

AGENDA

Policy Committee

MEETING OF THE POLICY COMMITTEE

TO BE HELD ON

MEETING DATE



WEDNESDAY, 19 MARCH 2008

commencing at 6.00 pm

in Conference Room 3
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
14 March 2008



City of
Joondalup

www.joondalup.wa.gov.

CITY OF JOONDALUP

Notice is hereby given that a meeting of the **POLICY COMMITTEE** will be held in Conference Room 3, Joondalup Civic Centre, Boas Avenue, Joondalup on **WEDNESDAY, 19 MARCH 2008** commencing at **6.00 pm**.

GARRY HUNT
Chief Executive Officer
14 March 2008

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 11 DECEMBER 2007

RECOMMENDATION

That the minutes of the meeting of the Policy Committee held on 11 December 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**

	Page
Item 1 Policy for the Operation of Circuses in the City of Joondalup	3
Item 2 Revised Code of Conduct - City of Joondalup	5
Item 3 Review of Policies 8-2 and 8-3 – Elected Members	8
Item 4 Fleet Replacement Policy	14
Item 5 Close of Advertising of proposed amendments to Policy 7-5 – Alfresco Dining – Joondalup City Centre	18
Item 6 Draft Amended Policy 3-1 – Child Care Centres	21
Item 7 Draft Amended Policy 5-1 - Access and Equity	26
Item 8 Review of Investments – Policy 8-9	29
Item 9 Policy 5-3 – The City's Art and Memorabilia Collections Policy Review	36

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION****CLOSURE**

**ITEM 1 POLICY FOR THE OPERATION OF CIRCUSES
IN THE CITY OF JOONDALUP – [18058]****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Ian Cowie
Governance and Strategy**PURPOSE/ EXECUTIVE SUMMARY**

At the Council Meeting on 16 October 2007, Council decided to amend the draft City Policy – “Statement on Circuses” and to refer the amended document back to the Policy Committee for further consideration.

BACKGROUND

Following a request received from the Policy Committee Meeting of 14 August 2007 a report and a draft City Policy – “Statement on Circuses” was duly presented at the next meeting of the Committee on 8 October 2007.

When the Minutes of the Policy Committee (which included the report and the draft policy) were presented at Council on 16 October 2007, it was determined that further amendments were required and that the amended document should be referred back to the Policy Committee for their consideration.

DETAILS

The original draft of the policy specifically identified the following animals: lions, tigers, elephants, bears and monkeys. At the 16 October 2007 meeting, Council suggested inclusion of the following additional animals: leopards, other great cats, giraffes, and apes together with the statement “*or any type of animal which in the opinion of the local government is either dangerous or wild by nature.*”

Issues and options considered:

There are 2 options open to the Policy Committee

- Option 1 Retain the original draft City Policy as is (Attachment 1)
- Option 2 Approve the revised draft City Policy which includes additional animals and the statement noted previously (Attachment 2)
- Option 3 Further amend the draft City Policy as required

Link to Strategic Plan:

Key Focus Area: Community Wellbeing
Objective: To meet the cultural needs and values of the community

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Neither policy will be fully in alignment with either the Code of Practice for the Conduct of Circuses in Western Australia or the RSPCA Policy on Performing Animals and therefore may not receive the endorsement of either organisation if approached.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Possible amendment to Policy Manual

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Extending the number of animals referred to in the policy is not strictly necessary as the original draft policy included the words “including (but not restricted to).” However, the extension will help to clarify those animals which are considered exotic and is therefore supported.

ATTACHMENTS

Attachment 1 Original Draft Circus Policy
Attachment 2 Revised Draft Circus Policy

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council ADOPTS the draft City Policy – Statement on Circuses forming Attachment 2 to this Report.

ITEM 2 REVISED CODE OF CONDUCT - CITY OF JOONDALUP - [08166, 09358]**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

For the Committee to consider a revised Code of Conduct.

BACKGROUND

A new Code of Conduct was considered at the Policy Committee meeting on 11 December 2007. At this meeting, a range of additions to the draft Code were suggested. These additions were made and the revised draft Code was then presented to the Strategy Session in February 2008. At this meeting, further changes to the Code were suggested. As a result of the suggestions, the Code has been further revised and these recent revisions are highlighted in Attachment 1.

DETAILS**Issues and options considered:**

The options available are:

- To accept the revised Code (attached) that reflects changes to legislation and additional points;
- To not accept the changes to the Code; or
- To make further amendments to the revised Code.

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.

As part of these legislative changes, 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.

Financial/Budget Implications:

Not Applicable.

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

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.

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. However, the revised Code also includes some elements of Council's current Code of Conduct and a couple of new elements suggested by Elected Members.

It should be noted that the three ethical standard definitions in the last draft have been deleted because the issues of respect, fairness and integrity are all specifically covered by the general principles and the document does not define other concepts contained within the general principles.

ATTACHMENTS

Attachment 1 Revised Code of Conduct.

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 2 refers

ITEM 3 REVIEW OF POLICIES 8-2 AND 8-3 - ELECTED MEMBERS - [06574]**WARD:** All**RESPONSIBLE** Mr Ian Cowie**DIRECTOR:** Governance and Strategy**PURPOSE / EXECUTIVE SUMMARY**

To review the way Policy 8-2 deals with equipment which is provided to Elected Members. This report suggests a new approach which would mean that, rather than being entitled to a long listing of items which can or will be provided, equipment of the Elected Member's choice will be reimbursed to a maximum amount.

It also addresses the Elected members training allowance in Policy 8-2, and Ward Councillor availability and Elected Members dinners in Policy 8-3.

BACKGROUND

City Policy 8-2 covers Elected Member allowance. Part 2 of this Policy relates to the issue and return of Council equipment and Part 4 relates to conferences and training.

The equipment and items listed in this part are extremely specific in the main. Examples of this specificity include references to a 4 pin power board and an Elected Member lounge key. Only in one case is a degree of generality encountered. This is the reference to 'appropriate stationery' in section 2.4. Part 4 details the amount allocated to each Elected Member and describes the conferences and training that may be undertaken.

Policy 8-3 covers various general issues that impact on Elected Members from use of Civic facilities to speaking to the media.

DETAILSPolicy 8-2 – Issuing of Equipment

The specificity of Part 2 of Policy 8-2 can create difficulties. That is, there are many pieces of office equipment which are not covered in the detailed listings but which could be important in assisting an Elected Member to undertake his or her role. Examples include an office chair (a computer desk can be issued but no chair to go with it); a foot rest; a carpet protector to place below the office chair; and appropriate desk lamp; a larger computer screen; wireless equipment and the like. This can create the unhelpful situation where an Elected Member is entitled to a filing cabinet which he or she does not want but is not entitled to a new office chair, for example, which he or she does want.

The *Local Government Act 1995* is specific about the nature of payments which can be made to the Elected Members (see the section headed 'Legislation'). This limits a local government's autonomy to make payments to Elected Members and the following comments need to be considered in this light.

Policy 8-2 adopts two different approaches in supporting the operations of Elected Members. The first is to specifically detail items which are to be issued to Elected Members. This is the approach taken in Part 2 which relates to the issuing of office and other equipment. The second is to reimburse expenses to a maximum amount. This is the approach taken in Part 4 where Elected Members are provided with an allocation to attend conferences and training and the cost of attendance and associated expenses are reimbursed.

There would appear to be three options open to Council in relation to the constraints imposed by the detailed listing in Part 2.

First, Council could expand the number of items included in the list to pick up additional items such as those listed earlier in this section. The advantage of this approach is that it is comparatively simple to expand the lists of items under Part 2. However, the disadvantage is the same as that which is associated with all listing approaches. That is, a piece of equipment which may be legitimately desired could be left out of the list and, consequently, can not be provided.

Second, Council could adopt the approach used for conference and training expenses. This would involve replacing the listings in Part 2 with a statement that Elected Members are entitled to be reimbursed for the purchase of specified equipment and associated business items to a maximum amount.

The advantage of this approach is that it provides discretion and flexibility for Elected Members in terms of the type of products acquired. However, this approach raises a range of issues which will require consideration. These include:

- Should this approach apply only to office furniture equipment (ie. delete items such as computer desks from the list) to all office equipment (ie. delete items like computers from the list as well as office furniture) and/or to clothing (ie. satchel, jacket, etc)?

There is no right or wrong answer to this question and it would clearly be possible to leave a listing for certain items and provide reimbursement for other items. However, the substance of the argument for reimbursement of one type of item (ie. office furniture equipment) will also apply to other types of items (ie. office computer equipment).

- Some items such as the lounge key, security card and vehicle number plates will need to remain listed as these items are not available for purchase outside of the City.
- In keeping with Local Government (Administration) Regulation 32, payments can only be reimbursed by a local government if the expense is incurred by the Elected Member in performing a function in his or her capacity as a Council Member. Consequently, any reimbursement would need to be tied to an item which meets the requirements of this Regulation. This could be achieved through a declaration by an Elected Member that the item for which reimbursement is sought meets this condition.

- Moving to a system of reimbursement alters entitlements for Elected Members. That is, under a reimbursement system, the purchase price is reimbursed and the item remains the property of the Elected Member. Under the current listing system, section 2.6 of Policy 8-2 requires equipment less than three years old and any lease equipment provided to be returned.
- What should be the maximum amount allowable for reimbursement?

The third option is to make no changes and leave the system as it is. This has the advantage of stability but does not allow the opportunity to provide additional pieces of equipment which may be appropriate.

Policy 8-2 - Training

Part of the policy also relates to the provision of an amount to allow Elected Members to attend various conferences and training to assist them in their professional development as an Elected Member.

The allowance is applicable on an annual basis, with the period commencing from an ordinary election, which now occurs in October. With the date of the ordinary election moving from May to October in 2007, a part allocation was made to Elected Members to cover any training costs during this period.

Clause 4.9 (4) of the policy states that Elected Members will forfeit any unspent funds following an ordinary election.

With the change of ordinary election dates, there are a number of Elected Members who did not have the opportunity to expend their funds.

It is suggested that Part 4.9(4) of the policy be waived for the October 2007 election, and Elected Members carry forward any unspent funds into the annual period October 2007 to October 2008. However, the clause is to be applied to Elected Members following the ordinary election in October 2009.

It is also proposed to amend the policy to delete the requirement for Elected Members to advise of carrying forward funds, and that this occur as a matter of process during non-election years.

Policy 8-3 – Ward Councillor Availability

This part of the policy provides the opportunity for Ward Councillors to meet with residents to discuss various issues of concern.

That part of the policy does not specifically deal with issues relating to:

- Use of Council owned venues; and
- Costs associated with use of various venues.

It also refers to the term 'Councillors' and not 'elected members'.

The policy has been amended to provide more clarity.

Policy 8-3 – Elected Members Dinners

As part of the 2006/07 half yearly budget review, an allocation was made to allow for elected members to host various people at a dinner within the Council lounge. This budget allocation was provided for in the 2007/008 budget.

This was not formalised in the policy and it is proposed to include the details of such dinners as part of Policy 8-3.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Division 8 of Part 5 of the *Local Government Act 1995* provides the basis for payments to Elected Members. Section 5.98(6) specifically states:

“A local government cannot –

- (a) *make any payment to; or*
- (b) *reimburse an expense of,*

a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.”

Consequently, there is limited autonomy for local governments with regard to payments to Elected Members.

Division 8 enables:

- Elected members to receive a meeting attendance fee or annual allowance in lieu of this;
- Elected Members to be reimbursed for certain expenses as of right;
- Elected Members to be reimbursed for certain expenses determined by the local government;
- An allowance to be paid to the Mayor;
- An allowance to be paid to the Deputy Mayor;
- Allowances to be paid to Elected Members in lieu of the reimbursement of expenses.

Local Government (Administration) Regulation 32(1)(c) specifically allows a local government to reimburse “an expense incurred by a Council member in performing a function in his or her capacity as a Council member”. The departmental guideline on fees and charges explains this provision in the following terms:

“Reimbursement of other expenses incurred by an Elected Member in performing a function in his or her capacity as an Elected Member are covered by Regulation 32(1)(c). The types of expenses or the functions performed are not specified in the regulation. This provides local governments with discretion to reimburse Elected Members for a wide range of expenses incurred by the member in performing a function. Local governments that have identified expenses under this category should set them in a policy so that it is clear to members and future members that

claims for certain types of expenses are acceptable subject to submission of satisfactory documentary evidence of the expense”.

Risk Management considerations:

A change to the approach by which equipment is provided could be controversial.

Financial/Budget Implications:

This report suggests an alternative way of providing equipment to Elected Members. The overall financial impact of such a change is likely to be negligible.

Policy Implications:

An amendment to Policy 8-2 and Policy 8-3 is considered.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

This report presents three options for dealing with the provision of equipment and other items to Elected Members. The current listing approach is considered constraining and consequently, the concept of reimbursement to a maximum amount is favoured.

Should Elected Members support this approach, consideration will need to be given as to what items should be eligible for reimbursement and what maximum amount will apply.

The waiving of the clause relating to training expenses in Policy 8-2 overcomes a difficulty created by transitional arrangements, while the amendments to Policy 8-3 are designed to clarify situations.

ATTACHMENTS

- | | |
|--------------|-----------------------------------------|
| Attachment 1 | Policy 8-2 - with revisions highlighted |
| Attachment 2 | Policy 8-3 – with revisions highlighted |

RECOMMENDATION

That the Policy Committee:

- 1 SUPPORTS the reimbursement approach for pieces of equipment and other items, CONSIDERS which items this approach should apply to and SUGGESTS a maximum amount for reimbursement payments;
- 2 WAIVES the requirements of Clause 4.9(4) of Policy 8-2 for the 2007 ordinary election only;
- 3 AGREES to amend Clauses 4.9(3) and (4) of Policy 8-2 as detailed in Attachment 1 to this Report;
- 4 AGREES to adopt the changes to Policy 8-3 as detailed in Attachment 2 to this Report.

Appendix 3 refers

ITEM 4 LIGHT VEHICLE REPLACEMENT POLICY - [28469]**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Mike Archer
Infrastructure Services (Acting)**PURPOSE**

To consider the options for a Light Vehicle Replacement Policy.

EXECUTIVE SUMMARY

To ensure that the City minimises costs and maximises the performance of its fleet, it must ensure that whole of life costs are minimised. This is achieved by replacing items at the 'optimal replacement period' which is determined by whole of life costing.

This report discusses the process for determining whole of life costs and this optimal replacement period for the different items in the City's fleet. While flexibility will be retained for the majority of the fleet, the attached policy recommends regular advice on the Light Fleet (passenger and light commercial vehicles) from specialist Fleet Management consultants.

BACKGROUND

In 2000, the City commissioned the Western Australian Municipal Association (WAMA) to report on various fleet issues relating to light vehicles, such as;

- Ownership Structure i.e. Lease, Buy, Rent or Hire
- Salary Packaging & Novated Leasing
- Optimal Replacement Criteria

Following on from this report, at its meeting on 22 May 2001, Council resolved (CJ133 -05/01 refers)

"2 RETAINS its 6 and 8 cylinder vehicles for 4 years or 90,000 km whichever is the sooner...."

At its meeting on 11 June 2002 Council resolved (CJ121-06/02 refers) to change the replacement criteria for Officer passenger vehicles to the sooner of 3 years or 60,000km and to 12 months or earlier for the Mayor's and CEO's vehicles.

Subsequently, 'Policy 8-2 – Elected Members – Allowances' was changed to state the mayor's vehicle will be changed over in accordance with the City's general management of its light vehicle fleet.

At its meeting on 14 August 2007, the Policy Committee resolved (CJ161-08/07 refers) to request that a report be submitted to the Policy Committee on Vehicle replacement.

DETAILS

The City owns and maintains a fleet of light passenger vehicles, commercial utilities, vans, trucks and various earthmoving and parks maintenance equipment that deliver a variety of services to the community. In doing so, the City must ensure these assets are managed in a way that maximises performance for the lowest whole of life cost. Minimising these costs should be a key determinant of any policy on the replacement of fleet assets.

Predicting whole of life costs for the passenger and light commercial vehicles is relatively straight forward as most vehicles in the class behave similarly and it is only necessary to undertake a small number of costings to review the entire class. However, these costs change regularly and require constant review to ensure they are minimized. The attached policy proposes that this advice be sought regularly from specialist Fleet Management consultants and this will guide decision making in this regard.

Life Cycle Costing

The decision on when to changeover City fleet is guided by the changing life cycle costs of the item and is known as the 'optimum changeover period'. Life cycle costs vary depending on a variety of factors and it is recommended that the City review these costs regularly.

Life cycle costs include:

- Depreciation (purchase cost less expected resale value at disposal)
- Cost of fuel used
- Scheduled logbook servicing
- Tyre replacement
- Insurance
- Registration

For the most part, these costs can be predicted to determine the 'whole of life' cost of a particular vehicle. The most significant contributor to these costs is the actual depreciation of the vehicle during the ownership period. This varies due to changes in the tax system as they occur (for example FBT and GST) and changing demand for certain vehicles based on such things as petrol prices (for example, second hand car prices for larger vehicles tends to drop as petrol prices rise if other factors remain equal).

Replacing a vehicle at its optimal replacement period minimises whole of life costs by lowering the annualised cost differential between purchase and disposal values and the cost of any scheduled servicing.

Approaches adopted elsewhere

The City of Swan has a Motor Vehicle Policy that states, amongst other things, that '*All vehicles are to be replaced at the optimum period for changeover, in order to achieve the lowest possible operating costs for each vehicle and as per the City's plant and equipment replacement program and budgets*'.

The City of Gosnells' Vehicle Policy states '*The Executive Team will determine vehicle allocations and vehicle use status applicable to employees or positions taking into consideration whole of life costings and current industry and market trends. In doing so they shall adopt a flexible approach to the changeover of Council's Light Vehicle Fleet with particular emphasis being given to the make and model of vehicle, and the kilometers traveled to ensure the most costs effective outcome at any given time*'.

The City of Perth Council Vehicle Policy states '*Light Vehicles to be replaced under the most cost effective changeover practices, based on market conditions*'.

The City of Stirling currently operates under a 2003 Council resolution and replace passenger vehicles at 2 years/40,000km and light commercials at 3 years/60,000km.

RAC advised verbally that their current policy is to change passenger vehicles over every 3 years or 80,000km. They keep their 'yellow vans' (vehicle service light commercials) for a period of 5 years, primarily due to the specific 'build' of them, that is, installation of compressors and other specialist equipment.

The Contract Manager for the State Government's Motor Vehicle Fleet Services 'Common Use Contract' advises that most Government fleet managers are now keeping their passenger vehicles for 3 years/60,000km although there is a movement to increase this period to 4 years.

Issues and options considered:

The Policy Committee could agree to:

- Endorse the draft policy
- Amend the draft policy
- Reject the draft policy

Link to Strategic Plan:

This item has a direct link to achievement of the City's Vision: "*A sustainable City and community that are recognised as innovative, unique and diverse.*"

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

This policy has an objective to minimise risk through a co-ordinated approach to fleet management.

Financial/Budget Implications:

This policy will generally minimise City expenditure on fleet management.

Policy Implications:

City Policies are drafted by Officers for administrative and operational imperatives and have an internal focus. They require Policy Committee and Council endorsement. Council may also direct that the policy be advertised for public comment prior to adoption.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The regular replacement of items in the fleet is assessed as part of the annual budget and items replaced and due for disposal are sold through auction or a tender process. The market for used vehicles and plant can change depending on supply and demand and the financial return on disposal can fluctuate greatly. The disposal price has the greatest impact on whole of life costs and costs should be reviewed regularly to ensure that they are minimised.

This report recommends the City seek independent specialist Fleet Management advice on both the optimal changeover period and recommended fleet composition to ensure whole of life costs are minimised.

The proposed policy will enable the City to retain flexibility in the changeover of its fleet to maximise the financial return to the City. These changeover intervals will be reviewed regularly by either external consultants or staff, depending on the fleet class.

ATTACHMENTS

Attachment 1 Draft Policy – Fleet Replacement Policy

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS the attached Light Vehicle Replacement Policy to Council forming Attachment 1 to this Report.

Appendix 4 refers

ITEM 5 CLOSE OF ADVERTISING OF PROPOSED AMENDMENTS TO POLICY 7-5 - ALFRESCO DINING - JOONDALUP CITY CENTRE – [03360]**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider submissions received during the advertising period and decide whether to adopt the proposed amendments to Policy 7-5 – Alfresco Dining - Joondalup City Centre, without modification.

EXECUTIVE SUMMARY

Council resolved at its meeting on 28 August 2007 to initiate public advertising of proposed amendments to Policy 7-5 – Alfresco Dining – Joondalup City Centre. The amendments expand the policy to cover alfresco activities associated with all licensed premises within the City and allow the consumption of alcohol without a meal, subject to patrons sitting on chairs at tables, in accordance with recent amendments to the Liquor Licensing Act 1988. As a consequence of these changes, renaming of Policy 7-5 was proposed. Clarification in terms of application of the policy and planning approval requirements were also included.

No submissions were received during the advertising of the amendments to the Policy. It is recommended that Council adopts the proposed amendments to the current policy, as Policy 7-5 – Alfresco Activities.

BACKGROUND

The City adopted an Alfresco Dining Policy in 1994 to guide dining in public spaces such as footpaths, principally as an extension of existing restaurants and cafés. The Policy reflected the desire for operators to be able to provide patrons in the City centre with outdoor areas. It was also necessary to ensure the appropriate use of public space for pedestrians and other users with respect to access, safety and aesthetics whilst maintaining the amenity of adjacent properties.

The Policy has been reviewed three times since its inception. Policy 7-5 Alfresco Dining – Joondalup City Centre has applied since October 2005. Notwithstanding the title of the policy, it applies to the whole of the City of Joondalup.

The City also adopted a Trading in Public Places Local Law at this time that deals with the environmental health aspects of outdoor dining.

DETAILS

Council resolved at its meeting on 28 August 2007 to initiate public advertising of proposed amendments to Policy 7-5 – Alfresco Dining – Joondalup City Centre for a period of twenty one (21) days (CJ161-08/07 refers).

A summary of the proposed amendments is provided below:

- Amending the title of the Policy to cover all alfresco activities in the City of Joondalup;
- Amending the definition of ‘alfresco dining’ to ‘alfresco activities’ to include the consumption of alcohol in outdoor areas, when seated at chairs and tables; and
- Clarification of approval requirements, and improvement to the wording of the document.

Advertising closed on 4 October 2007 and no submissions were received.

Issues and options considered:

The options available to Council are:

- Adopt the draft amendments to Policy 7-5
- Refuse to adopt the proposed amendments to Policy 7-5
- Adopt the draft amendments to Policy 7-5, with modifications.

Link to Strategic Plan:

The following objectives and strategies in the City’s Strategic Plan 2003-2008 are applicable to this report.

Objective 3.2 To develop and promote the City of Joondalup as a tourist attraction.

Strategy 3.2.1 Create and promote cultural tourist attractions.

Objective 3.1 To develop and maintain the City of Joondalup’s assets and built environment.

Strategy 3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposed amendments to Policy 7-5 were advertised for a period of 21 days from 13 September 2007 to 4 October 2007. Advertising was in the form of an advertisement placed in the Joondalup Times for 2 consecutive weeks, and also on the City's website.

Upon closure of advertising, no submissions had been received.

COMMENT

The proposed amendments to Policy 7-5 will clarify that the consumption of alcohol without a meal is acceptable in alfresco situations where patrons are seated at chairs and tables only. The policy has been renamed to cover all alfresco activities in the City of Joondalup. The wording of the document has been improved and updated without altering the intent or provisions of the current Policy, resulting in a clearer and more effective policy document.

It is therefore recommended that Council adopt the proposed amendments, as Policy 7-5 – Alfresco Activities.

ATTACHMENTS

Attachment 1 Policy 7-5 Alfresco Activities

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADOPTS Policy 7-5 Alfresco Activities, forming Attachment 1 to this Report.

Appendix 5 refers

ITEM 6 DRAFT AMENDED POLICY 3-1 CHILD CARE CENTRES – [85510]**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for the Policy Committee to consider draft amendments to Policy 3-1 Child Care Centres, including required minor modifications.

EXECUTIVE SUMMARY

Recent development applications for Child Care Centres have attracted public interest and raised issues regarding the current Policy 3-1 Child Care Centres. Review and clarification of aspects of Policy 3-1 Child Care Centres to bring it in line with current community expectations is considered appropriate. This would also assist in the assessment of applications for this land use.

The issues of amenity, appropriate location, traffic and car parking, noise attenuation, operating hours and location of outdoor play areas are included in the draft policy. Due to the number of elements of the policy that are proposed to be amended, and the difficulty of clearly showing these on the existing policy, a new draft policy document is provided.

The Policy Committee considered the new draft policy at its meeting on 8 October 2007 and suggested minor modifications, which have been completed. The modifications involve clarifying wording in relation to adverse impacts, residential zones and screening of outdoor play areas, more discussion on hours of operation, and inclusion of a noise attenuation section.

It is recommended that the Policy Committee supports the draft amended Policy 3-1 Child Care Centres to enable initiation of public advertising for a period of thirty five (35) days.

BACKGROUND

When the City of Joondalup was formed on 1 July 1998, Council adopted the former City of Wanneroo's planning policy manual under District Planning Scheme No 2 (DPS2) (CJ213-06/99 refers). This included adoption of (then) Policy 3.3.1 – Child Care Centres.

A review of policies was conducted in 2001 when minor amendments were made to Policy 3.3.1 (CJ318-09/01 refers). All policies were reviewed in 2005 under a new policy framework and Policy 3.3.1 was designated as a Council policy, known thereafter as Policy 3-1 Child Care Centres (CJ2076-10/05 refers).

The operation of Child Care Centres is regulated by the Child Care Centres (Child Care) Regulations 2006 and the Child Care Centres Regulations 2007.

The draft amended Policy 3-1 Child Care Centres was considered at the Policy Committee held on 8 October 2007. It was suggested at this meeting that minor modifications be made to the draft and a further report provided for consideration. The modifications included the following:

- clarification of wording in relation to the avoidance of adverse impacts;
- application of the policy in residential zones;
- screening of outdoor play areas;
- elaboration of comments on hours of operation; and
- an additional section relating to noise attenuation measures.

The suggested changes have been included in the draft policy.

DETAILS

Planning approval is required for the development of a Child Care Centre and Policy 3-1 Child Care Centres provides guidance to the location and development of those centres.

The following summary identifies issues that require review in the current Policy 3-1:

- Increased focus on amenity issues,
- Building setback requirements to be consistent with District Planning Scheme No 2,
- Clarification of where Child Care Centres where suitable in terms of the road hierarchy.
- Car parking and access requirements to be clarified and expanded;
- Additional provisions relating to operating days and hours, and outdoor play areas to be included;

Issues and options considered:

The options available to Council are:

- Adopt the draft amended Policy 3-1 Child Care Centres for the purposes of public advertising,
- Adopt the draft amended Policy 3-1 Child Care Centres, with modifications, for the purposes of public advertising,
- Not adopt the draft amended Policy 3-1 Child Care Centres.

Link to Strategic Plan:

The following objective and strategy of the City's Strategic Plan 2003-2008 are applicable to this report:

Objective 3.3 To continue to meet changing demographic needs.

Strategy 3.3.2 integrate plans to support community and business development.

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup's District Planning Scheme No 2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Should Council adopt a draft a policy, or amendment to an existing policy, the proposal is required to be advertised for a period of not less than twenty one (21) days. Advertising is undertaken by way of a notice published once a week for two consecutive weeks in a local newspaper, as well as on the City's website, giving notice where the draft policy or amendment may be inspected.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:**Policy Implications:**

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

In the event that Council adopts the draft amendment to the policy for advertising, in view of the fact that applications for Child Care Centres attract public interest, advertising of the proposal for a period of thirty five (35) days is recommended. Upon completion of advertising, Council is required to consider all submissions and proceed to either adopt, modify or refuse the amendment to the policy.

COMMENT

Issues identified in the existing policy that are proposed in the draft amended policy are discussed below:

Amenity

The current objective of Policy 3-1 refers to maintaining a high level of amenity in residential areas. Additional wording has been added to emphasise this objective, including the requirement for a Traffic and Road Safety Impact Report and a Noise Impact Assessment to be submitted with the application.

Location

The preferred location of Child Care Centres in relation to the road hierarchy in Policy 3-1 is contradictory in some circumstances, and requires clarification. The draft amended policy clearly states that Local Distributor roads are the preferred location for Child Care Centres.

Building Setbacks

Child Care Centres are non-residential buildings to which are subject to the generic setback provisions for all non-residential buildings as prescribed in DPS2. The current policy, however, indicates the Child Care Centres in residential areas should comply with the R-Codes. The policy provision promotes development of buildings in keeping with the residential zone, however, Council is required to exercise discretion in terms of the DPS2 standards. The inclusion of statements addressing the relationship of the Policy to the DPS2 provisions is proposed.

Car Parking

Car parking requirements in the policy do not extend to include large Child Care Centres, with more than 72 children, and differs according to different car park and access arrangements. That is, fewer bays are required for smaller Centres catering for up to 56 children where a flow-through access and parking arrangement is provided.

It is proposed to expand the car parking provision table to cater for centres of up to 104 children. It is also proposed to simplify the required provision of car parking by not differentiating between car park access arrangements.

Additional Provisions

The current policy does not offer any guidance regarding days or hours of operation for Child Care Centres. Child Care Centres policies adopted by other metropolitan local authorities in general include limitation on hours of operation to weekdays and Saturday mornings. Some exceptions include not specifying any hours for weekend operation or all day on both weekend days. The website for one of the larger child care providers (ABC Learning Centres) indicates that they do not open on weekends. In the absence of public input on the matter, suggested days and hours for weekdays and Saturdays are proposed.

Outdoor play areas are high use areas that have the potential to generate significant noise and disturbance to surrounding properties. Additional guidance regarding location of these areas is proposed. In addition, the provision of cover over a portion of these areas to give protection from the weather, in particular from the sun, is included.

Conclusion

The proposed amended Policy 3-1 will clarify suitable locations for Child Care Centres, setbacks, car parking and access requirements, amenity and Council's exercise of discretion. It will also include car parking requirements for large Centres, operating days and hours, additional provisions relating to outdoor play areas to improve the safety of the children, clarification of policy application in the residential zones, noise attenuation measures and avoidance of adverse impacts.

ATTACHMENTS

- Attachment 1 Draft Amended Policy 3-1 -Child Care Centres
Attachment 2 Existing Policy 3-1 Child Care Centres

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES the draft amended Council Policy 3-1 - Child Care Centres, forming Attachment 1 to this Report, for public comment for a period of thirty five (35) days.

ITEM 7 DRAFT AMENDED POLICY 5-1 ACCESS AND EQUITY – [89609, 03105]**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Clayton Higham
Planning and Community Development**PURPOSE**

The purpose of this report is for the Policy Committee to consider draft amendments to City Policy 5-1 Access and Equity.

EXECUTIVE SUMMARY

The recent approval by Council of the City's Access and Inclusion Plan 2008-2011 (AIP) requires the review and update of current Policy 5-1 Access and Equity to reflect the content of the new AIP.

It is recommended that the Policy Committee RECOMMENDS that Council ADOPTS the Draft Amended Council Policy 5-1 – Access and Equity.

BACKGROUND

The endorsement in December 2007 by Council of the new Access and Inclusion Plan 2008-2011 is the result of a legislative requirement from the Disability Services Act 1993, amended 2004, that outlines how public authorities will make their services, buildings and information accessible for people with disabilities.

These requirements are reflected in the eight desired outcomes, which provide a framework for translating the principles and objectives of the Disability Services Act into tangible and achievable results.

The new AIP commits the City to ensuring that its activities and services meet the needs of the community as a whole, including people with disabilities and their families or carers, and people from culturally and linguistically diverse (CaLD) backgrounds.

DETAILS

The current Policy 5-1 Access and Equity states that no one will be denied access to any City facility, program, service or information prepared by the City on the basis of a personal disability. The draft amended Policy 5.1 Access and Equity moves to include people from culturally and linguistically diverse backgrounds.

The second major amendment to Policy 5-1 Access and Equity is set out on the list which identifies new matters for implementation and review to ensure greater accessibility for all.

The draft amended Policy 5.1 Access and Equity includes matters such as the importance of accessibility of “Events”, “Making complaints” and “Raising awareness in the community”.

Link to Strategic Plan:

The Access and Inclusion Plan is linked to the Strategic Plan through the following:

Strategic Plan	Access and Inclusion Plan 2008-2011
<u>Strategy 1.3.1:</u> Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment	<u>Strategy 1.1:</u> Ensure that all events offered by the City, or events taking place in public areas, are organised so that they are accessible and inclusive.
<u>Strategy 1.3.2:</u> Provide quality of life opportunities for all community members	<u>Strategy 1.2:</u> Ensure that all services are delivered in an accessible and inclusive manner
<u>Strategy 3.3.2:</u> Integrate plans to support community and business development	<u>Strategy 1.3:</u> Develop links between the AIP and other City plans and strategies, and the budget planning
<u>Strategy 4.3.1:</u> Provide effective and clear community consultation	<u>Strategy 6.1:</u> Improve access for people with disabilities to the established consultative processes of the City
<u>Objective 4.3.2:</u> Provide accessible community information	<u>Strategy 3.3:</u> Improve community awareness that all City information can be made available in alternative formats upon request

Legislation – Statutory Provisions:

The WA Disability Services Act 1993 (amended 2004) requires state and local government authorities to develop and implement Disability Access and Inclusion Plans (DAIP). The Draft Amended Policy 5.1 Access and Equity supports the implementation of the City's AIP.

Risk Management considerations:

The Disability Services Act 1993 (amended 2004) requires that public authorities develop and implement a DAIP.

Not supporting the implementation of the AIP through City Policies could present risks for the City resulting from action by i.e. Disability Services Commission and other authorities. Community members from CaLD background who may be disadvantaged by not being included in opportunities to access the City's services, activities, events, programs and information, may have a grievance with the City if their needs are not met.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Change to the City of Joondalup Policy 5 -1: Access and Equity

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Draft Amended Policy 5.1 Access and Equity reflects and acknowledges current universal disability, access and inclusion issues and concepts, relevant for the diverse community that makes up the City of Joondalup.

ATTACHMENTS

Attachment 1 Draft Amended Policy 5.1 Access and Equity
Attachment 2 Existing Policy 5.1 Access and Equity

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council ADOPTS the draft Council Policy 5-1 – Access and Equity forming Attachment 1 to this Report.

ITEM 8 REVIEW OF INVESTMENTS POLICY 8-9 - [19136]**WARD:** All**RESPONSIBLE** Mr Mike Tidy
DIRECTOR: Corporate Services**PURPOSE**

To consider a report and make a recommendation to Council on the review of the City's Investment Policy 8-9.

EXECUTIVE SUMMARY

Policy 8-9 relates to investments of funds by the City. The current policy arose out of a major review of all policies undertaken and subsequently adopted by Council in June of 1999. The policy has subsequently been reviewed on five occasions, the last in October 2007 with only relatively minor changes being made.

Due to the current investment environment and following requests from Elected Members it was considered appropriate to review the policy to ensure that it best supports and preserves the City's cash assets.

It is recommended that the Policy Committee RECOMMENDS to Council that it:

- 1 *REVOKEs the current Policy 8-9 Investment forming Attachment 1 to this Report;*
- 2 *ADOPTS a new Policy 8-9 Investment forming Attachment 3 to this Report.*

BACKGROUND

The City's Policy 8-9 Investment was discussed at the Strategic Financial Management Committee Meeting held on 26 February 2008 and it was resolved that the SFMC recommends that Council:

- 1 REVOKEs the current Policy 8-9 Investment forming Attachment 1 to this Report;
- 2 ADOPTS a new Policy 8-9 Investment forming Attachment 3 to this Report;
- 3 REFERS the new Policy 8-9 Investment forming Attachment 3 to this Report to the Policy Committee for comment prior to final adoption by Council.

The current City Policy 8-9 Investment was adopted in June 1999 following a major review of the entire Policy Manual. The policy has been reviewed on a number of occasions since then without substantial change.

There has been significant turmoil in investment markets in recent times and a number of local governments across Australia have investments that have been caught in that turmoil. Also there have been a number of enquiries from Elected Members relative to the exposure of the City to the current investment turmoil and the adequacy of the City's investment policy. It is considered appropriate therefore to undertake a review of the investment policy.

It's important to understand firstly the broad types of investments that local government are involved in and how these are exposed to the market.

The traditional investments for local government have been interest bearing deposits and bank accepted/endorsed commercial bills. The key features are:

- are usually backed by major banks,
- have a high credit rating due to the backing for the investment being clearly known and understood,
- are relatively short term,
- are very secure,
- the value of the investment at any time is known,
- the return on the investment and when it will be received is known, and
- if there is a need to break the investment before its maturity this may result in a penalty.

Because of this they generally offer a conservative rate of return relative to benchmarks.

In the last decade local government has been more involved in investing in managed funds. These come in many permutations but essentially they involve pooling investors funds and then reinvesting those funds across a range of investment types. The key features are:

- offered by many institutions some have major bank backing but many do not and there can be more than one institution involved,
- are generally longer term not short term investments,
- are investing in a variety of securities such as cash based investments, equities, mortgages etc,
- in some cases specialise in investing in certain types of securities,
- exposed to the market fluctuations particularly affecting the types of underlying securities that the fund has invested in and therefore do not provide a predetermined return on the investment,
- exiting a managed fund prior to maturity means selling in the market at prevailing market rates, and
- while they have credit ratings (in some cases quite high ratings) these can be confusing because it doesn't mean that the underlying securities that the fund has invested in all have the same rating and the relationship between the securities and their potential impact on the whole fund can be complex and not readily understood.

The biggest issue with managed funds is having a clear understanding of what the managed fund is investing in. In many cases this can be clear and transparent and the risks of the investment can be determined. As the investment instruments become more and more complex however it can be very difficult to determine the risk and exposure. Relying on rating agencies to rate the investment also can be risky. Some of the funds that have been hardest hit were rated relatively highly.

The investment market turmoil of recent times has hit managed funds hard. In some cases such as the sub prime mortgage market problems its because the fund has direct exposure to these types of investments. In other cases it is simply because of general market conditions and the exposure to equity markets generally.

It should be noted that while a lot of focus is currently on the poor performance of managed funds the traditional interest bearing deposits and bank accepted/endorsed commercial bills are performing very well. Twelve months ago it was the reverse.

DETAILS

Issues and options considered:

The existing Policy 8-9 Investment is included as attachment 1. The policy sets out the:

- investment objectives,
- risk profile of the City,
- delegated authority to invest,
- types of authorised investments,
- limitations on direct investments in terms of quotations, terms of maturity, liquidity requirements etc,
- prudential requirements where investments are made with fund managers, and
- policy guidelines in terms of diversification of risk etc.

There is also a section dealing with financial reporting and the current practice is to provide a comprehensive investment report with each financial report put to Council on a monthly basis.

There are several perspectives from which the policy needs to be viewed.

The first is does the policy adequately cover all of the issues that ought to be addressed in an appropriate investment policy and does it support prudent and effective management of the City's investments with appropriate levels of governance. The Department of Local Government and Regional Development has been developing a local government operational guideline for investment policy and in December 2007 released a draft of that guideline a copy of which is at attachment 2. A key element of that guideline is the establishment of appropriate investment policies and what should comprise those policies. The draft guideline canvasses a wide range of issues for consideration in an investment policy and is considered a valuable reference point.

The elements proposed in the draft guideline comprise;

- Objectives
- Legislative Requirements
- Delegations of Authority to CEO
- Prudent Person Standard
- Ethics and Conflicts of Interest
- Approved Investments
- Prohibited Investments
- Risk Management Guidelines

- Investment Advisor
- Measurement
- Benchmarking
- Reporting and Review

Many of these elements are encapsulated in the City's existing policy although not necessarily under the same heading. A sample investment policy is included in the draft guideline.

In examining the issues covered by the draft guideline there are a number of areas where the City's existing policy is quite adequate but others where there could be improvements. In some cases its just improvements to the wording but in others the specific intent of the policy can be improved. The key changes proposed are:

- 1 The City's current policy has objectives however they also include references to legislation and benchmarking which would both be better referred to separately. The wording of the suggested objectives in the draft guideline also better articulate the objective of an investment policy.
- 2 The City's current policy under the heading Risk Profile has an extensive list of all of the issues that are to be considered when considering an investment decision. Many of these are covered by other parts of the policy and some are really about process and not policy. There is no equivalent of this in the draft guideline. It is proposed to delete this section.
- 3 The draft guideline contains a section dealing with ethics and conflicts of interest. This issue however is not exclusive to the area of investment and applies right across all activities of the City. The City's Code of Conduct and other policy provisions and statutory provisions under the Local Government Act all cover issues of ethics and conflict of interest and to include a specific section would only be duplication. It is not considered therefore that such specific reference is warranted in the investment policy.
- 6 The draft guideline has both an approved investments section as well as a prohibited investments section. By comparison the existing City policy has only an authorised investments section. It could be argued that if the policy spells out what is authorised then all else is unauthorised and it shouldn't be necessary to also spell these out. Unfortunately with the vast array of investment instruments that exist there are many shades of grey which could leave open to some interpretation whether a certain investment is authorised or not. While the interpretation of the City's current authorised investments means that no investment would be made in the sought of investments listed in the draft guidelines prohibited investment list it is considered that there is merit in spelling this out in the policy. It makes a clear statement about the type of investment that the City does not want to make.
- 7 The City's existing policy in regard to risk management guidelines is not adequate. The existing policy uses a single percentage to define the spread between financial institutions and the credit rating. These would be better set out separately. The City has been examining this for some time and has determined a separate set of limits for overall portfolio and the counterparty credit framework. This also includes separating direct investments from managed funds. The draft guideline uses the same breakdown. The percentage spreads that are recommended by administration however are

more conservative than those proposed under the draft guideline. By way of example the draft guideline suggests that up to 50% of the entire investment portfolio could be invested with a single AAA rated managed fund. It is proposed in the City's case that this be limited to 25% to achieve a more conservative spread of risk. The proposed term to maturity framework is also more conservative than that suggested in the draft guideline. Maximum term proposed is 36 months for a maximum of 10% of the portfolio.

- 9 The draft guideline suggests the inclusion of the requirements of an investment advisor. There are no specific requirements that a local government has to have an independent investment advisor. The City of Joondalup does have such an advisor and has used one for quite some time. It is proposed to include a new section to cover the provisions relating to an investment advisor.

The second perspective is once having a policy that covers the issues that are believed be required can the policy be applied in practice and deliver on its objectives.

Although there are quite a number of changes that are proposed many of these are already current practice even though they may not have been clearly spelt out in the policy. For example:

- The City does not invest in any of the type of investment instruments referred to in the proposed prohibited investments, and
- Although the current policy permits up to 50% of the portfolio to be invested with a single AAA rated investment the City doesn't do this in practice.

It is felt therefore that the policy as now proposed has practical application as well as ensuring prudent and effective management of the City's investments with appropriate levels of governance

The proposed new City Policy 8-9 Investment incorporating the above points is at attachment 3.

Link to Strategic Plan:

Organisational Development

- 4.1 To manage the business in a responsible and accountable manner

Legislation – Statutory Provisions:

The requirements governing local government investments are covered by:

- Local Government Act 1995 – Section 6.14;
- The Trustees Act 1962 – Part III Investments;
- Local Government (Financial Management) Regulation 1996 – Regulation 19, Regulation 28, and Regulation 49
- Australian Accounting Standards

Risk Management considerations:

There are significant risk implications in managing the City's investment portfolio. Policy 8-9 Investment sets out provisions for compliance and governance that are designed to mitigate these risks. In addition to the policy there are internal processes and procedures governing investment transactions and these are subject to both internal and external audit.

Financial/Budget Implications:

As most of the proposed changes to Policy 8-9 Investment represent current actual practice there will not be any financial impact from adopting the new policy.

Policy Implications:

This report proposes the replacement of the existing policy with a new Policy 8-9 Investment.

Regional Significance:

Not Applicable.

Sustainability Implications:

Financial sustainability is absolutely critical to the future growth and development of the City of Joondalup. The policy in relation to the City's investments is a critical element to this long-term financial sustainability.

Consultation:

Not Applicable.

COMMENT

The existing Policy 8-9 Investment has served the City well and the proposed changes in the new policy really represent a fine tuning and not radical change. The changes tighten the policy in particular more clearly defining the types of investments and the spread of risk. The proposed policy represents a relatively conservative approach to investment that is felt to be appropriate to the needs of the City and for the market conditions.

ATTACHMENTS

- Attachment 1 Existing Policy 8-9 Investment
- Attachment 2 Department of Local Government and Regional Development Draft Investment Policy Local Government Operational Guideline
- Attachment 3 Proposed new Policy 8-9 Investment

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS to Council that it:

- 1 REVOKEs the current Policy 8-9 - Investment forming Attachment 1 to this Report;**
- 2 ADOPTS a new Policy 8-9 - Investment forming Attachment 3 to this Report.**

Appendix 8 refers

**ITEM 9 POLICY 5-3 THE CITY'S ART AND
MEMORABILIA COLLECTIONS – POLICY
REVIEW - [07084]****WARD:** All**RESPONSIBLE** Mr Clayton Higham**DIRECTOR:** Planning & Community Development**PURPOSE**

To review Policy 5-3 The City's Art and Memorabilia Collections.

EXECUTIVE SUMMARY

Policy 5-3, The City's Art And Memorabilia Collections, directs the City's approach to art and collections for the Joondalup community. The policy covers Public Art, Art Collection, Acquisition and Management and Archive and Memorabilia Collection.

In 2006, Policy 5-3 was amended to reflect a local content and context theme. This amendment has directed the City in its approach to the purchase of artwork and more specifically the management of the City's Community Art Exhibition and Invitation Art Award.

It is recommended that some minor amendments to Policy 5-3 be incorporated to ensure the City continues to develop an artwork collection that comprises local, quality and contemporary pieces which continues to appreciate in value.

The proposed changes to the Policy 5-3 have been summarised below.

- 1 Amend the Policy 5-3 to reflect the establishment of an Art Collection and Advisory Committee of the Council, with delegated authority to acquire art works over \$7,500 and within the adopted budget limitations.
- 2 The City's art acquisitions reflect a multi criteria approach which supports both local content and context and also acquisitions that represent high quality contemporary art produced by Western Australian Artists.
- 3 The Community Art Exhibition entry criteria be extended to allow members of recognised City of Joondalup arts organisations who are not City residents to enter.
- 4 The ability for the Art Collection and Advisory Committee to commission an art work to recognise a special milestone or event for the City, further to the existing acquisitions program, be established whereby an artist might be commissioned to create a work reflecting a Joondalup context or content.

BACKGROUND

The City of Joondalup provides a diverse mix of cultural and art experiences to assist in the development of the City's identity, diversity, heritage and tourism activity. This includes a strong visual arts component, encompassing the management of the City's Art Collection and its two annual art exhibitions.

The City of Joondalup's Art Collection was established following the separation of the City of Joondalup from the City of Wanneroo in 1997. Upon separation, the Art Collection was divided equally by value, with the City of Wanneroo retaining the historical collection, the regional landscapes and the indigenous collection and the City of Joondalup acquiring the contemporary Art Collection.

The objectives listed below were developed at the time of separation to guide the direction of arts within the City.

- To support contemporary Western Australian art and artists.
- To provide Joondalup citizens with free access to high quality, contemporary art.

Since 1997, the City has continued to build a high quality contemporary Art Collection. Through implementing a careful acquisition program, based on the principles of contemporary art, the City has built a large collection, which currently holds 195 artwork pieces.

The majority of works are paintings in a variety of mediums including oil, acrylic, pastel, ink, and mixed media on canvas, board and paper. There are a small number of photographs, drawings, prints, small ceramic, mixed media and bronze sculptures. A handful of works are textiles and larger sculptures.

In 2002, the total estimated value of the Collection was \$206,787. The Art Collection was again reviewed in December 2007 with the current value estimated at \$346,810.

In October 2005, Council adopted a new Policy Manual including Policy 5-3 "Cultural Development". In November 2006, Policy 5-3 was renamed "The City's Art and Memorabilia Collections" and was amended to reflect the Council's new regional focus for the Art Collection. The current policy is shown at Attachment 1; the key change was to focus arts activities on works reflecting local content and context for 2007.

A review of a number of other Local Government Art Policies was undertaken in the preparation of this report. A summary of this review is provided at Attachment 2.

DETAILS

Policy 5-3, The City's Art and Memorabilia Collections, directs the City's approach to art and collections for the Joondalup Community. Policy 5-3 covers Public Art, Art Collection, Acquisition and Management and Archive and Memorabilia Collection. Outlined below is a summary of each category included in Policy 5-3.

Public Art

Policy 5-3 refers to the City utilising the State Government's Percent for Art Policy for new public buildings and extensions over the value of \$100,000. Policy 5-3 directs the City to provide reports to Council, where possible, identifying the public art commitments of such projects.

Art Collection, Acquisitions and Management

Policy 5-3 recommends that acquisitions to the City's Collection will be for artworks that represent a local content or context, as recommended by a professional arts consultant or through the Community and Invitation Art Awards.

The City's annual calendar of events holds a strong visual arts component, including two long standing art exhibitions:

- City of Joondalup Invitation Art Award:
(An acquisitive award, held in October for selected professional artists)
- City of Joondalup Community Art Exhibition:
(A non-acquisitive exhibition, held in June and open to all residents of the City)

The City automatically acquires the winning work from the Invitation Art Award for the \$10,000 prize money and traditionally purchases several additional works from both exhibitions, based on artistic merit, the quality of the artwork and the link to the City's Art Collection.

Policy 5-3 recommends that the display, valuation and recommendation for acquisitions of artwork is managed by a professional arts consultant.

Archive and Memorabilia Collection

Policy 5-3 outlines that some of the collection is jointly owned between the City of Joondalup and Wanneroo, managed through a memorandum of understanding. The collection includes unique and significant resources, which relate to the natural and made environment and the history of the area. The City currently shares a large and diverse collection, which includes plaques, honour boards, costumes, the local studies collection plus items from the Jinan Sister Cities relationship. Items from the collection are displayed and promoted in the City's Administration, Library and Council Chambers.

COMMENT

Review and Options

A review of each category of the Policy 5-3 has been provided below, which outlines any issues or options that can be considered to ensure Policy 5-3 accurately reflects the intent of Council.

Public Art

No changes are recommended to the public art section of Policy 5-3.

Art Collection, Acquisitions and Management

The City's Art Collection is a valuable asset that contributes to the cultural identity of the City through quality contemporary art. The City's approach to its Art Collection over the last ten years has resulted in a significant and valuable collection being established.

The local content and context component of Policy 5-3 was introduced in 2007 and had a direct impact on both the Community and Invitation Art Award. Most significantly, the impact was highlighted in the Invitation Art Award where a number of artists chosen through the submission process to exhibit withdrew prior to developing a piece of artwork and many used artwork that was translated to reflect the local content and criteria theme. This had a direct impact on the number of artists participating and the overall quality of works in the exhibition.

When the City's art collection was assessed in December 2007 the valuer's comments noted that the City has a significant contemporary Art Collection of excellent financial and cultural value. Overall, selections have been made in order to build a collection of high artistic and financial value (see Attachment 3).

However, the valuer also noted that the collection has a number of low-value works which are considered a detriment to the collection as a whole and which have depreciated, representing a negative investment for the City. Generally, those works, which were purchased purely on the basis of "local content", or due to a preference for traditional mediums, were noted by the valuer as an unfortunate weakness in the collection (Attachment 4 refers).

In summary, the valuer advises that to limit the collection to works that display "Joondalup content and context" is incompatible with creating a collection of strong artistic merit and appreciating financial value.

It is therefore appropriate for the Council to make a determination on the "focus/style" of the collection.

In considering the future direction of Policy 5-3 there are three options to consider which include:

- 1 Remain with status quo. This option will provide the direction that the City's Art Collection, acquisitions and awards are focussed on local content and context.
- 2 Remove any reference to local content and context for the City's Art Collection, acquisitions and awards.
- 3 Develop a multi-criteria approach to the City's Art Collection, acquisitions and awards, which should include, but not be limited to, local content and context.

A detailed analysis of these options is shown at Attachment 5.

PROPOSED CHANGES

Art Collection content and context

It is recommended that the Policy 5-3 be updated to reflect the multi-criteria approach at option 3. This approach will ensure that the City's collections continue to acquire quality contemporary art work pieces that will appreciate in cultural and financial value. It will also ensure that the City can continue to provide prestigious awards that offer categories to exhibit contemporary arts and local content and context artwork pieces.

Art Awards and Exhibitions

It is proposed that the multi-criteria approach also be applied to the Community Art Exhibition and the Invitation Art Award. With regard to the Community Art Exhibition, it has been clearly stated in the past in the conditions of entry that entrants must be residents of the City of Joondalup. This creates a challenge because non-residential members of any Joondalup visual arts associations, such as the Joondalup Community Arts Association, may wish to enter the competition. Members of these associations are part of the City's art community, contributing to its variety and vibrancy, and feel as if they are valid entrants to the exhibition, regardless of their residential address.

It is therefore suggested that the entry requirements be amended to enable non City residents who are members of Joondalup arts groups to enter the Community Arts Exhibition.

Management and Acquisition

The existing policy establishes an Art Collection Reference Group, including the Mayor and up to four Councillors plus the Chief Executive Officer. It is suggested that while the membership remains the same, the group be re-established as the Art Collection and Advisory Committee. It is proposed that this Committee have delegated authority from the Council to acquire art works over \$7,500 and within the adopted budget limitations. City Officers and the Art Consultant would provide written advice to the Art Collection and Advisory Committee. For acquisitions up to \$7,500, it is proposed that the current delegated authority arrangement to the Chief Executive Officer continue. The process for the acquisition for art works is detailed in Attachment 6.

It is also suggested that the Terms of Reference and the delegation to the Art Collection and Advisory Committee enable the Committee to commission an artwork for specific milestones or events, such as the 10th anniversary of the City. Such projects and cost should be established in the City's annual budget.

Archive and Memorabilia Collection

No changes are recommended to the archive and memorabilia section of Policy 5-3.

SUMMARY

Improvement in the management and quality of the City's artwork collection can be achieved by making changes to the existing Policy 5-3.

The proposed changes to the Policy 5-3 have been summarised below.

- 1 Amend the Policy 5-3 to reflect the establishment of an Art Collection and Advisory Committee of the Council, with delegated authority to acquire art works within budget limitations.
- 2 The City's art acquisitions reflect a multi criteria approach which supports both local content and context and also acquisitions that represent high quality contemporary art produced by Western Australian Artists.
- 3 The Community Art Exhibition entry criteria be extended to allow members of recognised City of Joondalup arts organisations who are not City residents to enter.
- 4 The ability for the Art Collection and Advisory Committee to commission an art work to recognise a special milestone or event for the City, further to the existing acquisitions program, be established whereby an artist might be commissioned to create a work reflecting a Joondalup context or content.

The suggested revised policy is shown at Attachment 7 and the proposed Terms of Reference for the Art Collection and Advisory Committee is shown at Attachment 8.

ATTACHMENTS

- | | |
|--------------|-------------------------------------|
| Attachment 1 | Current Policy 5-3 |
| Attachment 2 | Arts Policy – Industry Review |
| Attachment 3 | Art Collection High Value Pieces |
| Attachment 4 | Art Collection Low Value Pieces |
| Attachment 5 | Policy 5-3 Implications and Options |
| Attachment 6 | Art Acquisition Process |
| Attachment 7 | Proposed Policy 5-3 |
| Attachment 8 | Terms of Reference |

RECOMMENDATION

That the City's Policy Committee SUPPORTS the amendments suggested in Attachment 7 - Proposed Policy 5-3 - The City's Art and Memorabilia Collections and recommends the new policy to Council.

Appendix 9 refers



APPENDICES

ITEM	TITLE	APPENDIX	PAGE
Item 1	Policy for the Operation of Circuses in the City of Joondalup Attachment 1 Original Draft Circus Policy Attachment 2 Revised Draft Circus Policy	1	1 2
Item 2	Revised Code of Conduct - City of Joondalup Attachment 1 Revised Code of Conduct.	2	3
Item 3	Review of Policies 8-2 and 8-3 – Elected Members Attachment 1 Policy 8-2 - Elected Members – Allowances Attachment 2 Policy 8-3 – Elected Members - General	3	19 37
Item 4	Fleet Replacement Policy Attachment 1 Draft Policy – Fleet Replacement Policy	4	42
Item 5	Close of Advertising of proposed amendments to Policy 7-5 – Alfresco Dining – Joondalup City Centre Attachment 1 Policy 7-5 Alfresco Activities	5	44
Item 6	Draft Amended Policy 3-1 – Child Care Centres Attachment 1 Draft Amended Policy 3-1 -Child Care Centres Attachment 2 Existing Policy 3-1 Child Care Centres	6	49 54
Item 7	Draft Amended Policy 5-1 - Access and Equity Attachment 1 Draft Amended Policy 5.1 Access and Equity Attachment 2 Existing Policy 5.1 Access and Equity	7	58

Item 8	Review of Investments Policy 8 – 9 Attachment 1 Existing Policy 8-9 Investment Attachment 2 Department of Local Government and Regional Development Draft Investment Policy Local Government Operational Guideline Attachment 3 Proposed new Policy 8-9 Investment	8	59 63 106
Item 9	Policy 5-3 – The City's Art and Memorabilia Collections – Policy Review Attachment 1 Current Policy 5-3 Attachment 2 Arts Policy – Industry Review Attachment 3 Art Collection High Value Pieces Attachment 4 Art Collection Low Value Pieces Attachment 5 Policy 5-3 Implications and Options Attachment 6 Art Acquisition Process Attachment 7 Proposed Policy 5-3 Attachment 8 Terms of Reference	9	110



DRAFT CITY POLICY – STATEMENT ON CIRCUSES

STATUS:	City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.
	<i>City policies are referred to the Policy Committee for review and endorsement prior to Council adoption</i>
RESPONSIBLE DIRECTORATE:	Planning and Community Development
OBJECTIVE:	To provide a statement of intent with respect to the operation of circuses

STATEMENT:

Council opposes the use of circuses or organisations with performing exotic animals including (but not restricted to) lions, tigers, elephants, bears and monkeys.

Council considers circuses or organisations that use human acts and/or domestic animals (such as cats and dogs) are a preferred alternative for public entertainment. Domestic animals are as defined by the Code of Practice for Conduct of Circuses in Western Australia (2003) as “any of the various animals which have been domesticated by man, so as to commonly live and breed in a tame condition.”

File No:
Previous Policy No:
Amendments:
Related Documentation: Circus Protocol and Procedure
Issued:



CITY POLICY – STATEMENT ON CIRCUSES

STATUS:	City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.
RESPONSIBLE DIRECTORATE:	Planning and Community Development
OBJECTIVE:	To provide a statement of intent with respect to the operation of circuses City policies are referred to the Policy Committee for review and endorsement prior to Council adoption

STATEMENT:

Council opposes the use of circuses or organisations with performing exotic animals including (but not limited to) lions, tigers, leopards, other great cats, elephants, bears, giraffes, monkeys, apes or any type of animal which in the opinion of the local government is either dangerous or wild by nature.

Council considers circuses or organisations that use human acts and/or domestic animals (such as cats and dogs) are a preferred alternative for public entertainment. Domestic animals are as defined by the Code of Practice for Conduct of Circuses in Western Australia (2003) as “any of the various animals which have been domesticated by man, so as to commonly live and breed in a tame condition.”

File No:
Previous Policy No:
Amendments:
Related Documentation: Circus Procedure
Issued:

POLICY 4-1 – CODE OF CONDUCT

STATUS:	Council Policy - A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations.
	<i>Council policies are developed by the Policy Committee for approval by Council.</i>
RESPONSIBLE DIRECTORATE:	Office of the CEO
OBJECTIVE:	To provide guidance to council members, committee members and employees in relation to: <ul style="list-style-type: none">➤ The duties and responsibilities that apply to each; and➤ The minimum standard of conduct that the City expects from council members, committee members and employees.

INDEX

1.0	INTRODUCTION.....	2
2.0	GENERAL PRINCIPLES.....	2
3.0	RELATIONSHIPS AND ROLES.....	2
4.0	CONFLICT AND DISCLOSURE OF INTERESTS.....	5
5.0	GIFTS AND ACTS OF HOSPITALITY.....	7
6.0	PERFORMANCE OF DUTIES AND COMPLIANCE WITH LAWFUL ORDERS	9
7.0	WHISTLEBLOWER PROTECTION	9
8.0	ENFORCEMENT OF THE CODE.....	10

1.0 INTRODUCTION

The Code of Conduct provides a framework for behaviour that must be observed in the wide range of interactions and scenarios experienced in the conduct of the City of Joondalup activities. The Code of Conduct does not establish a rule for every situation, but provides guidance and a basis of expectation for good public administration by council members, committee members and employees of the City of Joondalup.

The Code of Conduct does not override or affect legislation applicable to the operations of the City of Joondalup, in particular the Local Government Act 1995, and the Local Government (Rules of Conduct) Regulations 2007.

This Code of Conduct applies to every individual council member, committee member and employee of the City of Joondalup.

2.0 GENERAL PRINCIPLES AND ETHICAL STANDARDS

The local community and the public in general are entitled to expect that the following general principles should be used to guide council members, committee members and employees of the City of Joondalup in their behaviours:

- a) act with reasonable care and diligence; and
- b) act with honesty and integrity; and
- c) act lawfully; and
- d) avoid damage to the reputation of the City of Joondalup; and
- e) be open and accountable to the public; and
- f) base decisions on relevant and factually correct information; and
- g) treat others with respect and fairness; and
- h) not be impaired by mind affecting substances.

The general principles referred to above are for guidance of those governed by the Code of Conduct. Here, it should be noted that it is not a rule of conduct that the principles be observed.

3.0 CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND EMPLOYEES

3.1 Relationships and Roles

The role of council members and committee members is different to the role of employees of the City of Joondalup.

In essence, the Council decides policy objectives and the results it desires to achieve and, subject to any specific directions from the Council, the CEO (and employees) has responsibility to put these policy decisions into practical effect.

A prime responsibility of employees of the City of Joondalup is to assist (through the CEO) council and committee members in their decision-making role. Employees should always provide frank and professional advice without fear or favour.

Employees will recognise that council members and committee members' views and opinions reflect viewpoints that should be considered in conjunction with professional opinion. Employees will therefore make every effort to assist Council members and committee members in the performance of their role, and to achieve the satisfactory resolution of issues that members may raise in the performance of their official role.

3.2 Use of Confidential Information

Council members, committee members and employees shall not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent with their obligation to act impartially in the public interest; or to improperly cause harm, detriment or impairment to any person, body, or the Council.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the council members and/or employees of the City (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

All documents of the City of Joondalup that are marked 'CONFIDENTIAL' or 'NOT FOR PUBLICATION' or marked with a clear message that the document is intended for the recipient only, are confidential to the City of Joondalup and shall not be published, copied, reproduced or the contents released to another person, in whole or in part, in any manner whatsoever without the express permission of the Council or the CEO.

Nothing in this section prevents a council member from disclosing confidential information:

- To a legal practitioner for the purpose of obtaining legal advice; or
- If the disclosure is permitted by law.

3.3 Improper or Undue Influence

Council members, committee members and employees shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body. Similarly, council members, committee members and employees shall not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

3.4 Personal Behaviour

Council members and employees shall:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code of Conduct in particular;

- (b) perform their duties impartially to the best of their ability and in the best interests of the community, uninfluenced by fear or favour;
- (c) deal with all sections of the community in an open, honest and forthright manner;
- (d) act in good faith (ie honestly, for the proper purpose and without exceeding their powers) in the interests of Council and the community; and shall be particularly mindful to avoid interference in commercial relationships between developers and objectors or between developers competing for the right to develop;
- (e) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct in the performance of their official or professional duties, which may cause or is likely to cause any reasonable person unwarranted offence or embarrassment;
- (f) respect the title of elected office, referring to the Mayor and Councillors by their formal title whilst in the public arena, and thereafter as circumstances dictate. The Mayor is to be addressed as either Mr/Madam Mayor or His/Her Worship the Mayor.
- (g) always act in accordance with their obligations of fidelity to the Council and not publicly reflect adversely upon any decision of the Council or the Executive Management Group; and
- (h) where practicable, be available for discussion with members of the public following Council and Committee meetings.

In addition, Council members are expected to:

- (i) prepare for, attend and actively participate in strategy and briefing sessions as well as Council meetings;
- (j) attend electors meetings; and
- (k) be a member of at least one Council committee and prepare for, attend and actively participate in its meetings.

Committee members shall:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code of Conduct in particular when involved in committee matters;
- (b) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct in the performance of their committee duties, which may cause or is likely to cause any reasonable person unwarranted offence or embarrassment;

- (c) respect the title of elected office, referring to the Mayor and Councillors by their formal title whilst in the public arena, and thereafter as circumstances dictate. The Mayor is to be addressed as either Mr/Madam Mayor or His/Her Worship the Mayor;
- (d) always act with fidelity to the committee and not publicly reflect adversely upon any decision of the committee, the Council in terms of its consideration of committee agenda items or those officers who support the committee in their role as committee support members; and
- (e) not be absent from three (3) consecutive ordinary meetings of a committee of which they are a member, except while on approved leave of absence.

Council members should represent and promote the interest of the community as a whole, while recognising their particular duty to their own constituents, in accordance with their role as defined by the Local Government Act 1995.

At the same time, council members, committee members and employees should be mindful of the interests of ward members when dealing with issues relevant to a specific ward, and should use their best endeavours to inform relevant council members of such matters.

4.0 CONFLICT AND DISCLOSURE OF INTERESTS

Council members, committee members and employees will comply with the requirements for the disclosure of interest as described in the Local Government Act 1995.

4.1 Conflict of Interests

Employees of the City of Joondalup should ensure that there is no actual or perceived conflict or incompatibility between the important fulfilment of their public or professional duties and either their personal interests, or those persons closely associated to them.

- (a) All employees have a duty of fidelity and good faith towards the City.

An employee must make written disclosure and receive written permission from the CEO before acting in or taking up an interest (direct or indirect) in any capacity in any trade, business or occupation whatsoever, other than the business of the City, that may interfere with or compromise the employee's performance.

Employees shall comply with the Local Government (Functions and General) Regulations 1996, in any instance where they are involved in any manner with tendering for a Council contract.

In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of public duties must be scrupulously avoided.

- (b) Employees must notify the CEO in writing prior to undertaking a dealing in land in the area of the Council (other than purchasing the principal place of residence, or site for such purpose.)
- (c) Employees who exercise a regulatory, inspectorial or other discretionary function must make disclosure before dealing with relatives or close friends and, whenever possible, or in doubt, should disqualify themselves from dealing with those persons. This disclosure must be made to their Director.

4.2 Disclosure of Interest (Affecting Impartiality)

Employees of the City of Joondalup are required to disclose any interest, where the interest could, or could reasonably be perceived to, adversely affect the impartiality of the employee having the interest and includes an interest arising from kinship, friendship or membership of an association.

- 1 Where an employee has an interest in a matter that may affect impartiality, and that matter is to be discussed at a council or committee meeting attended by the employee, the employee shall disclose the nature of the interest:
 - a) in writing to the CEO before the meeting; or
 - b) at the meeting immediately before the matter is discussed.
- 2 Where an employee who has given advice, or will give advice in respect to any matter to be discussed at a council or committee meeting but not attended by the employee, the employee shall disclose the nature of any interest the employee has in the matter:
 - a) in a written notice given to the CEO before the meeting; or
 - b) at the time the advice is given.
- 3 The employee is exempt from the requirement to disclose an interest in 1 or 2 above if:-
 - a) the employee's failure to disclose occurs because the employee did not know he or she had an interest in the matter; or
 - b) the employee's failure to disclose occurs because the employee did not know the matter in which he or she had an interest would be discussed at the meeting and the employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of the matter.
- 4 Where an employee has made a written disclosure as required by 1 or 2 above to the CEO, then:
 - a) The CEO is to provide the written notice to the presiding person of the meeting; and

- b) immediately before the matter is discussed at the meeting, the presiding person is to advise the meeting of the disclosures and its nature.

5.0 GIFTS AND ACTS OF HOSPITALITY

In general, committee members and employees shall not seek or accept (either directly or indirectly) any immediate or future gift, reward, donation, hospitality or benefit (referred to generically as gifts for the following paragraphs) for themselves or for any other person or body as a result of their employment with, or appointment to a committee of, the City of Joondalup.

For the purposes of this section of the Code of Conduct, the following applies:-

'actively involving a City of Joondalup discretion' means:

- that cannot be undertaken without an authorisation from the City of Joondalup; or
- by way of commercial dealing with the City of Joondalup.

'gift' – does not include:

- a gift from a relative;
- an electoral gift under regulation 30B of the Local Government (Elections) Regulations 1997.
- a gift from a statutory authority, government instrumentality or not for profit association for professional training.

'notifiable gift' means:

- a gift worth between \$50 and \$300; or
- a gift that is one of two or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300.

'prohibited gift' means:

- a gift worth \$300 or more; or
- a gift is one of two or more gifts given to the employee by the same person within a period of six months that are in total worth \$300 or more.

An employee or committee member should refrain from accepting a prohibited gift from a person who:

- is undertaking or seeking to undertake an activity involving the City of Joondalup's discretion; or
- it is reasonable to believe is intending to undertake an activity involving the City of Joondalup's discretion.

Where an employee or committee member accepts a notifiable gift from a person who:

- is undertaking or seeking to undertake an activity involving the City of Joondalup's discretion; or
- it is reasonable to believe is intending to undertake an activity involving the City of Joondalup's discretion,

the employee or committee member must notify the CEO within 10 days of receiving the gift.

The notification made by council members, committee members and employees is to include the following details, and shall be entered into the register as follows:

- name of person who gave the gift; and
- the date on which the gift was accepted or refused; and
- a description, and estimated value of the gift; and
- the nature of the relationship between the person who is the employee or committee member and the person who gave the gift; and
- where the gift is a notifiable gift, but is two or more gifts in a six month period from the same person:
 - a description
 - estimate value; and
 - the date of acceptance/refusal

The CEO shall maintain a register of notifiable gifts offered and accepted or rejected and prohibited gifts offered and rejected by council members, committee members and employees of the City.

When estimating the value of the gift it is important that the full value is taken into consideration, this includes all hidden costs. The cost should also include that of a partner, if the partner has been invited to accompany the employee, council member or committee member.

Nothing within the Code prevents gifts from being received by an employee, council member or committee member that exceed \$300, provided they remain the property of the City.

6.0 PERFORMANCE OF DUTIES AND COMPLIANCE WITH LAWFUL ORDERS

While on duty, employees shall give their time and attention to City business and ensure that their work is carried out efficiently, economically and effectively in accordance with their directions, duties, Council and City policies and corporate objectives.

In particular, employees shall ensure that file notes are drafted and placed on record immediately following discussions on issues of substance with persons other than employees, Council members or committee members. Such issues shall include matters before the Council, matters impacting on the Council or the City itself, and matters affecting the public interest.

Employees shall at all times ensure that their standard of work and manner reflects favourably both on them and the Council, and is in accordance with the intent of the Council's Customer Service Charter.

In the conduct of their duties, employees are encouraged to develop networks within the local government industry, to encourage and assist their peers, and promote goodwill between local governments.

Employees shall obey any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the CEO.

Employees should give effect to and uphold the lawful policies of the Council, whether or not they agree with or approve of them.

7.0 WHISTLEBLOWER PROTECTION

Protection of Employees Reporting Unacceptable or Illegal Behaviour

The CEO is to ensure that employees who report unacceptable or illegal behaviour of council members or employees (that is, whistleblowers) are not in any way disadvantaged or victimised because of their actions.

7.1 Public Interest Disclosure Act 2003

Council members and employees must be aware of the Public Interest Disclosure Act 2003, which provides people who make disclosures of public interest information with certain immunities, protections and remedies and imposes certain responsibilities. A summary of these rights and responsibilities appear as Annexure 1 to this Code.

7.2 Corruption and Crime Commission Act 2003

Council members and employees must be aware that matters of misconduct and/or corruption may be reported to the Corruption and Crime Commission (CCC) and that protections are afforded to persons who make such reports. It is an offence to:

- (a) victimise any person who has given evidence to or helps the CCC;
- (b) dismiss or prejudice any person for having appeared before or having given evidence to the CCC;
- (c) cause injury or detriment to any person for having appeared before or having given evidence to the CCC.

8.0 ENFORCEMENT OF THE CODE

Any person who has reason to believe that a council member, committee member or an employee of the City of Joondalup has committed a breach of the Code of Conduct may complain about the breach to the City's designated complaints officer as determined in accordance with the Local Government (Rules of Conduct) Regulations 2007.

If the designated complaints officer is the CEO, and the complaint under this code is against the CEO, the complaint is to be directed to the Director, Governance and Strategy. If the designated complaints officer is a senior employee other than the CEO, the complaint against the complaints officer is to be directed to the CEO.

The complaint is to be made in writing on the form that appears as Annexure 3 to this Code, giving details of:

- a) who is making the complaint;
- b) who is alleged to have committed the breach;
- c) the contravention that is alleged to have resulted in the breach; and
- d) any other relevant information

Within 14 days of receiving the complaint, the complaints officer must:

- a) give the person making the complaint a written acknowledgement that the complaint has been received; and
- b) give the person whom the complaint is being made a copy of the complaint.

As soon as practicable from acknowledging the complaint, the complaints officer is to carry out a thorough investigation, having regard to procedural fairness and natural justice. While undertaking the thorough investigation, the complaints officer may engage the services of appropriate persons.

At the completion of the investigation, the complaints officer shall advise the outcomes of the investigation to:

- a) CEO, if the investigating officer is not the CEO; and
- b) person subject of the complaint, and
- c) person who made the complaint.

If the complaint is about a council member, the report is to be presented to the Council.

Any actions taken as a result of a proven breach of the Code of Conduct will be made in accordance with the provisions of any applicable legislation or common law provisions that governs the operations of the City, its council members, committee members and its employees.

The Corruption and Crime Commission Act 2003, requires the CEO to notify the Commission of matters relating to reasonably suspected misconduct. Definitions of 'misconduct' and 'serious misconduct' are provided in the Act and appear as Annexure 2 to this Code of Conduct.

ANNEXURE 2 – DEFINITIONS OF ‘MISCONDUCT’ AND ‘SERIOUS MISCONDUCT’

Section 4 Corruption and Crime Commission Act 2003

4. “Misconduct”, meaning of

Misconduct occurs if -

- (a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment;
- (b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person;
- (c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or
- (d) a public officer engages in conduct that -
 - (i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct;
 - (ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial;
 - (iii) constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or
 - (iv) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person,

and constitutes or could constitute -

- (v) an offence against the *Statutory Corporations (Liability of Directors) Act 1996* or any other written law; or
- (vi) a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

Section 3 Corruption and Crime Commission Act 2003

“serious misconduct”- means misconduct of a kind described in section 4(a), (b) or (c).

Public Interest Disclosure Act



Immunities

If you make a disclosure under the *Public Interest Disclosure Act 2003* (the Act) you will not incur any civil or criminal liability for doing so and will not be liable for any disciplinary action under a written law, or be dismissed, or have your services dispensed with or otherwise terminated or be liable for any breach of a duty of secrecy or confidentiality or any other restriction on disclosure (whether or not imposed by a written law) applicable to you. Making a disclosure under the Act does not affect your liability for any wrongdoing you have been involved in.

Protections

A person must not reveal information that might identify or tend to identify anyone as a person who has made a disclosure under the Act. There are certain exceptions including where:

- the person consents to the release of such information
- it is necessary to do so to enable the matter to be investigated effectively
- it is necessary having regard to the principles of natural justice.

If you make a disclosure under the Act and it is necessary to reveal your identity, the PID officer will take all reasonable steps to notify you in advance. Apart from the exceptions outlined above, it is an offence for anyone to reveal the identity of the discloser and the person about whom the disclosure has been made. Both carry a penalty of \$24,000 or imprisonment for 2 years.

Under the Act, it is the Chief Executive Officer of a public authority who must provide you with protection against detrimental action. Detrimental action includes action causing, comprising or involving injury, damage, or loss; intimidation or harassment; adverse discrimination, disadvantage, or adverse treatment in relation to a person's career, profession, employment, trade or business; or a reprisal.

Remedies

A person who takes or threatens to take detrimental action against another because or substantially because anyone has made, or intends to make, a disclosure of public interest information under the Act commits:

- an offence of reprisal which carries a penalty of \$24,000 or imprisonment for 2 years
- an act of victimisation which may be lodged with the Equal Opportunity Commission or dealt with as a tort.

If you believe you have suffered detrimental action or that someone is threatening detrimental action against you, advise the PID officer with whom you lodged your disclosure. The PID officer can provide you with information on how to take action.

Notification

The Act requires you be informed within 3 months of making your disclosure of the action taken or proposed to be taken in relation to the disclosure. You will also be notified of the outcome of an investigation [where one is undertaken] and any action that has been taken or is proposed to be taken as a result of the investigation and the reason for taking the action.

You must believe your information is or may be true

You must believe on reasonable grounds that the information you have is or may be true. The information you have must be more than a mere suspicion and tend to show that wrongdoing is, has or is about to occur.

It is an offence to make a false or misleading disclosure and the penalty for doing so is \$12,000 or imprisonment for one year.

You must keep the matter confidential

You can minimise the risk of anyone taking detrimental action against you by keeping your intentions to make a disclosure to yourself — be discreet.

Once you have made a public interest disclosure you must maintain confidentiality of the information. This means you cannot go to the media or any other person with information contained in your disclosure or you will risk losing your protection and you may incur a penalty.

You may speak with the PID officer or anyone conducting an investigation into the matter.

If you believe it is necessary to speak to another person about some aspects of your disclosure, contact the PID officer first and discuss the matter with them.

You must not disclose the identity of the person about whom your disclosure is made

In addition to protecting your identity, the Act protects the identity of the person about whom your disclosure is made.

You must not reveal any information about the person named in your disclosure to anyone other than the PID officer with whom you lodged your disclosure or anyone investigating the matter. If you do you may commit an offence which carries a penalty of \$24,000 or two years imprisonment.

You must assist the investigator

Where you are able to, you must assist a person investigating the matter to which your disclosure relates by supplying them with any information requested, whether orally or in writing and within such period as specified by them. It is not your role to investigate the matter and you must not obtain evidence illegally or in such a manner as to expose yourself to any risk.

This information sheet is a summary only. Potential disclosers are urged to speak to their PID officer or visit the PID website for further information.

CODE OF CONDUCT DECLARATION

Declaration:

I _____

have read and understand the conditions of the City of Joondalup Code of Conduct and hereby agree to abide by the requirements of this document.

DATE: _____

SIGNED: _____

Note: Please sign and date the above declaration and return

COMPLAINANT DETAILS FORM **CODE OF CONDUCT**

NOTE TO PERSON MAKING THE COMPLAINT: This form should be completed, dated and signed by the person making a complaint of a breach of the City's Code of Conduct and should be submitted with the complaint when it is given to the Complaints Officer of the City of Joondalup.

NOTE TO COMPLAINTS OFFICER: The person complained about is not entitled to, and must not, be sent or provided with, a copy of the form (or any address or contact details in it) submitted by a person making a complaint.

DETAILS OF PERSON WHO IS MAKING THE COMPLAINT		
Name: _____ _____ Given Name(s) Family Name		
Address: _____ _____ Postcode: _____		
Telephone No.(s) _____ (Hm) _____ (Wk) _____ (Mob)		
Email address: _____		
NAME OF PERSON ALLEGED TO HAVE COMMITTED BREACH		
DATE OF INCIDENT		
/ /		
WITNESS DETAILS: If there is/are any person(s) who witnessed the alleged breach, and who <u>is/are willing to provide information</u> , state the name and contact details of each such person		
Name: _____ _____ Given Name(s) Family Name		
Address: _____ _____ Postcode: _____		
Telephone No.(s) _____ (Hm) _____ (Wk) _____ (Mob)		
Email address: _____		
Name: _____ _____ Given Name(s) Family Name		
Address: _____ _____ Postcode: _____		
Telephone No.(s) _____ (Hm) _____ (Wk) _____ (Mob)		
Email address: _____		

SIGNED:
Complainant

DETAILS OF THE ALLEGED BREACH OF THE CITY'S CODE OF CONDUCT
(attach any additional information where necessary)

POLICY 8-2 – ELECTED MEMBERS - ALLOWANCES

STATUS:	City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.
	<i>Developed by the Policy Committee and/or the administration and adopted by Council.</i>
RESPONSIBLE DIRECTORATE:	Office of the CEO
OBJECTIVE:	The objective of this document is to provide a clear outline of the support and allowances available to the City's Elected Members.

TABLE OF CONTENTS

	Page
INTRODUCTION	
PART 1 – PROVISION OF SUPPORT	3
1.1 Objective	3
1.2 Mayor	3
1.3 Deputy Mayor and Councillors	4
PART 2 – ISSUE AND RETURN OF COUNCIL EQUIPMENT	4
2.1 Objective	4
2.2 Equipment	4
2.3 Documentation	5
2.4 Other Items	5
2.5 Vehicle Licence Number Plate	5
2.6 Return of Equipment Issued	6
PART 3 – PAYMENT OF FEES AND ALLOWANCES	6
3.1 Objective	6
3.2 Annual Meeting Attendance Fees	6
3.3 Annual Local Government Allowance - Mayor and Deputy Mayor	6
3.4 Telecommunications Allowance	6
3.5 Information Technology Allowance	7
3.6 Conditions of Payment	8

PART 4 – ATTENDANCE AT CONFERENCES AND TRAINING WITHIN AUSTRALIA	8
4.1 Objective	8
4.2 Statement	8
4.3 Annual Conference and Training Expense Allocation	8
4.4 Definition	8
4.5 Approval	9
4.6 Conferences and Training that may be Attended	9
4.7 Payment of Conferences and Training Costs	9
4.8 Elected Members/Delegates Accompanying Persons	14
4.9 Guidelines for Conference and Training Attendance	14
PART 5 – ATTENDANCE AT OVERSEAS CONFERENCES	15
PART 6 – REPORT	16
PART 7 – REIMBURSEMENT OF EXPENSES	16
7.1 Objective	16
7.2 Child Care	16
7.3 Travel	16
7.4 Other Specified Expenses	17
7.5 Time Limit on Claims and Approval Process	18

INTRODUCTION

The document has been prepared to conform with the provisions relevant to Elected Member entitlements under the Local Government Act 1995, Local Government Amendment Act 2004 and Regulations made under these Acts.

Where this policy refers to an annual period, the period shall be from October to October in the following year.

PART 1 – PROVISION OF SUPPORT

1.1 Objective

To provide elected members with appropriate facilities, equipment, material and information to support them in performing their duties of office.

1.2 Mayor

- (1) The Mayor shall, in carrying out the duties and responsibilities of that office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances approved by Council under Section 5.98, 5.98A, 5.99 and 5.99A of the Local Government Act 1995 :
 - (a) The provision of a luxury sedan type motor vehicle with unrestricted use for all official and social duties connected to the office of Mayor and for personal private use. This vehicle will be changed over in accordance with the City's general management of its light vehicles fleet.
 - (b) Membership of the Qantas Club;
 - (c) The cost of the Mayor and Partner of attending any breakfast, dinner or similar function where invited as the Mayor and representative of the City provided such function does not fall into the category of a conference and training event as defined in clause 4.4 of this policy or is not for election purposes;
 - (d) Suitable contemporary office accommodation within the Civic Centre;
 - (e) Secretarial services including word processing, photocopying and postage;
 - (f) Administrative assistance associated with any Council functions, meetings, publications and the like;
 - (g) Access to the Elected Members Lounge and Office refreshments;
- (2) All equipment and facilities subject of this policy, are provided to the Mayor on the absolute understanding that they will not be used for any election purposes.

1.3 Deputy Mayor and Councillors

- (1) The Deputy Mayor and Councillors shall, in carrying out the duties and responsibilities of their office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances under Section 5.98, 5.98A, 5.99 and 5.99A of the Act:
 - (a) Access to the Elected Member Lounge and refreshments;
 - (b) Access to suitably equipped shared office accommodation, reading room, ward meeting and conference rooms within the Civic Centre with photocopying, printing, facsimile and telephone facilities;
 - (c) Some secretarial support as resources allow including limited word processing, photocopying, and postage;
 - (d) The cost of the Deputy Mayor or Councillor, plus his or her partner, attending any breakfast, dinner or similar function where invited as the Deputy Mayor or Councillor and representative of the City or Ward, provided such function does not fall into the category of a conference and training event as defined in clause 4.4 of this policy or is for election purposes.
- (2) All equipment and facilities subject of this document are provided to the Deputy Mayor and Councillors on the absolute understanding that they will not be used for any election purposes.

PART 2 – ISSUE AND RETURN OF COUNCIL EQUIPMENT

2.1 Objective

To enable elected members to be accessible to the community, their colleagues and the City's staff.

2.2 Equipment

This following equipment, documents, stationery and other items will be issued to Elected Members:

- (1) laptop computer and all in one printer
- (2) Router and hub for internet use.
- (3) 4 pin power board
- (4) Elected Member lounge key
- (5) Security Card/Building Access Card and ID Card
- (6) Satchel or briefcase (optional)
- (7) 1 City of Joondalup vehicle licence number plate, selection of numbers 2 to 20 (optional) (See 2.5 below)

This equipment should either be new or in very good condition.

2.3 Documentation

The following documentation will be issued to Elected Members:

- (1) Committee members' booklet
- (2) Community Directory
- (3) Local Government Act 1995 and Regulations
- (4) Local Laws Manual
- (5) Policy Manual
- (6) Code of Conduct
- (7) Western Australian Local Government Association - Elected Member Manual
- (8) Internal Telephone directory
- (9) Planning Scheme text and report
- (10) Budget
- (11) Service Agreement – Elected Members & Information Services Business Unit
- (12) Short Guides produced by the City

2.4 Other Items

The following items will be issued to Elected Members:

- (1) Two name badges for the members, and one name badge for their partners.
- (2) Business cards
- (3) Appropriate stationery
- (4) Computer desk (optional)
- (5) Street directory
- (6) Filing cabinet (upon request)
- (7) Elected Member Uniform issue (non -compulsory)
(1 Jacket, 2 Trousers/Skirts and 3 Shirts/Blouses)
- (8) Driz-a-bone Jacket or similar (optional)
- (9) Paper shredder (optional);

2.5 Vehicle Licence Number Plate

- (1) Elected Members may have a City of Joondalup vehicle licence number plate fitted to their vehicle for their term of office at the City's cost.
- (2) Vehicle Licence plate numbers 1 and 2 (and variations on this (eg 01; 001; 001) are reserved for use by the Mayor and deputy Mayor.
- (3) An Elected Member is eligible to transfer the vehicle licence number plate to another vehicle once every two years at the City's cost.
- (4) If the vehicle licence number plate is to be transferred more than once every two years, then the second and subsequent transfer shall be at the cost of the Elected Member. The exception is where there is a change in the office of Deputy Mayor. Where this occurs this is not to be treated as a transfer for those affected members as per above.

- (5) Retiring Elected Members shall return the Council issued vehicle licence number to the City within fourteen (14) days of ceasing to be an Elected Member. Any costs associated with this transfer of the Elected Member's vehicle licence number plate shall be met by the City.

2.6 Return of Equipment Issued

- (1) An Elected Member is entitled to retain, at no charge, equipment, documents and other items issued by Council *with the exception of the following, which cannot be retained:*
 - (a) Any equipment that is less than three years old
 - (b) Equipment leased by Council;
 - (c) Security Card/Building Access Card and ID Card;
 - (d) Elected Member Lounge Key; and
 - (e) City of Joondalup Vehicle Licence Number Plate

PART 3 – PAYMENT OF FEES AND ALLOWANCES

3.1 Objective

To detail the amount of fees and allowances to be paid to Elected Members and the conditions under which those fees and allowances shall be paid

3.2 Annual Meeting Attendance Fees

Council will pay the maximum amount within the prescribed legislated limit that may be claimed annually for meeting attendance fees for the Mayor and Councillors.

Payments will be made monthly in arrears.

3.3 Annual Local Government Allowances - Mayor and Deputy Mayor

Council will pay the maximum Annual Local Government Allowance within the prescribed legislated limit that may be paid to the Mayor and Deputy Mayor.

Payments will be made monthly in arrears.

3.4 Telecommunications Allowance

- (1) Council will pay all Elected Members an annual telecommunication allowance to the maximum amount within the prescribed legislated limit.
- (2) The annual telecommunication allowance is for costs relating to telephone usage (including plans/contracts, payments and purchase of fax machines, mobile phones and extra telephone lines) and call costs and consumables associated with that use.

- (3) Any claims by Elected Members for expenses incurred over the maximum annual telecommunication allowance detailed in (1) above are to be submitted on the form provided. (Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit and the additional amounts claimed). Where a member reaches the limit, all claims for reimbursement shall be referred to the Council for approval.
- (4) In recognition of possible capital costs associated with telecommunications expenses, payment will be made as follows:
 - One third in advance on election, then;
 - monthly in arrears from the commencement of the fifth month of the term of office to the completion of the term.
- (5) Where Elected Members are re-elected to a second or further term of office, they will receive one third of the telecommunications allowance in advance at the commencement of the next term of office, in recognition of the potential need to upgrade associated telecommunications equipment.

3.5 Information Technology Allowance:

- (1) Council will pay all elected members an annual information technology allowance to the maximum amount within the prescribed legislated limit.
- (2) This allowance is in addition to the council provided laptop and printer and is in recognition of costs associated with Internet connection, electronic diaries and the like.
- (3) Any claims by elected members for expenses incurred over the maximum annual telecommunication allowance detailed in (1) above are to be submitted on the form provided. (Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit and the additional amounts claimed). Where a member reaches the limit, all claims for reimbursement shall be referred to the Council for approval.
- (4) Payment will be made as follows:
 - 50% in advance on election, then;
 - 25% at completion of third quarter;
 - 25% on completion of each subsequent quarter during the period of office.
- (5) Where elected members are re-elected to a second or further term of office, they will receive one half of the information technology allowance in advance at the commencement of the next term of office, in recognition of the potential need to upgrade information technology equipment.

3.6 Conditions of Payment

- (1) All allowances and fees shall be paid automatically unless an elected member has advised the CEO in writing that he/she does not want to claim any or part of those fees and allowances.
- (2) If an Elected Member advises that he/she does not want all or part of the fees and allowances to which he/she is entitled, any subsequent request for full or additional payment will not be back paid but accrue from the date of such request.
- (3) The taxation liability arising from these payments is the individual responsibility of each Elected Member.

PART 4 – ATTENDANCE AT CONFERENCES AND TRAINING WITHIN AUSTRALIA

4.1 Objective

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the City of Joondalup.

4.2 Statement

Elected Members are encouraged to attend appropriate conferences and training to enable them to be more informed and better able to fulfill their duties of office. In order to support this, the following is provided.

4.3 Annual Conference and Training Expense Allocation

- (1) The following annual conference and training expense allocation shall be made available to Elected Members:
 - (a) The Mayor shall be entitled to an annual expense allocation of \$10,000, inflated annually from the date the \$10,000 was first set at the CPI rate for Australia on 1 July each year and rounded to the nearest \$100; and
 - (b) All Councillors shall be entitled to an annual expense allocation of \$5,000, inflated annually from the date the \$5,000 was first set at the CPI rate for Australia on 1 July each year and rounded to the nearest \$100.
- (2) In addition to the annual expense allocation detailed in clause (1)(a) above, the Mayor shall be entitled to attend the Annual WALGA and ALGA conferences.

4.4 Definition

In this part, “Conferences and Training” means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information

and training sessions and events related to the industry of local government and held within Australia.

4.5 Approval

- (1) Subject to Part 5 for overseas travel, Elected Members may attend conferences and training following:
 - (a) approval by the Council through a resolution passed at a Council Meeting; or
 - (b) by informing the CEO in advance of attendance.

4.6 Conferences and Training that may be attended

The conferences and training to which this policy applies shall generally be limited to:

- (1) West Australian Local Government Association (WALGA) and Australian Local Government Association (ALGA) conferences;
- (2) Special “one off” conferences called or sponsored by or for the WALGA and/or ALGA on important issues;
- (3) Annual Conferences of the major Professions in Local Government;
- (4) Australian Sister Cities Conferences;
- (5) Municipal Training Service’s Councillor Induction Program;
- (6) WALGA Elected Member Training and Development;
- (7) Training relating to the role of elected members; and
- (8) other local government specific training courses, workshops and forums, relating to such things as understanding roles/responsibilities of Elected Members, meeting procedures, etc.

4.7 Payment of Conference and Training Costs

- (1) Payment from Conference and Training Allocation

The City will pay Conference or Training costs where the Elected Member has been authorised to attend and there is sufficient funds remaining within the Elected Member’s Annual Conference and Training Expense Allocation. Should insufficient funds be available, the Elected Member may meet the difference between the actual cost and the allowance themselves or receive funds from another Elected Member’s allowance (see 4.9(7)).

(2) Booking Arrangements

Registration, travel and accommodation for Elected Members will be arranged through the Office of the Chief Executive Officer with the appropriate City discount for travel and accommodation being provided. In general, all costs including airfares, registration fees and accommodation will be paid direct by the City. The main exception relates to the payment of daily allowances in lieu of accommodation as considered in paragraph 4.7(8).

(3) Registration

The City will pay all normal registration costs for Elected Members/delegates that are charged by organisers, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the interests of the Council.

(4) Accommodation

- (a) The City will pay reasonable accommodation costs for Elected Members including the night before and/or after the conference and training event where this is necessary because of travel and/or the conference and training event timetables which make it impossible to arrive at or return home in normal working hours.
- (b) Where available, accommodation shall normally be booked at the venue.

(5) Conference and Training Travel

- (a) Where travel is involved, the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the Conference and Training venue. All reasonable travel costs for Elected Members/ delegates to and from the venue/accommodation will be met by the City.
- (b) Where air travel is involved, approval to attend should ideally be sought two months prior to departure to facilitate booking.
- (c) All air travel within Australia shall be by Business Class, except where an Elected Member chooses to travel at a cheaper rate. If Business Class is not available, Economy Class is to be used.
- (d) If accommodation is at the Conference or Training venue or in close proximity, taxis should be used for reasonable travel requirements. Where necessary, a hire car may be arranged for the conduct of Council business. Costs of taxi fares, vehicle hire and parking which are reasonable, required and incurred in attending Conferences and Training, will be reimbursed by the City.

(e) Where in particular circumstances Elected Members desire to travel interstate or intrastate by private motor vehicle, they will be reimbursed for vehicle costs in accordance with the local government kilometre allowance up to an equivalent amount that would have been expended had arrangements been made to travel by air.

(6) Reimbursement of Expenses

(a) An Elected Member attending a Conference and Training event is entitled to be reimbursed for 'normally accepted' living costs while travelling.

(b) Such living costs would include, but are not limited to:

- taxi fares to and from the airport;
- taxi fares to and from the venue if the accommodation used is a substantial distance from the venue;
- meals for the Elected Member;
- refreshments for the Elected Member; and
- vehicle hire, petrol and parking.

(c) Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people. The main exception is where it is indicated that the meal or refreshment provided to another person is in response to a meal or refreshments previously received.

(d) Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home.

Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid:

- for the days of the event; and
- for the cost of travel from the airport directly to the accommodation to be used for the event and also, vice versa, from the accommodation to the airport.

(e) Where a visit is extended, as discussed in paragraph (d), an Elected Member may stay for the period of the extension in different accommodation to that used for the attendance at the Conference and Training event. In such situations, the reimbursement of taxi fares will be to the estimated cost of travel between the event's accommodation and the airport and vice versa. The Elected Member will be required to pay any greater amount.

- (f) Where an Elected Member does not require paid accommodation for a Conference and Training event because the Elected Member is able to source accommodation from another party (the hosts), the Elected Member is entitled to be reimbursed for meal and refreshment costs provided to the hosts up to the amount that would have been incurred had paid accommodation been used.
 - (g) Where an Elected Member attends two Conference and Training events and there is a gap of no more than three days between the conclusion of the first event and the start of the second event, the Elected Member shall be entitled to reasonable accommodation expenses and the reimbursement of 'normally accepted' living costs during that 'gap' period. If the gap is greater than three days, only three days reimbursement can be claimed.
- (7) Cash Advances associated with payment through the reimbursement of expenses
- (a) A cash advance of \$105 per day for interstate travel and \$160 per day for overseas travel shall be made available for food, drink and incidental expenses that are of a reasonable nature.
 - (b) The administrative arrangements for managing this will be the most appropriate to the circumstances in the view of the Chief Executive Officer.
 - (c) The Cash Advance shall be paid to cover all reasonable incidental expenses associated with the conference attendance such as:
 - (i) hotel/motel charges other than accommodation, ie. laundry;
 - (ii) reasonable telephone or facsimile use;
 - (iii) breakfasts, lunches, dinners and other meals not included in the conference registration fee;
 - (iv) any optional activity in a conference program.
 - (e) Documentary evidence in the form of original invoices and receipts must be provided for the acquittal of all advances. All advances must be acquitted within one week of the Elected Member returning to Perth. Amounts not acquitted shall be refunded to the City.
- (8) Public Service Commission Allowance

Instead of being reimbursed for actual expenses, an Elected Member may receive a fixed allowance as reimbursement for attending a Conference and Training event. This allowance will be the amount identified in the Public Service Award as is specified in legislation.

The allowance will be paid in the following circumstances from the Elected Member's Conference and Training Expense Allocation.

The following is drawn from the Public Service Award.

- (a) When a trip necessitates an overnight stay and the Elected Member is fully responsible for his or her own accommodation, meals and incidental expenses:
 - (i) where hotel or motel accommodation is utilised, reimbursement shall be in accordance with the rates prescribed in Column A, Items (4) to (8) of Schedule I – Travelling, Transfer and Relieving Allowance of the Award; and
 - (ii) where other than hotel or motel accommodation is utilised, reimbursement shall be in accordance with the rates prescribed in Column A, Items (9), (10) or (11) of Schedule I – Travelling, Transfer and Relieving Allowance of the Award.
- (b) When a trip necessitates an overnight stay and accommodation only is provided at no charge to the Elected Member, reimbursement shall be made in accordance with the rates prescribed in Column A, Items 1, 2 or 3 and Items 12, 13 or 14 of Schedule I – Travelling, Transfer and Relieving Allowances of the Award subject to the Elected Member's certification that each meal claimed was actually purchased.
- (c) To calculate reimbursement under (a) and (b) for a part of a day, the following formula shall apply:
 - (i) If departure from Joondalup is:
 - before 8:0am – 100% of the daily rate.
 - 8:00am or later but prior to 1:00pm – 90% of the daily rate.
 - 1:00pm or later but prior to 6:00pm – 75% of the daily rate.
 - 6:00pm or later – 50% of the daily rate.
 - (ii) If arrival back at Joondalup is:
 - 8:00am or later but prior to 1:00pm – 10% of the daily rate.
 - 1:00pm or later but prior to 6:00pm – 25% of the daily rate.
 - 6:00pm or later but prior to 11:00pm – 50% of the daily rate.
 - 11:00pm or later – 100% of the daily rate.

Should the allowance not cover the actual costs of attendance, an Elected Member is entitled to be reimbursed the difference between the actual cost and the allowance amount as long as the reimbursement sought accords with 4.7(6) and all of the allowance monies have been used for items that can be reimbursed.

4.8 Elected Member/Delegate Accompanying Person

- (1) Where an Elected Member is accompanied at a Conference and Training event, all costs for or incurred by the accompanying person including but not limited to travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the Elected Member/accompanying person and not by the City. The exception to the above being the cost of attending any official event dinner where partners would normally attend.
- (2) An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at time of registration. The City will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the City in advance for the accompanying person.
- (3) Where the City meets an account containing any expenditure or cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Council by the Elected Member/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the Conference and Training event.

4.9 Guidelines for Conference and Training Attendance

- (1) Subject to the provisions of clause 4.3 "Annual Conference and Training Expense Allocation" the guidelines detailed in this clause shall apply.
- (2) Generally, no more than two Elected Members may attend a particular Conference or Training event outside Western Australia at the same time. The CEO or Council may however approve attendance by more than two members if a particular purpose or need arises.
- (3) ~~Subject to (5) below, an Elected Member may, after providing written notice to the CEO of their intention to do so, carry forward into the next year any unspent amount from their Annual Conference and Training expense allocation. The written notice shall be provided to the CEO before the end of March for budget purposes.~~
~~All unspent funds shall be carried forward at the completion of each annual period.~~
- (4) ~~Following each Ordinary Council Election, each Elected Member will commence their annual expense allocation and forfeit any unspent funds. Following each Ordinary Council election, elected members will forfeit any unspent funds, and commence their annual expense allowance as detailed in Clause 4.3.~~
- (5) Elected Members will only be registered for conference and training events itemised in this policy, if the Elected Member has sufficient funds in their annual conference and training expense allocation to meet the costs. Where there are insufficient funds to meet the cost of the Conference and Training event in the Elected Member's conference and

training expense allocation, Council approval must be obtained before attendance if the additional costs are going to be claimed.

- (6) The cost of training that is specifically arranged for attendance by all Elected Members, (eg team-building) shall be paid from a separate allocation for the purpose and not considered as part of, and debited to, the individual Elected Member's allocation referred to in this policy.
- (7)
 - (a) An Elected Member may agree to meet Conference and Training costs for another Elected Member and forfeit the relevant amount from his/her own annual conference and training expense allocation, to enable another Elected Member to attend a Conference and Training event, where that member has insufficient funds remaining in their allocation.
 - (b) In such cases, the Elected Member agreeing to meet those costs shall provide the CEO with a written statement to that effect, signed by both Elected Members and authorising the CEO to initiate necessary arrangements and debit the authorising member's allocation.

PART 5 – ATTENDANCE AT OVERSEAS CONFERENCES

- (1) An Elected Member may, with Council approval, attend an overseas conference. The Council approval must include a specific Council resolution indicating that the conference attendance will be of benefit to the City and the Elected Member and detailing any conditions that may apply.
- (2) An Elected Member may attend an overseas conference if the Elected Member has sufficient funds in their annual conference and training expense allocation to meet the costs. Where there are insufficient funds to meet the cost of the registered overseas Conference or Training in the Elected Member's conference and training expense allocation, Council approval must be obtained before costs are incurred in keeping with 4.9(5) above or the Elected Member agrees to meet the additional costs personally.
- (3) All air travel overseas shall be by Business Class, except where an Elected Member chooses to travel at a cheaper rate. If Business Class is not available, Economy Class is to be used.
- (4) Cash advances are payable for overseas conferences (see Section 4.7(7)).

PART 6 - REPORT

Upon attendance at any interstate or overseas Conference or Training event as detailed within this policy, where registration and other associated costs are met by the City of Joondalup, the attending Elected Member is required to prepare a report on their attendance and benefits, to be circulated to all members of the Council.

PART 7 – REIMBURSEMENT OF EXPENSES

7.1 Objective

To provide for the reimbursement of expenses necessarily incurred by Elected Members while performing their duties so that no Elected Member should be unreasonably disadvantaged financially due to meeting the requirements of their office.

7.2 Child Care

- (1) In accordance with Regulation 31, child care costs will be paid for an Elected Member's attendance at a Council meeting or a meeting of a committee of which he or she is a member and the expense is to be claimed on the form provided.
- (2) Where an Elected Member attends any other meeting, reception, citizenship or other Council function, or Council related activity and incurs child care costs, such costs may be claimed provided they are substantiated with details of the date, activity attended, the actual costs incurred and original receipts being provided and attached to the claim form.
- (3) Child care costs are applicable for children, either of natural birth or guardianship determined by legal process.
- (4) Child care costs will not be paid for where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.
- (5) Child care costs shall be debited to a separate account in the budget and not be debited to or form part of an Elected Member's Annual Expense Reimbursement Limit as referred to in clause 7.3 of this policy.

7.3 Travel

- (1) The payment of travel costs is covered under Local Government (Administration) Regulations 1996.
- (2) Travel costs incurred and paid by Elected Members will be reimbursed for:

- (a) Travel and parking expenses incurred by a member using a private vehicle to, from and attending:-
 - (i) meetings of the Council or a Committee of the Council and civic or Council related functions;
 - (ii) as a delegate of the Council to statutory and other boards and committees, community organisations, conferences, local government association or industry groups or committees of them;
 - (iii) a specific request or instruction of the Council and/or including inspection, ratepayer/electors requests or other Council duty;
 - (iv) attending social functions where the member is representing the Mayor or is attending by resolution of Council or where the function is an otherwise authorised activity;
 - (b) The amount payable in respect of travelling expenses shall be paid from the time the Returning Officer has declared a person elected as a Council member.
 - (c) Travel expenses claimed under this policy are to be calculated in accordance with the rate per kilometre prescribed for the class of vehicle as detailed in the Local Government Officers' Award where the member's vehicle is used.
 - (d) A claim for reimbursement of expenses form indicating the date, particulars of travel, nature of business, distance travelled, vehicle displacement and total travelled in kilometres, is to be completed by members to ensure that the transport expense can be verified.
- (3) Where an Elected Member deems it is more appropriate to attend a Council related commitment without a car, a taxi may be used and the costs incurred claimed.
 - (4) Should an Elected Member travel in a vehicle which is not his or her own, the reimbursement will be calculated in accordance with (2) above.

7.4 Other Specified Expenses

- (1) Outside of child care and travel costs an Annual Reimbursement Limit of \$500 shall be available to Elected Members for reimbursement of costs incurred as a result of performing their duties as an Elected Member. Costs incurred and paid by Elected Members will be reimbursed by the City up to the reimbursement limit in each annual expense period. When a member reaches the limit, all claims for reimbursement shall be referred to the Council for approval. All expenses claimed must have been incurred and substantiated with provision of original invoices/receipts attached to the claim form, prior to being reimbursed on a monthly basis.

- (2) Original invoices and receipts are required for audit purposes and to enable GST to be claimed. Where a GST refund is received it will be credited to the Elected Members Expense Reimbursement record.

7.5 Time Limit on Claims and Approval Process

Members electing to receive reimbursement of expenses in accordance with the provisions of this policy should submit the appropriate claim form to the CEO, together with supporting documentation, within two calendar months after the month in which the expenses were incurred, and by 15 July of the next financial year, in order to facilitate the finalisation of the annual financial statements.

Amendments: CJ422-12/01, CJ121-06/02, C212-09/03,
CJ206-10/05, CJ007-02/07, CJ207-10/07

Related Documentation: Delegated Authority Manual
Local Government Act 1995

Issued: October 2007

POLICY 8-3 – ELECTED MEMBERS - GENERAL

STATUS:	City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.
	<i>Developed by the Policy Committee and/or the administration and adopted by Council.</i>
RESPONSIBLE DIRECTORATE:	Office of the CEO
OBJECTIVE:	To provide for good governance of the City.

STATEMENT:

In order to provide for consistency in communications between the Council and the community; and to establish the position of the Council on matters directly affecting elected members and their interaction with the community and City administration, the following shall apply:

Representing the Council

The Mayor or, where unavailable, the Deputy Mayor, is the Council's official representative at function or civic events. In the event that neither are available for a specific event, the Mayor will nominate one of the following, in order of precedence:

- A relevant Ward Councillor;
- A Councillor with a specific interest.

Use of Council Chamber and Civic Centre Meeting Rooms (see attached plan)

The Council Chambers and Civic Centre meeting rooms are to be used predominantly for official Council purposes, however it is considered important for the City to engage with politicians at both the State and Federal level to progress the interests of the City and the Joondalup community. Such engagement may occur within the City's buildings including the Council Chamber and the Civic Centre Meeting Rooms. However, it is considered important that such political engagement is controlled to:

- a. Prevent the City being aligned with any particular party; and
- b. Avoid such engagement being used for electoral advantage.

To achieve political engagement the following process shall be followed:

- 1 All requests to be made in writing using the attached form.
- 2 Approval for engaging a politician or political party must be given by the Mayor.

- 3 The engagement should relate to a matter of concern to the City or its residents.
- 4 Where engagement occurs with a political party or government member on a particular matter, equal opportunity should be given to alternative political parties or relevant opposition members.
- 5 The Council Chamber and Civic Centre Meeting Rooms shall not be used for political engagement when the election process commences for a local government ordinary election.
- 6 The Mayor shall make a decision on whether it is appropriate to use the Council Chamber and Civic Centre Meeting Rooms for political purposes in situations where an extraordinary election has been called but the election has yet to occur.

Outside of political engagement, the Council Chamber and Civic Centre Meeting Rooms located in the Joondalup Civic Centre may only be used for official Council purposes unless the Mayor provides prior consent.

Requests to use the Council Chamber or the Civic Centre Meeting Rooms for other than political engagement should fall into one of the following categories:

- The request is directly related to the business of local government;
- The request is directly related to the support of community service within the City or the region; or
- The request is from a not for profit agency operating within the region.

Approaches from external parties to use the Chamber or Meeting Rooms should be via the Mayor.

Recording of the Proceedings of Meetings

All Council meetings including electors' meetings shall be electronically recorded.

Elected members may obtain a copy of the electronic recording free of charge and may obtain a transcript of a particular section or all of a Council meeting at the discretion of the Chief Executive Officer.

Members of the public may purchase a copy of the electronic recording of the proceedings or may listen to the electronic recording under the supervision of a person designated by the Chief Executive Officer.

All recordings of Council meeting will be retained as part of the City's records in accordance with the General Disposal Authority for Local Government records produced by the State Records Office.

Filming/Videoing of Council Meetings

Accredited journalists seeking to film council meetings must do so with the prior approval of the Chief Executive Officer, except where the meeting is, or could be, in the opinion of the Chief Executive Officer, closed to the public, in accordance with Section 5.23 of the Local Government Act 1995.

Acknowledgement of Service – Elected Members

On retirement, Council will acknowledge the service of elected members through the provision of an appropriate memento, which will take the form of an engraved plate (or plaque) commemorating the member's service and a suitable gift.

Elected Members Councillor Availability

Elected Members Councillors may request that advertisements are placed in local newspapers. The City shall include in its annual budget the provision for advertisements to be placed in local newspapers up to six times each year, except that no advertising shall occur within six months of an election where the elected member has a direct interest. The advertisements will detail the availability of Ward Councillors Elected Members to meet with residents to discuss matters of community concern.

Where the Elected Member wishes to meet with residents within a City of Joondalup facility, the Elected Member is to contact the CEO, who will make the necessary arrangements.

Where the Elected Member wishes to use a non City of Joondalup facility, the Elected Member is to make all the necessary arrangements and meet any associated costs. These costs may be claimed in accordance with Policy 8-2.

Elected Member Dinners

To provide an avenue to facilitate networking possibilities and for Elected Members to undertake discussions with various representatives of the community, the Council has agreed to host Ward dinners. These acts of hospitality are a way to host visiting dignitaries, representatives from major stakeholders (both corporate and community) was well as long-standing residents and ratepayers within the City.

Each table will allow for the elected member as host, plus up to a maximum of nine (9) guests.

The Mayor is entitled to host six (6) dinners per calendar year, and each Ward a total of twelve (12) each year, based on six (6) dinners per Ward member. Where a Ward member is unable or unwilling to host part of all of his/her allocated dinners, the fellow Ward member (following receipt of written permission) may host these unused dinners, however, total number of dinners must not exceed the annual allocation of twelve (12).

Corporate Logo

The City's Corporate Logo is part of the City's major 'brand' tool. It may not be used by any person or organisation, other than the Chief Executive Officer, without the prior authority of the Chief Executive Officer. It may not be used by any person for any organisational or government election purpose.

Access to Information

Elected members who wish to view records outside those records detailed within S 5.92 of the Local Government Act 1995 and the City's Information Statement must demonstrate to the Chief Executive Officer the relevance of the information to their performance as an elected member. Should approval be granted, the Chief Executive Officer will determine the manner in which the access is permitted.

Amendments: CJ213-06/99, CJ227-09/00, CJ001-02/01, CJ187-06/01, C212-09/03, CJ121-06/02, C169-08/03, CJ206-10/05, CJ238-12/06, CJ207-10/07

Related Documentation: Local Government Act 1995;
Delegated Authority Manual;
Elected Member Support & Services Guide

Issued: October 2007



REQUEST TO USE COUNCIL CHAMBER OR CIVIC CENTRE MEETING ROOM FOR POLITICAL ENGAGEMENT

Please complete the relevant sections of this form and email to Hazel Yarranton at hazel.yarranton@joondalup.wa.gov.au

Title of meeting/function							
Date(s) to be held							
Names/Positions of External participants				Political Party Affiliations			
Purpose of meeting							
Relevance of Meeting to General City concerns							
Elected Members attending meeting				City staff attending meeting			
Room required	Council chamber		Conference Room 1		Conference Room 2		Conference Room 3

Office use only							
Received by (name)				Date/Signed			
Mayor's approval	Yes		No		Date/Signed		

POLICY X-X – LIGHT VEHICLE REPLACEMENT POLICY

STATUS:	City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.
	City policies are referred to Council for review and endorsement.
RESPONSIBLE DIRECTORATE:	Infrastructure Services
OBJECTIVE:	To minimise fleet whole of life costs to the City.

STATEMENT:

The City of Joondalup delivers a variety of services to the community and in doing so, must ensure that the assets supporting these services are managed in a way that promotes maximum performance for the lowest 'whole of life' cost. These include the City's fleet, which should be replaced at the optimum changeover period to minimise 'whole of life costs'.

The City's fleet includes passenger vehicles, light commercial vehicles, trucks and various earthmoving and parks maintenance equipment. The replacement value of the total fleet is approximately \$11 million with an annual operating cost of approximately \$1.2 million. The replacement value of the Light Fleet component is \$2.8 million.

KEY PRINCIPLES:

This Policy reflects the City's Vision, Mission and Objectives as enshrined in the Strategic Plan and the City's Asset Management Vision: "**To provide the desired level of service in the most cost effective manner for present and future customers**" and sets the following key principle of service delivery:

- Understand and minimise whole of life costs for the City's fleet

Fleet life cycle costs vary regularly due to a variety of factors including fuel costs, used fleet prices and market and industry trends. The City will review these costs, and replacement periods, on a regular basis to ensure the most cost effective outcome at all times.

For the heavy vehicles and specialised plant, flexibility will be retained to ensure whole of life costs are minimised. These will be determined by staff on a regular basis.

For the light vehicle fleet (passenger and light commercial vehicles), regular advice will be sought from external Fleet Management consultants on both the optimum changeover period and fleet composition required to minimise whole of life costs to the City. This information will provide the basis of decision making as to when optimum replacement / changeover of Light Vehicles is deemed appropriate as market industry trends vary.

Protocol HR0007 titled 'City Owned Motor Vehicle Allocation and Usage' shall be followed at all times when determining vehicle allocations and vehicle use category.

This Policy will be reviewed every 2 years.

File No:

Previous Policy No:

Amendments:

Related Documentation:

Strategic Plan
Strategic Financial Plan
Protocol HR0007

Issued:

POLICY 7-5 – ALFRESCO ACTIVITIES DINING – JOONDALUP CITY CENTRE

STATUS: **City Policy** - A policy that is developed for administrative and operational imperatives and has an internal focus.

City policies are referred to Council for review and endorsement.

RESPONSIBLE DIRECTORATE: Planning and Community Development

- OBJECTIVES:**
- 1 To encourage and facilitate “Alfresco Dining” activities within the City of Joondalup as a means of increasing vibrancy and choice. which Alfresco activities refers to outdoor dining and/or the consumption of alcohol by the general public while seated at tables to outdoor seating that is designed to be used by the general public for dining purposes that are located on the street verge or in a public space, generally as an extension of an existing eating house premises already operating within an adjacent building.
 - 2 To allow for the operations of alfresco dining activities in such a manner that will not conflict with, or prejudice, the activities in adjacent premises (commercial and/or residential) or interfere with the traffic flow in the area or any other normal function of the area.
 - 3 To provide guidelines for the granting of planning approval for alfresco dining activities.
 - 4 To complement the provisions for outdoor dining as specified in Part 3 – Outdoor Dining – Trading in Public Places Local Law.
~~The policy is to be implemented in conjunction with the provisions of Part 3 – Outdoor Dining of the City of Joondalup Trading in Public Places Local Law.~~

STATEMENT:

Definition

“Alfresco activities” means outdoor dining and/or the consumption of alcohol by the general public while seated at tables that are located on the street verge or in a public space, generally as an extension of an existing premises already operating within the adjacent building.

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Area

This policy shall apply to alfresco dining alfresco activities facilities within the City of Joondalup. The policy is to be implemented in conjunction with the provisions of Part 3 – Outdoor Dining of the City of Joondalup's Trading in Public Places Local Law.

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Requirements to operate an Alfresco Area Activities

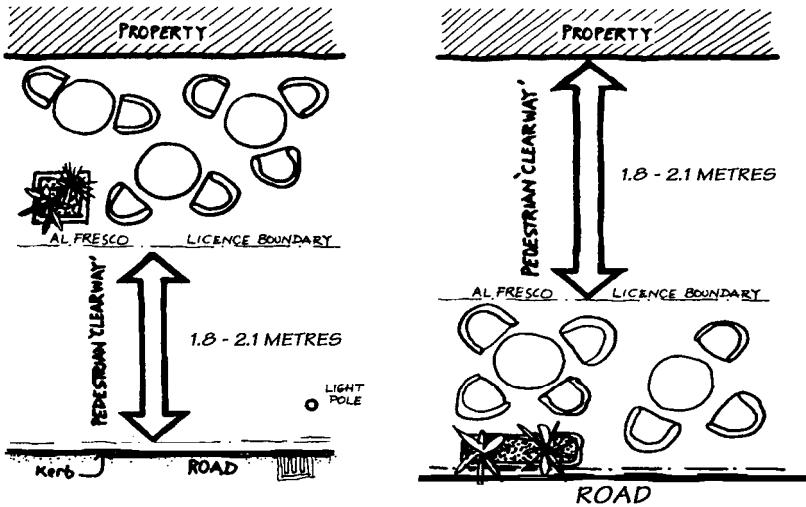
In order to operate an alfresco dining alfresco activities area prospective operators require

- a valid planning approval and
- a valid outdoor dining licence issued under the City of Joondalup's Trading in Public Places Local Law.

Statements

Guidelines for locating Alfresco Dining Areas Alfresco Activities

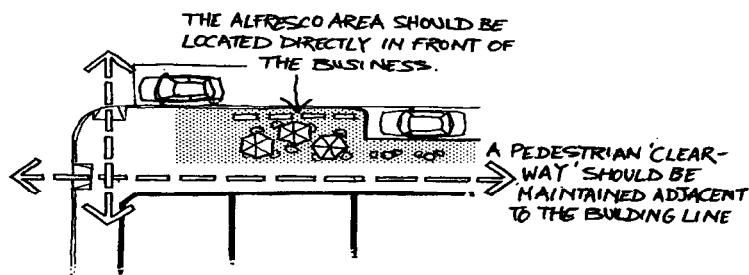
- 1 Alfresco dining areas Alfresco activities should be appropriate to the character and functions of the area in which they are proposed to be located.
- 2 Alfresco dining areas Alfresco activities will not be approved where, in the opinion of Council, the gathering of customers or the elements of design will impede pedestrian or vehicular movements, or cause conflicts with or inconvenience other adjoining activities. A minimum clear footpath width of 1.8 - 2.1 metres should be provided, dependent on the pedestrian traffic volume within the area. Determination shall be made by the City on the individual merit of the location. Pedestrians should be able to make normal use of the footpath without being obliged to step into the road at any point, or make other unwarranted detours.



- 3 Applications to establish alfresco dining areas alfresco activities will also need to comply with specific requirements of any relevant policy relating to the location and/or type of activity proposed, unless the Council the City of

- Joondalup considers such compliance is not necessary in a particular instance.
- ~~4 The establishment of alfresco dining facilities should not conflict with or inconvenience other adjacent activities.~~
- 45 Structures associated with alfresco activities may only be fixed to the footpath or to any other structures with the prior written approval of Council the City of Joondalup.
- 56 In instances where permanent structures are proposed, the proposal must be referred to the Department for Planning and Infrastructure and/or the Minister for Local Government for approval.
- 67 ~~The alfresco dining area Alfresco activities is are~~ to be designed to accommodate disabled access.
- 78 The exits to a building that adjoins the alfresco area are not to be impeded in any way.~~9 Any alfresco dining area should not obstruct pedestrian movement. A minimum clear footpath width of 1.8m to 2.1m should be provided dependent on the pedestrian traffic volume within the area. Determination shall be made by Council on the individual merit of the location. Pedestrians should be able to make normal use of the footpath without being obliged to step into the road at any point, or make other unwarranted detours.~~
- 810 Any ~~alfresco dining area alfresco activities~~ should not obstruct sight lines for either vehicles or pedestrians, both at road junctions and vehicle access crossovers.

Location of alfresco dining on footpaths and car parking embayments



- 911 The alfresco dining area alfresco activities shall be presented in a way that enhances the amenity of the adjoining properties and the street in general. This may be achieved through using decorative pot plants and chairs and tables of an appropriate style. Any structures placed within the public domain in accordance with this clause must be considered in respect to other clauses in this policy and the City of Joondalup's 'Trading in Public Places' Local Law.
- 1012 Alfresco activities areas shall be demarcated ~~(line marked)~~ and details with respect to using furniture, planter pots, barrier fencing/bollards and similar items, to the satisfaction of the City of Joondalup. being provided if a risk

~~assessment of the proposed alfresco dining area is indicates that this is warranted.~~

Planning Approval requirements

- 1 Applications for ~~alfresco dining~~fresco activities will be treated as Development Applications (Form 1). The application form is required to be signed by ~~DLI~~ the City of Joondalup as the ~~owner-managers~~ of the ~~public land where non-permanent (temporary and moveable) structures are proposed. If permanent structures are proposed as part of the application, the Department for Planning and Infrastructure is required to sign the Form 1.~~
- 2 Applications must be accompanied by plans and a management plan as outlined under part 3 (clause 17 d and e) ~~— Outdoor Dining — of the~~ City of Joondalup's Trading in Public Places Local Law
- 3 A planning approval for ~~alfresco dining~~fresco activities ~~is required to~~ will include the following conditions and advice notes:
 - A. The licence holder ~~shall~~ make adequate insurance arrangements to the satisfaction of the ~~Council~~ City of Joondalup, in the joint names of the ~~Council~~ City and the operator, for public liability insurance cover to provide indemnity in respect to both injury to persons and damage to property. A copy of the policy will need to be provided to the City prior to the commencement of ~~—~~ trading. The City of Joondalup shall be advised directly by the insurance company of any possible changes to the policy.
 - B. Structures and furniture must be stable under windy conditions.
 - C. The operator shall not, without the prior approval of the ~~Council~~ City of Joondalup:
 - (a) make use of any method of noise making (ie live music, record, tape, radio, etc);
 - (b) carry out any specific functions (ie fashion parades, art exhibitions, etc);
 - (c) prevent the public from using the alfresco area, whether paying customers or not.
 - D. The operator shall keep the alfresco area clean and free from rubbish to the satisfaction of the ~~Council~~ City of Joondalup.
 - E. The approval is valid for a period of 36 months.
~~In granting approval, the Council may limit operating hours.~~
 - F. The tables, chairs and all equipment associated with the alfresco area shall be removed from the public space outside normal trading hours ~~for the associated premises, unless permanent structures have been approved by the Department for Planning and Infrastructure and/or the Minister for Local Government.~~

- H ~~The City reserves the right to require the alfresco area to be removed at any time at the applicant's expense to undertake essential maintenance work.~~
- G Any modifications of the street verge or any relocation of existing street furniture, trees or services shall not be undertaken without the prior approval of the Council City of Joondalup.
- J All costs associated with any such works will be totally at the applicant(s) expense.

Advice Notes

- 1 In granting approval, the City of Joondalup may limit operating hours.
- 2 ~~The City of Joondalup reserves the right to require the alfresco area to be removed at any time at the applicant's expense to undertake essential maintenance work.~~

Fees

Development Application Fee} To be set by Council as part of the annual schedule of fees and charges.

Renewal Fee } As above.

Amendments: CJ213-06/99; CJ024-02/04, CJ206-10/05

Related Documentation: Schedule of Fees and Charges: Trading in Public Places Local Law – Outdoor Dining s of the City
Issued: October 2005-20 November 2007

POLICY 3-1 CHILD CARE CENTRES

STATUS:	Council Policy - A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations. The policy has a strategic focus and aligns with the Mission, Vision and Strategic Directions.
	Council policies are developed and reviewed by the policy Committee.
RESPONSIBLE DIRECTORATE:	Planning and Community Development
OBJECTIVE:	To provide guidelines for the location, siting and design of Child Care Centres to ensure that such developments are compatible with, and avoid adverse impacts on, the amenity of adjoining and surrounding areas.

AUTHORITY

This policy has been prepared in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2 which allows Council to prepare planning policies relating to planning or development within the scheme area.

POLICY AREA

This policy applies to the whole of the City of Joondalup.

POLICY STATEMENT

A Child Care Centre means premises providing a service for the casual, part-time or day-to-day care of children as defined within District Planning Scheme No 2 (DPS2).

In considering applications for Child Care Centres, Council shall take the following criteria into consideration:

1 **Location**

The appropriate location of Child Care Centres is crucial in avoiding adverse impacts on surrounding properties, particularly in terms of additional traffic, car parking and noise.

1.1 Neighbouring Uses

To minimise potential adverse impacts such Centres may have on the amenity of residential properties, wherever possible, it is preferred to locate Child Care

Centres adjacent to non-residential uses such as shopping centres, medical centres or consulting rooms, schools, parks and community purpose buildings.

1.2 Road Hierarchy

In Western Australia, Main Roads Western Australia lists the types of roads that perform designated functions required of the road network. This is known as the 'Functional Hierarchy of Roads'. The suitability of locating Child Care Centres on the different types of roads is considered in this policy.

Residential amenity, safety and aesthetics take priority in considering vehicular access for Child Care Centres. Child Care Centres should be located on Local Distributor roads in such a manner that they would not conflict with traffic control devices and will not encourage the use of nearby Access Roads for turning movements.

As Child Care Centres can be reasonably high traffic generators, vehicular access is not encouraged on District Distributor Roads, the primary function of which is to cater for through-traffic. Only with substantial justification, which may include a Traffic and Road Safety Impact Report, may vehicular access be considered from a District Distributor or an Access Road.

2 **Parking and Traffic**

2.1 Traffic Impacts and Safety

Regard shall be given to the need to minimise disruption of existing traffic safety measures and traffic flows in close proximity to proposed Child Care Centres, the potential for substantial traffic increases, particularly on residential streets, and the provision of safe access to proposed on-site car parking areas.

2.2 Design and Location of Car Parking

Car parking is to be located on site in an arrangement that enables a free flow of traffic movement internal and external to the site. Vehicular access to and from the car park must enable vehicles to move in a forward direction. A car park design using 'one-way' traffic flow, shown as Type 1 on Figure 2 is preferred. Alternatively, a 'two-way' crossover shown as Type 2 is required. Incorporation of a designated 'pick-up/drop-off' area is recommended to reduce congestion and improve safety for patrons and prevent traffic build-up on access roads.

Car parking and associated driveways should be easily visible from the street to encourage patrons to park on-site instead of road verges. Car bays that are least visible or difficult to access should be allocated for staff use.

Landscaping of car park areas abutting a street is required in accordance with the requirements of DPS2.

A Traffic and Road Safety Impact Report, including consideration of traffic flows to and within the on-site car park, is required with all applications involving new Child Care Centres or the expansion in capacity of existing Child Care Centres.

2.3 Number of Car Bays

The number of car parking bays required to be provided onsite is set out in Table 2 of DPS2, and in Figure 1 of this policy. The allocation of car parking bays for use by disabled persons is required in accordance with the provisions of the Building Code of Australia, being 1 bay for every 100 car parking bays or part thereof.

3 **Building Design and Outdoor Play Area**

3.1 Orientation and Building Setbacks

Building setbacks are to be in accordance with the requirements of DPS2, or any applicable Structure Plan. Council may consider the exercise of discretion to vary the setback provisions under DPS2 for Child Care Centres located in the Residential zone, in order to more appropriately reflect the existing building setbacks in the immediate vicinity.

Openings to activity rooms and doors to the outside should be orientated in such a manner as to minimise noise to adjoining properties. A Noise Impact Assessment is required to be submitted with all Child Care Centre applications.

3.2 Outdoor Play Areas

Outdoor play areas should be located away from adjoining noise-sensitive premises, such as residences where possible. In order to assist in minimising noise from these areas and to screen these areas from sources of pollution, such as vehicular traffic, suitable fencing or landscaping must be considered.

A portion of the outdoor play area with play equipment is required to be covered with a shade structure for sun protection.

3.3 Noise Attenuation

The layout and design of Child Care Centres shall include noise attenuation measures to reduce the impact of the use on adjacent and surrounding properties. Unless appropriate noise attenuating measures, such as encasement or screening are taken, noise-generating activities such as play areas, vehicle accessways, car parking areas and any plant and equipment are to be located away from noise-sensitive land uses, such as residences.

A noise impact assessment report must be submitted with applications to the City for new Child Care Centres, or those involving the expansion in capacity of existing Child Care Centres, or with applications involving changes which may impact on the amenity of the locality.

4 Landscaping

4.1 On-site

Landscaping for Child Care Centres is required in accordance with DPS2.

4.2 Verge

The verge areas of all Child Care Centres are required to be suitably landscaped, reticulated and maintained to discourage patrons from parking on the verge. Except for the provision of footpaths and dual use paths, verges shall not be permitted to be paved or sealed as this would encourage its use for parking, compromise safety by inhibiting visibility and detract from the amenity of the area.

5 Operating Times

Within the Residential zone, days and times of operation are restricted to 7.00am to 6pm weekdays and 8am to 1pm Saturday, unless otherwise approved by Council. Operation of Child Care Centres on Sundays within the Residential zone will not be approved by Council.

6 Advertising

In view of the potential of Child Care Centres to generate significant traffic and noise, all applications for new Child Care Centres or the expansion in capacity of existing Child Care Centres will at a minimum, be advertised to adjoining and affected properties, require a sign to be erected on site, and a notice placed in the local newspaper.

7 Related Documents

District Planning Scheme No 2
Planning Application Fact Sheet
Child Care Services (Child Care) Regulations 2006
Child Care Services Regulations 2007
Functional Hierarchy of Roads – Main Roads WA

PARKING FOR CHILD CARE CENTRES

CHILDREN	BAYS
<25	5
26 — 30	6
31 — 56	7
57 — 64	8
65 — 72	9
73 — 80	10
81 — 88	11
89 — 96	12
97 — 104	13
105 +	14

NOTE: ABOVE BAYS ARE FOR NUMBERS OF CHILDREN ONLY. ADDITIONAL BAYS ARE REQUIRED FOR EACH STAFF MEMBER, IN ACCORDANCE TO DPS2

Figure 1

PARKING LAYOUTS

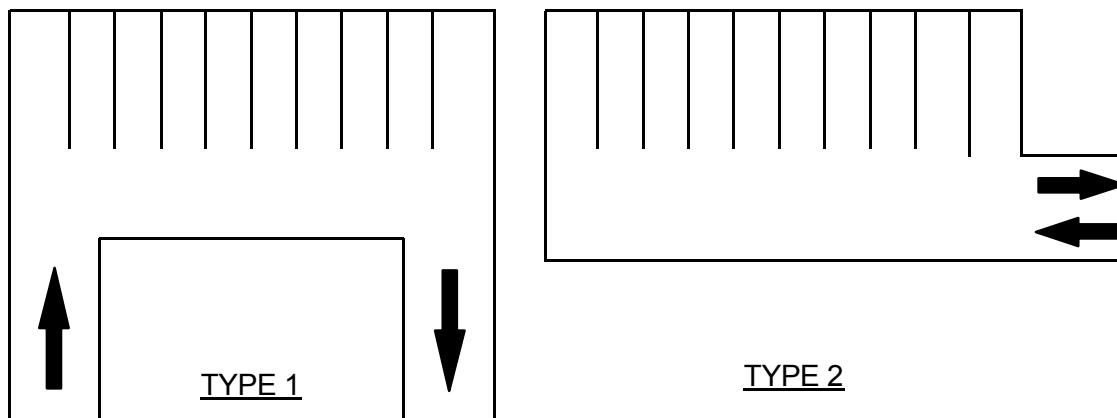


Figure 2

Attachment 2

POLICY 3-1 – CHILD CARE CENTRES

STATUS:	Council Policy - A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations.
	Council policies are developed by the Policy Committee for approval by Council.
RESPONSIBLE DIRECTORATE:	Planning and Community Development
OBJECTIVE:	The purpose of this policy is to provide guidance for the location and development of Child Care Centres to maximise user convenience and maintain a high level of amenity in residential areas.

STATEMENT:

Relevant Legislation

District Planning Scheme No.2 Clause 1.9:

CHILD CARE CENTRE means premises used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988.

Table No 1 Zoning Table

The use class **Child Care Centre** is a 'D' use in the Residential, Mixed Use, Business, Commercial, Civic and Cultural, Private Clubs/Recreation and Special Residential Zones. A 'D' use is a use that is not permitted, but the Council may grant its approval after following the procedures of the scheme that relate to matters to be considered by Council and advertising. The use is not permitted in the Service Industrial and Rural zones.

TABLE 6

USE	NUMBER OF CARS
Child Care Centre	Not less than 5 and 1 per staff member

Related Legislation And Policies

Community Services (Child Care) Regulations 1988 (Government Gazette 25/11/1988)

Location

1 Road Hierarchy

Child Care Centres are reasonably high traffic generators and therefore should not be located on Primary District Distributors where the primary function is to cater for through traffic or on Local Distributors in close proximity to District Distributors or in or adjacent to Access Roads in residential areas where amenity, safety and aesthetics must take priority. Accordingly, these Centres should be located on Local Distributor roads in such a fashion that they will not conflict with traffic control devices and will not encourage the use of nearby Access Roads for turning movements.

2 Neighbouring Uses

Wherever possible it is preferred to locate Child Care Centres adjacent to non-residential uses such as Shopping Centres, Medical Centres/Consulting Rooms, School Site, Parks and Community Purpose Buildings to minimise the impact such Centres will have on the amenity of residential areas.

3 Existing Child Care Centres

When submitting an Application for Approval to Commence Development for a new child care centre, the proponents should demonstrate their awareness of the number, size and location of existing or approved centres within the locality.

Parking

1 Location

All parking areas should be located in front of buildings or at least be easily visible from the entry to the site so that patrons are encouraged to use the on-site parking and not the road verges. Any difficult to use or access parking bays should be allocated to staff.

2 Design

Parking areas should preferably be designed to allow traffic to flow through using entry and exit crossovers so that traffic conflicts and congestion do not unnecessarily restrict the use of the parking area. For the purposes of determining parking requirements, designs incorporating through flow are referred to as **Type 1** and those accessed only by a two-way crossover as a **Type 2**. In certain circumstances, detailed below, Type 2 designs require more parking bays than Type 1 designs.

3 Number - Children And Staff

All Child Care Centres must provide a minimum of one parking bay for each staff member and at least five parking bays for up to 25 children. For Centres with more than 25 children the required parking bays are determined by reference to the attached figure. The actual parking requirement for Centres in this category varies with the configuration of the parking area and the number of children.

At least one parking bay must conform to ACROD standards and be set aside for that purpose.

Setbacks

1 Street

In residential areas all buildings should be set back from the street boundary at least as far as the lesser of the two adjoining residences and if the adjoining lots are vacant should be set back a minimum of six metres.

2 Other

Side and rear setbacks should generally be in accordance with the Residential Planning Codes for residential buildings. Care should be taken to ensure outdoor play areas are not located adjacent to private open space or living areas.

Landscaping

1 Onsite

All street frontages of the site to a depth of three metres are required to be suitably landscaped and reticulated to assist to preserve the character of residential areas.

2 Verge

The verge area in front of all Child Care Centres is required to be suitably landscaped and reticulated and maintained to discourage patrons from parking on the verge instead of using the parking areas provided. Under no circumstances is the verge to be paved or sealed as this would encourage its use for parking and detract from the amenity of the area.

Advertising

1 Application

Because of the possible detrimental effect Child Care Centres can have on the amenity, safety and aesthetics of residential areas, all applications must be advertised for public comment prior to consideration for approval.

Approved Child Care Centres can display only one advertising sign approved by the Chief Executive Officer. The maximum lettering height is 20cm. Where letters or numerals are individually fixed to walls, the Chief Executive Officer shall approve the colours and materials. Where signboards are used the board shall not exceed 50cm in height and 100cm in length, and lettering shall be black on a gold/bronze background. Signs shall not be illuminated after 8.00pm each night.

Amendments: CJ213-06/99, CJ318-09/01, CJ206-10/05

Related Documentation: Delegated Authority Manual

Issued: October 2005

PARKING FOR CHILDCARE CENTRES

TYPE 1 PARKING

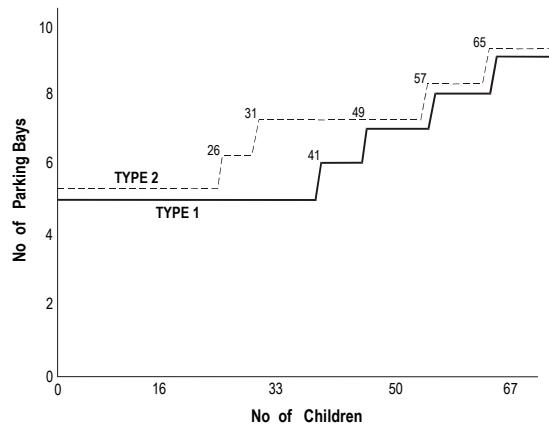
CHILDREN	BAYS
< 40	5
41 - 48	6
49 - 56	7
57 - 64	8
65 - 72	9

TYPE 2 PARKING

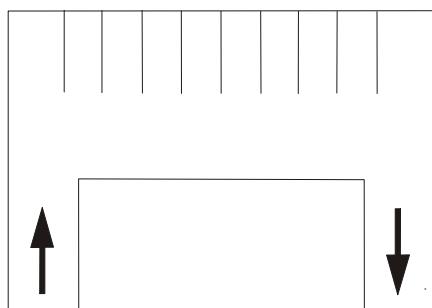
CHILDREN	BAYS
< 25	5
26 - 30	6
31 - 56	7
57 - 64	8
65 - 72	9

NOTE: ABOVE BAYS ARE FOR NUMBERS OF CHILDREN ONLY. ADDITIONAL BAYS ARE REQUIRED FOR EACH STAFF MEMBER.

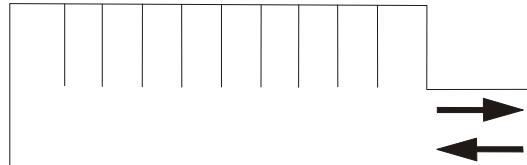
CHILDCARE PARKING



PARKING LAYOUTS



TYPE 1



TYPE 2

POLICY 5-1 ACCESS AND EQUITY

STATUS:	<i>City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.</i>
	<i>City policies are referred to Council for review and endorsement.</i>
RESPONSIBLE DIRECTORATE:	Office of the CEO
OBJECTIVE:	To ensure that there is equitable access to the City's information, services and facilities for all residents.

STATEMENT:

The City is committed to ensuring that its activities and services are inclusive of all members, including people with disabilities and their families or carers, and people from culturally and linguistically diverse backgrounds. The City will make every effort to ensure that any person who lives, works in, or visits the City of Joondalup will not be denied access to any City facility, program, service or information prepared by the City on the basis of a personal disability or background.

This will be achieved through the staged implementation and regular review of the City's Disability Services Access and Inclusion- Plan, which shall incorporate matters relating to:

- Facilities;
- Services;
- Events;
- Information dissemination;
- Buildings, footpaths, fencing etc~~The built environment~~;
- Staff employment and training;
- Elected Member Induction Program;
- Making complaints;
- Community consultation;
- Raising awareness in the community: and
- Strategic planning.

Amendments: CJ213-06/99, CJ206-10/05

Related Documentation: Access and Inclusion Plan
Disability Service Plan

Issued: October 2005-December 2007

POLICY 8-9 - INVESTMENT

STATUS:	City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.
	<i>Developed by the Policy Committee and/or the administration and adopted by Council.</i>
RESPONSIBLE DIRECTORATE:	Corporate Services and Resource Management
OBJECTIVE:	To provide policy guidelines for investment of the City's Funds which are surplus to immediate requirements.

STATEMENT:**1 Investment Objectives**

The investment objective is to manage the Council's investment portfolio in order to maximise return within agreed risk parameters.

In achieving this the following must be maintained:

- (a) high level of security by using recognised assessment criteria;
- (b) adequate level of diversification to spread risk;
- (c) ready access to funds for day-to-day requirements;
- (d) adherence to the requirements of Section 6.14 of the Local Government Act 1995 and Section 18 (1) of the Trustees Act 1962 (as amended) (the "Prudent Person" rule);
- (e) Ability for investment funds to achieve a return consistent with the UBSWA 90 day bank bill index and/or the Reserve Bank of Australia 11am cash rate.

2 Risk Profile

When exercising the power of investment the following are to be given consideration:

- (a) the purpose of the investment and the needs and circumstances;
- (b) the desirability of diversifying investments;
- (c) the nature of and risk associated with existing investments;
- (d) the need to maintain the real value of the capital and income;
- (e) the risk of capital or income loss or depreciation;
- (f) the potential for capital appreciation;
- (g) the likely income return and the timing of income return;
- (h) the length of the term of the proposed investment;
- (i) the probable duration of the fund;

- (j) the liquidity and the marketability of the proposed investment during, and on the determination of, the term of the proposed investment;
- (k) the aggregate value of the investment;
- (l) the effect of the proposed investment in relation to the tax liability (if any);
- (m) the likelihood of inflation affecting the value of the proposed investment;
- (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment; and
- (o) the results of a review of existing investments.

3 Delegated Authority to Invest

The authority is to be delegated to the Chief Executive Officer to make investment decisions and sign investment lodgements and withdrawals. Pursuant to the provisions of Section 5.45 of the Local Government Act 1995. This authority may be delegated to the Statutory Accountant.

4 Authorised Investments

Authorised investments would include but not necessarily be limited to:

- (a) Bank accepted/endorsed bank bills;
- (b) Bank negotiable Certificates of Deposit;
- (c) Bank interest bearing deposits;
- (d) Bank backed floating rate notes;
- (e) State/Commonwealth Government Bonds;
- (f) Cash, Cash Plus (or equivalent) Managed funds; and
- (g) City of Joondalup major land transactions.

5 Council's Direct Investments

(a) Quotations on Investments

Not less than three (3) quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set above and Council's bank management fee structure based around a level of credit funds being maintained.

(b) Term to Maturity

The term to maturity for an investment may range from "at call" to six months without Council approval.

(c) Liquidity

- (i) At least 20% of the total investment portfolio must be liquifiable within 10 days.
- (ii) Cash flow must be monitored daily to ensure cash funds are available to meet commitments.

6 Investments with Fund Managers - Prudential Requirements

Investments in managed funds will only include cash funds for funds invested for 0-3 months and cash-plus/cash enhanced funds (maximum permitted duration 2½ years with a bank bill performance benchmark) for funds available for 3 months and more.

The managed funds must have a minimum credit rating of "A" from Standard & Poors or "A2" from Moody's.

Council's investments must be available "at call" or readily accessible with no penalty over a maximum of 7-day period.

7 General Policy Guidelines

(a) Diversification Credit Risk

The amount invested with any one financial institution or managed fund should not exceed the following percentages of average annual funds invested. When placing investments, consideration should be given to the relationship between credit rating and interest rate.

Long Term Rating (Standard and Poors)	Short Term Rating (Standard and Poors)	Maximum Percentage of Total Investments with any one Financial Institution
AAA to AA- A+ to A- BBB+ to BBB-	A1+ A1 A2	50% 40% Nil

(b) Credit Ratings

If any of the funds/securities held are downgraded such that they no longer fall within Council's investment policy guidelines, they will be divested within 30 days or as soon as is practicable.

The short term rating order 0-365 days (as defined by S & P Australian Ratings) is:

A1+	Extremely strong degree of safety regarding timely payment
A1	A strong degree of safety for timely payment
A2	A satisfactory capacity for timely payment

Long term rating order is:

AAA to AAA-	An extremely strong capacity to repay
AA+ to AA-	A very strong capacity to repay
A+ to A-	A strong capacity to repay
BBB+ to BBB-	An adequate capacity to repay

8

Financial Reporting

Each month an investment report must be produced for Council.

The report is to summarise:

- Total funds invested by account type.
- Total funds invested by institution.
- Investment spread by institution.
- Institution exposure versus limits.
- Any breaches of authority.

(Each quarter the investment report must include returns versus benchmarks).

Amendments: CJ213-06/99, CJ121-06/02, CJ232-09/02,
CJ213-09/03, CJ206-10/05, CJ207-10/07

Related Documentation: Local Government Act 1995 Delegated Authority
Manual

Issued: October 2007

INVESTMENT POLICY

**LOCAL GOVERNMENT
OPERATIONAL GUIDELINE**

NUMBER (* *to be determined prior to final publishing*)

December 2007

DRAFT



**Department of Local Government
and Regional Development**
Government of Western Australia

STATUS OF THE GUIDELINE SERIES

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Departmental officers' knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

The Department would like to thank the Western Australian Treasury Corporation (WATC) for their assistance and contribution in the development of this guideline.

1	EXECUTIVE SUMMARY	1
2	INTRODUCTION	2
3	PURPOSE OF INVESTMENTS.....	4
4	DUTIES AND CONTROLS.....	4
4.1	Duties and Responsibilities of Council Officers.....	4
4.2	Duties and Responsibilities of Council.....	5
4.3	Internal Control.....	5
5	LEGISLATIVE FRAMEWORK	6
5.1	Local Government Act 1995.....	6
5.2	Local Government (Financial Management) Regulation 1996	6
5.3	Trustees Act 1962	7
5.3.1	Prudent Person Rule.....	7
5.3.2	Investment by trustee, matters to be considered.....	8
5.4	Australian Accounting Standards	8
6	RISK AND THE VALUE OF AN INVESTMENT PORTFOLIO	9
6.1	Risk Arises in Many and Diverse Ways	9
6.2	Complex and Structured Instruments Increase Risk	10
6.3	Deadweight Costs	12
6.4	Pricing Advantages	12
6.5	Market Value	13
7	COMPONENTS OF AN INVESTMENT POLICY.....	13
7.1	Introduction	13
7.2	Risk and Return Objectives	14
7.2.1	Rate of Return Expectations	14
7.2.2	Tolerance to Volatility of Returns	15
7.3	Defining Investment Types.....	15
7.3.1	Security Types and Limits	15
7.3.2	Counterparty Limits Manage Credit Exposures	16
7.3.3	Maturity Limits	17
7.4	Benchmarks.....	18
7.4.1	Benchmark Must be Congruent with the Degree of Risk	18
7.4.2	Benchmarks Can Send Perverse Signals.....	18
7.4.3	Characteristics of a Benchmark	19
8	GOVERNANCE	19

8.1	Reporting.....	20
8.2	Monitoring	20
9	AUDIT AND EXTERNAL REVIEW.....	21
9.1.1	Audit Scope.....	21
9.1.2	Audit Committee.....	22
9.1.3	External Independent Review	22
10	APPENDIX A – RATINGS AGENCIES’ CREDIT RATINGS.....	24
11	APPENDIX B – DEFINITIONS	25
12	APPENDIX C – SAMPLE INVESTMENT POLICY.....	27
13	APPENDIX D -SAMPLE MONTHLY INVESTMENT SUMMARY.....	31
13.1	Part (A).....	31
13.2	Part (B).....	33
14	APPENDIX E –INVESTMENT POLICY CHECK LIST	34

1 Executive Summary

This “Investment Policy Guideline” has been developed by the Department of Local Government and Regional Development in conjunction with the Western Australian Treasury Corporation.

This Guideline is intended as a “best practice guide” for local governments involved in investment activities. It examines the process of constructing a robust investment policy and identified the key issues that should be addressed by a local government when engaging in the investing of surplus funds, these consist of:

- the purposes or specific objective for investing surplus funds
- the duties and obligations of local council and officers
- requirement for internal control and procedures
- compliance with legislation including the Local Government Act, Regulations to the Act, the Trustees Act (Prudent Person Principal) and Accounting Standards
- recognising and being aware of maturity risk, liquidity risk, leverage risk, credit risk and political risk
- discussion about “deadweight costs” or a leakage of value every time a investment pass through the various financial intermediaries
- consideration of : risk and return objectives; defined investment parameters; established benchmarks; proper reporting and monitoring procedures
- Function of External Auditor, Audit Committee and Independent Review

This Guideline also included a Sample Investment Policy, Sample Monthly Investment Summary and an Investment Checklist to assist local governments in constructing their own reporting style.

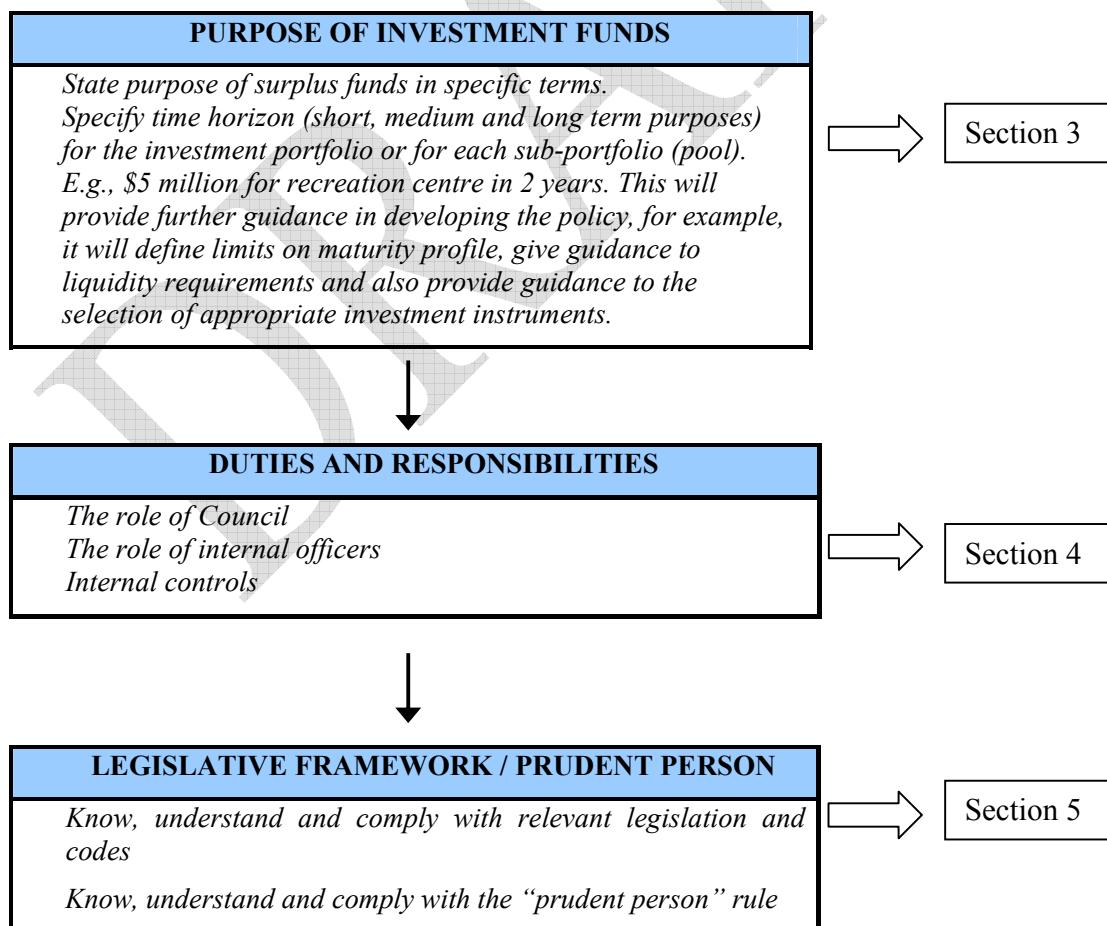
2 Introduction

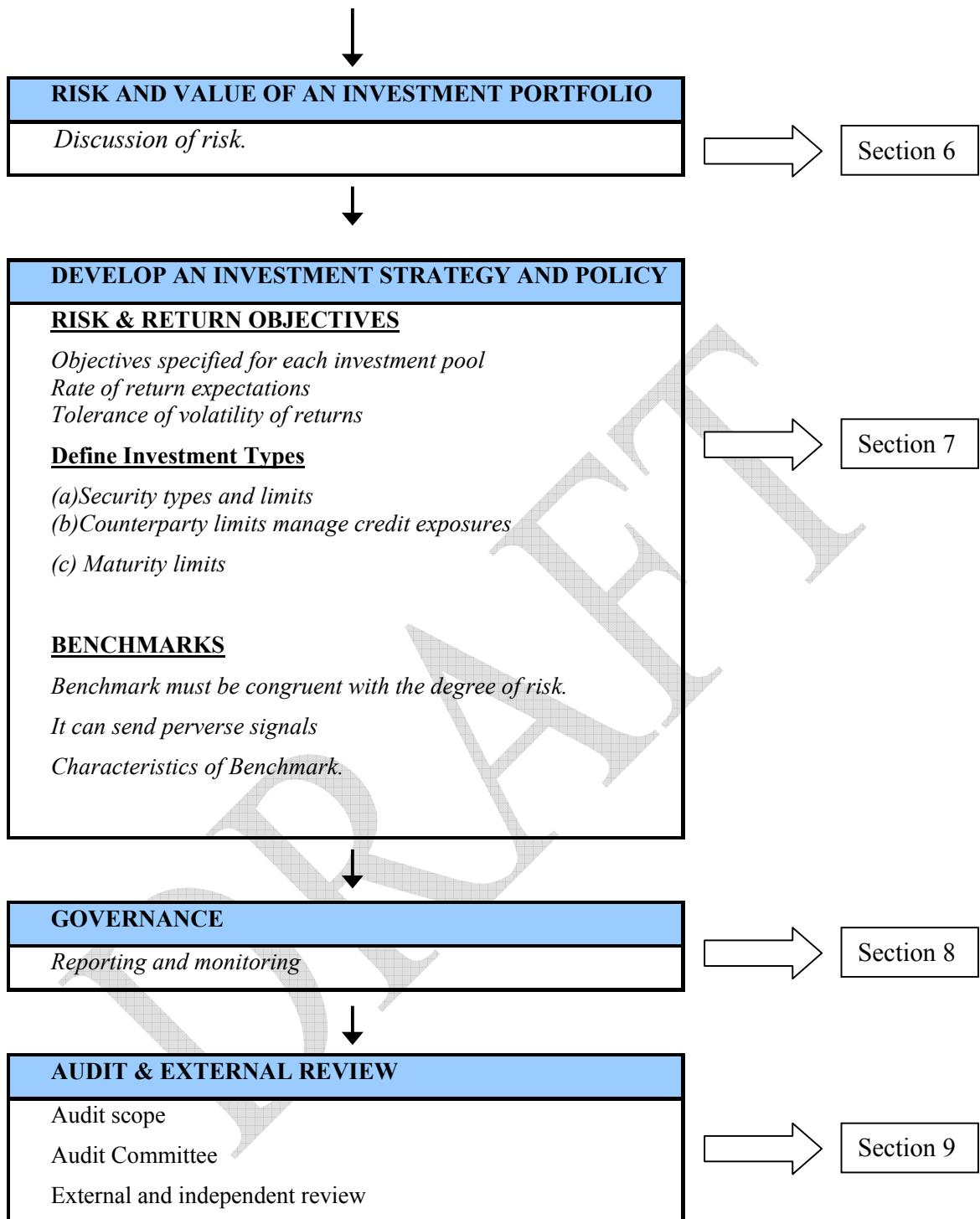
This guideline is designed to identify key issues in constructing an investment policy for local government. An investment policy provides guidance for those undertaking the investment process. Without an approved investment policy, the investment officers may make investment decisions that are not in accordance with the objectives, practices or acceptable risk intended by the local government.

An investment policy is a governing document that communicates an organisation's:

- investment philosophy and strategy;
- overall risk philosophy;
- investment objectives and expectations;
- identified roles for those involved in the investment process; and
- requirement for compliance with the policy's goals and procedures.

The investment policy is one component of the investment process outlined below. This process has been cross referenced to sections of the guideline.





3 Purpose of Investments

Prior to the development of an investment policy, local government should consider each of its purposes, or specific uses for investing surplus funds. For example, a pool of funds may be continually preserved to provide immediate liquidity for ongoing operational expenses, while other pools of funds are retained to carry out specific future infrastructure projects.

A clear and explicit statement of each investment purpose assists to identify the risk profile of the local government and align risk and return expectations with the specific purposes for the investment funds. It thus forms a framework for the development of the investment policy and guides the manner in which funds should be invested. The purposes for which the investments are held will define limits on the maturity profile¹, give guidance to the liquidity requirements and also provide direction to the selection of appropriate investment instruments for each investment pool.

A statement of investment purposes also provides accessible information to constituents about the nature and expectation of the investment portfolio and its components or sub-portfolios if these serve different purposes. It serves a useful function in assisting in the governance of the investment policy and helps to ensure that the audit and external review process form a judgement as to whether or not the policy is aligned with the overarching purposes for surplus funds.

4 Duties and Controls

4.1 Duties and Responsibilities of Local Government Officers

An investment policy will articulate the duties and obligations of responsible officers of local government. This is necessary to obligate officers, with respect to their investment duties, to do so with care, skill, prudence and diligence that a prudent person would exercise. The principle of acting prudently is referred to under section 4.3.1 of this guide.

The responsible officers should provide regular reports to Council on the performance and value of the investment portfolio supported by independent advice when required on new financial products and the valuation of the portfolio.

¹ For example, if funds are invested for the purpose of carrying out an infrastructure project and are required within the next twelve months this provides a limit to the term of the investment.

When selecting investments and weighing up relevant factors in relation to products, a council officer should consider the diversification, appropriateness, risk and anticipated return, and assess the performance of the financial product.

4.2 Duties and Responsibilities of Council

An investment policy sets out the objectives of Council for the allocation of the resources of a local government.

Responsibility for control and operation of local government's affairs, the allocation of resources and determination of policies rests with Council.

The role of Council is determined by legislation and includes:

- directing and controlling the local government's affairs;
- being responsible for the performance of the local government's functions;
- overseeing the allocation of the local government's finances and resources; and
- determining the local government's policies.

Council should be satisfied that responsible officers have complied with the investment policy and based its decisions on informed reports.

4.3 Internal Control

Internal control encompasses the policies, processes, tasks, behaviour and other aspects of a local government that taken together:

- facilitates the effective and efficient operation by enabling it to respond to significant operational, financial and other risks to achieve a local government's objectives. This includes the safeguard of assets, inappropriate use or loss of the asset;
- provides quality of internal and external reporting;
- ensures compliance with legislation and internal policies.

Under Regulation 19 of the Local Government (Financial Management) Regulation 1996, a local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

Separation of duties forms a critical component in the management and security of the investment portfolio. Well defined controls for the management of investments should include the separates of functions for approved authority, execution of transactions and reporting.

The purpose for the separation of duties is to reduce the risk of potential loss and misappropriation of an organisation's funds.

There should be proper procedures and controls in place for the placement and redemption of investments, the receipt of income and regular valuations of the investment portfolio.

5 Legislative Framework

The framework used for the establishment of an investment policy and the measurement and disclosure of investments is prescribed by legislation and includes the:

- Local Government Act 1995;
- Local Government (Financial Management) Regulations 1996;
- Trustees Act 1962; and
- Australian Accounting Standards.

An investment policy should be amended so as to remain current whenever relevant legislation is enacted.

5.1 Local Government Act 1995

Section 6.14 of the Local Government Act 1995 (“the Act”) provides that “subject to regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by a local government for any other purpose may be invested in accordance with “*Part III of the Trustees Act 1962*” (Trustees Act)”.

5.2 Local Government (Financial Management) Regulation 1996

Regulation 19 of the Local Government (Financial Management) Regulation 1996 (“the Regulation”) states a local government is to “establish and document internal control procedures to be followed by employees to ensure control over investments”.

Regulation 28 and Regulation 49 prescribe the disclosure requirements for investment in Annual Budget and Annual Financial Report respectively. Additional disclosure requirements are provided under the Australian Accounting Standards.

As part of the reporting requirement under Regulation 34 *Financial Activity Statement Report*, each local government is to include in its monthly statement of financial activity: any supporting information considered relevant by the local government. This should

include a monthly investment summary² to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the investment policy.

5.3 Trustees Act 1962

Section 17 of the Trustees Act states “*a trustee may, unless expressly prohibited by the instrument creating the trust –*

- (a) *invest trust funds in any form of investment; and*
- (b) *at any time, vary an investment or realise an investment of trust funds and reinvest money resulting from the realisation in any form of investment”.*

Section 18(b) of the Trustees Act includes a requirement to “exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of another person”.

Section 20 (1)(a) – (o) of the Trustees Act include a list of factors to be taken into account by the investor “so far as they are appropriate to the circumstances of the trust” including (i) the risk of capital or income loss (Trustees Act s20 (1)(e)); and (ii) the liquidity of the proposed investment during and on the determination of the term of the proposed investment (Trustees Act s20 (1)(j)).

5.3.1 Prudent Person Rule

The “Prudent Person Rule” is derived by legislation and under case law to obligate the trustee to exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

The concept of “prudent person” or “prudent investor” is similar in nature in tort law to a reasonable person by attempting to create an objective standard of behaviour.

A council officer must act with the care, prudence, skill and diligence that a prudent person acting in like capacity under similar circumstances would act.

Acting prudently applies to selecting investments, and requires an individual to consider diversification, appropriateness of the product, risk and anticipated return, liquidity, independent financial advice and to have a clear understanding of the product. The objective is to observe how a person of prudence, discretion and intelligence manage their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds.

The Trustees Act also allows a trustee to obtain “independent and impartial advice” if it is reasonable “reasonable required for the investment ofthe funds” (Trustees Act s 20(2)(a)). The cost of doing so may be recovered from the trust funds (Trustees Act s20

² See section 7.1 Reporting and also Appendix D – Sample Monthly Investment Summary

(2) (b)). The purpose is to allow a trustee to obtain appropriate ‘expert’ advice where required for the ‘proper discharge of the Trustees Act Pt III obligations.

5.3.2 Investment by trustee, matters to be considered

Section 20 of the Trustees Act states “without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee shall, so far as they are appropriate to the circumstances of the trust, have regard to:

- (a) the purposes of the trust and the needs and circumstances of the beneficiaries;
- (b) the desirability of diversifying trust investments;
- (c) the nature of and risk associated with existing trust investments and other trust property;
- (d) the need to maintain the real value of the capital or income of the trust;
- (e) the risk of capital or income loss or depreciation;
- (f) the potential for capital appreciation;
- (g) the likely income return and the timing of income return;
- (h) the length of the term of the proposed investment;
- (i) the probable duration of the trust;
- (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment;
- (k) the aggregate value of the trust estate;
- (l) the effect of the proposed investment in relation to the tax liability of the trust;
- (m) the likelihood of inflation affecting the value of the proposed investment or other trust property;
- (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment; and
- (o) the results of a review of existing trust investments.”

5.4 Australian Accounting Standards

AASB 132 – Financial Instruments: Disclosure and Presentation

Australian Accounting Standard AASB132 prescribes the financial reporting requirements for financial instruments and the requirements for disclosure in financial reports of information concerning financial instruments, however, certain sections of the Standard has been superseded by AASB 7.

AASB 7 - Financial Instruments: Disclosures (supersede AASB 132 paragraph 51-95)

This Standard has come into operation from 1 January 2007. It has replaced the disclosure requirements in AASB 132 paragraphs 51 – 95 (as at December 2007). AASB 7 has broadens the scope of financial instruments and requires more extensive balance sheet and income statement disclosures.

AASB 139 – Financial Instruments: Recognition and Measurement

AASB139 prescribes the recognition and measurement requirements for financial instruments in financial reports.

For current version of the above Standards, go to website <http://www.aasb.com.au>.

6 Risk and the Value of an Investment Portfolio

All investments entail some risk. Generally, the higher the expected rate of return of an investment, the higher the risk and the greater the variability of returns. It is important that a local government recognise all risks³ in its investments and effectively communicate its understanding of, and tolerance to, its risk exposures in an investment policy. The following discussion provides a sound background to understanding the nature of the risk exposures that need to be recognised in the development of sound investment guidelines.

6.1 Risk Arises in Many and Diverse Ways

It is important to recognise that risk arises in many ways, not simply market risk, and to be cognizant with at least the following risks.⁴

- **Market Risk**

One of the most prominent exposures recognised by local governments is the exposure to market risk. More specifically, the exposure resulting from the changes in market prices, which includes changes in interest rates, currency and other prices (for example, commodity prices).

- **Maturity Risk**

Term to maturity impacts the investment's exposure in two ways: through maturity risk and liquidity risk.

Maturity risk identifies the impact of maturity on the valuation of the investment. The longer term to maturity the greater the length of exposure.

The other aspect of maturity risk is the impact of term to maturity on the valuation of an investment. That is, an increase in term to maturity leads to an increase in the impact of changes in market prices on the present value of the investment.

³ While common risks are defined in Appendix B this list is not exhaustive.

⁴ This section does not purport to be a fully comprehensive inventory of all risks, rather it is intended to convey that risk can arise in many guises and is not necessarily transparent.

Both of the above effects are important and both need to be considered when assessing the impact of the term to maturity on the risk exposure to of an investment.

- **Liquidity Risk**

Liquidity risk usually arises if there is a lack of market depth for the investment; for example, the investment has unique or structured elements, is traded in low-volume or non-standardised markets or is not regularly priced by independent market dealers⁵. Standardised instruments in well-traded markets will reduce the exposure to liquidity risk.

However, investing solely in liquid assets is not enough as liquidity risk may also be caused by a market disturbance that leads to a “flight for quality” - an environment where a rapid decline in demand for low credit quality instruments exists⁶. As a result an investor may be affected by **credit spread risk** where a decline in the perception of the credit worthiness of a particular sector or class of instruments leads to a fall in the value of the corresponding class of investments.

- **Leverage Risk**

Another exposure that is not often readily apparent but still needs consideration is the effect of leverage on an investment. Leverage increases the potential return of an investment, but also increases the potential loss as an increase in leverage has a multiplicative effect on the exposure. Leverage risk usually arises through investment in structured products or derivatives, which can potentially be used to create leveraged positions where the exposures obtained are greater than the value of assets required to support them.

6.2 Complex and Structured Instruments Increase Risk

Straightforward financial instruments are referred to as “vanilla instruments”. These are the most basic or standard version of a financial instrument and can be contrasted with “exotic instruments”, which alter the components of a traditional financial instrument, resulting in more complex securities.

There are significant benefits in transacting in vanilla instruments. As these instruments are more transparent, generally well-established, more readily understood and financially less complicated the risks are more easily assessed. Vanilla instruments are generally traded in liquid markets, with standardised contracts and conventions. Independent and

⁵ This will be discussed further in section 6.6.

⁶ Credit risk is discussed in section 6.3.2

fair market values are readily available and instruments are more readily traded in times of market stress⁷.

Structured products combine elements of vanilla products. Bundling a number of characteristics into an investment product usually heightens risk and reduces transparency. This obscurity can mask elements of risk and make it difficult to assess the true risk in the product. It is also often difficult to ascertain independent and fair market values due to the uniqueness of products and thin market trading.

Consequently, it can be difficult to assess whether such investments meet risk and return objectives. If the risk and price of an asset cannot be reliably measured it should not be considered an acceptable security type for inclusion in an investment portfolio.

Some examples of structured products include investment products with embedded formulae⁸, payoffs contingent on other underlying instruments or events, or exposure to multiple counterparties. Embedded formulae, contingent payoffs and multiple exposures will often act to leverage the exposure to risk. While these products can offer enhanced returns, local government should recognise that the risk may be leveraged and assess the potential downside against its risk tolerance.

Local governments should also consider option features that may be packaged within a complex product and the distinction between purchasing and selling an option⁹. The purchase of an option entails the payment of a premium to cover a specified exposure. Once the premium is paid there is no further obligation on behalf of the buyer. In contrast, the seller of an option receives a premium in return for covering a specified exposure. The potential obligation can be unlimited. Thus the sale of options does not have a place in an investment portfolio.

While a single risk measure is easier to understand than a multi-dimensional measure, the reality is that risk cannot be adequately captured in a single measure such as a credit rating. Ratings need to be supplemented by other risk measures that portray a true picture of the prospect of loss, in all its manifestations, including extreme or tail events.¹⁰ In complex products the risk of tail events can be several times greater than for a similarly rated bond or loan.

Complex financial instruments do not fit within the context of risk aversion and therefore are not congruent with a conservative appetite for risk.

⁷ Liquid instruments will generally trade in markets having greater depth or “liquidity”. The benefits of more observable prices and sufficient trading volume also translate into a lower buy/sell spread (the difference between buying and selling prices).

⁸ While perhaps not readily apparent, embedded formulae will significantly alter the risk.

⁹ These comments also apply generally to option products not only when they are packaged within another instrument. However, when packaged within other features of a product the option can be overlooked.

¹⁰ Tail events are the low-probability or rare events that occur at the extremes of a distribution, that is, away from the mean or median events.

6.3 Deadweight Costs

The major consideration in the evaluation of any candidate security is that the return is a sufficient and commensurate with the risk of the security. Each time that fees are deducted as investment products pass through the various financial intermediaries there is a leakage of value or “deadweight costs”. These deadweight costs subtract from the return you receive so that you may well end up not being adequately compensated for the level of risk that is being passed through to you.

Complex instruments and structured products can incur very large leakage in value because of issues such as:

- Products passing through a chain of intermediaries and several levels of structuring with fees being incurred at each step;
- The complexity involved and associated overheads such as the additional time and effort required to package and distribute the deal;
- These products are often traded as over the counter (“OTC”) products with limited secondary markets;
- Non-standardised products that lack well-established market convention; and
- Large buy/sell spreads due to limited liquidity.

Significant leakage of value through fees may mean the final investor’s return is not sufficient and commensurate with the risk of the security. It is essential to check the levels of fees that will be incurred on each investment.

6.4 Pricing Advantages

The fair price of a security can be considered to be the price that will earn just enough to cover the additional risk of the security¹¹. If priced correctly the expected return of an investment will fully reflect the amount of risk in the investment. For standardised instruments trading in highly-liquid markets the fair price will be uncontentious and readily observable.

As the instruments become more complex and less liquid, determining the fair price becomes increasingly difficult. Furthermore, to the extent that uncertainty exists in determining this price it can be expected that the financial institution structuring the product will incorporate this uncertainty into the price.

Large financial institutions will also be better placed to assess the riskiness of complex financial instruments and thus have significant pricing advantages in these products.

¹¹ The additional earning as compared to investing in a “risk free” asset will fully compensate for the risk in the security.

Put simply, there is no basis for an assumption that the price paid for a product will more than compensate for the risk in the product. If anything, especially in regard to structured, opaque or complex instruments it is quite likely that the converse will be true.

6.5 Market Value

An essential requirement for establishing the validity and credibility of an asset in an investment portfolio is the ability to measure its value.

The Australian Accounting Standards prescribes the reporting and valuation requirement for financial instruments. The value of a financial instrument is initially recognised at its fair value plus any related transaction costs. Fair value can be established from quoted prices in an active market.

For standardised instruments trading in highly liquid markets there is usually little difficulty in determining a good indication of fair value. For these instruments the market price will be transparent and readily determinable. The costs involved in regular valuations will also be relatively small.

Caution must be exercised in valuing those instruments that are thinly traded, and where reliable market estimates are not readily available. The problem of obtaining good estimates of fair value becomes increasingly complicated for non-standardised instruments and particularly difficult (and costly) in the case of complex financial instruments. Similarly if the instruments are not traded in regular markets the illiquidity will make fair valuation difficult. For example, for instruments sold in Over the Counter Markets¹² (“OTC”) the only price available may be from the counterparty that sold the instrument in the first place.

7 Components of an Investment Policy

7.1 Introduction

An investment policy is a document designed to provide guidance on various matters to be considered when investing surplus monies required for the future.

The decision to use a particular approach on how a local government structures its policy will depend on the particular circumstances of each local government. This includes an assessment of the scale of funds under management, safeguards in place to manage the

¹² Over the Counter Markets (“OTC”) can generally be described as markets where financial instruments are exchanged directly between two parties rather than through the mechanism of an organised market or centralised exchange.

investment portfolio, the level of risk aversion¹³, the capability of management, systems capacity, internal procedures and controls to protect the investment and operational risk.

At a minimum, local government investment policy should:

- include the investment objectives of the local government;
- define the risk aversion of the local government;
- preserve capital, provide liquidity and return the anticipated returns for the investment portfolio;
- comply with legislative requirements;
- prohibit the purchase of speculative financial instruments;
- prohibit the use of leveraging of an investment portfolio;
- prohibit the use of the investment portfolio for speculation;
- specify an acceptable instrument list (see below);
- require investments of local government to be regularly re-valued to reflect prevailing market prices;
- include independent financial assessments of the value of the investment portfolio for Council;
- require investments that are downgraded to below an acceptable rating benchmark to be liquidated;
- require the status and performance of a local government's investment portfolio to be reported monthly to Council;
- where applicable, document the process to choose an external investment manager.

7.2 Risk and Return Objectives

Starting with a clear concept as to the purpose for investing the funds and then formulating clear and explicit investment objectives will ensure consistency in the development of a policy. This will guide informed decisions in regard to setting return objectives within acceptable risk parameters.

7.2.1 Rate of Return Expectations

The investment policy will need to specify what the expectations are in regard to the return to be achieved by the investments. These expectations will need to be tempered by the amount of risk that the local government is willing to face.

A solid foundation for sound investment strategies is to *prima facie* disregard any perception that any financial instrument or asset class can provide an enhanced return without a substantive increase in risk. The adage that greater returns are only achievable at the cost of greater risk invariably applies in highly-traded and well-understood

¹³ Risk aversion is the willingness to forgo possible higher returns in exchange for a lower risk.

financial markets. In the absence of market distortion, such as an incorrect price, it is not possible to earn a higher return without incurring a commensurately higher level of risk.

7.2.2 Tolerance to Volatility of Returns

The riskiness of an investment is often equated to the notion of how likely or probable there will be a loss of capital. It is incorrect to simply gauge the riskiness of an investment by the likelihood of capital loss as this ignores the contribution of earnings to the return of the investment portfolio. As the time period over which the investment is held grows the contribution of earnings becomes proportionately greater and can be of more significance than preservation of capital. It is the preservation and growth in value of the investment portfolio that matters.

The investment policy will need to be very clear in regard to both:

- The tolerance to capital loss; and
- The tolerance or degree to which a loss in the value¹⁴ of the investment portfolio can be accepted.

This information will then guide decisions about which instruments and which counterparties can be included within the investment portfolio.

7.3 Defining Investment Types

Having specified the purpose, objectives and expectations in regard to investment returns and tolerance for risk, the local government is then in a good position to consider the range and allocation for the investment assets.

The range and allocation, or limits, of investments should also aim to produce a well diversified portfolio. Diversification is a risk management technique that involves spreading investments both between different asset classes and within an asset class. The risk of the resulting investment portfolio will be reduced without necessarily reducing return. Portfolio risk is smoothed as the strong performance of some investments offsets the poor performance of others.

7.3.1 Security Types and Limits

The types of asset in an investment portfolio can have very different risk characteristics that will need careful evaluation as to suitability. The investment policy should specify an acceptable range of instruments based on the risk appetite of the local government, the

¹⁴ Refer to section 6.4 for a discussion on risk and volatility in value of a portfolio.

various different ways that risk can arise and recognition that the full risk implications inherent in some products are not always transparent.

The investment policy should also specify maximum and minimum investment limits for acceptable security types to ensure diversification between investment classes. The degree of diversification benefit between two investment classes is dependent on the strength and direction of the relationship between them, as measured by correlation.

While diversification between investment classes is important, it should be performed within the constraints of acceptable security types. That is, the risk of all assets included in the investment portfolio should be known, measurable and acceptable to the local government.

7.3.2 Counterparty Limits Manage Credit Exposures

The purpose of diversification of counterparties¹⁵ is to ensure that no single counterparty would undermine the capital preservation objective of the portfolio. An investment policy should outline diversification requirements and avoid high concentrations to any one issue, issuer, industry or geographic area.

Grouping or categorizing counterparties based on broad external characteristics or credit ratings, ignoring risk, may result in the inappropriate allocation of limits. For example, despite being monitored by the Australian Prudential Regulatory Authority (APRA), Authorised Deposit Taking Institutions (ADIs)¹⁶ are comprised of a large number of entities that may not all share the same credit risk.

Not only is there diversity in the credit quality of the institutions within this group there is also differences in the nature and characteristics of the instruments issued by the institutions. For example, the senior debt instrument of a major bank will be very different to a sub-ordinated debt instrument of a regional bank. Again ratings may help but will not give a full reflection of risk on their own¹⁷. It is necessary to examine all the risk characteristics of the instruments such as liquidity, maturity, the degree of options and other structuring embedded in the instrument and so on.

In order to set minimum standards for the credit quality of counterparties and ensure diversification of credit exposures, the investment policy should provide a list of acceptable counterparties and appropriate investment limits. Limits may be set for individual counterparties or counterparty categories.

¹⁵ Other parties in the agreement or contract.

¹⁶ Authorised Deposit-Taking Institutions (ADI) – corporations that are authorised under the Banking Act of 1959 to take deposits from customers.

¹⁷ As an example, care should be taken to look at the rating of the debt instrument not the issuer. While a particular entity may have a rating it can issue a debt instrument that is not rated.

Investment counterparties should be defined by prescribing the types of institutions acceptable to the local government and, for each, minimum credit rating requirements. Entities without a credit rating should not be considered an acceptable counterparty.

While explicit reliance will be placed on credit ratings, on their own they may not adequately describe credit risk for the purpose of setting limits. The local government should also consider:

- The type of institution within a credit rating band. For example, the four major Australian banks, ANZ Bank, Commonwealth Bank of Australia, National Australia Bank and Westpac Bank, may be allocated higher limits than similarly rated institutions because of the significant share they have of the Australian market and financial market activity;
- The types of credit rating applicable in the investment policy. That is, are rating types such as long-term senior unsecured debt ratings and structured issue ratings considered the same for the purpose of setting limits in the investment policy;
- Limits for related counterparties. Exposures for related counterparties (i.e., those with parent/subsidiary relationship, common parent or guarantee from the parent) should be aggregated for counterparty investment limits; and
- Capitalisation restrictions limiting investments to the lesser of an approved proportion of a counterparty's capital funds or the limit prescribed by the policy for its rating and type.

7.3.3 Maturity Limits

The investment policy should also specify maturity limits to ensure credit exposure and liquidity risk are maintained within the risk tolerance of the local government.

The risk of default of an investment increases with its term to maturity. Separate maturity limits may be required for different types of investment securities and different counterparty categories according to their inherent risk. For example, the investment policy may prescribe a maturity limit of ten years for Australian Commonwealth Government securities, while setting a maturity limit of three years for an A/A2 rated bank.

In setting maturity limits, the full exposure of the local government is the length of time until it is entitled to regain full control of the invested funds. If option features are included in the investment product, the counterparty may have the ability to lengthen the investment contract with the local government. The investment policy should be clearly worded so maturity limits are applied to the actual maturity of investment products and are not applied to option call or put dates or interest rate reset dates.

Liquidity requirements should also be reflected in the investment policy maturity limits. Sufficient funds should be invested in short-term investment securities to meet the cash flow requirements of the local government.

7.4 Benchmarks

An appropriate benchmark is the starting point for evaluating investment outcomes against investment objectives. The benchmark communicates important information on how well investments are matched to risk and return expectations of local government and helps to ensure that expectations are reasonable.

7.4.1 Benchmark Must be Congruent with the Degree of Risk

The benchmark must encompass both risk and return. A good benchmark does not consider performance in isolation but is concerned with maximising return for a level of risk acceptable to local government. The benchmark must therefore be constructed to reflect the “neutral” position of the local government, incorporating its risk tolerance and any critical requirements of the investment policy such as maturity structure, appropriate allocations to investment classes and liquidity requirements. In the absence of comparison to the neutral position, it will be impossible to assess how much extra return is earned for the level of risk undertaken.

7.4.2 Benchmarks Can Send Perverse Signals

Great care should be taken in setting benchmarks as arbitrary performance hurdle rates can have a perverse impact. Setting inappropriate benchmarks and performance hurdles will send incorrect signals about the types of investments that should be included in an investment portfolio and can encourage risk taking behaviour that is not in line with the investment objectives stipulated.

Setting benchmarks that do not reflect the risk in the class of instruments to be held within an investment portfolio can lead to potentially distorting behaviour. Take, for example, a performance target of 0.50% above a bank bill index. Now consider what is required to achieve this target. Quite clearly it will require the injection of quite a degree of risk into the portfolio. It is not possible to achieve the additional return with the instruments that form the benchmark and thus the benchmark will force investments in instruments that fall outside the benchmark. Setting performance hurdles above an accurate benchmark will force additional risk taking if the benchmark is to be met.

Training

7.4.3 Characteristics of a Benchmark

The characteristics of a good investment benchmark follow¹⁸:

- Representative of investment asset class or mandate;
- Investable;
- Constructed in an objective manner;
- Formulated from publicly available information;
- Acceptable to local government as the neutral position; and
- Consistent with underlying investor status (for example, time horizon).

The benchmark will generally be constructed from one, or a combination, of¹⁹:

- A well-recognised published index;
- A tailored composite of assets or indices; or
- A peer group (“universe”) of similar funds or portfolios.

While published indices are preferred, the constructed benchmark must be consistent with the investment asset. For example, it is not adequate to benchmark investment returns against the returns on a short-term bank bill index when the risk characteristics of the investment portfolio differ dramatically. For investment assets with unique or structured elements, a widely recognised comparable index is unlikely to exist. It will be necessary to set the benchmark as a universe benchmark or a target return level relative to an index (or composite) with an acceptable level of variation around that target as a proxy risk measure. Difficulties arise as there is no established oversight process for determining whether the universe or variation measure accurately represents the risk of the investment asset.

Benchmarks can be misused. Poorly constructed benchmarks can undermine the effectiveness of investment objectives. If an appropriate benchmark cannot be constructed for a particular investment asset, it is unlikely to be suitable for local government investment objectives.

8 Governance

Corporate governance for the Council involves ensuring that the actions of the local government entity are directed at securing the best outcomes for its constituents. Good governance strengthens credibility and confidence. In order for a Council to fulfil its statutory duties²⁰ it needs to ensure there are proper policies and procedures in place to safeguard a local government’s resources.

¹⁸ AIMR Benchmark and Performance Attribution Subcommittee Report, 1998

¹⁹ AIMR Benchmark and Performance Attribution Subcommittee Report, 1998

²⁰ See also Section 4 Duties and Controls.

A central tenant of good corporate governance is the role of the governing board in the protection of the interest of the shareholders (residents and ratepayers). It is essential that the governing board monitors the pursuit of self interest by corporate insiders and ensures that management and other corporate insiders do not pursue pet projects to the detriment of the organisation. This stewardship also encompasses guarding against the incentives of other “non-equity” shareholders such as banks, advisors and others.

Good governance is about ensuring that the appropriate checks and balances are in place. Councils must have in place robust and transparent financial governance policies and procedures directed to the oversight of the financial management responsibilities identified in the investment policy.

Paramount to good governance is the independence of the directors. The Council must remain vigilant to ensure that it does not become a “corporate insider”.

8.1 Reporting

Council has a responsibility to measure the performance of its investments and to report its position to its constituents. All reporting must be transparent to both the Council and the constituents and must comply with the legislative requirements outlined²¹.

Monthly reporting of investment activity should include, but not be limited to, the following:

- a list of securities by maturity date;
- percentage of the portfolio held by investment type and by counterparty;
- reporting of the value of investment portfolio;
- reporting on investment category and disclosure of market value, par value and maturity dates;
- where applicable, comparing performance against anticipated return and reference against benchmarks; and,
- a note on compliance with investment policy or explanation of breaches.

8.2 Monitoring

Constant review and monitoring of investment portfolios help to ensure the Council’s intended outcome can be achieved. The following are the principal goals of monitoring an investment’s performance and should extend to the content of the reporting.

²¹ See [Section 5](#) Legislative Framework

- assess the extent to which each individual or pooled investment objectives are being achieved;
- monitor exposures against acceptable benchmarks by investment type, counterparty, credit rating and by investment maturity;
- monitor the movements in market values for valuation purposes;
- certify that investments are in accordance with Council policy and legislative requirements;
- compare the performance of the appointed managers against the performance of other relevant professional managers and market related indices;
- continually assess the ability of each manager and their investment portfolio to successfully meet each investment objective.

Monitoring is not limited to the above and may extend to the undertaking of a review of its own performance in respect of its governance of its investment portfolio.

Council and/or responsible officers should review its investment strategy with an independent investment adviser at least once a year. An annual review allows Council to reassess its position and revise its strategy.

9 Audit and External Review

9.1.1 Audit Scope

The scope of the external audit is prescribed by legislation and is principally a review of the annual financial statements. It does not include reviews of accounting systems and procedures, internal control and Council policies.

Legislation requires the auditor to form an opinion on whether:

- The accounts are properly kept; and
- The annual financial report :
 - is prepared in accordance with the financial records; and
 - represents fairly the results of the operations of the local government and its financial position at 30 June, and
 - compliance with the requirements of the Local Government Act 1995 (the Act), the Local Government (Financial Management) Regulations 1996; and applicable Australian Accounting Standards.

The auditor is to prepare a report on the audit and give an opinion on:

- the financial position of the local government; and

- the results of the operations of the local government.

Where it is considered appropriate to do so, the auditor is to prepare a management report to accompany the auditors report.

The minimum audit requirement prescribed by legislation may be extended to include other matters recommended by the audit committee and adopted by Council.

9.1.2 Audit Committee

Local governments are required by the Act to have an audit committee. The committee is a formally appointed committee of Council with the primary responsibility for reviewing the scope of the audit, undertaking the selection process of the external auditor and to liaise with the auditor on the performance and management of a local government's financial affairs.

The committee does not have any executive powers or authority to implement actions in areas over which the CEO has legislative authority and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

Reports from the audit committee are designed to assist Council in discharging its legislative responsibility for determining policy and overseeing the allocation of a local government's finances and resources.

The audit committee may review the scope of the audit and extend this scope to include, for example:

- a review of accounting procedures and controls;
- an assessment of risk;
- review of Council policies;
- an assessment of compliance with legislation and audit of the annual compliance return.

9.1.3 External Independent Review

A well constructed policy with clear objectives will facilitate an external review. The review should act as an intermediary to confirm that the investments explicitly align with the investment policy.

Council officers should ensure that before new investments are made they establish whether a product complies with the investment policy and where necessary obtain independent financial advice in writing on the nature and risk of the financial product.

New investments and regular valuations of the investment portfolio should be undertaken by independent financial experts that do not deal with or have a conflict of interest when they provide financial advice. This may be stipulated in the engagement letter appointing the financial advisor.

Regular reviews should be undertaken by an independent financial advisor on the performance and value of the investment portfolio and conformity with the investment policy. Reports should be prepared and sent to the audit committee and Council.

DRAFT

10 Appendix A – Ratings Agencies' Credit Ratings

The table below details three ratings agencies' credit rating for short and long term investments. It includes a grade explanation for each credit rating

Short Term Debt/Commercial Paper Ratings			
Grade	Moody's	S&P	Fitch
Superior	P-1	A1+ A1	F1+ F1
Strong	P-2	A2	F2
Acceptance	P-3	A3	F3
Long Term Debt and Individual Security Ratings			
Grade	Moody's	S&P	Fitch
Highest Quality	Aaa	AAA	AAA
High Quality	Aa1	AA+	AA+
	Aa2	AA	AA
	Aa3	AA-	AA-
Above Average Quality	A1	A+	A+
	A2	A	A
	A3	A-	A-
Average Quality	Baa1	BBB+	BBB+
	Baa2	BBB	BBB
	Baa3	BBB-	BBB-
Investment Grade			
Speculative	B1 B2 B3	BB+ BB BB-	BB+ BB BB-
Poor	Caa Ca C	CCC+ CCC CCC-	CCC CC CC
Default	-	D	DDD DD D

11 Appendix B – Definitions

ADI

Authorised Deposit-Taking Institutions (ADI) are corporations that are authorised under the Banking Act of 1959 to take deposits from customers.

Currency risk

Currency risk is the risk that the fair value or future cash flows of an investment will fluctuate because of changes in foreign exchange rates.

Credit Risk

Credit risk is the risk of loss to an investor due to a counterparty's failure to pay the interest and/or repay principal of an investment.

Counterparty

Counter party is both a legal and financial term that refers to the other individual or institution to an agreement or contract.

Financial Instrument

A financial instrument is any contract that gives rise to a financial asset of one entity, and a financial liability or equity instrument of another entity.

Interest Rate Risk

Interest rate risk is the risk that the fair value or future cash flows of an investment will fluctuate because of changes in market interest rates.

Investment Portfolio

A collection of investments

Liquidity Risk

Liquidity risk is the risk an investor is unable to close out its investments at a fair price within a timely period.

Leverage Risk

Leverage risk is the magnification of an investor's risk and return that occurs when the investor takes on financial leverage through an investment product.

Market Risk

Market risk is the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices.

OTC – Over the Counter

Over the Counter Markets (“OTC”) can generally be described as markets where financial instruments are exchanged directly between two parties rather than through the mechanism of an organised market or centralised exchange.

Par Value

The maturity value or face value of a security that an issuer agrees to pay on maturity.

Preservation of Capital

Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio’s total value.

Risk Aversion

Risk aversion is the reluctance of an individual to invest in product with a higher risk compare to a product with lower risk, but possibly lower returns.

Rating Agencies

Credit Rating Agencies such as Standard and Poor’s (S&P), Moody’s and Fitch are professional organisations that provide opinion on the general credit worthiness of an obligor with respect to particular debt security or other financial obligations. Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment
- Nature and provisions of the obligation
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditor’ rights.

Vanilla Instrument/Transaction

A vanilla instrument is a straightforward one. These are the most basic or standard version of a financial instrument and can be contrasted with its opposite, an exotic instrument, which alters the components of a traditional financial instrument, resulting in a more complex security. Structured products are therefore clearly not vanilla instruments. Vanilla instruments are generally also traded in more liquid markets according to more or less standardised contracts and market conventions.

Yield

The annual rate of return on an investment

12 Appendix C – Sample Investment Policy

Objectives

To invest Council's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirement are being met.

While exercising the power to invest, consideration needs to be given in preservation of capital, liquidity, and the return of investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified threshold and parameters.
- The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirement, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
- The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

Legislative Requirements

All investments are to comply with the following:

- Local Government Act 1995 – Section 6.14;
- The Trustees Act 1962 – Part III Investments;
- Local Government (Financial Management) Regulation 1996 – Regulation 19, Regulation 28, and Regulation 49
- Australian Accounting Standards

Delegation of Authority to CEO

Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the Local Government Act 1995. The CEO may in turn delegate the day-to-day management of Council's Investment to senior staff or Chief Financial Officer subject to regular reviews.

Prudent Person Standard

Investment will be managed with the care, diligence and skill that a prudent person will exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose to CEO any conflict of interest.

Approved Investments

Without approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds;
- Interest bearing deposits;
- Bank accepted/endorsed bank bills;
- Commercial paper;
- Bank negotiable Certificate of Deposits; and
- Managed Funds with a minimum long term Standard & Poor (S&P) rating of "A" and short term rating of "A2".

Prohibited Investments

This investment policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Risk Management Guidelines

Investments obtained are to comply with three key criteria relating to:

- a) Portfolio Credit Framework: limit overall credit exposure of the portfolio
- b) Counterparty Credit Framework: limit exposure to individual counterparties/institutions
- c) Term to Maturity Framework: limits based upon maturity of securities.

a) Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum%
AAA	A-1+	100%	100%
AA	A-1	100%	100%
A	A-2	60%	80%

b) Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum%
AAA	A-1+	45%	50%
AA	A-1	35%	45%
A	A-2	20%	40%

If any of the Council's investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

Investments fixed for greater than 12 months are to be approved by Council reviewed on a regular term and invested for no longer than 3 years.

c) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio % <1 year	100 Max; 40% Min
Portfolio % >1 year	60%
Portfolio % > 3 year	35%
Portfolio % > 5 year	25%
Individual Investment Maturity Limits	
ADI	10 years
Non ADI	5 years

Investment Advisor

Council's investment advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

Measurement

The investment return for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least monthly to coincide with monthly reporting.

Benchmarking

Investment	Performance Benchmark
Cash	Cash Rate
Cash Enhanced/Direct Investments	UBSWA Bank Bill
Diversified Funds	CPI + appropriate margin over rolling 3 year periods (depending upon composition of fund)

Reporting and Review

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

An Investment Strategy will run in conjunction with the investment policy. The investment strategy will be reviewed with an independent investment adviser every six months with a more formal review once a year. The Strategy will outline:

- Council's cash flow expectations;
- Optimal target allocation of investment types, credit rating exposure, and term to maturity exposure and;
- Appropriateness of overall investment types for Council's portfolio.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes.

Documentary evidence must be held for each investment and details thereof maintained in an investment Register.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

13 Appendix D -Sample Monthly Investment Summary

13.1 Part (A)

Summary

Through the use of a variety of investment products, Council has been able to obtain investment returns comparable to the benchmark established by Council. This was achieved with a high quality, low risk investment portfolio.

Background

The investment policy requires Council to review the performance of its investment on a monthly basis. In accordance with the policy, a report of investments is presented to Council, which provides a summary of investments.

This report provides a summary of investment movement (See Report Part B) of the past month, to determine if the investment strategy met the objective of Council, in terms of maximising investment returns and maintaining an acceptable level of risk.

Report

During the year, Council funds were invested in six products, which have been rated by Standard and Poor's as follows.

Investments	S&P Ratings
ADI issued	
Security 1	AA-
Security 2	AAA+
Security 3	AA+
Security 4	AAA
Non – ADI Issued	
SecA	A
SecB	AAA

ADI* Authorised Deposit-Taking Institution

At all times during the year the designated investment exposure limits were adhered to.

Performance

Attached Summary of Portfolio Movement identifies Council's investment type, term to maturity, volume held, percentage to total portfolio, monthly price and monthly variation.

The portfolio comprised of four ADI issued interest bearing securities and two Non-ADI issued securities. The total portfolio returns in September were positive overall. There were 2,100,000 units held at a market value of \$2,221,958. Total monthly gain was \$35,479.5, representing a 1.6% increase in market value compare to the previous month. This is higher than the 0.53% UBSWA bank bill benchmark performance in September.

Detail investment performance summary for non ADI issued securities are provided with weekly valuations.

Monthly Economic Update

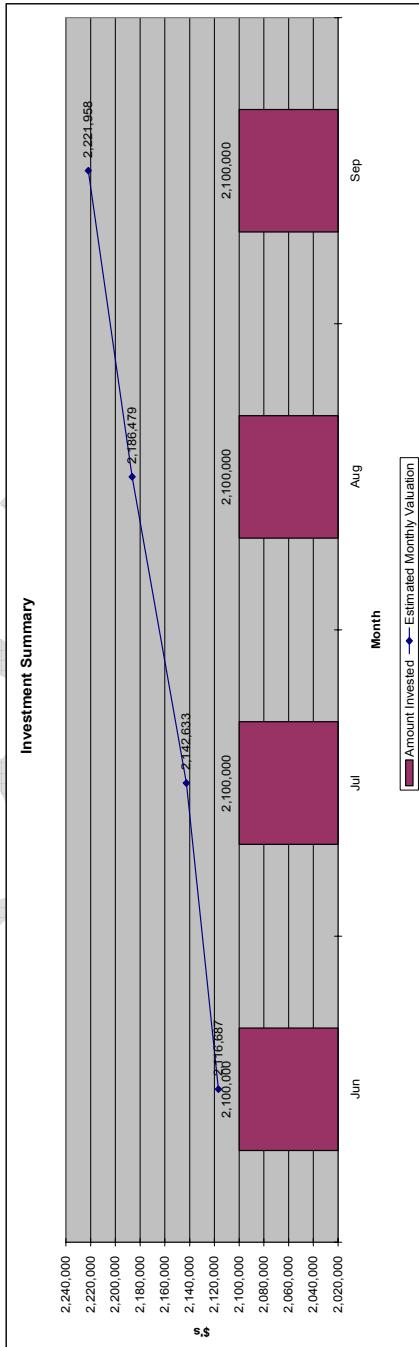
Australian and US government bond yields rose in September as investors viewed the Fed's bigger than expected 50 basis point cut to 4.75% as likely to prevent the US economy from sliding into recession. US economic reading during September were predominately soft, notably the August reading of housing starts, new home sales and existing home sales. August non-farm payrolls also surprised on the weak side of market expectations showing a small fall and calling into question whether consumption spending would hold up given weak housing activity and soft employment.

In contrast, Australian economic readings were predominantly strong through September with very strong August employment and July retail sales and international trade. The Reserve Bank held its cash rate at 6.5% but further liquidity hoarding saw the 90 day bank bill yield push up to 7.1% early in the month. While short-term money market rates came below 7.0% later in the month.

Recommendations

That the report be received.

13.2 Part (B)



14 Appendix E –Investment Policy Check List

This check list provides a series of questions to be considered by local government officer responsible for the investment activity of a Council. It is intended to provide a list of matters to be considered and is not an all-inclusive document.

This check list consists of three components for different financial products:

Part A - General Products

General questions to consider when investing in simply or 'vanilla' products that are straight forward such as bank deposit, commercial paper, bill of exchange, bond, promissory note etc.

Part B - Structured Products

Additional questions to consider when investing in pre-packaged products that bundle different investment instruments together. These products are more complex in nature compared to the 'vanilla' products. A structured product could contain credit derivatives, options, and swaps, together with more simply instruments.

Part C - Investment Policy

Include general items that should be incorporated into your councils' policy.

Part A - General Products

1) Have you established and documented how the funds will be invested, how it will generate returns and how these will be paid to the Council? (Could you describe to others how this product works)

Yes No

Comments :

2) Are you clear on the conditions associated with this type of investment and their level of risk?

Yes No

Comments :

3) Does the investment meet the council's financial objective and complies with its investment policy?

Yes No

Comments :

4) Is your product issuer licensed by the Australian Security and Investment Commission?

Yes No

Comments :

5) Could this investment be affected by a major shift in the economy and market sentiment?

Yes No

Comments :

6) Could this product be liquidated in a timely manner without loss or penalty?
i.e. can council get their money back out of this product if it needs to? Are there any fees in getting out early?

Yes No

Comments :

Part B - Structured Products

In addition to the general items, there are additional questions to be considered when dealing in structured

1) Do you thoroughly understand this product?

Structured products may have embedded risks that are not readily evident. Does the product have any embedded derivatives, options, formulas or other contingent payoffs?

Yes No

Comments :

2) If you are exposed to derivatives, do you understand (can you explain) how derivatives are used?

Yes No

Comments :

3) For a product that contains more than one instrument, do you fully understand the nature of the risk in all the instruments?

Yes No

Comments :

4) Have you assessed and documented these risks?

In addition to market risk (the potential movement in price), there are many other risks that are often not readily apparent including pricing risk, liquidity risk, credit risk and maturity risk.

Yes No

Comments :

5) Do you understand the degree of leverage in the product and the impact of this on your risk exposure?

Many derivatives and structured products have significant leverage to risk. You should know your tolerance and your exposure before engaged in any structured products.

Yes No

Comments :

6) Have you assessed and documented the pricing of the investment product?

Do you understand how products are priced? Can you get a similar price from a number of different sources? Can you obtain a firm price at which you can actually transact? How often can you get a firm or live price?

Yes No

Comments :

7) Have you assessed and documented the liquidity of the product?

How quickly can you sell the product at a market price? Is there a ready market to sell this product to another party?

Yes No

Comments :

8) Have you attended and documented independent advice?

Ensure you seek independent advice. Advice from the bank or firm that sells you a product is not independent. Get as much advice as necessary until you are satisfied that you fully understand the risks. Be wary of any equivocal advice and evaluate on the basis of what an advisor is prepared to commit to in writing.

Yes No

Comments :

9) Have you assessed and documented ratings from rating agencies?

Ratings are not a sufficient guide for a full and thorough risk assessment. Ratings issued by rating agencies for different types of assets have different meanings. They do not tell you anything about the possibility and impact of a change in rating.

Yes No

Comments :

Part C - Investment Policy

Have you included the following as part of your investment policy?

- 1) Clearly stipulated the investment objective.
- 2) Defined the risk aversion of the council
- 3) Prohibit the i) purchase of speculative financial instruments & ii) use of leveraging of an investment portfolio.
- 4) Comply with legislative requirements
- 5) Investment to be independently valued to reflect the current market prices
- 6) Require investments that are downgraded to below an acceptable rating benchmark to be liquidated
- 7) Require the status and performance of a council's investment portfolio to be reported monthly.
- 8) Include independent financial assessments of the value of the investment portfolio for council.

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

DRAFT

POLICY 8-9 - INVESTMENT

STATUS:	<i>City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.</i>
	<i>Developed by the Policy Committee and/or the administration and adopted by Council.</i>
RESPONSIBLE DIRECTORATE:	Corporate Services
OBJECTIVE:	To invest the City's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are met.

STATEMENT:

1 Objectives

While exercising the power to invest, consideration needs to be given to preservation of capital, liquidity, and the return of investment.

- (a) Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified threshold and parameters.
- (b) The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
- (c) The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

2 Legislative Requirements

All investments are to comply with the following:

- Local Government Act 1995 – Section 6.14;
- The Trustees Act 1962 – Part III Investments;
- Local Government (Financial Management) Regulation 1996 – Regulation 19, Regulation 28, and Regulation 49
- Australian Accounting Standards

3 Delegation of Authority to Invest

The authority is to be delegated to the Chief Executive Officer to make investment decisions and sign investment lodgements and withdrawals. Pursuant to the provisions of Section 5.45 of the Local Government Act 1995. The CEO may in turn delegate the day-to-day management of the City's investments.

4 Prudent Person Standard

Investment will be managed with the care, diligence and skill that a prudent person will exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

5 Approved Investments

Without approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds;
- Interest bearing deposits;
- Bank accepted/endorsed commercial bills;
- Commercial paper;
- Bank negotiable Certificate of Deposits; and
- Managed Funds with a minimum long term Standard & Poor (S&P) rating of "A" and short term rating of "A2"; and
- City of Joondalup major land transactions.

6 Prohibited Investments

This investment policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

7 Risk Management Guidelines

Investments obtained are to comply with three key criteria relating to:

- (a) Portfolio Credit Framework: limit overall credit exposure of the portfolio
- (b) Counterparty Credit Framework: limit exposure to individual counterparties/institutions
- (c) Term to Maturity Framework: limits based upon maturity of securities.

(a) Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum%
AAA	A-1+	100%	100%
AA	A-1	60%	80%
A	A-2	40%	80%

(b) Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum%
AAA	A-1+	20%	25%
AA	A-1	15%	20%
A	A-2	10%	20%

If any of the Council's investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

Investments fixed for greater than 12 months are to be approved by Council reviewed on a regular term and invested for no longer than 3 years.

(c) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Return to Maturity	Minimum	Maximum
Up to 12 months	60%	100%
13 to 24 months	0%	40%
25 to 36 months	0%	20%
Over 36 months	0%	10%

8 Investment Advisor

The City's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to recommend the most appropriate product within the terms and conditions of the investment policy.

The investment return for the portfolio is to be regularly reviewed by the investment advisor by assessing the market value of the portfolio. The market value is to be assessed at least monthly to coincide with monthly reporting.

The investment advisor should meet with the responsible staff and review the City's investment portfolio no less than every six months.

9 Benchmarking

The performance of the investment portfolio shall be measured against the UBS Warburg Bank Bill Index and also against the average Reserve Bank Cash Rate for the current financial year

10 Reporting and Review

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes.

Documentary evidence must be held for each investment and details thereof maintained in an investment Register.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

Amendments: CJ213-06/99, CJ121-06/02, CJ232-09/02,
CJ213-09/03, CJ206-10/05, CJ207-10/07

Related Documentation: Local Government Act 1995 Delegated Authority Manual

Issued: October 2007

POLICY 5-3**THE CITY'S ART AND MEMORABILIA
COLLECTIONS****STATUS:**

City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.

Developed by the Policy Committee and/or the administration and adopted by Council.

**RESPONSIBLE
DIRECTORATE:**

Planning and Community Development

OBJECTIVE:

To direct the City's approach to art and collections for the Joondalup community.

STATEMENT:

Council recognises the important role played by its public art, the Art Collection, archives and memorabilia in shaping and developing a sense of community. It will address such matters in the following way:

Public Art

The State Government's Percent for Art Policy will be utilised when developing proposals for new public buildings and extensions over the value of \$100,000. Developers of public facilities will be encouraged to adopt this policy. Reports to Council relating to such developments shall highlight public art commitments where possible. Projects shall be implemented according to the Public Art Implementation Process as determined by the Chief Executive Officer.

Art Collection, Acquisition and Management

The Council will support Western Australian art and artists with a predominantly local content and context through an acquisition program managed by a professional Art Consultant, with input and advice from an Art Collection Reference Group including the Mayor, a maximum of four Councillors and the CEO. The Art Consultant will make recommendations on purchases to the Chief Executive Officer and reserve pieces on behalf of the City within the annual budget allocation limit. The CEO may approve purchases under \$7,500. The Council will approve purchases above this amount.

The acquisition program will enhance the existing Art Collection through the inclusion of works submitted by City of Joondalup residents for the Community Art Exhibition, by prominent artists in the Invitation Art Award where the art is focussed on local content and context in 2007, and more broadly, on high quality art produced by Western Australian artists.

The City's Arts Management Strategy will determine the long-term management, acquisition plan, display, valuation and sale of the collection. The City's Arts Consultant will consider all offers of gifts, donations and bequests and advise the City on the suitability and acceptability of the artwork as part of the Art Collection. A report on the implementation of the Strategy and the City's art collection will be provided to the Council at the end of each financial year. This report will also seek direction from the Council on the approach to be taken to the development and management of the art collection in the coming year.

Archive & Memorabilia Collection

The City's archive and memorabilia collection is a repository for unique and significant resources relating to the natural and man-modified environment within and around Joondalup. The collection is a regional resource that contains many items which are jointly owned by the Cities of Joondalup and Wanneroo and which were acquired before the present local governments were formed in 1999. The City of Joondalup has subsequently added to this collection itself. The function of the collection is to allow interpretation of a regional resource to promote education, enjoyment and community participation.

Whilst day-to-day management of the archive and memorabilia collection will be the overall responsibility of the Manager, Library and Information Services, input and advice on promotion of the collection to the City of Joondalup community will be sought from elected members at the end of each financial year in association with the report on the art collection.

Amendments:	CJ213-06/99, CJ206-10/05, CJ238-12/06, CJ186-09/07, CJ207-10/07
Related Documentation:	Public art implementation process; Art Collections and Acquisition management strategy; Museum collection management strategy
Issued:	October 2007

Summary of Acquisition Policy of other Local Governments

Local Government	specifically local content / context focussed?	Are acquisitions Contemporary or Traditional?	Who provides acquisition advice?	Purchase approvals	Acquisition criteria
City of Perth	No	Both	Arts & Cultural Development Coordinator (employee)	> \$1,000 Arts & Cultural Dev. Coordinator \$1,000- \$5,000 CEO < \$5,000 General Purposes Committee.	ALL of the following: <ul style="list-style-type: none"> ○ Enhance the current scope of the Collection; ○ Be an unconditional donation or purchase; ○ Have the capacity to be placed on display without hindrance to public access or safety, and without breaching the artist's moral rights; Plus ANY ONE of the following: <ul style="list-style-type: none"> ○ Represent significant periods, occasions and urban initiatives in the evolution of the city, and city life; ○ Build upon the strengths of existing holdings of the Art Collection; ○ Represent the artistic practice of emerging and established Western Australian artists or artists residing in Western Australia who have received acclaim for their work locally, nationally and internationally; ○ Represent contemporary art practice and support the work of new artists and recent work by established artists; ○ Strengthen and add to an existing series of works; ○ Build on identifiable themes within the whole Collection; ○ Be informed by or identifiably associated with the City of Perth.
City of Wanneroo	No	Both	Community Arts Officer (employee)	> \$5000 CEO < \$5000 Council	ANY ONE of the following: <ul style="list-style-type: none"> ○ Quality artwork by contemporary West Australian artists ○ Thematically relate to the City of Wanneroo ○ Created by individual artists living and working within the City of Wanneroo ○ Prize winner City of Wanneroo Acquisitive Art Award/s.
City of Stirling	No	Both	Arts Development Officer and the Team Leader	> \$2000 CEO < \$2000 Council	ANY ONE of the following: <ul style="list-style-type: none"> ○ Acquire artworks of both traditional and contemporary

<i>Currently under review</i>			Cultural Services in association with the Art Consultant		<ul style="list-style-type: none"> ○ nature. ○ Acquire artworks that represent a cultural investment for the City. ○ Provide residents of the City with access to high quality art within the City. ○ Support the development of local artists.
City of Fremantle	Strong local emphasis ¹	Both	<p>Curator (employee)</p> <p>Seek independent professional assessment for certain high value works.</p>	CEO	<p>ANY ONE of the following:</p> <ul style="list-style-type: none"> ○ Acquires works of Art which build upon strengths of existing holdings of the collection; ○ Acquires original, excellent and significant works by Fremantle artists living and/or working in the Fremantle region and who are not currently represented in the collection. ○ Acquires works of art which relate to the experience of people living and/or working in Fremantle region. ○ Acquires those works of art which are of regional and aesthetic significance to the existing holdings and relevant to current acquisition priorities. ○ Acquires works by way of purchase (from artists' studios, exhibitions and auction), bequest or gift. ○ Accepts donated works that are the sole property of the donor and which accord with the acquisition policy for the collection. No conditions may be placed on donations. ○ Acquires art works which do not duplicate existing holdings.

¹ Certain nationally and internationally renowned areas such as City of Perth and City of Fremantle, can reasonably expect to have high cultural significance for artists living outside their region,. Such central, popular and iconic areas have some chance of creating a regionally-specific art collection which still has artistic integrity. However, this may not be the case with other local government regions such as Joondalup, which do not carry the same relevance for most professional artists who are not residents.

Attachment 2 – Art Collection High Value Pieces

ARTIST	TITLE	DATE	DESCRIPTION	PREVIOUS VALUE	CURRENT VALUE
Bevan Honey	Adam	2001	Mixed Media. Leading Australian artist, represented in most Australian collections of import	\$1160	\$6600



ARTIST	TITLE	DATE	DESCRIPTION	PREVIOUS VALUE	CURRENT VALUE
Shane Pickett	The Arriving of Muguroo's Rain Clouds	2006	Painting, Acrylic on canvas. One of WA's leading Nyoongar artists. His practice extends over 20 years, his works are held in collections in Australia, Japan, Europe & the USA.	\$7,000	\$11,500



ARTIST	TITLE	DATE	DESCRIPTION	PREVIOUS VALUE	CURRENT VALUE
Jon Tarry	The Fall	1999	Sculpture, jarrah and bronze painted. One of WA's leading artists. His practice extends over three decades, his work is held in collections in Australia and internationally	\$2,500	\$12,000



ARTIST	TITLE	DATE	DESCRIPTION	PREVIOUS VALUE	CURRENT VALUE
Concetta Petrillo	Portrait of a Boy 1 & 2	1999	Painting, oil on canvas. One of WA's leading artists. Her works are held in a number of collections of import. A number of her works already held by the COJ collection	\$7,680	\$12,000



Attachment 3 – Art Collection Low Value Pieces

ARTIST	TITLE	DATE	DESCRIPTION	PREVIOUS VALUE	CURRENT VALUE
Maurice Kennedy	Bushwalker's Joondalup	2002	Watercolour on paper	\$250	\$250



ARTIST	TITLE	DATE	DESCRIPTION	PREVIOUS VALUE	CURRENT VALUE
Lyn Lee	Joondalup Landscape	1992	Acrylic on canvas	\$250	\$250



ARTIST	TITLE	DATE	DESCRIPTION	PREVIOUS VALUE	CURRENT VALUE
Judith Tubby	Yellagonga Speaking	2007	Acrylic, collage, calligraphy	\$600	\$100



In reviewing the policy there are primarily three options available for Council. These options include:

Option 1. Remain with status quo. This option provides direction on the City's Art Collection, acquisitions and awards to be focussed on local content and context.

The implications of this approach include:

- The Community Art Exhibition open to City residents only and should represent local content and context of the City.
- The Invitation Art Award only accepting professional artists who will exhibit artwork pieces representing the content and context of the City.
- Recommending acquisition of artwork for the City's collection, which represent the region, or cultural identity of the City.

Advantages

This approach will support local and emerging artists who see the opportunities to express the local content and context of Joondalup as a positive.

The City's artwork collection over time will strongly represent the Joondalup community and environment.

Disadvantages

This approach is likely to reduce the amount of professional artists participating in the City's arts awards, which may reduce the overall quality of exhibitions and the quality of pieces acquired from winning artists.

From an industry perspective, the prestige and recognition of the City's Invitation Art Award is likely to reduce.

The City's artwork collection will not develop a broad selection of contemporary art. This will be a distinct change of direction for the City's collection. The value of artwork acquired under the local content and context direction will depreciate at a greater rate, with the overall value of the collection likely to reduce.

To maintain a local focus will fail to build on the last ten years of careful selection in the building of the current high value contemporary Art Collection.

Artists are less likely to be able to sell their artwork pieces, particularly outside of the exhibition period, due to the specific relevance of the artwork relating to the City.

Option 2. Remove the focus of local content and context for the City's Art Collection, acquisitions and awards.

The implication of this approach include:

- The Community Art Exhibition is open to City residents only.
- The Invitation Art Award being open for professional artists, who are chosen to exhibit based on their history of developing and exhibiting quality contemporary artwork pieces.
- Recommending acquisition of artwork for the City's Collection, which represents high quality contemporary art.

Advantages

The City will continue to build a high quality contemporary art collection. This will allow the City to build a unique and highly regarded and financially valuable art collection, allowing the City to become the northern corridors custodian of quality contemporary arts.

The City's Art Collection will maintain a consistent theme, which over time will provide more value to the entire collection.

The City will attract some of Perth's most recognised professional artists to enter the Invitation Art Award. This is likely to improve the overall quality of the exhibition and the quality of the pieces acquired from winning artists.

From an arts industry perspective the approach is considered modern and consistent with many leading organisations.

Artists will be more likely to be able to sell their artwork pieces submitted in the Invitation Art Award, therefore attracting more artists wishing to participate.

This approach brings a diverse mix of contemporary art and artists to the northern corridor.

Disadvantages

Artworks acquired through awards or Art Collection purchases may be very different from what is considered traditional art mediums and may not relate to all members of community, the City and or the region.

Local professional artists may be less likely to be invited to participate in the Invitation Art Award due to the high calibre of professional artists.

Artwork is less likely to reflect or relate to local themes or landscapes.

Option 3. Develop a multi-criteria approach to the City's art collection, acquisitions and awards, which should include, but not be limited to, local content and context.

The implications of this approach include:

- The Community Art Exhibition is open to City residents only and should represent local content and context of the City.
- The Invitation Art Award being open for professional artists, who are chosen to exhibit based on their history of developing and exhibiting quality contemporary artwork pieces, with two categories. A category focussed on contemporary art and another on contemporary art representing local content and context.
- Recommending acquisition of artwork for the City's collection, which represents high quality contemporary art with consideration given to pieces that represent the region, or cultural identity of the City.

Advantages

The City's Art Collection will maintain a consistent theme, whilst still recognising locally focussed art and artists, which over time will provide more value to the entire collection.

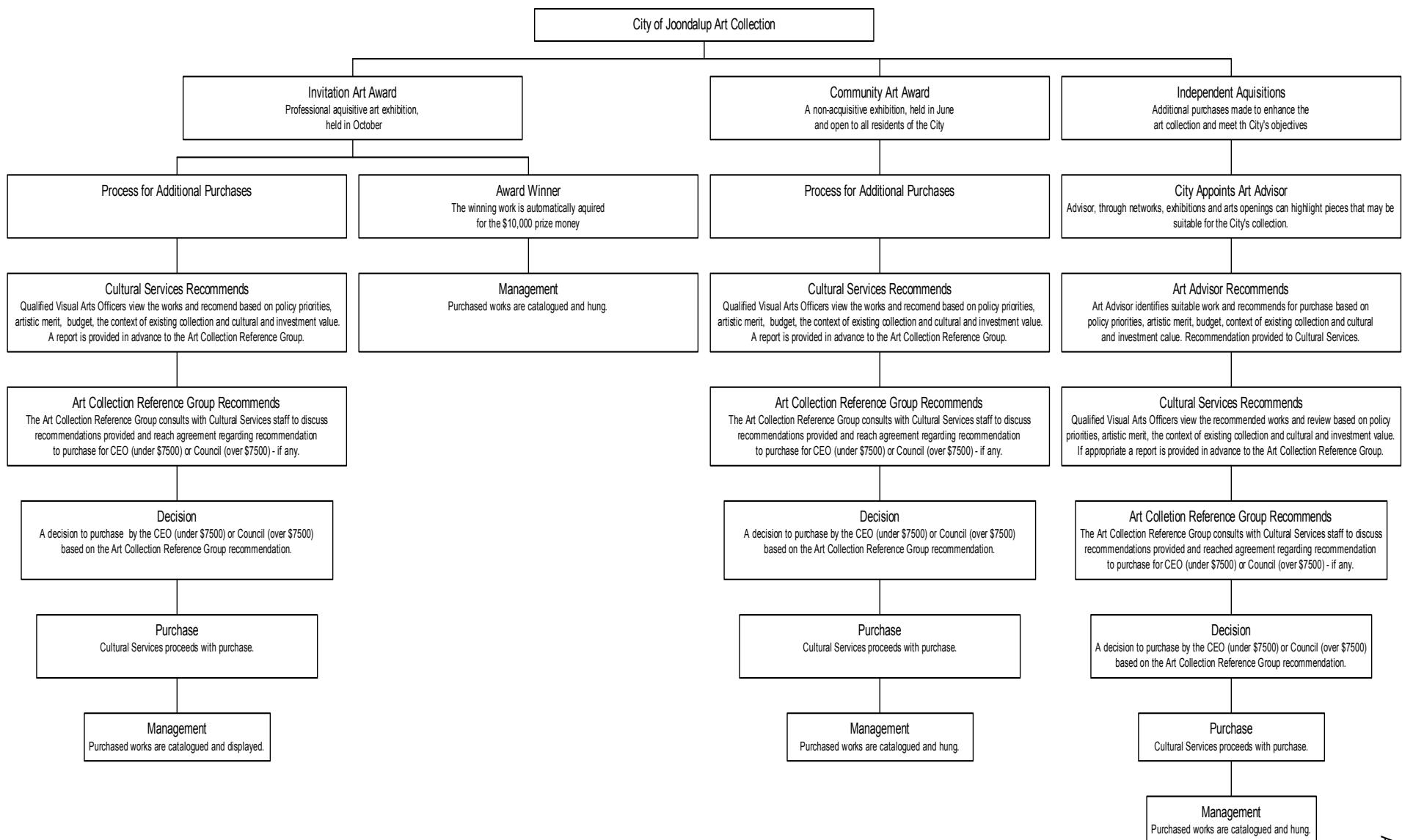
The Invitation Art Award will attract some of Perth's most recognised professional artists to enter. The implementation of two categories is likely to improve the overall quality of the exhibition and the quality of the pieces acquired from winning artists. The local content and context focus will also provide unique opportunities for local artists or those artists focussed on the Joondalup culture or region to exhibit in a prestigious event.

This approach brings a diverse mix of contemporary art and artists to the northern corridor.

Disadvantages

Whilst there would be an increased amount of artwork pieces acquired which represent the City's local content and context theme as compared to option 2, pieces may still be acquired which do not represent traditional mediums or themes.

City of Joondalup Art Collection Aquisition Process Chart



POLICY 5-3**THE CITY'S ART AND MEMORABILIA
COLLECTIONS****STATUS:**

City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.

Developed by the Policy Committee and/or the administration and adopted by Council.

**RESPONSIBLE
DIRECTORATE:**

Planning and Community Development

OBJECTIVE:

To direct the City's approach to art and collections for the Joondalup community.

STATEMENT:

Council recognises the important role played by its public art, the Art Collection, archives and memorabilia in shaping and developing a sense of community. It will address such matters in the following way:

Public Art

The State Government's Percent for Art Policy will be utilised when developing proposals for new public buildings and extensions over the value of \$100,000. Developers of public facilities will be encouraged to adopt this policy. Reports to Council relating to such developments shall highlight public art commitments where possible. Projects shall be implemented according to the Public Art Implementation Process as determined by the Chief Executive Officer.

Art Collection, Acquisition and Management

The Council will support Western Australian art and artists ~~with a predominantly local content and context through a contemporary art acquisition program managed by a professional Art Consultant the City~~, with input and advice from an Art Collection Reference Group including the Mayor, a maximum of four Councillors and the CEO ~~and an Arts Officer. Art Consultant will make Recommendations on purchases to the Chief Executive Officer and reserve pieces on behalf of the City within the annual budget allocation limit~~acquisitions will be made to the Art Collection Reference Group. The CEO may approve purchases acquisitions under \$7,500. The Council will approve acquisitions above this amount.

The acquisition program will enhance the existing Art Collection through the inclusion of works submitted by City of Joondalup residents for the Community Art Exhibition, by prominent artists in the Invitation Art Award where the art is focussed on ~~but not limited to~~ local content and context ~~in 2007~~, and more broadly, on high quality contemporary art produced by Western Australian artists.

The City's Arts Management Strategy will determine the long-term management, acquisition plan, display, valuation and sale of the collection. The City's Arts Consultant will consider all offers of gifts, donations and bequests and advise the City on the suitability and acceptability of the artwork as part of the Art Collection. A report on the implementation of the Strategy and the City's art collection will be provided to the Council at the end of each financial year. This report will also seek direction from the Council on the approach to be taken to the development and management of the art collection in the coming year.

Archive & Memorabilia Collection

The City's archive and memorabilia collection is a repository for unique and significant resources relating to the natural and man-modified environment within and around Joondalup. The collection is a regional resource that contains many items which are jointly owned by the Cities of Joondalup and Wanneroo and which were acquired before the present local governments were formed in 1999. The City of Joondalup has subsequently added to this collection itself. The function of the collection is to allow interpretation of a regional resource to promote education, enjoyment and community participation.

Whilst day-to-day management of the archive and memorabilia collection will be the overall responsibility of the Manager, Library and Information Services, input and advice on promotion of the collection to the City of Joondalup community will be sought from elected members at the end of each financial year in association with the report on the art collection.

Amendments:	CJ213-06/99, CJ206-10/05, CJ238-12/06, CJ186-09/07, CJ207-10/07
Related Documentation:	Public art implementation process; Art Collections and Acquisition management strategy; Museum collection management strategy
Issued:	October 2007

Art Collection Reference Group - Terms of Reference

Aims:

- To develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies.
- To build an art collection of appreciating financial value, which constitutes a sound investment for the City.
- To collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art.
- To collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public.

Criteria for acquisition:

The City of Joondalup collects works of visual art within the terms of Policy 5-3, "The City's Art And Memorabilia Collections" whether by purchase, commission, gift or donation in the following categories:

- Works of demonstrable excellence by:
 - West Australian artists of significance and/or
 - Artists who have an important connection to the City of Joondalup
- Works of strong artistic merit which constitute a sound cultural and financial investment.
- Works of significance for the purpose of developing a collection which reflects the cultural aspirations of the City.
- Works of art which contribute to the general congruence of the collection, by filling a noted gap or enriching and diversifying an aspect of the collection.
- Works suitable for the display conditions of sites within the City's buildings and grounds

It should be noted that the above suggested Terms of Reference do not apply to the purchase of the winner of the annual Invitation Art Award acquisitive prize as this is determined by a panel of external judges.