

AGENDA

Policy Committee

MEETING OF THE POLICY COMMITTEE

TO BE HELD ON

MEETING DATE



TUESDAY 11 DECEMBER 2007

commencing at 5.15 pm

in Conference Room 2
JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

Note:

Clause 77 of the City's Standing Orders Local Law 2005 states:

"Unless otherwise provided in this local law, the provisions of this local law shall apply to meetings of committees with the exception of:

- (a) clause 29 (Members seating;) and
- (b) clause 54 (Limitation on members speaking.)"



GARRY HUNT
Chief Executive Officer
7 December 2007

CITY OF JOONDALUP

Notice is hereby given that a meeting of the **POLICY COMMITTEE** will be held in Conference Room 2, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY 11 DECEMBER 2007** commencing at **5.15 pm**.

GARRY HUNT
Chief Executive Officer
7 December 2007

Joondalup
Western Australia

AGENDA

Committee Members

<i>Cr Kerry Hollywood</i>	<i>Presiding Person</i>
<i>Cr Trona Young</i>	<i>Deputy Presiding Person</i>
<i>Mayor Troy Pickard</i>	
<i>Cr Marie Macdonald</i>	
<i>Cr Mike Norman</i>	
<i>Cr Fiona Diaz</i>	
<i>Vacancy – South-East Ward</i>	

Terms of Reference

- To make recommendations to Council on the development and review of Council and City policies to identify the direction of Council.
- To initiate and request the formulation and drafting of both Council and City policies.
- To devise and oversee the method of development (level and manner of community consultation) for the development of Council and City policies.
- To review the Council Policy Framework in order to ensure compliance with the provisions of the Local Government Act 1995;

DECLARATION OF OPENING

APOLOGIES/LEAVE OF ABSENCE

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 20 NOVEMBER 2007

RECOMMENDATION

That the minutes of the meeting of the Policy Committee held on 20 November 2007 be confirmed as a true and correct record.

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

DECLARATIONS OF INTEREST

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

PETITIONS AND DEPUTATIONS

REPORTS

Item 1 Revised Code of Conduct - City of Joondalup

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* Footnote: This meeting of the Policy Committee is to specifically discuss the need to revise the Code of Conduct. All other outstanding matters will be presented to the Committee at its first meeting in 2008.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

CLOSURE

ITEM 1 REVISED CODE OF CONDUCT - CITY OF JOONDALUP – [08166, 09358]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE

For the Council to consider the adoption of a revised Code of Conduct.

EXECUTIVE SUMMARY

Recent changes and additions to legislation that governs the conduct of council members, committee members and employees have been gazetted.

These changes relate to the conduct of council members as it establishes a disciplinary framework to deal with misconduct by any local government council member.

As a result, a revised Code of Conduct for the City has been prepared. Additional amendments have been made to ensure that the City's Code of Conduct contains various clauses relating to employees accepting gifts as a result of their employment.

BACKGROUND

Following the ordinary local government elections held on 20 October 2007, changes to legislation came into effect that relate to the conduct of council members.

DETAILS

Issues and options considered:

The options available are:

- To adopt the revised Code of Conduct that reflects the changes in legislation;
- Not accept the changes to the Code;
- To make amendments to the revised Code of Conduct.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

The Local Government Act 1995 (the Act) was amended by the Local Government (Official Conduct) Amendment Act 2007. The amendments to the Act allowed for the Local Government (Rules of Conduct) Regulations 2007 to subsequently be gazetted.

Section 5.103 of the Local Government Act 1995 states: -

Codes of conduct

1. Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.
2. *[repealed]*
3. Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.

The Local Government (Administration) Regulations 1996 were also amended pertaining to employees.

Risk Management considerations:

The failure to amend the City's Code of Conduct will result in a breach of the legislation.

Policy implications:

The City's current Code of Conduct is a Council Policy. The proposed revised Code of Conduct will replace the existing Code and will remain as a Council policy.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

When amending the legislation and introducing the new conduct regulations, the Department of Local Government consulted with the industry.

COMMENT

The Official Conduct Amendment Act only applies to council members and it establishes a disciplinary framework to deal with misconduct by any local government council member. The framework involves using a statewide standards panel to handle complaints about minor breaches of rules and empowering the State Administrative Tribunal (SAT) to review the conduct of members where the Act or regulations have been breached. Council members found to be in minor breach of rules may face penalties ranging from public censure and a public apology through to an order to undertake training. The SAT has additional powers to suspend a member for up to six months or bar a member from holding office in any local government for up to five years.

The *Local Government (Rules of Conduct) Regulations 2007* came into operation in conjunction with the amendments to the Act.

The regulations prescribe uniform rules of conduct for council members in relation to:

- standards of general behaviour
- behaviour at council or committee meetings
- misuse of local government resources
- relations with local government employees
- use of information
- securing unauthorised advantages or disadvantages
- disclosing certain interests (not financial)
- restrictions on receiving, and disclosure of, certain gifts.

In addition to the amendment to the Act and the introduction of the regulations that govern the conduct of council members only, the Local Government (Administration) Regulations 1996 were amended to include certain provisions to be included in the Code of Conduct relating to employees.

The revised Code of Conduct will apply to council members, committee members and employees and has been drafted to reflect the same rules that are contained within the Local Government (Rules of Conduct) Regulations 2007. While the Code will apply to all three parties, the Code predominately relates to committee members and employees as the recently introduced regulations govern the conduct of council members, and having a code that is not consistent with the regulations would create confusion.

ATTACHMENTS

Attachment 1 – Revised Code of Conduct

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council DELETES its existing Policy 4-1 – Code of Conduct and ADOPTS the revised Policy 4-1 - Code of Conduct forming Attachment 1 to this Report.

Appendix 1 refers



APPENDICES

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