

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 6 FEBRUARY 2007

ATTENDANCE

Committee Members:

Cr Sue Hart	<i>Presiding Person</i>	South-East Ward
Cr Kerry Hollywood	<i>Deputy Presiding Person</i>	North Ward
Mayor Troy Pickard		
Cr Steve Magyar		North-Central Ward
Cr Marie Evans	<i>To 2021 hrs</i>	South-West Ward
Cr Russ Fishwick		South Ward

Officers:

Mr Garry Hunt	Chief Executive Officer	
Mr Ian Cowie	Director Governance and Strategy	
Mr Clayton Higham	Director Planning and Community Development	<i>to 1848 hrs</i>
Ms Janet Harrison	Administrative Services Coordinator	

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1805 hrs.

APOLOGIES/LEAVE OF ABSENCE

Nil

ELECTION OF DEPUTY PRESIDING PERSON

Following the resignation of Cr John Park, a vacancy exists for the position of deputy presiding person on the Policy Committee. It is advisable that the committee appoints a deputy presiding person, who would chair the meeting in the absence of the presiding person.

The Chief Executive Officer sought nominations for the position of Deputy Presiding Person.

Cr Fishwick nominated Cr Kerry Hollywood. Cr Hollywood accepted the nomination.

There being no further nominations, Cr Hollywood was elected unopposed to the position of Deputy Presiding Person.

CONFIRMATION OF MINUTES**MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 9 NOVEMBER 2006**

MOVED Cr Magyar **SECONDED** Cr Hollywood that the minutes of the meeting of the Policy Committee held on 9 November 2006 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (6/0)

In favour of the motion: Mayor Pickard, Crs Hart, Hollywood, Magyar, Evans and Fishwick

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil.

DECLARATIONS OF INTEREST**Disclosure of interest affecting impartiality**

Elected members and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Mayor Troy Pickard
Item No/Subject	Item 3 Proposed Amendment to Policy 8-2 – Elected Member Allowances Item 4 Code of Conduct: Gifts and Acts of Hospitality
Nature of interest	Interest that may affect impartiality
Extent of Interest	Allowances, gifts and acts of hospitality are relevant to his position as Mayor.

Name/Position	Cr Sue Hart
Item No/Subject	Item 3 Proposed Amendment to Policy 8-2 – Elected Member Allowances Item 4 Code of Conduct: Gifts and Acts of Hospitality
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hart could receive a benefit under these policies.

Name/Position	Cr Steve Magyar
Item No/Subject	Item 3 Proposed Amendment to Policy 8-2 – Elected Member Allowances
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Magyar could receive a benefit under this policy.

Name/Position	Cr Russ Fishwick
Item No/Subject	Item 3 Proposed Amendment to Policy 8-2 – Elected Member Allowances
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is an elected member of Council.

Name/Position	Cr Kerry Hollywood
Item No/Subject	Item 3 Proposed Amendment to Policy 8-2 – Elected Member Allowances
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood could receive a benefit under this policy.

Name/Position	Cr Marie Evans
Item No/Subject	Item 3 Proposed Amendment to Policy 8-2 – Elected Member Allowances
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Evans could receive a benefit under this policy.

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

Nil.

PETITIONS AND DEPUTATIONS

Nil.

REPORTS

ITEM 1 DRAFT LOCAL PLANNING POLICY – SHORT STAY ACCOMMODATION – [72584]

WARD: All

RESPONSIBLE A/DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for the Policy Committee to consider a draft local planning policy relating to short stay accommodation.

EXECUTIVE SUMMARY

Currently there is no specific land use in the City's District Planning Scheme No 2 (DPS2), and no local planning policy or guidelines, in relation to short stay accommodation.

Short stay accommodation applications have been classified as a 'Residential Building' under DPS2. The current provisions within DPS2 and the Residential Design Codes do not provide specific requirements for short stay accommodation, and each proposal is assessed on its merits. The Hon Minister for Planning and Infrastructure also raised this issue with the Council in 2004 and requested that guidance be developed. As a result, a draft policy has been prepared for the Committee's, and ultimately, Council's consideration.

A draft policy and associated scheme amendment were presented to Council at its meeting of 19 September 2006, where it resolved to defer the matter, pending further consideration by the Policy Committee.

The draft policy aims to provide parameters for the evaluation of proposals that may be lodged, addressing issues of location, density, and management. It is anticipated that the policy will be enforced by a future amendment to DPS2 that will provide a definition of short stay accommodation and will specify in which zones short stay accommodation would be permissible.

In order to implement a policy on short stay accommodation as soon as possible, it is proposed that a policy that is not reliant on a scheme amendment, be initiated. It is recommended that the Committee endorses the draft Policy and recommends that the matter be presented to Council for further consideration.

BACKGROUND

DPS2 currently has no definition for short stay accommodation. Proposals for short stay accommodation have been assessed as a 'Residential Building' for the purposes of DPS2.

Neither the DPS2 nor the Residential Design Codes provide specific development standards and requirements for a Residential Building.

A 'Residential Building' is a discretionary use within the Residential, Mixed Use, Business, Commercial and Private Clubs and Recreation zones.

Following an inquiry into the Mullaloo tavern development, which did not have any adverse findings against the City, the Minister for Planning and Infrastructure recommended that a policy be put in place to guide the development of short stay accommodation. Specifically, the Minister recommended:

"The introduction of measures to guide the development of short stay accommodation in those zones where such development is permissible. As a minimum, such measures should address the density of those forms of residential development for which there is currently no explicit density control."

Currently, the DPS2 is silent on issues of permitted density and the cut off between a dwelling and a residential building (or other forms of temporary accommodation), mostly occurs by virtue of the determination of what length of stay satisfies a reasonable test of being considered as permanent.

It could be stated that the DPS2 contains a 'gap' on this issue, however, it is notable that the Council has received only two applications over the past two years for short stay accommodation outside the City Centre area. In these circumstances, which are effectively rare applications, the Council is required to consider applications on merit rather than merely in relation to standards. That is, if standards were developed for all matters, including those which may only occur once or twice, the process would become inefficient and cumbersome.

The two applications referred to above are:

- 3 Glenelg Place, Connolly. This proposal was to convert an existing medical centre into short stay accommodation. The proposal was refused by Council at its meeting of 26 April 2005. A subsequent appeal by the applicant to the State Administrative Tribunal was upheld, effectively reversing Council's decision.
- 17 Foston Drive, Duncraig. This proposal is to utilise an existing residential dwelling for short stay accommodation. The proposal was refused at Council's meeting of 19 September 2006. Prior to this decision being issued, the applicant had already lodged an appeal to the State Administrative Tribunal, based on the 'deemed refusal' provisions of DPS2. This appeal is yet to be determined.

While an amendment to DPS2 could establish clear rules and provide more certainty in relation to the development of short stay accommodation, the scheme amendment process generally takes a long period (usually 9-12 months) until final gazettal.

It is considered appropriate that in the interim, a policy on short stay accommodation (currently classified as a 'Residential Building' under DPS2) be introduced to provide guidelines which will assist in assessing development proposals.

It is noted that the draft policy has been amended from that presented to Council on 19 September 2006 to allow the policy to be implemented independently of the proposed scheme amendment.

DETAILS

Issues and options considered:

Draft Policy

The draft policy (Attachment 1 refers) proposes guidelines for the operation of short stay accommodation. The policy provides guidance with regard to the management and record keeping processes. In addition the policy encourages short stay accommodation in areas of tourist potential and close to main access roads.

Options

In considering the draft local planning policy, the Policy Committee can:

- Endorse the policy and recommend it be presented to Council for consideration;
- Modify the draft policy, and recommend it be presented to Council for consideration;
- Not endorse the draft policy.

Link to Strategic Plan:

Short stay accommodation is likely to be used as tourist accommodation and therefore links with Strategy 3.2 (Lifestyle) of the City's Strategic Plan, which is intended to develop and promote the City of Joondalup as a tourist attraction.

Legislation – Statutory Provisions:

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation of local planning policies. Clause 8.11.1 enables the Council to prepare a local planning policy in respect of any matter related to the planning and development of the scheme area.

Once the draft policy is prepared it is required to be advertised in accordance with Clause 8.11.3 by way of a notice published once a week for two consecutive weeks in a local newspaper giving notice where the draft policy may be inspected. The draft policy would also be advertised on Council's website. The specified period for advertising should not be less than twenty one (21) days.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

It is proposed to implement a new policy.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed short stay accommodation policy could (if adopted) support tourism by providing alternative accommodation choices.

Consultation:

Clause 8.11.3 of DPS2 requires that the draft policy be advertised for a twenty one (21) day period. A notice would be published in the local newspaper for two consecutive weeks, and a notice would also be placed on the City's website.

COMMENT

It is considered appropriate to amend the DPS2 to include a definition and provisions for short stay accommodation. However, as an amendment to DPS2 to include a definition of short stay accommodation may take up to 12 months, the draft policy has been amended to allow it to be implemented without relying on the scheme amendment. In the event that the scheme amendment is approved, any associated adopted policy on short stay accommodation would be required to be reviewed and aligned with the DPS2.

Should the Committee and Council resolve to adopt the policy (following public advertising) it is anticipated that it will be further enforced by an amendment to DPS2, which will introduce an appropriate definition, car parking standards and land use permissibility provisions in the Scheme.

While a policy does not have the same statutory power as DPS2, it could be implemented relatively quickly to address current uncertainties relating to short stay accommodation.

Draft Policy

The policy will provide guidance and attempt to ensure that short stay accommodation is appropriately managed.

Specifically, the policy will address:

- The management of the accommodation, including submission of a Management Plan (this includes requiring appropriate documentation to be kept by the proprietor of the accommodation, and the submission of a plan detailing how the accommodation will be managed and operated).
- The density of the development. As short stay accommodation are not 'dwellings' for the purposes of the Residential Design Codes, R-Codes densities (eg R20, R40) do not apply. However, for the purposes of assessment, equivalent densities could be used. For areas outside the City Centre, an equivalent maximum density of R40 (1 unit per 250 sqm) is suggested. In the City Centre, given that short stay accommodation should be expected and encouraged in the City Centre, the density applicable to the site is proposed.
- The preferred location of short stay accommodation. Appropriately located short stay accommodation has the potential to encourage tourist and economic opportunities in the City of Joondalup. To maximise this potential, the draft policy requires the applicant to demonstrate that the short stay accommodation meets the needs of the intended clients, by reason of being in close proximity to main road, public transport, education facilities, areas of tourist interest, or the city centre.

A good example of the location of short stay accommodation is the Sorrento Beach Resort, West Coast Drive, Sorrento, which is close to Hillarys Boat Harbour, the coast, and transport routes.

Some aspects of the draft Policy are further discussed below:

Location

Due to the potential impact on residential amenity, the draft Policy outlines that short stay accommodation will not be supported in the Residential Zone. As the draft policy does not have the statutory power of the Scheme, it provides only guidance on the location of short stay accommodation. The policy will, however, assist the City in assessing the merit of the location of any proposed short stay accommodation.

Length of Stay

Standard residential leases generally run for a minimum of three months. As short stay accommodation is more commercial in its nature, the draft policy requires that stays be limited to a maximum of three months in any twelve month period. If multiple stays are proposed, a minimum gap of one month is required and the total aggregated length of stay cannot be more than three months.

This time period is considered appropriate in ensuring that such developments will provide their intended “holiday” function, and will prevent potential conflicts between ‘long term’ and ‘short term’ residents within short stay accommodation by not allowing permanent residency.

Conclusion

The draft policy will provide the City with interim guidelines to regulate the development of short stay accommodation. The policy provides key elements to address length of stay, location, maintenance, car parking and density. It is anticipated that the policy will be further strengthened by an amendment to DPS2.

It is recommended that the draft policy be endorsed, and be presented to Council for further consideration.

ATTACHMENTS

Attachment 1 Draft Policy – Short Stay Accommodation

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That the Policy Committee ENDORSES the draft Local Planning Policy – Short Stay Accommodation forming Attachment 1 to this Report and RECOMMENDS to Council that the draft Policy be advertised for public comment for a period of 21 days.

The Director Planning and Community Development provided an overview of the proposed policy.

Discussion ensued, with the following points raised:

- Draft policy to be advertised for 28 days, instead of 21 days.
- Appropriate newspaper advertising was requested to educate the community on the requirements of the policy.

- Policy to be amended as follows:
 - Under “Location”, the end of paragraph one to read: “...areas of tourist interest, or the city centre.
 - Under “Location”, last sentence of paragraph two to read: “Therefore, short stay accommodation will not generally be supported in the Residential Zone, however, Council reserves the right in particular circumstances to consider matters and conditions that apply to proposals in a Residential Zone.
 - Under “Requirements”, Point 5, 5th dot point to read: “Control of antisocial behaviour and potential conflict between the long term and short term guests. A Code of Conduct shall be prepared detailing the expected behaviour of residents in order to minimise any impact on adjoining properties.”
 - Under “Requirements” The following sentence to be added at the end of Point 5: “The management plan shall be kept at the premises at all times, and the Code of Conduct shall be displayed in a prominent position within the premises.”
 - Under “Requirements”, Point 8 to read: “For the purposes of assessing the number of short stay units on a site, the maximum density will be equivalent to the density applicable to the site, calculated on a total land area.”

MOVED Cr Magyar SECONDED Cr Fishwick that the Policy Committee ENDORSES the draft Local Planning Policy – Short Stay Accommodation forming Attachment 1 this Report, as amended by the Policy Committee, and RECOMMENDS to Council that the draft Policy be advertised for public comment for a period of 28 days.

The Motion was Put and

CARRIED (6/0)

In favour of the motion: Mayor Pickard, Crs Hart, Hollywood, Magyar, Evans and Fishwick

Appendix 1 refers

ITEM 2 POLICIES RELATING TO RECOGNITION OF COMMUNITY/SPORTING GROUPS AND VOLUNTEERS – [18107]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE

For the Policy Committee to give consideration to the proposed policies relating to:

- Recognition of community/sporting groups; and
- Recognition of volunteers.

EXECUTIVE SUMMARY

The City of Joondalup currently benefits from countless unpaid hours provided by volunteers and community/sporting groups in delivering services, programs and activities to the community.

The City has in the past recognised volunteers that assist the City in specific programs or services to the community.

Options have been prepared for consideration on how to recognise the efforts of volunteers and community/sporting groups.

BACKGROUND

The City of Joondalup has since its establishment recognised volunteers that have assisted the City in delivering various services or programs to its residents.

Predominantly the volunteer functions related to volunteers that assisted the City in the following areas:

- Library Services;
- Joondalup Eisteddfod;
- Justices of the Peace;
- Joondalup Festival and Summer Events Programs;
- Seniors and Youth (SWRHA); and
- Surf Lifesaving and State Emergency Services.

The City also has hundreds of community groups that are predominantly staffed by volunteers that provide various services and programs to the community of the City of Joondalup. A request has been made from a community group for the City of Joondalup to acknowledge and provide funding to assist it in celebrating an anniversary date of its existence. The City of Joondalup does not have a policy to deal with such a request.

DETAILS

The City currently recognises those volunteers who assist it in delivering various services and programs. There are in excess of 400 community groups that operate within the City providing various community based programs, services and activities.

It has been requested that consideration be given to the development of policies that recognise the contribution of these community groups.

Issues and options considered:

A number of options have been canvassed and are attached to the report. The Council could:

- Agree to continue with the current practice of recognising volunteers that assist the City;
- Consider and select one of the attached options;
- Decide not to recognise volunteers.

Link to Strategic Plan:

Objective 1.2	To meet the cultural needs and values of the community.	
	Strategy 1.2.1	Continue to enhance and create new cultural activities and events.
Objective 1.3	To continue to provide services that meet changing needs of a diverse and growing community.	
	Strategy 1.3.2	Provide quality-of-life opportunities for all community members.
	Strategy 1.3.3	Provide support, information and resources.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

There is a minimal risk involved being that failure for the City of Joondalup to recognise the efforts of the community/sporting groups and volunteers may see a decline in the numbers of volunteers and community/sporting groups.

Financial/Budget Implications:

Increasing the number of events and number of guests will increase the financial cost to the City.

Policy Implications:

There is currently no policy addressing these issues. This report has been presented to the Policy Committee for consideration.

Regional Significance:

The efforts of volunteers and community/sporting groups not only benefit the residents of the City of Joondalup, but also those of the region.

Sustainability Implications:

Social sustainability is a life achieving condition within communities, and is a positive condition marked by a strong sense of social cohesion. Volunteers and community/sporting groups play a vital role in achieving social sustainability.

From an economic sustainability perspective, volunteers and community/sporting groups contribute numerous hours of unpaid contribution to the community. The financial implication on the City and other levels of government would be enormous if volunteers failed to serve the community or alternatively many service programs would not be delivered, which would greatly impact on the social sustainability and general community well being.

Consultation:

It is not recommended that the policies be subject to consultation.

COMMENT

The volunteers and community groups provide an invaluable contribution to sustaining the communities in which we live. The policies submitted attempt to address ways to recognise their efforts and contributions.

ATTACHMENTS

Attachment 1	Draft Policy – Recognition of Community/Sporting Groups
Attachment 2	Draft Policy – Recognition of Volunteers
Attachment 3	Options for functions

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee CONSIDERS the draft policies on Attachments 1 and 2 to this Report and determines the nature of the policies to be forwarded to Council for endorsement.

The Director Governance and Strategy provided an overview of the report.

Discussion ensued in relation to the draft policy on Recognition of Community/Sporting Groups, with the following points raised:

- The groups recognised under this policy would include members of Council's advisory committees and community service volunteers, such as bus drivers.
- Policy to be amended as follows:
 - First sentence under "Community Groups" to be amended to read: *"Community/sporting groups that have operated for the following number of years may apply for the following amounts to celebrate the milestone."*
 - Amounts shown on page 1 to be amended.
 - Additional dot point on page 1 to read *"Host a civic reception to celebrate the group's milestone"*.
 - Under "Eligibility", 2nd dot point to be amended to read: *"have been operational within the suburbs/localities within the current boundaries of the City of Joondalup...."*
 - Under "Eligibility", an additional sentence to read: *"Applications for support under this Policy must be submitted to the CEO on the relevant form"*.

Discussion ensued in relation to the draft policy on Recognition of Volunteers, with the following points raised:

- The attached matrix was for the information of the Committee and is not to form part of the policy.
- Policy to be amended within “Statement” as follows:
 - The following sentence to be added at the end of dot point 1: *“The volunteer functions will be held, where possible, to coincide with dates and weeks of recognised significance.”*
 - *Dot point 2 to be deleted.*
 - Dot point 3 to be amended to read: *“Invite volunteers from recognised community groups who have operated within the City of Joondalup to functions to recognise their service. The invitation to volunteers will also include partners.”*
 - Delete last sentence.

MOVED Mayor Pickard SECONDED Cr Evans that the Policy Committee DETERMINES the draft policies on Attachments 1 and 2 to this Report, as amended by the Policy Committee, be forwarded to Council for endorsement.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Mayor Pickard, Crs Hart, Hollywood, Magyar, Evans and Fishwick

Appendix 2 refers

ITEM 3 PROPOSED AMENDMENT TO POLICY 8-2 – ELECTED MEMBER ALLOWANCES – [27122, 18058]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE / EXECUTIVE SUMMARY

To propose amendments to Policy 8-2, which relates to allowances for Elected Members.

BACKGROUND

It is important that provisions in relation to allowances are as clear and unambiguous as possible to avoid potential disputes.

DETAILS

The proposed amendments to Policy 8-2 are tracked in Attachment 1. A 'clean' version of the Policy with proposed amendments is at Attachment 2. There are numerous changes, with the key ones as follows.

- A range of minor grammatical and operational enhancements is made (ie. associating access to telephone facilities with suitable accommodation rather than secretarial services; referring consistently to conference and training events; and reflecting the fact that it is the City which makes payment rather than the Council).
- Words have been taken from the Objective of the Policy and included as a new Introduction. This has been done to better reflect the nature of the comments.
- The annual period has been amended from May-May to October-October to conform to the new electoral cycle.
- A clear statement has been made that equipment issued to Elected Members should either be new or in a very good condition. This was unclear before with a previous reference relating to the balance of an Elected Member's term.
- The insertion of a provision which allows Elected Members who do not wish to obtain the uniform to have access to a cash payment which equates to the value of the uniform. This must be used to purchase other clothing.
- The insertion of several new clauses to explain the process for reimbursement including what can be reimbursed when visits to conference or training events are extended.
- The insertion of additional provisions in relation to the payment of a daily allowance to explain the allowance. Allowance amounts are not included in the Policy as these can change regularly as the Award is amended.
- Deleting the requirement for Council approval to transfer conference and training money to another Elected Member to enhance efficiency.
- Incorporating clauses relevant to overseas travel in the part relating to overseas travel.
- Providing greater flexibility in relation to the timeline for making claims for reimbursement. While it is considered important for claims to be made in a timely manner, some flexibility is considered reasonable.
- Deleting the concept of a delegation to the CEO in relation to Conference and Training events as this is not required and placing the onus on Elected Members to select the events they would like to attend.

Issues and options considered:

The proposed amendments to the Policy could be:

- Accepted;
- Modified; or
- Rejected

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Sections 5.98, 5.98A, 5.99, 5.99A and 5.102 of the *Local Government Act 1995* together with the Local Government (Administration) Regulations govern the allowances which can be paid.

Risk Management considerations:

The wording within the current Policy is sometimes confusing and there are areas that could be further clarified. The proposed amendments to the Policy make such changes to minimise future risk about the Policy being misinterpreted.

Financial/Budget Implications:

There are no financial implications associated with the changes being proposed.

Policy Implications:

An amendment to Policy 8-2 is proposed.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1	Proposed amendments to Policy 8-2 – tracked changes.
Attachment 2	Proposed amendments to Policy 8-2 – clean version.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee CONSIDERS the proposed amendments to Policy 8-2 provided at Attachment 1 to this Report, and, if supported, PRESENTS these to Council as proposed amendments to the Policy.

The Director Governance and Strategy provided an overview of the report.

Discussion ensued, with a number of additional amendments being requested to be made to the policy, as follows:

- Clause 1.2(d) to read: *“Suitable contemporary office accommodation within the Civic Centre”*
- Clause 1.3(d) to read: *“The cost of the Deputy Mayor or Councillor, plus his or her partner, attending”*
- Clause 2.2(1) to read: *“laptop computer and all in one printer.”*
- New Clause 2.2.(2) added to read: *“router and hub for internet use.”*
- Clause 2.4(1) to read: *“Two name badges for members and one name badge for their partners”.*
- Clause 2.4(7) to read: *“....3 shirts/blouses. Should an Elected Member not wish to receive the uniform, they will be entitled to receive a cash payment which equates to the cost of supplying the uniform to purchase their own clothing that is suitable for civic attire. Such a cash payment must be acquitted within 3 months through the provision of receipts for clothing purchased. Any monies not acquitted in this way should be returned to the City. Such a payment will only be made once in a term of office.”*
- Clause 2.6(1) to read: *“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.”*
- Clause 4.3(1)(a) to read: *“.... allocation of \$10,000, inflated at the CPI rate for Perth on 1 July each year and rounded to the nearest \$1,000”*
- Clause 4.3(1)(b) to read: *“.... allocation of \$5,000, inflated at the CPI rate for Perth on 1 July each year and rounded to the nearest \$1,000”*
- Clause 4.7(6)(g) to be amended to change all reference to *“two days”* to *“three days”*.
- Clause 4.7(7), heading to be amended to read: *“Cash Advances associated with payment through the reimbursement of expenses”.*

A query was raised in relation to the requirement under Clause 6, for Elected Members to submit a report following their attendance at a conference. It was understood that the timeframe for submission of such report was two weeks, and a request was made to extend this period of time. This matter will be investigated.

Cr Evans left the Room at 2021 hrs.

MOVED Cr Magyar SECONDED Mayor Pickard that the Policy Committee PRESENTS Policy 8-2 on Attachment 1 to this Report, and as amended by the Policy Committee, to Council for endorsement.

The Motion was Put and

CARRIED (4/1)

In favour of the motion: Mayor Pickard, Crs Hart, Hollywood and Magyar **Against the Motion:** Cr Fishwick

Appendix 3 refers

ITEM 4 CODE OF CONDUCT: GIFTS AND ACTS OF HOSPITALITY – [09358]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE / EXECUTIVE SUMMARY

To propose amendments to the section of the Code of Conduct relating to gifts and acts of hospitality to improve the clarity of the Code's requirements and to ensure it aligns with relevant legislation.

BACKGROUND

Gifts and acts of hospitality provided to, and accepted by, Elected Members, Committee Members and employees can be a contentious issue. Consequently, this area of the Code has been given close consideration to determine its operational effectiveness.

DETAILS

There are several areas within the Code of Conduct relating to gifts (Attachment 1) that give cause for concern. These are as follows:

- 1 The first paragraph makes a categorical statement (ie. Elected Members "shall not seek or accept" gifts). However, clearly gifts can be accepted. Consequently it would be better if this paragraph commenced with the words "in general".
- 2 The second paragraph says that "the Mayor and/or the CEO may accept acts of hospitality for local community-related events". There is no indication as to whether this only applies to token gifts and moderate acts of hospitality or whether it relates to all acts of hospitality, no matter what the cost. It also begs the question about Councillors being offered and accepting hospitality for "local community-related events".
- 3 The third paragraph appears to be out of place. It starts "notwithstanding the preceding paragraph, Elected Members, etc may accept token gifts". This statement really relates to the first paragraph that says acts of hospitality and gifts cannot be accepted rather than the second paragraph that talks about accepting acts of hospitality.
- 4 The Code notes that "the term gift does not include...the giving of gifts in accordance with social customs". Most gifts are given in accordance with social customs. For instance, gifts at Christmas could be seen as being given in accordance with social customs. It could also be seen as a social custom to invite people to functions or events. Each of these would then be excluded from the definition of gift (and presumably not be covered by the Code). It is unlikely that this is what was envisaged when the Code was drafted.

5 The Code notes that the term 'gift' would not include token gifts of appreciation. Here it is noted that gifts, in working or public life, are generally given on two bases. The first is in anticipation of something being done while the second is in appreciation of something having been done. In reality, many gifts will cover the two (ie. an invitation to a Christmas event ostensibly to thank the person for past work but which also anticipates future work). If the term 'gift' does not include gifts of appreciation, many gifts received would not need to be recorded. It is unlikely that this was envisaged when the Code was drafted.

6 The Code identifies tangible items that are not covered by the term 'gift'. The Regulations make no such allowance for tangible items but cover acts of hospitality. Specifically, the Regulations require as follows:

- Only token gifts can be accepted;
- The Code is to require token gifts to be recorded in a Register;
- The Register is to contain specific information about the token gift; and
- Acts of hospitality specified by a local government in its Code do not need to be recorded.

The City's definition of what is excluded from the term 'gift' relates to tangible items rather than actual acts of hospitality. Consequently, it could be questioned whether this is appropriate and legal.

7 The definition of the items, which the term 'gift' does not cover, makes no mention of the item's value. It talks about "small items". However, some small items can have large values. This would appear a weakness and the concept of low value should be added.

8 The Code mentions that token gifts from the same person or organisation should not be received on a frequent basis. However, 'frequently' is not defined. This appears to be a particularly important issue and one that should be defined in the Code.

9 The Code contains a paragraph about contributions to inspect, evaluate or trial a good or service which the City may wish to acquire. This paragraph comes "out of the blue" and is poorly worded. Its wording and location should be improved.

10 The paragraph which contains points (a)(b)(i) and (ii) is confusing. It starts by saying "All gifts not of a token kind" which indicates that the paragraph relates to those gifts valued at \$250 or more.

Then point (b)(i) talks about "any gift received at any time". This position is further qualified in paragraph (b)(ii) which relates to annual financial interest returns and which talks about the amount of the gift not exceeding the prescribed amount in Regulation, which is \$200. This mixing of token gifts and the reporting of gifts in annual financial interest returns is potentially confusing and could be worded better.

- 11 In the paragraph beginning “All gifts not of a token kind”, paragraph (a) states that such gifts should be “promptly returned (except in the case of acceptances by the Mayor or CEO referred to above)”. The only reference to the Mayor and CEO “above” relates to hospitality for community-based events. What happens in the case of tangible items? Consequently, it is unclear what gifts of a non-token nature can be accepted. Indeed it would appear illegal to accept non-token gifts as this would contravene Administration Regulation 34B(2).
- 12 Point (b) of the paragraph beginning “All gifts not of token kind” talks about the Register “kept by Council”. Regulation 34B(3) says that the Register is to be kept by the CEO.
- 13 Point (b) also talks about disclosing gifts in “a primary or annual return”. It should be noted that Form 2 of the Administration Regulations does not require declaration for gifts in a primary return but only in an annual return. This is because gifts given during an election are captured by the Electoral Gift Provisions. Gifts provided prior to this period are of no concern. Consequently, there are no gifts to be disclosed in a primary return.

To address these concerns, the section of the Code of Conduct relating to gifts has been completely rewritten and is included at Attachment 2 for consideration. Key elements of this rewrite include:

- Specific description of which gifts are excluded;
- Specific description of token gifts;
- Expansion on which gifts do not need to be recorded;
- Clarification on approach to frequent gifts;
- Separating annual financial interest return requirements from token gifts; and
- Elimination of the provision that allows variation to the gift provisions. It is considered inappropriate to provide flexibility in such an important, and publicly sensitive, area.

Issues and options considered:

The proposed wording for the Code could be:

- Accepted;
- Modified; or
- Rejected

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Sections 5.74, 5.82 and 5.83 of the Local Government Act relate to financial interest returns and Regulation 34B of Local Government (Administration) Regulations relates to token gifts.

Risk Management considerations:

The wording within the current Code of Conduct in relation to gifts is considered confusing. If this is not improved, there is a greater potential for people to make inappropriate decisions in relation to gifts, which carries risk.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

An amendment to the Code of Conduct.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1	The current Code of Conduct's provisions relating to gifts
Attachment 2	Alternative wording for Code relating to gifts

VOTING REQUIREMENTS

Simple majority.

OFFICER'S RECOMMENDATION

That the Policy Committee CONSIDERS the proposed alternative wording for the Code of Conduct in relation to gifts and acts of hospitality provided at Attachment 2 to this Report, and, if supported, PRESENTS to Council as an amendment to the Code.

The Director Governance and Strategy provided an overview of the report.

MOVED Cr Magyar SECONDED Cr Hollywood that the Policy Committee ADOPTS the alternative wording for the Code of Conduct in relation to gifts and acts of hospitality provided at Attachment 2 to this Report and presents it to Council as an amendment to the code

AMENDMENT MOVED Mayor Pickard SECONDED Cr Magyar that a point 2 be added to the Motion to read:

“2 REQUESTS the entire Code of Conduct of the City of Joondalup be reviewed and brought back to the Policy Committee.”

Discussion ensued.

The Amendment was Put and

CARRIED (4/1)

In favour of the motion: Mayor Pickard, Crs Hollywood, Magyar and Fishwick **Against the Motion:** Cr Hart

The Original Motion, as amended, being:

That the Policy Committee:

- 1 ADOPTS the alternative wording for the Code of Conduct in relation to gifts and acts of hospitality provided at Attachment 2 to this Report and presents it to Council as an amendment to the code**
- 2 REQUESTS the entire Code of Conduct of the City of Joondalup be reviewed and brought back to the Policy Committee.**

Was Put and

CARRIED (5/0)

In favour of the motion: Mayor Pickard, Crs Hart, Hollywood, Magyar and Fishwick

Appendix 4 refers

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

The following reports were requested:

- 1 Report on the feasibility of increasing the penalty for abandonment of shopping trolleys.**
- 2 Report on the development of a policy to provided free use of the City's facilities to organisations such as Lions Club, Rotary and Apex.**

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 2100 hrs; the following Elected members being present at that time:

Cr Sue Hart
Mayor Troy Pickard
Cr Kerry Hollywood
Cr Steve Magyar
Cr Russ Fishwick

POLICY No SHORT STAY ACCOMMODATION

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

OBJECTIVE: To specify standards of development and use for sites proposed to be used as short stay accommodation.

To protect the amenity and character of adjoining areas by minimising potential impacts associated with short stay accommodation.

AUTHORITY

This policy has been prepared in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2 (DPS2) 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, inclusive of the Joondalup City Centre.

POLICY STATEMENT

Short stay accommodation generally consists of self-contained accommodation, occupied on a short term basis. In this respect, short stay accommodation will be classified as a 'Residential Building' or an 'Unlisted Use', for the purposes of DPS2, depending on the specific proposal.

This policy does not apply to Bed and Breakfast, motel, or hotel proposals, as these are separately and specifically defined under DPS2.

Location

It is appropriate that the applicant demonstrate that the short stay accommodation is appropriate to meet the needs of the intended client, for example, by reason of being in close proximity to main access roads, public transport, education facilities, areas of tourist interest, and or the city centre.

Short stay accommodation may raise amenity issues, particularly if located in residential areas. Therefore, short stay accommodation will not generally be supported in the Residential Zone, however, Council reserves the right in particular circumstances to consider matters and conditions that apply to proposals in a Residential Zone.-

Requirements

The following requirements are to provide guidance to those persons planning the operation of Short Stay Accommodation within the City of Joondalup:

1. The maximum length of stay of each person is a period of 3 months or less in any continuous period of 12 months.
2. The accommodation is to be used for short stay accommodation only, and not habitation on a permanent basis.
3. The short stay accommodation development will be required to have facilities to ensure the responsible operation of the accommodation.
4. If the management of the short stay accommodation involves a permanent on-site manager*, then only one unit can be allocated to the on-site manager for permanent occupation. This unit will be treated as a caretaker's dwelling, as defined by DPS2.
5. A management plan is required to be prepared by the applicant, and approved by the Manager Approvals, Planning and Environmental Services. The operation of the short stay accommodation is then required to be in accordance with that approved Plan. The management plan should include:
 - Control of noise
 - Complaints management procedure
 - The on-going maintenance of all common property areas
 - Security of guests, residents and visitors
 - Control of anti social behaviour and potential conflict between long term and short term guests. A Code of Conduct shall be prepared detailing the expected behaviour of residents in order to minimise any impact on adjoining properties.
 - Parking Management Plan
 - Compliance with House Rules such as recycling
 - Exclusive use of storage areas by the occupier of the accommodation.

The management plan shall be kept at the premises at all times, and the Code of Conduct shall be displayed in a prominent position within the premises.

6. A register of all persons occupying the accommodation is required to be kept.

The register shall:

- (a) show the name and address of every person staying within the units and the unit occupied
 - (b) be signed by the person
 - (c) include the date of arrival and departure
 - (d) be kept on the premises of the short stay accommodation or at such other place as agreed to by the Council and shall be open to inspection on demand by an authorised City Officer.
7. Car bays are to be provided in accordance with the requirements of the City of Joondalup District Planning Scheme No 2.
8. For the purposes of assessing the number of short stay units on a site, the maximum density will be equivalent ~~to R40, calculated on the total land area. Within the City Centre, the maximum density is to be assessed on~~ to the density applicable to the site, calculated on the total land area.

**The requirement for a permanent on-site manager is determined by reference to the Health Local Law.*

Details Required For Planning Application

In addition to the normal planning application requirements, the following additional information is required be submitted on application for planning approval:

1. A management plan, detailing how the short stay accommodation is to be managed and serviced.
2. Information justifying the proposed location of the accommodation
3. Justification as to how and why the proposed accommodation will be compatible with the adjoining area.

Details Required For Compliance With Health Act 1911 and City Of Joondalup's Health Local Law.

The development of short stay accommodation may be classified as a Lodging House under the City of Joondalup Health Local Law. ***Strict requirements apply to Lodging Houses, and potential applicants are advised to be familiar with these requirements and incorporate those requirements into the proposal, prior to the application being submitted.***

Advertising of Proposal

All applications for short stay accommodation will be subject to public advertising in accordance with District Planning Scheme No 2.

Related Documents

District Planning Scheme No 2
Planning Application Fact Sheet
Health Local Law

POLICY - RECOGNITION OF COMMUNITY/SPORTING GROUPS

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:	Governance and Strategy
OBJECTIVE:	To support the City's role in recognising the significant anniversary dates of community/sporting groups.

STATEMENT:

Community/sporting groups that have served the residents of the City of Joondalup for many years deserve to have their efforts recognised. This policy guides the City in the provision of appropriate recognition.

Community Groups

~~For~~ Community/sporting groups that have operated for the following number of years, may apply for the following amounts ~~will be paid:~~ to celebrate the milestone:

Years	Amount
25	\$2,500 <u>\$2,000</u>
50	\$2,500 <u>\$3,000</u>
75	\$5,000
100	\$5,000 <u>\$7,000</u>

To recognise these milestone dates the City will also:

- Present a letter from the Mayor acknowledging the significance of the milestone;
- Present an official plaque/certificate commemorating the milestone;
- Request that the Mayor and Councillors be invited to attend the official celebratory event;
- Host a civic reception to celebrate the group's milestone;
- Acknowledge the milestone in a City publication.

A community/sporting group wishing to receive recognition will be required to provide the City with adequate information to demonstrate that it has been operating for the relevant period within the City, and that it meets the definition of a 'community/sporting group'.

A community/sporting group may apply for recognition either in the year prior to or the year after its anniversary.

For those groups wishing to apply retrospectively, only one payment will be made for the last anniversary milestone reached.

Eligibility

For a community/sporting group to be eligible under this policy, the group must:

- be a not-for-profit sport, recreation or community organisation incorporated under the WA Associations Incorporation Act 1987 and have maintained that status since its inception. The group must demonstrate equitable access to the public; and
- have been operational within the boundaries of suburbs/localities within the current boundaries of the City of Joondalup for the period of time applied for and have provided service to the residents of the City.

Organisations that are not eligible to access this policy are:

- Educational institutions, private and state;
- Federal and State Government departments/institutions.

Applications for support under this Policy must be submitted to the CEO on the relevant form.

SUSTAINABILITY STATEMENT

Community/sporting groups provide a valuable service, enhancing the community in which we live. The efforts of the individuals and groups comprising volunteers provide a positive condition marked by a strong sense of social cohesion.

Amendments:

Related Documentation:

Issued:

POLICY - RECOGNITION OF VOLUNTEERS

STATUS:	City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus. <i>City policies are referred to Council for review and endorsement.</i>
RESPONSIBLE DIRECTORATE:	Governance and Strategy
OBJECTIVE:	To support the City's role in recognising the significant and invaluable efforts of volunteers within the community.

STATEMENT:

Volunteers provide an invaluable contribution to the community in which the residents of the City of Joondalup live.

In order to recognise the significant efforts of volunteers within the community, the Council will:

- Conduct volunteer functions, to recognise their efforts. The volunteer functions will be held, where possible, to coincide with dates and weeks of recognised significance.
- ☐ ~~The volunteer functions will be held, where possible, to coincide with:~~
 - ~~— National Volunteers Week (May)~~
 - ~~— International Volunteers Day (December)~~
- ☐ ~~Invite volunteers a maximum of xxxxxxxxxxxx people plus guests from each from recognised community groups who have operated community services by volunteers within the City of Joondalup to functions to recognise their service. The invitation to volunteers will also include partners. for the past twelve (12) months.~~

~~Each community group will be invited to a volunteer function every xxxxxxxx years.~~

SUSTAINABILITY STATEMENT

Volunteers groups provide a valuable service enhancing the community in which we live and add to the life-enhancing condition. The efforts of the individuals and groups provide a positive condition marked by a strong sense of social cohesion.

Amendments:

Related Documentation:

Issued:

POLICY 8-2 – ELECTED MEMBERS - ALLOWANCES

STATUS:	<p>City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.</p> <p>City policies are referred to Council for review and endorsement.</p>
RESPONSIBLE DIRECTORATE:	Office of the CEO
OBJECTIVE:	<p>The objective of this document is to support good governance for the City of Joondalup through the provision of a clear and transparent framework for support<u>provide a clear outline of the support and allowances</u> available to the City's e<u>E</u>lected m<u>M</u>embers.</p> <p>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.</p> <p>For the purpose of calculating expenses and application of limits set and applied under this policy, the Annual Expense Period shall be from May to May in the following year.</p>

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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 FACILITIES 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 for election purposes;
 - (d) Suitable contemporary office accommodation within the Civic Centre;
 - (e) Secretarial services including word processing, photocopying, and printing, postage, ~~facsimile and telephone facilities~~;
 - (f) Administrative assistance associated with any Council functions, meetings, publications and the like;
 - (g) Access to the Elected Members Lounge and Office refreshments;
 - (h) ~~Provision of a credit card for the personal use of Mayor for official functions and duties relating to Council business that he/she may attend.~~

- (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 ~~that their~~ office, be entitled to receive the benefit of the following facilities without the reduction ~~(unless otherwise stated)~~ 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) ~~Limited~~ Some secretarial support as resources allow including limited word processing, photocopying, ~~printing, — and~~ postage ~~facsimile and telephone facilities~~;
- (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 ~~4.45-3~~ 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.
- ~~(23)~~ 4 pin power board
- ~~(34)~~ Elected Member lounge key
- ~~(45)~~ Security Ccard/Building Access Card and ID Card
- ~~(56)~~ Satchel or briefcase (optional)

- (67) 1 City of Joondalup vehicle licence number plate, selection of numbers 2 to 20 (optional) (See 23.5 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) Should an Elected Member not wish to receive the uniform, they will be entitled to receive a cash payment which equates to the cost of supplying the uniform to purchase their own clothing that is suitable for civic attire. Such a cash payment must be acquitted within 3 months through the provision of receipts for clothing purchased. Any monies not acquitted in this way should be returned to the City. Such a payment will only be made once in a term of office.
- (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 ~~for the~~ transfer ~~of~~ the vehicle licence number plate ~~at the cost of the City~~ 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 ~~e~~Elected ~~m~~Members shall return the Council issued vehicle licence number to the City within fourteen (14) days of ceasing to be an ~~E~~elected ~~m~~Member. Any costs associated with this transfer of the ~~e~~Elected ~~m~~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 equipment, at no charge, 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
- ~~(2) When equipment is returned to Council, that equipment may be issued to the newly Elected Member provided that the balance of the term of office to be served is less than three years.~~

PART 3 – PAYMENT OF FEES AND ALLOWANCES

3.1 Objective

To detail the amount of fees and, allowances to be paid to Elected, ~~payment structure and Members and the~~ conditions under which those fees and allowances shall be paid ~~to Elected Members, as resolved by Council in accordance with the Local Government Act 1995.~~

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 ~~E~~elected ~~m~~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 ~~e~~Elected ~~m~~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 ~~e~~Elected ~~m~~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 further each subsequent quarter of each year 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 they do he/she does not want to claim any or part of those fees and allowances.
- (2) If payment is not accepted initially 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 requests for full or additional payment will be not be back paid but accrued from the date of such request.
- (3) The taxation liability arising from these payments is the individual responsibility of each eElected mMember.

PART 4 – ATTENDANCE AT CONFERENCES AND TRAINING WITHIN AUSTRALIA

4.1 Objective

To enable eElected mMembers to develop and maintain skills and knowledge relevant to their role as community 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 fulfil 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 eElected mMembers:
 - (a) The Mayor shall be entitled to an annual expense allocation of \$10,000, inflated at the CPI rate for Perth Australia on 1 July each year and rounded to the nearest \$1,000; and

- (b) All Councillors shall be entitled to an annual expense allocation of \$5,000, inflated at the CPI rate for Perth Australia on 1 July each year and rounded to the nearest \$1,000.
- (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 ~~be authorised to~~ attend conferences and training by following:
 - (a) ~~Approval by~~ the Council through a resolution passed at a Council Meeting; or
 - (b) ~~The CEO acting within delegated authority by informing the CEO in advance of attendance.~~
- ~~(2) Under this Policy, Authority is delegated to the CEO:~~
 - ~~(a) to authorise Elected Members attendance at conferences and training;~~
 - ~~(b) to nominate and authorise a substitute Elected Member to attend any conference in lieu of the Mayor or another nominated or authorised Elected Member.~~

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

~~Council~~ The City will pay Conference or Training costs where the Elected Member has been ~~nominated and~~ 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 ~~Council~~ City discount for travel and accommodation being provided. In general, all ~~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 ~~Council~~ 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 ~~conference~~ 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 ~~e~~Conference and Training venue. All reasonable travel costs for

Elected Members/ delegates to and from the ~~conference location~~ and venue/~~accommodation~~ will be met by the ~~Council~~City.

- (b) ~~Where air travel is involved, Approval for air travel must where possible, to attend should ideally~~ be sought two months prior to departure ~~to facilitate booking~~.
- (c) All air travel ~~, whether~~ within Australia ~~or overseas~~, shall be by Business Class, except where an ~~eElected mMember~~ 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 ~~eConference~~ 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 ~~eConferences~~ and Training, will be reimbursed by the ~~Council~~City.
- (e) Where in particular circumstances Elected Members desire to travel interstate or intrastate by private motor vehicle, they will be reimbursed for ~~actual accommodation costs which are receipted and~~ 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.

(76) 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.

~~(d) The Cash Advance shall not cover:~~

- ~~(i) any expenses or time occupied on matters other than Council business;~~
- ~~(ii) meal claims where meals are provided at a conference.~~

(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.

~~(78)~~ Public ~~s~~Service Commission Allowance

~~In addition to the cash advance, an allowance as determined by regulation is payable. 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 8:00am – 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 eConference 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 conference event programs, are to be borne by the Elected Member/accompanying person and not by the Council City. The exception to the above being the cost of attending any official conference event dinner where partners would normally attend.
- (2) An accompanying person's registration, or accompanying person's program fees, is to be paid to the conference organiser, at time of registration. The Council is prepared to receive such City will administer the registration and payments to forward them on to the conference organiser, with any Council delegates' registration 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 Council 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 eConference and Training event.

4.9 Guidelines for Conference and Training Attendance

- (1) Subject to the provisions of clause 4.35.2 "Annual Conference and Training Expense Allocation" the guidelines detailed in this clause shall apply.
- ~~(2) Elected members may attend several local conferences including those that require overnight accommodation, subject to Clause 5.6(1) and (4) of this policy.~~

- (32) ~~Generally, no~~ No more than two ~~eElected mMembers~~ eElected mMembers may attend a particular ~~eConference or Training event, seminar, lecture or course~~ 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.
- (43) ~~ASubject to (5) below, an eElected mMember~~ eElected mMember 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.
- (54) ~~At the commencement of each two-year period between Council elections as referred to in (4) above, each~~ Following each Ordinary Council Election, each ~~eElected mMember~~ eElected mMember will commence their annual expense allocation ~~as detailed in 5.2(1)(a) and (b) and forfeit any unspent funds.~~
- (65) Elected Members will only be registered for conference ~~and/T~~ training ~~courses events~~ itemised in this policy, if the ~~eElected mMember~~ eElected mMember 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 ~~requested the eConference and/or tTraining event~~ in the ~~eElected mMember's~~ eElected mMember's conference and training ~~expense~~ allocation, Council approval must be obtained before ~~attendance if the additional costs are going to be claimed. costs are incurred.~~
- (76) The cost of training that is specifically arranged for attendance by all ~~eElected mMembers~~ eElected mMembers, (eg team-building) shall be paid from a separate allocation for the purpose and not considered as part of, and debited to, the individual ~~eElected mMember's~~ eElected mMember's allocation referred to in this policy.
- (87) (a) ~~Subject to Council approval, aAn~~ Elected Member may agree to meet ~~the Conference and Training costs for another Elected Member~~ and forfeit ~~same the relevant amount~~ from ~~their-his/her~~ own annual conference and training ~~expense~~ allocation, to enable another ~~eElected mMember~~ eElected mMember to attend a ~~Ceference and/or tTraining event~~, where that member has insufficient funds remaining in their allocation.
- (b) In such cases, the ~~eElected mMember~~ eElected mMember agreeing to meet those costs, shall provide the CEO with a written statement to that effect, signed by both ~~eElected mMembers~~ eElected mMembers and authorising the CEO to initiate necessary arrangements and debit the authorising member's allocation.
- (c) ~~Initiation of the necessary arrangements to allow the elected member to attend a conference under the above circumstances, will only proceed if there is sufficient funds remaining in the overall Council Budget for elected members conferences and training.~~

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 eElected mMember may attend an overseas conference if the eElected mMember 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 eConference or tTraining in the eElected mMember'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) ~~Attendance at an overseas conference is subject to authorisation being obtained from Council prior to departure, with a specific Council resolution supporting that the conference attendance will be of benefit to the City and the Elected Member and detailing any conditions that may apply.~~
- (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~~Conference, seminar or ~~training~~event session as detailed within this policy, where registration and other associated costs are met by the City of Joondalup, the attending ~~eElected~~mMember ~~shall be~~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 ~~eElected~~mMembers 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 ~~eElected~~mMember's attendance at a ~~eCouncil~~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 it is deemed to be otherwise more appropriate for an Elected Member to travel to attend a Council related commitment without a car, a taxi may be used and the costs incurred claimed.
- (4) All expenses claimed other than travel in a member's own vehicle, 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. 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 ~~e~~Elected ~~m~~Member. Costs incurred and paid by Elected Members will be reimbursed by ~~Council~~ 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 ~~shall~~ should submit the appropriate claim form to the CEO, together with supporting documentation, within ~~2-clear~~ 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
Related Documentation:	Delegated Authority Manual Local Government Act 1995
Issued:	October 2005

POLICY 4-1 – CODE OF CONDUCT

STATUS:	Council Policy - <i>A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations.</i> <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 Elected Members and Staff 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 Elected Members and Staff.

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PART 1 - INTRODUCTION

The Council of the City of Joondalup is the elected body responsible for the administration of the City in the best interests of its residents. The Council is committed to providing open, responsive and accountable government. It must do that in accordance with the applicable legislation.

The Local Government Act confers considerable powers on the Council. Because of this, Elected Members, Committee Members and Employees must seek actively to achieve and retain public trust if they are to deserve the responsibilities entrusted to them.

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 Council activities. The Code of Conduct does not establish a rule for every situation, but provides guidance and a basis of expectations for good public administration by Elected Members, Committee Members and Employees of the City.

The local community and the public in general is entitled to expect that:

- The business of the Local Government will be conducted with efficiency, impartiality and integrity;
- Elected Members, Committee Members and Employees will obey the spirit and the letter of the law and, in particular, the provisions of all relevant statutes, ordinances, regulations and instruments; and
- Duty to the public will always be given absolute priority over the private interests of Elected Members, Committee Members and Employees.

A Code of Conduct is an important instrument of the Council, necessary due to the particular relationships and responsibilities that arise from being a public institution. To ensure the effective and efficient administration of the City of Joondalup, a set of standards is essential to clearly outline these responsibilities and the behaviours that need to be observed to retain the good faith and trust of all parties involved.

All Elected Members must adhere to the Code of Conduct and refrain from vilifying fellow Elected Members, employees and Members of the Public.

The Code of Conduct does not override or affect the legislation applicable to local government. It is not intended to be read as a set of rules where each word is scrutinised for its legal meaning. The Code of Conduct is intended to convey in plain words the obligations placed on, and the behaviour expected of all of the Council.

This Code of Conduct applies to every individual Elected Member, Committee Member and Employee of the City of Joondalup.

PART 2 - GUIDING PRINCIPLES

Guiding Principles of Elected Members, Committee Members and Council Employees

The City of Joondalup's Strategic Plan 2000-2005 outlines the Guiding Principles of Elected Members, Committee Members and Council Employees based on a commitment to:

Community Focused

- We will develop a sense of belonging/ownership.
- We will understand community diversity and harmony, meeting changing customer needs.

Sustainability

- We will promote an integrated environmental, social and economic approach to all our activities.
- We will focus on improving quality of life for current and future residents and ratepayers.

Best Value

- We will provide value for money with our quality services.
- We will use the most efficient and effective processes continuously improving our delivery.

Leadership through Partnerships and Networks

- We will develop partnerships and networks.
- We will gain support from key stakeholders.

Flexibility in Service Delivery

- We will be flexible in our planning to accommodate changing circumstances.
- We will be flexible in our delivery of a range of services and programs.

Interaction Between Elected Members, Committee Members and Council Employees

The role of Elected Members and Committee Members compared to the role of Council employees is quite different. In essence, the Council decides policy objectives and the results it wishes to achieve and, subject to any specific directions from the Council, the CEO (and employees) has responsibility to put those policy decisions into practical effect.

A prime responsibility of council employees and delegates is to assist Elected Members and Committee Members in their decision-making role. Employees should always provide frank and professional advice.

The Council or individual Elected Members or Committee Members may request or direct the provision of advice on any topic but shall not under any circumstance direct or request the advice to contain any predetermined content or recommendation.

The CEO is responsible to the Council for performance and direction of all employees and delegates in the day-to-day management of Council. It is appropriate that all requests by Elected Members or Committee Members for information be directed to the CEO, Directors or Business Unit Managers as appropriate.

Therefore, just as there are different obligations under the Local Government Act for Elected Members and Committee Members in comparison to Employees, there is a distinction between the way the Code of Conduct applies to those parties.

PART 3 – VALUES AND ETHICAL STANDARDS

A Code of Conduct is determined by the values and ethical standards on which it is based. The Council of the City of Joondalup believes that acting ethically is central to its public accountability, the successful achievement of its vision and performance of its role.

Values

The City of Joondalup's Code of Conduct is governed by five key values.

- **Living our values**

As a progressive local government intent on 'creating the future', we have a special responsibility to the people of Joondalup. We show this by practicing our values in the work we do.

- **Customer Service Excellence**

We take pride in delivering excellent customer service in a professional, timely and courteous manner.

- **Leadership**

We encourage leadership and innovative thinking at all levels of the organisation.

- **Participation**

Throughout the ongoing process of change, we encourage participation and good communication. We encourage an active local democracy.

- **People**

We value our people by recognising their creativity, experience, commitment and potential. We welcome and encourage new ideas.

Ethical Standards

The Code of Conduct is also governed by three ethical standards:

Respect for Persons

This standard requires that we treat other people as individuals with rights to be honoured and defended, and empower people to claim their rights if they are unable to do it for themselves. We encourage honest relationships by being truthful and sincere when dealing with others.

- It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to others.

Justice

This standard requires that we treat people fairly, without discrimination, and with rules that apply equally to all. We ensure that opportunities and social benefits are shared equally among individuals, with equitable outcomes for disadvantaged people. We uphold the laws of the Council of the City of Joondalup and comply with relevant State and Federal legislation.

Beneficence

This standard requires that we do for others what we would like done for ourselves – that we do good, and not harm, to others. We must be aware that the strong have a duty of care to the weak, dependent and vulnerable and uphold the rights of those who are unable to do so. We shall contribute to the well-being of individuals and society by exercising due diligence and duty of care to others.

PART 4 – IMPLEMENTATION, REVIEW AND COMPLIANCE

Implementation and Review

The original Code of Conduct for the City of Joondalup was first adopted on 23 April 1997 with immediate effect.

There is a requirement to review the Code within 12 months of every ordinary election of Council Members for the City. The review is designed to address any problems experienced within the preceding 12 months in regard to its application or interpretation, and recommend any amendments that may be appropriate. Amendments to the Code must be subsequently communicated to Elected Members, Committee Members, Employees and the community.

Enforcement of the Code

Any Council employees, Elected Members or Committee Members having concerns with regard to an actual, perceived, potential, intended or unintended breach of either the specific provisions or the spirit of the Code of Conduct, or any provisions of the Local Government Act or such regulations or local laws created thereunder, should discuss those concerns with the **CEO where such matters relate to Elected Members or employees, or the Mayor in the case of matters involving the CEO.**

Matters the subject of such reports shall be treated in the strictest confidence until such time as an appropriate investigation has been undertaken.

Any actions taken as a result of a breach will be made in accordance with the provisions of any applicable legislative requirement and the Council's responsibilities as an employer. It should be noted that the Corruption and Crime Commission Act 2003, requires the reporting to the Commission of certain matters relating to alleged 'corrupt conduct', 'criminal conduct' and 'serious improper conduct'. Definitions of these terms are provided in the Act and appear as annexure 1 to this Code.

PART 5 - CONFLICT AND DISCLOSURE OF INTEREST

5.1 Conflict of Interest

Elected Members, Committee Members and Employees should ensure that there is no actual or perceived conflict or incompatibility between the impartial fulfilment of their public or professional duties and either their personal interests, or those of their immediate family members, business partners or close associates. Specifically;

- (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.

The mere fact that a person has both a public or professional duty and a private or personal interest in relation to a particular matter does not mean that the two must be in conflict. A conflict of interest arises if it is likely that the person with the private or personal interest could be prejudicially influenced in the performance of his/her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced.

5.2 Disclosure of Interest

- (a) Elected Members, Committee Members and Employees will adopt the principles of disclosure of interest as contained within the Local Government Act 1995 and the Financial Interests Manual as prepared by the Department of Local Government.
- (b) Whenever disclosure is required by (a) above, or otherwise seems appropriate, it will be made promptly, fully, and in writing to the CEO prior to the Meeting.
- (c) Elected Members, Committee Members or Employees are required to disclose any interest, where they believe that the public may have a perception that their impartiality may come into question. The disclosure must occur when the matter is to be discussed at a Council or committee meeting where the person who has the interest will be in attendance and/or has given, or will give, advice.
- (d) The disclosing of an interest as detailed in (b) and (c) above is to be made immediately before the matter is discussed or at the time the advice is given, and shall be recorded in the minutes of the Meeting.
- (e) The disclosure of an interest in (c) above does not affect the ability of the Elected Member, Committee Member or Employee to discuss or vote on the matter.

PART 6 – CONDUCT OF ELECTED MEMBERS, COMMITTEE MEMBERS AND EMPLOYEES

Use of Confidential Information

Elected 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.

Improper or Undue Influence

Elected 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.

Persons aggrieved by what they perceive as improper or under influence shall report such conduct, in confidence, to the CEO or Mayor. Notwithstanding this, aggrieved persons also have the right to report such conduct to the appropriate external authorities. In making reports of improper or undue influence, persons should not make unsubstantiated allegations and must present factual information, not based on rumour or suspicion, so as to avoid undue concern to others.

Gifts and Acts of Hospitality

In general, Elected Members, 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 in the following paragraphs) for themselves or for any other person or body as a result of their role with the City.

In particular, gifts should not be sought or accepted from a person or organisation undertaking, or likely to undertake, business with the City. Business includes:

- Obtaining an authorisation (such as a planning or building approval);
- Involving contractual arrangements (such as a company which has been awarded a contract following a successful tender or is a potential tenderer); or
- Providing any service to the local government (such as a lunch bar providing sandwiches for Council functions).

Notwithstanding the general presumption against seeking or accepting gifts or acts of hospitality, Elected Members, Committee Members and employees may accept gifts which are excluded from the Code's coverage and token gifts as identified with this Code.

For the purposes of this Code a gift excludes:

- Gifts from relatives;
- Gifts provided for electoral purposes (these are specifically dealt with elsewhere in legislation); or
- Educational or professional development benefits for employees from a government, body established by law or an incorporated association.

A token gift (which includes acts of hospitality) is a gift with an estimated value of less than \$250. Only token gifts may be accepted. Gifts valued at \$250 or more should be declined politely.

If you consider it inappropriate to reject a gift worth more than \$250, (such as in the case of a gift from a foreign dignitary) the gift should be received on behalf of the City and provided to the City's CEO at the first possible opportunity. Such gifts will be placed in an appropriate position within the City's buildings.

The value of a token gift can be estimated if you believe its value is low. However, if you believe its value approaches \$250, the precise value of the gift should be checked before accepting to ensure compliance with this Code.

It is also important to ensure that the full value of the gift is taken into account. This includes all hidden costs in association with acts of hospitality (for example, if you are invited to a box at a sporting event, the cost is not just the cost of an entry ticket but a proportion of the cost of the box and the hospitality provided). It would also include the cost of the attendance of a partner at an event, should the partner be invited to accompany the City's representative.

A token gift can include:

- A tangible item, such as a bottle of wine or a book;
- A contribution to travel or the provision of accommodation;
- An act of hospitality, such as payment for a meal or an invitation to a function or event; or
- Discounts on the provider's products.

A token gift can also include an intangible gift such as preferential treatment, privileged access, a personal service or the promise of a special favour.

These intangible gifts are often difficult to value. However, the receiver will need to place a valuation on the gift to determine whether it can be accepted.

When any gift, be it token or not, is offered to an Elected Member, Committee Member or employee (other than an excluded gift), the gift should be promptly recorded in the City's Gifts Register with two exceptions. The first are symbolic gifts which are small in value, such as ties, scarves, cuff-links, pens, etc which are inscribed in some way with details of the giver and which are given with, and in support of, an act of hospitality. The second are acts of hospitality valued at under \$25. This exemption would generally capture the provision of refreshments following a meeting, sandwiches at a lunchtime meeting, etc. Both these symbolic gifts and low value acts of hospitality can be accepted without being recorded in the Register.

An Elected Member, Committee Member or employee may be offered and accept up to two token gifts from a person or body within a financial year. However, a third gift from the same person or body should not be accepted within the financial year. Additionally, a second gift from the person or body should not be accepted if the value of the second gift, when added to the first, will create a value of \$250 or more.

In addition, an Elected Member, Committee Member or employee should not accept any payment or contribution to an inspection, evaluation or trial of any good or service which the City may acquire unless the City requires the payment of those expenses as a standard condition applicable to all parties with an interest in providing the required good or service to the City.

Nothing within this Code prevents token gifts valued at under \$250 from being received on behalf of the City rather than being accepted.

Council Members and particular employees defined in section 5.74 of the Act should also remember to disclose gifts received (accepted) and valued at over \$200 in the Annual Financial Interest Return.

~~Elected Members, Committee Members and Employees shall not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward, donation, inducement or benefit for themselves or for any other person or body, relating to their status with the Council, or their performance of any duties or work which touches or concerns the Council.~~

~~The Mayor and/or CEO may accept acts of hospitality for local community related events. Where neither can attend, they may designate an appropriate person to attend in their place. The offering of these acts of hospitality must be promptly recorded in the relevant register kept by the Council, whether accepted or not.~~

~~Notwithstanding the preceding paragraph, Elected Members, Committee Members and Employees may accept token gifts and/or moderate acts of hospitality. The offering of all token gifts or acts of hospitality, must be promptly recorded in the relevant register kept by the City, whether accepted or not.~~

~~The term gift does not include:~~

- ~~☐ Items which are associated with the giving of gifts in accordance with social customs. These items include token gifts of appreciation or gifts of a symbolic nature such as ties, scarves, cuff links, pens or other small items.~~

~~Token gifts or moderate acts of hospitality are defined as where its estimation is less than \$250 in value. In determining the acceptance of token gifts and/or moderate acts of hospitality, the following guidelines must be adhered to:~~

- ~~☐ The offering of any token gift and/or moderate act of hospitality must be promptly recorded in the relevant register, including the name and address of the offeror, description of the token gift/act of hospitality, its estimated value, the date of the receipt of the token gift, and whether it was accepted or declined;~~
- ~~☐ Where a partner is invited to attend a function that is related to the City of Joondalup with the Elected Member, Committee Member or Employee, the partner may accept token gifts or moderate acts of hospitality;~~
- ~~☐ The acceptance of token gifts and/or moderate acts of hospitality by a particular Elected Member, Committee Member or Employee from a person(s) or organisation on a frequent basis shall not be permitted.~~

~~No company or individual with a proprietary or beneficial interest may pay or contribute to any expenses associated with the inspection, evaluation or trial of any goods or services which the Council may or may not wish to acquire, provided however that the Council may require the payment of those expenses as a standard condition applicable to all parties with an interest in providing the required goods or services to the Council.~~

~~In determining the acceptance of token gifts/benefits and moderate acts of hospitality, the following guidelines must be adhered to at all times by Elected Members, Committee Members or Employees.~~

~~All gifts not of a token kind and all offers of immoderate acts of hospitality must be:~~

- ~~(a) promptly returned (except in the case of acceptances by the Mayor or CEO referred to above) or, at the CEO's or designated appropriate person's discretion, donated to charity and in either case, a letter of explanation must be sent to the donor; and~~
- ~~(b) promptly recorded in the relevant register kept by Council. Elected Members, Committee Members and the CEO (or Employees to whom any power or duty has been delegated under Part 5, Division 4 of the Local Government Act) must disclose in a primary or annual return:~~
 - ~~(i) the description of any gift received by them at any time during the return period;~~
 - ~~(ii) the name and address of the person who made each gift to which paragraph (i) applies unless the amount of the gift does not exceed the amount prescribed in regulation or was received from a relative.~~

~~The following notations are made in relation to accepting gifts (token or non-token) or acts of hospitality:~~

- ~~☐ gifts may be accepted where they become the property of the City of Joondalup;~~
- ~~☐ the register of disclosure shall be made available for access to the public at all times with the register being retained within the office of the CEO;~~
- ~~☐ the amount of a gift comprising property, other than money, or the conferral of a financial benefit is to be treated as an amount equal to the value of the property or the financial benefit at the time the gift was made;~~
- ~~variations to these conditions are permitted where prior written approval is granted by the Mayor or CEO and recorded in the register of delegations.~~

Disclosure of election campaign contributions

In the interests of uncompromised decision making, the City of Joondalup requires all electoral candidates to comply with the Local Government Act 1995 and its associated regulations in disclosing electoral donations. A candidate is to disclose information about any electoral related gift with a value of \$200 or more that may be received within the six (6) month period prior to the relevant election day.

- a) A “gift” includes a gift of money, a gift which is non-monetary but of value, a gift in kind or an inadequate financial consideration or the receipt of a discount (where the difference or the discount is more than \$200 worth), financial or other contribution to travel, the provision of a service for no consideration or for inadequate consideration, and a firm promise or agreement to give a gift at some future time.

A gift does not include a gift by will; a gift by a relative; a gift that the candidate would have received notwithstanding his or her candidature; or the provision of volunteer labour.

- b) The disclosure of a gift is to be made to the CEO of the local government in the manner prescribed and in doing so identify specified information (see c).
- c) Details about each gift are to be disclosed on the prescribed form and submitted within three days of receiving the gift. Information to be supplied includes the name of the candidate, the name and address of the donor, the date the gift was promised or received, the value of the gift and a description of the gift.
- d) The disclosure period commences six months prior to the relevant election and finishes three days after the election day for unsuccessful candidates and on the start day for financial interest returns for successful candidates.
- e) The CEO is to establish and maintain an electoral gift register. Disclosure forms are to be placed in the electoral gift register upon receipt by the CEO in a manner that clearly identifies and distinguishes the candidates. The electoral gift register is to be kept available for public inspection.
- f) In accordance with the Local Government (Elections) Regulations, 1999, a maximum penalty of \$5,000 may be imposed on a candidate who fails to comply with the disclosure requirements.

Personal Behaviour

Elected Members, Committee 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:*

- (i) *The Equal Opportunity Act 1984 (WA) and subsequent amendments made it unlawful to discriminate against people on the grounds of sex, marital status, pregnancy, race, racial harassment, religious status, family responsibility or age.*

The City will ensure compliance with the principles and provisions of the Equal Opportunity Act 1984 (WA), this commitment extends to ensuring that recruitment and selection, promotion and advancement will be solely on the basis of equity and fairness and that appointment will be based on merit;

- (ii) *All people have a right to work in an environment that is free from sexual harassment. Sexual harassment will not be tolerated in the City of Joondalup. Any Elected Member, Committee Member or Employee found to be committing sexual harassment will be subject to discipline and/or termination proceedings.*

- (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) 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
- (g) where practicable, be available for discussion with members of the public following Council and Committee meetings.

Elected Members should represent and promote the interest of their 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, Elected 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 Elected Members of such matters.

Civic Leadership

As the appointed leader of the community of Joondalup, the Mayor shall demonstrate the highest level of civic conscience, impartiality and personal conduct.

Respect for Title of Office

Elected Members, Committee Members and Employees shall 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.

Honesty and Integrity

Elected Members, Committee Members and Employees shall:

- (a) observe the highest standards of honesty and integrity;
- (b) be frank and honest in their official dealings with each other; and
- (c) bring to the notice of the Mayor or CEO, any dishonesty on the part of any other Member, Committee Member or Employee;
- (d) endeavour to resolve serious conflict through initial discussion facilitated by either the Mayor, or the CEO.

Performance of Duties

While on duty, Employees shall give their whole time and attention to the Council business and ensure that their work is carried out efficiently, economically and effectively in accordance with their directions, duties, Council 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, Elected Members or Committee Members. Such issues shall include matters before the Council, matters impacting on the Council or the organisation of the City of Joondalup, 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.

Compliance with Lawful Orders

- (a) 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;
- (b) Employees should give effect to and uphold the lawful policies of the Council, whether or not they agree with or approve of them.

Administrative and Management Practices

Elected Members, Committee Members and Employees shall ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

Unless confidentiality is essential, administrative and management practices shall be open and accessible.

Elected Members, Committee Members and Employees shall at all times be mindful of their responsibility to maintain full and accurate records in the performance of their duties.

Relationships Between Elected Members, Committee Members and Employees

An effective Elected Member or Committee Member will work as part of the City of Joondalup team with the CEO and other Members and employees. That teamwork will only occur if Elected Members, Committee Members and Employees have mutual respect and co-operate with each other in order to achieve the City's corporate goals and implement the City's strategies. To achieve these outcomes, all parties need to understand each other's roles as specified in the Act and any relevant agreements.

To achieve this effectiveness in teamwork, all Elected Members and Committee Members will: -

- Accept that their role is one of Council leadership, and not a management or administration role;
- Acknowledge that they have no capacity to individually direct employees to carry out particular functions;
- Refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility;
- Ensure that no restrictions or undue influence is placed on the ability of employees to give professional advice to the Council.

At the same time, Employees will recognise the Elected Members and Committee Members' views and opinions often reflect valid community viewpoints that should be considered in conjunction with professional opinion. Employees will therefore make every effort to assist Elected Members and Committee Members in the performance of their role, and to achieve the satisfactory resolution of issues that they may raise in the performance of their official role.

Appointments to Committees (External)

Elected Members and Employees representing the Council on external organisations are to ensure that they:

- a) Clearly understand the basis of their appointment;
- b) Provide regular reports on the activities of the organisation in accordance with the confidentiality requirements of that organisation;
- c) Represent the Council's interests on all matters relating to that organisation, whilst maintaining the confidentiality requirements of the City of Joondalup.

Defamation

Comments by Elected Members at meetings of the Council and/or Committees of the Council are covered only by qualified privilege against defamation and this qualified privilege may not extend to comments by employees.

An Elected Member can only rely on the defence of qualified privilege whilst exercising the proper discharge of his or her duties, and doing so in the public interest;

In order to maintain qualified privilege, an Elected Member should ensure that comments made are pertinent to the business of local government and, they are not made maliciously, or without due regard to whether they represent the truth.

PART 7 – DEALING WITH COUNCIL PROPERTY

Use of Council Facilities, Funds, Employees, Equipment and Intellectual Property

Elected Members, Committee Members and Employees shall:

- (a) be scrupulously honest in the use of Council facilities, funds, employees, materials and equipment and shall not misuse them or permit their misuse, or the appearance of misuse by any other person or body;
- (b) use Council resources entrusted to them effectively, economically and lawfully in the course of their duties, and not otherwise;

- (c) not use Council resources (including the services of Council employees) for private purposes, (other than when supplied as part of the contract of employment) unless properly authorised to do so;
- (d) not make unauthorised use of information and other intellectual property produced or registered by employees or external contractors for the Council. The ownership to Intellectual Property that is produced as a result of employment in official duties shall be assigned to the City of Joondalup upon its creation; and
- (e) promote the concept of pride in public property, fostering an awareness of the community's ownership of the City's natural and built environment.

Travelling, Sustenance and Expenses

Elected Members, Council representatives and delegates, and Employees shall only claim or accept travelling and sustenance expenses arising out of travel related to matters which have a direct bearing on the conduct of their duties, services or business of the Council.

Elected Members shall be diligent in ensuring that those other expenses claimed in accordance with Council policy relate strictly to their function as an Elected Member and are appropriately acquitted.

PART 8 – CORPORATE OBLIGATIONS

Communication with the Community

Elected Members, Committee Members and Employees should ensure that the Council effectively communicates with, and promotes participation by, all sections of their communities, in order to achieve proper accountability. At all times, Elected Members, Committee Members and Employees shall focus on the customer of the City's services as being of paramount importance.

Communication and Public Relations

All aspects of communication by employees (including verbal, written, electronic or personal) involving the City of Joondalup's activities, must be accurate, polite and professional, and in accordance with the City of Joondalup's communication guidelines and standards.

As a representative of the community, Elected Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so, Elected Members must acknowledge that:

- (a) membership of the Council or its Committees, entails respect for the decision making processes of the Council, which are based on a decision of the majority of the Council or Committee;

- (b) information of a confidential nature must not be communicated until it is no longer treated by the City as confidential;
- (c) information relating to decisions of the Council must only be communicated in an official capacity by the Mayor or his/her representative, or a designated officer of the City of Joondalup;
- (d) information concerning adopted policies, procedures and decisions of the City of Joondalup must be conveyed accurately.

Health, Well Being and Safety

Elected Members, Committee Members and Employees should ensure that the Council's premises and places of work (including vehicles) are adequate to ensure the health, safety and well being of Employees and members of the public. Potential risks or hazards to employees or public are to be reported according to existing procedures.

Entrepreneurial Activities

Elected Members, Committee Members and Employees shall ensure that the Council impartially and properly assesses its own proposals for entrepreneurial activities, consistent with the scope and standard of the normal assessment applied to outside parties requiring Council approval (including subdivisions, development, buildings and tenders).

PART 9 – WHISTLEBLOWER PROTECTION

Protection of Employees Reporting Unacceptable or Illegal Behaviour

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

Reporting of Unacceptable or Illegal Behaviour

Employees are encouraged to, in the first instance, report unacceptable or illegal behaviour to the relevant Supervisor or Manager. Behaviour of a serious nature must be reported directly to the CEO.

Corruption and Crime Commission Act 2003

Elected Members and Employees must be aware of the Corruption and Crime Commission Act 2003 which provides for the voluntary reporting of possible corrupt conduct to the Commission. Penalties will prevail if a person who makes a complaint: -

- a) Has his or her safety or career prejudiced, or threatened to be prejudiced;

- b) Is intimidated or harassed; or
- c) Has an act done to his or her detriment because of having assisted the Commission, or furnished information to the Commission.

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 to HR with your new starter forms.*

Amendments: CJ206-10/05, CJ153-09/06

Related Documentation:

Issued: October 2006