

MINUTES

Policy Committee

MINUTES OF THE POLICY COMMITTEE MEETING

HELD ON

MEETING DATE

TUESDAY, 11 DECEMBER 2007

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City of
Joondalup

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 11 DECEMBER 2007

ATTENDANCE

Committee Members:

Cr Kerry Hollywood	<i>Presiding Person</i>	North Ward	
Cr Trona Young	<i>Deputy Presiding Person</i>	North Central Ward	<i>Absent from 1737 hrs to 1739 hrs</i>
Mayor Troy Pickard			
Cr Marie Macdonald		Central Ward	
Cr Mike Norman		South-West Ward	
Cr Fiona Diaz		South Ward	

Officers:

Mr Garry Hunt	Chief Executive Officer
Mr Ian Cowie	Director Governance and Strategy
Mr Mike Smith	Manager Marketing Communications and Council Support
Ms Janet Harrison	Administrative Services Coordinator

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1720 hrs.

APOLOGIES/LEAVE OF ABSENCE

Nil

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 20 NOVEMBER 2007

MOVED Cr Norman **SECONDED** Mayor Pickard that the minutes of the meeting of the Policy Committee held on 20 November 2007 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Crs Hollywood, Diaz, Macdonald, Norman and Young, Mayor Pickard

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

DECLARATIONS OF INTEREST

Nil

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

Nil

PETITIONS AND DEPUTATIONS

Nil

REPORTS**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

MOVED Cr Norman SECONDED Cr Macdonald 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.

The Director Governance and Strategy provided an overview of the revised Code of Conduct. Discussion ensued.

Cr Young left the Room at 1737 hrs and returned at 1739 hrs.

The Motion was Put and

LOST (1/5)

In favour of the Motion: Cr Macdonald **Against the Motion:** Crs Hollywood, Young, Norman and Diaz, Mayor Pickard

MOVED Mayor Pickard SECONDED Cr Young that the Policy Committee REQUESTS the Chief Executive Officer to undertake a more comprehensive review of Policy 4-1 – Code of Conduct in line with the revised regulations and existing policy, for presentation at the next available opportunity.

Discussion ensued. It was requested that the Director Governance and Strategy liaise with Elected Members in relation to the required content of the revised Code.

The Motion was Put and

CARRIED (5/1)

In favour of the Motion: Crs Hollywood, Young, Norman and Diaz, Mayor Pickard **Against the Motion:** Cr Macdonald

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**Items to be presented to the Committee**

The Chief Executive Officer advised that a number of requested reports will be presented to the next Policy Committee meeting.

Significant tree register

Cr Norman requested a report in relation to the creation of a significant tree register.

Review of Policy 8-9 – Investment

Cr Young requested a review of Policy 8-9 – Investment.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 1817 hrs; the following Elected Members being present at that time:

Cr Kerry Hollywood
Cr Trona Young
Mayor Troy Pickard
Cr Marie Macdonald
Cr Mike Norman
Cr Fiona Diaz