functions as public officials. It is the responsibility of council members, committee members and candidates to ensure that they are familiar with, and comply with, this Code at all times.

Guidelines

The Local Government Act requires that local governments adopt the Code within three months of the amendments taking effect. Until the Code is adopted, the model Code applies.

While local governments are not able to amend Part A or Part C, additional behaviours can be included in Part B that are not inconsistent with the Code.

In considering additional behaviours, the council may give consideration to behaviours that are not currently represented in the Code that it considers are important. This may include introducing a dress standard for members or use of technology, for example.

To adopt the Code, a resolution passed by an absolute majority is required. Once the Code is adopted, it must be published on the local government's official website.

Part A – Principles

Council members and candidates are expected to adhere to and promote and support the following principles by example. Adhering to these principles will ensure that council members and candidates can comply with the behaviours outlined in Part B or conduct as outlined in Part C. All behaviour should be considered against these principles, whether or not it is covered specifically in Part B or Part C.

Personal integrity

- 1.1** Act with care and diligence and participate in decision making in an honest, fair, impartial and timely manner, considering all relevant information.
- 1.2** Act with honesty, integrity and uphold the concept of natural justice.

- 1.3** Identify, declare and appropriately manage any conflicts of interest in the public interest and the interests of the Council including not accepting gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour.
- 1.4** Uphold the law, and, on all occasions, act in accordance with the trust placed in council members.
- 1.5** Avoid damage to the reputation of the local government.
- 1.6** Not be impaired by mind affecting substances while performing official duties.

Relationships with others

- 1.7** Treat others with respect, courtesy and fairness.
- 1.8** Maintain and contribute to a harmonious, safe and productive work environment for all.
- 1.9** Respect and value diversity in the workplace and in the community.

Accountability

- 1.10** Base decisions on relevant and factually correct information and make decisions on merit and in accordance with statutory obligations and good governance.
- 1.11** Be open and accountable to the public, represent all constituents and make decisions in the public interest.

Guidelines

The principles outlined in Part A are overarching behaviours that council members, committee members and candidates must take into consideration in their role as public representatives, or potential public representatives.

All council members, committee members and candidates must familiarise themselves with the Code and Guidelines and any relevant policies the local governments have in place.

Council members are generally very active in their communities which may lead to conflicts of interests. To comply with this Code, those conflicts, or perceived conflicts, need to be managed appropriately. While a member may be confident of the integrity of their actions, how the relationship and actions may appear to others must be thought through.

There are many situations that council members, committee members and candidates might find themselves in that could lead to a breach of the Code. Members should seek further guidance and advice on specific situations whenever necessary.

Part B – Behaviour

Part B sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.

Failure to comply with this Part may give rise to a complaint against a council member's conduct, followed by a subsequent investigation and possible corrective action by the local government. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.

Personal integrity

- 2.1** Act in line with the principles outlined in this Code when performing official duties.
- 2.2** Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.
- 2.3** Respect and comply with all council policies, procedures and resolutions.
- 2.4** Ensure professional behaviour is not compromised by the use of alcohol or drugs.
- 2.5** Use all forms of media, including social media, in a way that complies with this Code.

Relationships with others

- 2.6** Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.
- 2.7** Do not bully or harass council staff, other council members or members of the public in any form, including social media.
- 2.8** Deal with the media in a positive, informative and appropriate manner in accordance with the Local Government Act 1995 and relevant local government policies.
- 2.9** While acting as a council member, do not:
 - i. use offensive or pejorative language in reference to another council member, council employee or member of the public; or
 - ii. disparage the character of any council member or employee, or impute dishonest or unethical motives to them in the performance of their duties.
- 2.10** When attending a council or committee meeting, do not:
 - i. behave in an abusive or threatening manner towards another council member or other person attending the meeting;
 - ii. make statements that the person knows, or could be reasonably expected to know, that are false or misleading; or
 - iii. repeatedly disrupt the meeting.
- 2.11** When attending a council or committee meeting:
 - i. comply with the local law that relates to conduct of people at council or committee meetings;

- ii. promptly comply with any direction given by the presiding member at that meeting; and
- iii. immediately cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.

2.12 Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.

Accountability

2.13 Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.

2.14 Take responsibility for decisions and actions.

2.15 Abide by the decisions of council and publicly support the decisions even if of an alternative view.

2.16 Adhere to the principles in the:

- i. Occupational Safety and Health Act 1984 (WA);
- ii. Equal Opportunity Act 1984 (WA);
- iii. Racial Discrimination Act 1975 (Cth); and
- iv. Sex Discrimination Act 1984 (Cth).

Complaint management

2.17 Any person may make a complaint about a council member under this Part within three months of the alleged breach occurring.

2.18 A breach of this part does not include a matter:

- i. that is resolved by the Presiding Member during a meeting, or
- ii. where a council member complies with a request for remedial action in accordance with the relevant local law.

2.19 Complaints about an alleged breach should be made to the Mayor or President or the CEO of the local government or nominated delegate.

2.20 Complaints about an alleged breach by the Mayor or President should be made to the Deputy Mayor or President or a nominated delegate.

2.21 A complaint may be handled or managed in any manner that council deems appropriate for handling an alleged breach of this section. This includes investigation or dismissal of the complaint. This must be laid out in a council endorsed policy.

2.22 A complaint may be dismissed as trivial, vexatious or frivolous and accordingly not investigated.

Findings

2.23 Following an investigation in accordance with rule 2.21, the Council may, by resolution, make a finding of breach or no breach.

2.24 In accordance with rule 2.23, if a breach is found, the Council may, by resolution:

- i. take no action, or
- ii. prepare an action plan, developed in conjunction with the council member, to address future behaviour.

2.25	An action plan may include the requirement for the council member to undertake training, mediation or counselling or any other actions deemed appropriate by the Council.
2.26	The Council to which the member is elected, may decide, via resolution, to make an allegation of a rule of conduct breach under Part C: <ul style="list-style-type: none"> i. after the third finding of a breach of this Part by the same council member, or ii. where the council member fails to comply with the action plan in accordance with sub-rule 2.24(ii).
2.27	A matter under sub-rule 2.26(i) cannot be alleged as a Part C breach unless an action plan has been developed in accordance with sub-rule 2.24(ii) for the previous two breaches.
2.28	Written notification of the outcome of an alleged breach under this section must be given to the council member and complainant.
2.29	A written record must be kept of all complaints made under this Part and how they were dealt with.

Guidelines

Local governments are responsible for taking action against alleged breaches under Part B.

Local governments are to have a policy on how complaints are going to be handled or managed.

Australian/New Zealand Standards for complaints resolution AS/NZs 10002:2018 provides a tool and framework to assist local governments with developing a policy.

Whether or not local governments choose to adopt the Standard is optional, however, the policy must provide a clear outline of the steps that will be taken once a complaint is submitted. The complaint process must also uphold the principles of natural justice.

There are a number of resources for effective complaints handling available on the Ombudsman WA's website www.ombudsman.wa.gov.au

In developing a policy, the following key matters should be considered.

The complaints process

- The role of the council in the process.
- The extent to which independent persons are involved and their role in the process (complaint lodgement, investigation, findings). Local governments may decide to establish a regional or shared committee to deal with these complaints, for example.
- What types of remedial action are appropriate.
- The form of the action plan.

Process for making a complaint

- The process for a person to make a complaint needs to be clearly outlined in the policy, including whether complaints are required to be in a specific form.
- Complaints should be submitted in writing, with consideration given to a variety of methods, including email, letter or fax.
- The policy should also outline how the complaint is lodged, whether this is via a specific code of conduct complaint email address or a letter addressed to the Mayor or President (or alternative).
- The process should be simple and not act as a barrier to the raising of concerns about elected member behaviour.

Acknowledgement of the complaint

- The policy should include that complaints will be acknowledged and the timeframe for this.
- Complaints should be acknowledged in a timely manner. As part of the acknowledgement process, consideration may be given to providing information on how the complaint will be progressed. This may include providing the complainant with a copy of the complaint handling policy.

Responsiveness

- The policy should outline whether complaints are going to be addressed based on seriousness or impact of the allegation or on order of submission.
- Inclusion of an expected timeframe for the matter to be reviewed is also encouraged.

Action

- Complaints must be dealt with in an equitable, objective, timely and unbiased manner. The principle of natural justice should be applied.
- The policy needs to outline who will make the initial assessment of the complaint. This includes who will make the determination that the complaint is trivial, vexatious or frivolous or worthy of further investigation.
- The policy also needs to address the process for the investigation including:
 - giving adequate opportunity for a right of reply from both parties
 - if a breach is found, what are the actions that could be imposed by council.
- Attachment 1 provides further guidance on possible actions for breaches found against Part B.

Action plans

- Action plans are designed to provide council members with the opportunity to remedy their behaviour.
- The measures to stop the behaviour from continuing are not intended to be a punishment, rather a mechanism to prevent the behaviour from reoccurring.
- The Code requires that the action plan is prepared in conjunction with the relevant council member. This is designed to provide the council member with

the opportunity to be involved in matters such as the timing of meetings or training.

- While Council is required to give the council members the opportunity, not all council members will actively participate in the process.

What happens if agreement cannot be reached

- Circumstances may arise when a Council cannot agree on the outcome of an investigation, or whether an investigation is required to an alleged breach.
- In these situations, Council may decide to engage an independent person to:
 - review the complaint
 - investigate the complaint, or
 - make recommendations on appropriate actions
- The policy should address who will be engaged as an independent person. Local governments may consider sharing the services of an independent person.

Attachment 1 – possible actions for Part B breaches

Personal integrity		Possible actions
2.1	Act in line with the principles outlined in this Code when performing official duties.	Training
2.2	Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.	Training Mediation
2.3	Respect and comply with all council policies, procedures and resolutions.	Training
2.4	Ensure professional behaviour is not compromised by the use of alcohol or drugs.	Counselling
2.5	Use all forms of media, including social media, in a way that complies with this Code.	Training
Relationships with others		
2.6	Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.	Training Mediation Apology
2.7	Do not bully or harass council staff, other council members or members of the public in any form, including social media	Training Mediation Apology
2.8	Deal with the media in a positive, informative and appropriate manner in accordance with the <i>Local Government Act 1995</i> and relevant local government policies.	Training
2.9	While acting as a council member, do not: <ul style="list-style-type: none"> i. use offensive or pejorative language in reference to another council member, council employee or member of the public; or ii. disparage the character of any council member or impute dishonest or unethical motives to them in the performance of their duties. 	Training Mediation Counselling Apology
2.10	When attending a council or committee meeting, do not: <ul style="list-style-type: none"> i. behave in an abusive or threatening manner towards another council member or other person attending the meeting; ii. make statements that the person knows, or could be reasonably expected to know, that are false or misleading; or 	Training Mediation Counselling Apology

	iii. repeatedly disrupt the meeting.	
2.11	When attending a council or committee meeting: i. comply with the local law that relates to conduct of people at council or committee meetings; ii. promptly comply with any direction given by the presiding member at that meeting; and iii. immediately cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.	Training Mediation Counselling
2.12	Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.	Training
Accountability		
2.13	Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.	Training
2.14	Take responsibility for decisions and actions.	Training Counselling
2.15	Abide by the decisions of council and publicly support the decisions even if of an alternative view.	Training
2.16	Adhere to the principles in the: i. <i>Occupational Safety and Health Act 1984 (WA)</i> ; ii. <i>Equal Opportunity Act 1984 (WA)</i> ; iii. <i>Racial Discrimination Act 1975 (Cth)</i> ; and iv. <i>Sex Discrimination Act 1984 (Cth)</i> .	Training Mediation

Part C – Rules of Conduct

Rules of conduct breaches are matters that:

- negatively affect the honest or impartial performance of a council member;
- involve a breach of trust placed in the council member; or
- involve the misuse of information or material.

Alleged breaches of this part can be referred to the Local Government Standards Panel (Standards Panel) in accordance with the *Local Government Act 1995* (the Act). A breach of this Part is a “minor breach”. In the event the Standards Panel makes a finding of breach against a council member, sanctions will be imposed in accordance with the Part 5 Division 9 of the Act.

Nothing in this part removes the obligations placed upon council members and employees (including the CEO) of the local government under the *Corruption, Crime and Misconduct Act 2003*.

Guidelines

A breach of Part C is considered by the Standards Panel in accordance with the Act. The Standards Panel, which was established in 2007, has the authority to make binding decisions to resolve allegations of minor misconduct. The Standards Panel is independent of the Minister for Local Government and the department.

The process for complaints under Part C is outlined in the Act. Complaints in the first instance are directed to the complaints officer at the local government. The Act provides that the complaints officer is the CEO or another officer with delegated responsibility.

As the Panel does not have investigative powers, findings and decisions are made on the basis of the information it receives. To assist with understanding each Part C rule of conduct, the elements are outlined alongside each. For a finding of breach, the Standards Panel needs to be satisfied that it is more likely than not, (on the balance of probabilities) that a breach of each element has occurred.

Personal Integrity

<i>Misuse of local government resources</i>	<i>Elements of Rule of Conduct</i>
<p>a. resource is defined to mean tangible and intangible assets, services or other means of supporting the functions of local government, which are owned or paid for by the local government from public money.</p> <p>b. A person who is a council member must not either directly or indirectly use the resources of a local government —</p> <ul style="list-style-type: none"> i. for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the <i>Electoral Act 1907</i> or the <i>Commonwealth Electoral Act 1918</i>; or ii. for any purpose other than fulfilling the legal obligations and duties of the council member's office, <p>unless authorised under the Act, by the council or the CEO to use the resources for that purpose.</p>	<ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination; (b) the council member directly or indirectly used; (c) resources that belonged to the local government; (d) for the identified electoral purpose or any other purpose other than in their legal role as a council member; (e) without such purpose being authorised under the Act, by the council or the local government's CEO.

<i>Securing personal advantage or disadvantaging others</i>	<i>Elements of Rule of Conduct</i>
<p>c. A person who is a council member must not make improper use of the person's office as a council member —</p> <ul style="list-style-type: none"> i. to gain directly or indirectly an advantage for the person or any other person; or 	<ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination; (b) by engaging in the conduct, the person the subject of the complaint made use of the office of a council member (in

<p>ii. to cause detriment to the local government or any other person.</p> <p>d. Rule 3.3 does not apply to conduct that contravenes section 5.93 of the Act or <i>The Criminal Code</i> section 83.</p>	<p>the sense that he or she acted in their capacity as a council member, rather than in some other capacity);</p> <p>(c) when viewed objectively, such use was an improper use of the person's office as council member in that it:</p> <ul style="list-style-type: none"> i. involved a breach of the standards of conduct that would be expected of a person in the position of a council member by reasonable persons with knowledge of the duties, powers and authority of the councillor and the circumstances of the case (by for example, an abuse of power or the doing of an act which the councillor knows or ought to have known that he or she had no authority to do); and ii. was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty; and <p>(d) the person engaged in the conduct in the belief that:</p> <ul style="list-style-type: none"> i. <i>[in the case of rule 3.3(i)]</i> an advantage (pecuniary or otherwise) would be gained directly or indirectly for the person or any other person; <u>or</u> ii. <i>[in the case of rule 3.3(ii)]</i> detriment (pecuniary or otherwise) would be suffered by the local government or another person; <p>(e) It is irrelevant whether advantage was actually gained or detriment suffered;</p> <p>(f) The conduct does not fall under section 5.93 of the Act: improper use of information (which would be a serious breach), or section 83 of the Criminal Code (which would be a crime).</p>
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<i>Repeated breaches of Part B</i>	<i>Elements of Rule of Conduct</i>
<p>e. A breach of Part B of the Code of Conduct is a minor breach if:</p> <ul style="list-style-type: none"> i. it occurs after the council member has been found to have committed 3 or more other breaches of Part B; or ii. the council member fails to comply with the action plan developed after a finding of inappropriate behaviour under Part B; <p>and</p> <ul style="list-style-type: none"> iii. the Council to which the member is elected, decides, via resolution, to make an allegation of a rule of conduct breach under this Part. 	<ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Standards Panel makes its determination; (b) the council has passed a resolution referring the matter to the Standards Panel; (c) in the case of (i) – <ul style="list-style-type: none"> i. the person has been found to have breached Part B of the code of conduct on at least three occasions; ii. the behaviour the subject of this complaint occurred after a finding of inappropriate behaviour; iii. the person has engaged in behaviour that is a breach of Part B of the code of conduct; iv. an action plan is in place; or (d) In the case of (ii) – <ul style="list-style-type: none"> i. there was an action plan in place; ii. the action plan resulted from a previous finding of a breach of Part B; iii. the person has not complied with the action plan.

Relationships with employees

<i>Prohibition against involvement in administration</i>	<i>Elements of Rule of Conduct</i>
<p>3.7 A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the CEO to undertake that task.</p>	<ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination; (b) the council member took on or was involved or participated in the performance, attempted performance, or part-performance, of a function or responsibility which under the

3.8 Rule 3.7 does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.	<p>Act or by delegation it is for the local government's CEO to perform or direct; and</p> <p>(c) such taking on, involvement or participation:</p> <ul style="list-style-type: none"> i. contributed (for example, played a part in achieving) something; and ii. did not occur as anything the council member did as part of the deliberations at a council or committee meeting (which may include something the member did as part of their preparation for any such deliberation); and <p>(d) the local government's CEO did not authorise such taking on, involvement or participation.</p>
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<i>Relations with local government employees</i>	<i>Elements of Rule of Conduct</i>
<p>3.9 In this rule —</p> <p>employee means a person as defined in section 5.36 of the Act and any person contracted to provide a service to the local government.</p> <p>3.10 A person who is a council member or candidate must not —</p> <ul style="list-style-type: none"> i. direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or ii. attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee; or 	<p>Rule 3.10(i)</p> <ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination; (b) the council member or candidate gave or tried or made an effort to give a direction or an order or command; (c) to another person, who is an employee of the relevant local government; (d) to do or not to do something in the other person's capacity as a local government employee; and (e) the direction or attempted direction was not part of anything that the person did as part of the deliberations at a council or committee meeting (which may include something he or she did as part of their preparation for any such deliberation).

<p>iii. behave in an abusive or threatening manner towards any local government employee.</p> <p>3.11 Rule 3.10(i) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.</p> <p>3.12 If a person, in their capacity as a council member, is attending a council meeting, committee meeting or other organised event, other than at a meeting or part of a meeting that is closed to the public, the person must not, either orally, in writing or by any other means —</p> <ul style="list-style-type: none"> i. make a statement that a local government employee is incompetent or dishonest; or ii. use offensive or objectionable expressions in reference to a local government employee. <p>3.13 Rule 3.12(i) does not apply to conduct that is unlawful under <i>The Criminal Code</i> Chapter XXXV.</p>	<p>Rule 3.10(ii)</p> <ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination; (b) a council member or candidate tried or made an effort to affect, sway or produce an effect on; (c) the conduct of another person, who is an employee of the relevant local government, in that person's capacity as a local government employee; and (d) the council member or candidate's effort to affect, sway or produce an effect was carried out by means of — <ul style="list-style-type: none"> (i) a threat by the person (for example, the council member's declaration of an intention to inflict punishment, pain or loss on, or to take any action detrimental or unpleasant to, the employee — or on someone, or to something, that the employee cares about — in retaliation for, or conditionally upon, some action or course), or (ii) a promise or undertaking by the person to give the employee something having a value, or to do or not do something where the act or omission concerned has some value or advantage for or to the employee. <p>Rule 3.10(iii)</p> <ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination; (b) the person behaved in a manner which was: <ul style="list-style-type: none"> (i) abusive (for example, the council member uses insulting, disparaging belittling or derogatory language about or to the employee); or
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	<p>(ii) threatening (for example, the council member's declaration of an intention to inflict punishment, pain or loss on, or to take any action detrimental or unpleasant to, the employee — or on someone, or to something, that the employee cares about — in retaliation for, or conditionally upon, some action or course);</p> <p>(c) the behaviour is directed towards a local government employee.</p> <p>Rule 3.12(i)</p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) the council member attended a council meeting, committee meeting or other organised event in their capacity as a council member;</p> <p>(c) the council member either verbally, in writing or by some other means, made a statement (for example, a communication or declaration in speech or writing setting forth facts, particulars; etc.); and</p> <p>(d) viewed objectively, the council member's statement (or a sufficiently clear inference from the words used) was that an employee of the council member's local government was incompetent or dishonest.</p> <p>(e) Chapter XXXV of <i>The Criminal Code</i> does not apply.</p> <p>Rule 3.12(ii)</p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p>
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	<ul style="list-style-type: none"> (b) the council member attended a council meeting, committee meeting or other organised event in their capacity as a council member; (b) the council member either verbally, in writing or by some other means, used an expression (for example, any word, phrase or form of speech) which it is more likely than not that a member or members of the public present heard or otherwise became aware of; (c) the expression was an offensive or objectionable expression (for example, an expression that is likely to cause offence or displeasure and is insulting); and (d) the expression was an offensive or objectionable expression in reference to an identified employee of the council member's local government.
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Accountability

<i>Unauthorised disclosure of information</i>	Elements of Rule of Conduct
<p>3.14 In this rule —</p> <p>closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;</p> <p>confidential document means a document, or that part of a document, marked by the CEO or a nominated delegate to clearly show that the information is not to be disclosed;</p>	<p>Rule 3.15(i)</p> <ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination; (b) the council member disclosed information to someone who at the time was not also a council member of the same local government; and (c) the disclosed information was information the disclosing council member derived from a document that was marked by the relevant local government's CEO, or at the CEO's direction, to clearly show that the information in the document was not to be disclosed; and

<p><i>non-confidential document</i> means a document that is not a confidential document or is not marked confidential.</p> <p>3.15 A person who is a council member must not disclose —</p> <ul style="list-style-type: none"> i. information that the council member derived from a confidential document; or ii. information that the council member acquired at a closed meeting other than information derived from a non-confidential document; or iii. personal information as defined in the <i>Freedom of Information Act 1992</i>. <p>3.16 Sub-rule (3.15) does not prevent a person who is a council member from disclosing information —</p> <ul style="list-style-type: none"> i. at a closed meeting; or ii. to the extent specified by the council and subject to such other conditions as the council determines; or iii. that is already in the public domain; or iv. to an officer of the Department; or v. to the Minister; or vi. to a legal practitioner for the purpose of obtaining legal advice; or vii. if the disclosure is required or permitted by law. 	<ul style="list-style-type: none"> (d) the disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16. <p>Rule 3.15(ii)</p> <ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination; (b) a council member disclosed information to someone who at the time was not also a council member of the same local government; and (c) the disclosed information was information the disclosing council member acquired at a council or committee meeting, or a part of a council or committee meeting, that was closed to members of the public under section 5.23(2) of the Act; and (d) the disclosing council member did not derive the disclosed information from a non-confidential document (that is, a document that was <i>not</i> marked by the local government's CEO, or at the CEO's direction, to clearly show that the information in it was not to be disclosed); and (e) the disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16.
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	<p>Rule 3.15(iii)</p> <ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination; (b) the council member disclosed information to someone who at the time was not also a council member of the same local government; and (c) the disclosed information was personal information as defined in the <i>Freedom of Information Act 1992</i> (for example, name, date of birth, address, or a reference to an identification number or other identifying particular such as a fingerprint or body sample). (d) the disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16. <p><i>Freedom of Information Act 1992</i> defines personal information as:</p> <p>information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead —</p> <ul style="list-style-type: none"> (a) whose identity is apparent or can reasonably be ascertained from the information or opinion; or (b) who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.
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<i>Disclosure of interest</i>	Elements of Rule of Conduct
<p>3.17 In this rule —</p> <p>interest means a material interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest.</p> <p>3.18 A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —</p> <ul style="list-style-type: none"> i. in a written notice given to the CEO before the meeting; or ii. at the meeting immediately before the matter is discussed. <p>3.19 Rule 3.18 does not apply to an interest referred to in section 5.60 of the Act.</p> <p>3.20 Rule 3.18 does not apply if —</p> <ul style="list-style-type: none"> i. a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or ii. a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began. <p>3.21 If, under sub-rule (3.18)(i), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then —</p>	<ul style="list-style-type: none"> (a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination; (b) subject to rule 3.19, the person had a private or personal interest in a matter that is more likely than not a conflict of interest or a bias (apparent or real) that does adversely affect, or might adversely affect the council member's impartiality in considering the matter, and includes an interest arising from kinship, friendship, membership of an association, or another circumstance; (c) the member attended the council or committee meeting concerned and was present when the matter under consideration came before the meeting and was discussed; (d) the member did not disclose the nature of the relevant interest in the matter in either of the two ways required by Rule 3.18(i) or 3.18(ii); (e) Rule 3.20 does not apply.

<ul style="list-style-type: none"> i. before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and ii. at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed. <p>3.22 If —</p> <ul style="list-style-type: none"> i. under sub-rule (3.18)(ii) or (3.20)(ii) a person's interest in a matter is disclosed at a meeting; or ii. under sub-rule (3.21)(ii) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting, <p>the nature of the interest is to be recorded in the minutes of the meeting.</p>	
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Code of Conduct survey

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces a mandatory code of conduct (Code) for all council members, committee members and candidates in local government elections.

These reforms are intended to ensure that standards of behaviour are consistent between local governments and address community expectations.

The proposed Code will inform the drafting of regulations. This will be accompanied by guidelines that provides clarification and guidance in relation to compliance and enforcement with the Code.

This survey is intended to provide the Government with feedback regarding the proposed the content of the Code.

Thank you for taking the time to complete this survey.

1. Who are you completing this survey on behalf of?
 - a. Yourself
 - b. An organisation, including a local government, peak body, community organisation or a business
2. What is the name of that organisation?
3. What is your name?
4. What best describes your relationship to local government?
 - a. Resident or ratepayer
 - b. Staff member
 - c. Council member (includes Mayor or President)
 - d. Survey responses are provided on behalf of a local government (council endorsed)
 - e. Peak body
 - f. State Government agency
 - g. Community body
 - h. Other (please specify)
5. What best describes your gender?
 - a. Male
 - b. Female
 - c. Other
 - d. Not applicable/the survey responses are provided on behalf of an organisation
6. What is your age?
 - a. Under 18
 - b. 18-24
 - c. 25-34
 - d. 35-44
 - e. 45-54
 - f. 55-64
 - g. 65+
 - h. Not applicable/the survey responses are provided on behalf of an organisation
7. Which local government do you interact with most?

8. Do you wish for your response to this survey to be confidential?
 - a. Yes
 - b. No
9. What is your email address?
10. Have you previously completed a survey or provided a submission regarding the review of the *Local Government Act 1995*?
 - a. Yes
 - b. No
 - c. Unsure
11. If no, what were your reasons for not previously providing your views to inform the Local Government Act review?
 - a. I was not aware of the Local Government Act review
 - b. I was not interested in providing my views
 - c. I did not have time to provide my views
 - d. Other (please specify)

Part A - Principles

Council members, committee members and candidates are expected to adhere to and promote and support the following principles by example.

Adhering to these principles will ensure that council members and candidates can comply with the behaviours outlined in Part B or conduct as outlined in Part C. all behaviour should be considered against these principles, whether or not it is covered specifically in Part B or Part C.

12. Please indicate your support of the following ***Personal Integrity Principles***

- 1.1 Act with care and diligence and participate in decision making in an honest, fair, impartial and timely manner, considering all relevant information.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.2 Act with honesty, integrity and uphold the concept of natural justice.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.3 Identify, declare and appropriately manage any conflicts of interest in the public interest and interests of the Council including not accepting gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.4 Uphold the law, and, on all occasions, act in accordance with the trust placed in council members.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.5 Avoid damage to the reputation of the local government.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

- 1.6 Not be impaired by mind effecting substances while performing official duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

--

13. Please indicate your support of the following ***Relationships With Others Principles***

1.7 Treat others with respect, courtesy and fairness.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.8 Maintain and contribute to a harmonious, safe and productive work environment for all.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.9 Respect and value diversity in the workplace and in the community.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

--

14. Please indicate your support of the following ***Accountability Principles***

1.10 Base decisions on relevant and factually correct information and make decisions on merit and in accordance with statutory obligations and good governance.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.11 Be open and accountable to the public, represent all constituents and make decisions in the public.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

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15. Should any additional principles be incorporated in Part A?

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Part B – Behaviour

Part B sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.

Failure to comply with this Part may give rise to a complaint against a council member's conduct, followed by a subsequent investigation and possible corrective action by the local government. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.

16. Please indicate your support for the following ***Personal Integrity Behaviours***.

2.1 Act in line with the principles outlined in this Code when performing official duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.2 Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.3 Respect and comply with all council policies, procedures and resolutions.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.4 Ensure professional behaviour is not compromised by the use of alcohol or drugs.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.5 Use all forms of media, including social media, in a way that complies with this Code.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

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17. Please indicate your support for the following ***Relationships with Others Behaviours***.

2.6 Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.7 Do not bully or harass council staff, other council members or members of the public in any form, including social media.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.8 Deal with the media in a positive, informative and appropriate manner in accordance with the Local Government Act 1995 and relevant local government policies.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.9 While acting as a council member, do not:

- (i) Use offensive or pejorative language in reference to another council member, council employee or member of the public;
or
- (ii) Disparage the character of any council member or council employee or impute dishonest or unethical motives to them in the performance of their duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.10 When attending a council or committee meeting, do not:

- (i) Behave in an abusive or threatening manner towards another council member or other person attending the meeting;

(ii) Make statements that the person knows, or could be reasonably expected to know, that are false or misleading;
Or

(iii) Repeatedly disrupt the meeting

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.11 When attending a council or committee meeting:

(i) Comply with the local law that relates to conduct of people at council or committee meetings;

(ii) Promptly comply with any direction given by the presiding member at that meeting; and

(iii) Immediately cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.12 Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

--

18. Please indicate your support for the following **Accountability Behaviours**.

2.13 Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.14 Take responsibility for decisions and actions.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.15 Abide by the decisions of council and publicly support the decisions even if of an alternative view.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.16 Adhere to the principles in the:

- (i) *Occupational Safety and Health Act 1984*(WA);
- (ii) *Equal Opportunity Act 1984*(WA);
- (iii) *Racial Discrimination Act 1975*(Cth); and
- (iv) *Sex Discrimination Act 1984* (Cth).

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

--

19. Should any additional behaviours be incorporated in Part B?

20. Part B of the Code includes a complaint management process. Should this part include a time period in which complaints must be lodged after the alleged breach occurred?

- ☐ No time period
- ☐ 1 month
- ☐ 3 months
- ☐ 6 months
- ☐ Other (please specify)

21. Who is the best person for Part B complaints to be directed to?

- ☐ Mayor or President
- ☐ Deputy Mayor or President
- ☐ Presiding member
- ☐ Chief Executive Officer
- ☐ Nominated local government employee

- Other (please specify)

22. What actions are appropriate for councils to impose if a Part B breach is found?

- Apology
- Training
- Mediation
- Counselling
- Other (please specify)

23. Do you have any suggestions for specific actions that could be incorporated into the guidelines?

24. Should recurrent breaches of behaviour be referred to the Local Government Standards Panel?

- Yes
- No

Please provide a reason(s) for your answer

25. Should Council be required to develop an action plan and give the council member an opportunity to resolve their behaviour before a third complaint is referred to the Standards Panel under Part C?

- ☐ Yes
- ☐ No
- ☐ Other (please specify)

26. How beneficial would it be for local governments to engage an independent person to assist with the review of complaints?

- ☐ Extremely useful
- ☐ Very useful
- ☐ Somewhat useful
- ☐ Not so useful
- ☐ Not at all useful
- ☐ Other (please specify)

27. What should happen if a council cannot agree on an investigation or course of action following an alleged breach of Part B?

- An independent person should be engaged to conduct a review
- The complaint should be dismissed
- The Mayor or President makes the decision
- The CEO makes the decision
- Other (please specify)

Part C – Rules of Conduct

Rules of conduct breaches are matters that:

- **Negatively affect the honest or impartial performance of a council member;**
- **Involve a breach of trust placed in the council member; or**
- **Involve the misuse of information or material.**

Alleged breaches of this part can be referred to the Local Government Standards Panel (Standards Panel) in accordance with the *Local Government Act 1995* (the Act). A breach of this Part is a “minor breach”.

36. Do you have any comments or feedback on Part C?

Guidelines

Guidelines have been prepared to accompany the Code the Conduct. The guidelines are intended to provide clarification and guidance in relation to complain and enforcement.

37.Are the guidelines a useful tool to accompany the Code?

- ☐ Extremely useful
- ☐ Very useful
- ☐ Somewhat useful
- ☐ Not so useful
- ☐ Not at all useful

Please specify why

38.Do you have any suggestions for additional inclusions in the guidelines?



Department of
Local Government, Sport
and Cultural Industries



*Local Government
Act 1995 Review*
agile • smart • inclusive



LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

Standards and Guidelines For Local Government CEO Recruitment and Selection, Performance Review and Termination

Draft for Consultation

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Preface

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and early termination of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes among local governments.

This document outlines proposed mandatory minimum standards, shown in boxes. These standards will inform the drafting of regulations.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. The guidelines will assist local governments in meeting the proposed standards and will not form part of the legislative framework.

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

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

Feedback is sought on the proposed standards and guidelines. A survey is available at www.dlgsc.wa.gov.au/lgareview or you can provide your feedback to actreview@dlgsc.wa.gov.au by 8 November 2019.

Part 1 – Recruitment and Selection

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

Principles

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

Recruitment and Selection Standard

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

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

Recruitment and Selection Standard cont.

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

Guidelines

Recruitment and selection process

Regulation 18C of the *Local Government (Administration) Regulations 1996* (Administration Regulations) requires a local government to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

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

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

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

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

Advertising

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

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

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

A local government must publicly advertise the CEO position if one person has remained in the job for 10 consecutive years. This does not prevent the incumbent individual from being employed as CEO for another term, provided they are selected following a transparent selection and recruitment process.

Selection panel and independent person

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

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

The independent person would be on the committee on an unpaid basis (except for reasonable travel and accommodation costs which should be covered by the local government) to provide objectivity to the selection and recruitment process.

The independent person and elected members on the panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant.

Independent human resources consultant

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment

and selection process (or any aspect of it). A member of the human resources team within a local government should not be involved in the recruitment of a new CEO because if the CEO is employed, he or she would be their employer.

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

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

- development or review of the JDF;
- development of selection criteria;
- sourcing and development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- executive search;
- preliminary assessment of the applications;
- final shortlisting;
- drafting of the questions for interview;
- coordinating interviews;
- writing the selection report;
- arranging for an integrity check and/or police clearance; and
- assisting the council in preparing the employment contract.

The consultant is not to be directly involved in determining which applicant should be recommended for the position.

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

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

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

There is no requirement for local governments to engage an independent human resources consultant to assist with the recruitment of a CEO. If a decision is made to outsource the recruitment process, it is imperative that the council maintains a high

level of involvement in the process and enters into a formal agreement (contract) with the consultant. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

Council's responsibilities

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

- Conduct interviews with short-listed applicants: This should be done by the council (this may involve the establishment of a committee consisting of only council members under section 5.8 of the Act). A council may decide that a human resources consultant undertakes the initial shortlisting of candidates, for example, conducting initial interviews and compiling a short-list of applicants for the council to review. Following shortlisting, a consultant can participate by sitting in on the interviews, providing advice on the recruitment and selection process and writing up the recommendations. The consultant may also arrange the written referee reports of applicants.
- Make the decision about who to recruit: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: The council should conduct the final negotiations (noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions).

Creating Diversity

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview questions are objective and gauge the applicants' hard and soft skills, reducing biases in assessment (see examples below).

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

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

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

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

Due Diligence

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

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

A council may wish to contact a person who is not listed as an applicant’s referee, such as a previous employer. This may be useful in obtaining further information regarding an applicant’s character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of a media material and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government’s values. This should be made clear in the application information.

To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.

Selection

Once the application period closes, the council, selection panel or consultant assesses each application and identifies a shortlist of applicants to be interviewed.

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

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

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

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

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

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

Employment contract

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations, that it meets the requirements set out in relevant employment law and that it is legally binding and valid.

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

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

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

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

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

The CEO's employment contract should clearly outline grounds for termination and the termination process (refer to the termination guidelines in this document for information on the process of termination). The notice periods outlined in the employment contract should be consistent with Australian employment law.

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

Appointment

Following the decision of council to approve an offer to appoint, with the contract negotiations finalised and the preferred applicant accepting the offer of appointment, council is required to make the formal and final appointment of the CEO. The council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. The employment contract must be signed by both parties.

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

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

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

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive feedback on their application, or interview performance if they were granted an interview. Should

an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

Confidentiality

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants and their personal details, assessment, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process.

CEO induction

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

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

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

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

Part 2 – Performance Review

Principles

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

Performance Review Standard

The minimum standard for performance review will be met if:

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

Guidelines

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

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

Employment contract and performance agreement

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

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

Key result areas, performance indicators and goals

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

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. These tasks are called key result areas. Key result areas should be set for each critical aspect of the CEO's role. It is important that each key result area is measurable and clearly defined. These could be in relation to:

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

Key result areas should focus on the priorities of the council and, if appropriate, could be assigned priority weighting in percentages. The council and CEO should set goals as to the target outcome for future achievement in the key result areas. Goals should be specific, measurable, achievable, relevant and time-based.

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

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that

such contextual factors are given weight and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council.

Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the achievement of performance criteria.

Performance review panel

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council.

Independent consultant

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

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

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

Assessing performance

The process of assessing performance should be agreed to by both parties and documented in the employment contract or performance agreement.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships.

The council should consider any evidence of CEO performance from two perspectives, namely, current CEO performance and future performance if the CEO's current behaviours continue. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the council as part of regular reporting. These sources include:

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

It is important that, in addition to looking at the achievement of KPIs, the council considers the following:

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

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

Addressing performance issues

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

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

It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet key result areas does not necessarily mean the CEO has performed poorly and, for this reason, performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area (for example, through an agreed improvement plan).

Confidentiality

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

Part 3 – Termination

Principles

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

Termination Standard

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

- S3.1** Decisions are based on the assessment of the local government's requirements (such as the documented key result areas) and the CEO's performance is measured against these.
- S3.2** Performance issues have been identified and the CEO informed. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues.
- S3.3** Procedural fairness and the principles of natural justice are applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decision affecting them, and their response is genuinely considered.
- S3.4** Decisions are impartial, transparent and capable of review.
- S3.5** The council of the local government has endorsed the termination by absolute majority.
- S3.6** The required notice of termination (which outlines the reason for termination) is provided in writing.

Guidelines

Reason for termination

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

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

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

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work, e.g. speaking to people in a disrespectful manner, not attending required work meetings and telling inappropriate jokes;
- disruptive or negative behaviour at work, e.g. constantly speaking negatively about the organisation;
- not meeting the performance criteria set in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues (a plan for improvement);
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

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

Examples of serious misconduct can include:

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

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

Termination on the basis of misconduct is covered by employment law. A local government should take all reasonable steps to consider misconduct allegations including ensuring procedural fairness is applied. It should also seek independent legal, employment or industrial relations advice prior to a termination. A council should seek independent advice generally during the termination process including the relevant employment legislation affecting CEO employment and the application of that legislation in the circumstances. This will ensure that a council complies with employment law during the entire termination process.

To meet the termination standard, the local government is required to endorse the decision to terminate the CEO's employment by way of an absolute majority resolution.

Opportunity to improve and mediation

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to help the CEO improve. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary.

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

Independent review of termination report

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy the issues, and an explanation of the CEO's failure to remedy the issues. It is recommended that the council arranges for the termination report to be reviewed by an independent person (e.g. a person with legal expertise, local government experience or a human resources consultant) to ensure the council has complied with procedural fairness, and provided adequate opportunities and support to the CEO to assist him or her in remedying the issues which form the basis of the termination. In the interests of fairness, the review should take place promptly and before the termination of the CEO's employment.

Confidentiality

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of the grounds for termination and avenues for review of the decision. Notice of termination of employment is required to be given in writing. In addition, where possible, the news of termination of employment should be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of the employment.

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

Disclaimer

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

Ombudsman at www.fairwork.gov.au and the Western Australian Industrial Relations Commission at www.wairc.wa.gov.au.

Part 4 – Monitoring and enforcement

To ensure that councils are complying with the standards and to address any alleged non-compliance, a process will need to be established to monitor and enforce the standards.

Feedback is sought on potential models and processes for monitoring and enforcement.

One potential model is for the establishment of an independent Local Government Commissioner. This position would provide a quality assurance role over CEO recruitment and selection, performance review and terminations by ensuring that the minimum standards were met.

In relation to performance review, either the CEO or council could approach the Local Government Commissioner who would have the power to order that a third party be involved in the performance management process if the Commissioner deemed it necessary.

CEO standards consultation survey

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces model standards covering the recruitment and selection, performance review and early termination of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes among local governments.

It is intended that the standards will be mandatory and inform the drafting of regulations. These will be accompanied by guidelines outlining the recommended practice for local governments undertaking these processes.

This survey is intended to provide the Government with feedback regarding the proposed content of the standards and the guidelines.

Thank you for taking the time to complete this survey.

1. Who are you completing this survey on behalf of?
 - a. Yourself
 - b. An organisation, including a local government, peak body, community organisation or a business
2. What is the name of that organisation?
3. What is your name?
4. What best describes your relationship to local government?
 - a. Resident or ratepayer
 - b. Staff member
 - c. Council member (includes Mayor or President)
 - d. Survey responses are provided on behalf of a local government (council endorsed)
 - e. Peak body
 - f. State Government agency
 - g. Community body
 - h. Other (please specify)
5. What best describes your gender?
 - a. Male
 - b. Female
 - c. Other
 - d. Not applicable/the survey responses are provided on behalf of an organisation
6. What is your age?
 - a. Under 18
 - b. 18-24
 - c. 25-34
 - d. 35-44
 - e. 45-54

- f. 55-64
 - g. 65+
 - h. Not applicable/the survey responses are provided on behalf of an organisation
7. Which local government do you interact with most?
8. Do you wish for your response to this survey to be confidential?
- a. Yes
 - b. No
9. What is your email address?
10. Have you previously completed a survey or provided a submission regarding the review of the *Local Government Act 1995*?
- a. Yes
 - b. No
 - c. Unsure
11. If no, what were your reasons for not previously providing your views to inform the Local Government Act review?
- a. I was not aware of the Local Government Act review
 - b. I was not interested in providing my views
 - c. I did not have time to provide my views
 - d. Other (please specify)

Recruitment and selection

12. How frequently should a council be required to re-advertise the CEO position?
- a. At the conclusion of the term of the CEO's contract
 - b. Where a person has occupied the CEO position for two (2) consecutive terms
 - c. Where a person has occupied the CEO position for ten (10) consecutive years
 - d. When council determines
 - e. Unsure
 - f. Other (please specify)

13. To what extent do you support the following statement?

"A local government should be required to undertake 'blind CV recruitment' (i.e. redacting personal details and any diversity specific information from curriculum vitae) to avoid bias in the early stages of the recruitment process."

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

It is proposed that a council will be required to appoint a selection panel made up of council members to conduct and facilitate the CEO recruitment and selection process.

The selection panel would be responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant.

14. To what extent do you support the following statement?

“The selection panel must include at least one person who is independent of the council to assist the council in selecting the CEO”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

15. If a council is required to have an independent person on the selection panel to assist them in selecting a CEO, who should the independent person be? (please choose one or more of the following options)

<input type="checkbox"/>	A recruitment/human resources consultant
<input type="checkbox"/>	A community member
<input type="checkbox"/>	A person with experience in local government
<input type="checkbox"/>	A person with experience in appointing senior executives
<input type="checkbox"/>	Unsure
<input type="checkbox"/>	Other (please specify)

16. To what extent do you support the following statement?

“If a council is required to have an independent person on the selection panel to assist them in selecting a CEO, the independent person must not be a current council member or staff member of any local government”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

17. Should there be any other restrictions on who the independent person on a selection panel should be?

- a. Yes
- b. No
- c. If yes, please specify

Performance review

The *Local Government Act 1995* currently requires a council to review the performance of the CEO annually.

18. How frequently should a council review the performance of the CEO?

- a. Annually
- b. Twice annually

- c. Quarterly
- d. Every two years
- e. When council determines a performance review is required

19. To what extent do you support the following statement?

“A local government should be required to establish a performance review panel, which must include at least one person who is independent of the council, to assist the council in assessing the performance of a CEO”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

20. If a council is required to have an independent person assist them in assessing the performance of a CEO as part of a performance review panel, who should the independent person be? (please choose one or more of the following options)

<input type="checkbox"/>	A recruitment/human resources consultant
<input type="checkbox"/>	A community member
<input type="checkbox"/>	A person with experience in local government
<input type="checkbox"/>	A person with experience in appointing senior executives
<input type="checkbox"/>	Unsure
<input type="checkbox"/>	Other (please specify)

21. Should there be any restrictions on who the independent person should be?

- a. Yes
- b. No
- c. If yes, please specify

Termination

22. To what extent do you support the following statement:

“The legislation should provide a minimum notice period that the council provides to the CEO if the council terminates the CEO’s employment before the expiry date of the employment contract”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

23. If the legislation required council to provide the CEO with a minimum notice period of the early termination of the CEO’s employment, what should the minimum notice period be?

- a. Two (2) weeks
- b. Four (4) weeks
- c. Other (please specify)

Monitoring and enforcement

To ensure that councils are complying with the standards and to address any alleged non-compliance, a process will need to be established to monitor and enforce the standards.

Feedback is sought on potential models and processes for monitoring and enforcement.

24. Who should be responsible for monitoring and enforcing the CEO standards?

- a. Public Sector Commission or other integrity agency
- b. Department of Local Government, Sport and Cultural Industries
- c. Independent office of Local Government Commissioner
- d. Joint Panel consisting of nominees from the WA Local Government Association (WALGA) and the Local Government Professionals WA (LGPro WA)
- e. Local Government Standards Panel (expanded role)
- f. Other (please specify)

25. To what extent do you support the following statement?

“If a Local Government Commissioner were to be established, local governments should be required to pay a levy to fund its establishment and operation”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

26. What powers should the body responsible for monitoring and enforcing the standards have? (please choose one or more of the following options)

<input type="checkbox"/>	To order a local government to restart a process (recruitment, selection, performance review or termination) or remedy a defect
<input type="checkbox"/>	To order that a third party be involved in the performance review process
<input type="checkbox"/>	To order that a local government engages in mediation or arbitration to resolve a dispute (this could be disputes between council members or between council members and the CEO)
<input type="checkbox"/>	To arbitrate or make a ruling on a matter
<input type="checkbox"/>	To prepare a report on contract termination (for potential referral for industrial relations action)
<input type="checkbox"/>	To provide a report to the Minister for Local Government or the Director General of the Department of Local Government, Sport and Cultural Industries for consideration in relation to powers to suspend, dismiss or order remedial action whether in regards to the entire council or individual council members

<input type="checkbox"/>	To order that a local government seeks professional advice or assistance from an independent person
<input type="checkbox"/>	Unsure
<input type="checkbox"/>	Other (please specify)

27. To what extent do you support the following statement?

“If the body responsible for monitoring and enforcing the CEO standards directed a local government to undertake mediation or arbitration to resolve a dispute, the costs of the dispute resolution should be borne by the local government.”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

28. To what extent do you support the following statement?

“If a council has not complied with the standard for a particular process, they should be required to recommence the process”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

29. To what extent do you support the following statement?

“Local governments should be subject to penalties if they do not comply with the CEO standards”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

30. Do you have any additional comments in relation to the CEO standards?

Guidelines accompanying the CEO standards

The mandatory CEO standards will be accompanied by guidelines outlining the recommended practice for local governments undertaking the processes of recruitment and selection, performance review and early termination of CEOs.

31. How useful are the proposed guidelines?

Extremely useful	Very useful	Moderately useful	Slightly useful	Not at all useful

Please specify why:

32. Do you have any suggestions regarding any changes that need to be made to the proposed guidelines or is there anything else you think should be included in the guidelines? (please specify)
33. Do you have any additional comments in relation to the guidelines?

16. CLOSURE OF MEETING