



Policy Register

October 2021

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1. Policy Register

1.1. Governance Policy

1.1.1. Governance 1: Elected Member Communication and Contact with Staff

1. Purpose

The purpose of this policy is to ensure that appropriate protocols and guidelines are in place to:

- Provide clearly defined communications and contact channels between Elected Members and City staff.
- Ensure duplication and loss of productive time is minimised
- Facilitate Elected Members performing their role effectively.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

The Council and the City are committed to establishing a respectful, harmonious, and effective working relationship between the Elected Members and staff of the City through open communications between each party.

Whilst the provisions of the *Local Government Act 1995* provide that the Chief Executive Officer is the primary point of contact between Elected Members and the Administration, this may be impractical and inefficient on a day-to-day operational basis.

Therefore, the CEO has delegated communication between Elected Members and the Administration to be channeled through:

- a) The Chief Executive Officer
- b) Directors
- c) Elected Member enquires, through the Councillor Portal.

Exceptions

The only exceptions to the above will be for two circumstances as follows:

1. Manager Customer and Public Relations whereby the Mayor will have direct access on matters relating to media requests.

2. Governance Advisor – If the matter relates to a complaint of general behavior against another Councillor this matter is directed to the Governance Advisor in accordance with Council's adopted Complaints Procedure.

Direct Contact with any other staff member must be approved by the CEO, or Director upon request.

Email Contact

All emails to all officers must have the relevant Director or the CEO copied into that email.

Telephone Contact

In the case of telephone calls all officers will file note the call and send a copy confirming the discussion and copying in their relevant Director or the CEO.

Where the request entails the use of City resources (human or physical), to an extent that the Director believes it may impact on the effective management or day to day activities of the Directorate, the request is to be referred to the Chief Executive Officer for determination.

If Elected Members wish to have a matter dealt with confidentially, they should forward that directly to the Chief Executive Officer by email.

In all instances, if the Chief Executive Officer is unable to resolve the request, the matter will be referred to Council for determination.

The Elected Member's Code of Conduct provides further guidelines for Elected Members, their role within the City, and how to efficiently interact with Administration

4. Detail

4.1 Elected Member has a confidential request

- a) The Elected Member wishes to have their request addressed confidentially; they should forward the request directly to the CEO by email. The request should state why the request is confidential.
- b) When the matter is confidential the CEO will respond directly to the Elected Member within 5 working days.
- c) If the matter is determined NOT to be confidential, the CEO will advise the Elected Member of that outcome.

- d) If the matter involves issues relating to other Elected Members, the CEO will advise the Elected Member that the Mayor will need to be informed as they are responsible for Elected Members.

4.2 Elected Member lodges a request

- a) The Elected Member lodges their request to the CEO or Director, or through the Councillor Portal.
- b) If a request is received by the CEO or Director, it is then recorded in the Councillor Portal.
- c) The Council Support Officer provides email notifications to that Elected Member and advises the relevant Director, of the request
- d) If the request is easily resolved, the Elected Member and other interested persons will receive a response from the Chief Executive Officer or the relevant Director.
- e) Matters raised by Councillors that are relatively simple and not of concern to others will be responded only to the Councillor. If the Director or CEO considers that the matter raised by the Councillor is relevant to all Councillors in the ward of the Councillor raising the request, the reply will be given to all Councillors in that Ward for their information. Similarly, if the Director or CEO considers that the matter is relevant to all Councillors, the reply will be given to all Councillors. Councillors who do not wish other Councillors to be aware of the request shall follow the process outlined in Clause 3.1 above.
- f) If the request requires more than 5 working days to resolve, the Director will advise the Elected Member and other interested persons of the process to resolve this matter. Updates will be provided at regular intervals by Administration until the matter is resolved.
- g) When the matter is resolved it will be closed on the Councillor Portal by the Council Support Officer.

5. Community Consultation

This Policy is internally focused upon the Council and the Administration and hence is not required to undergo public consultation.

6. Governance

This Policy will be enforced through Council's complaint procedures for behavioral breaches. The Governance Advisor will raise the complaint for the complaints committee to assess.

7. Measures of Success

This Policy will be measure by the number of breaches to the Policy.

8. Definitions

Nil.

Status	Adopted		
Related Local Law	Behavioral Complaints		
Related Council Policies	Behavioral complaints Policy		
Relevant Delegation	CEO		
Related Internal Procedures	Council Support Procedures		
Related Budget Schedule	Nil		
Legislation	Local Government Act 1995 Local Government (Administration) Regulations 1996		
Notes and Conditions			
Authority	CEO		
Adopted	2019	Next Review Date	2021

1.1.2. Governance 2: Council Meeting Structure and Community Participation

1. Purpose

The purpose of the policy is to:

- Confirm the City's statutory obligations relating to Council meetings.
- Encourage transparency and community involvement in Council decision making forums, where practicable.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

3. Policy Statement

The Council is committed to being open, transparent, and accountable in meeting its community obligation of providing good governance to the community of Kalamunda.

The Council values and encourages the participation of the community in its decision-making process and to meet this objective it has adopted a meeting structure comprising:

- a) Public Agenda Briefing Forum/Sessions
- b) Council Meetings
- c) Standing Committee of Council - Audit and Risk Committee and Chief Executive Officer Performance Review Committee
- d) Advisory Committees
- e) Management Committees

4. Detail

4.1 Public Agenda Briefing Sessions

The purpose of the Public Agenda Briefing Session is to provide an opportunity for the Community and Councillors to receive details on the reports that will be presented to the next Ordinary Council Meeting for decision.

This is an opportunity for Community and Councillors to ask questions of the City's administration about reports. Members of the Community can also make statements or deputations, ask questions however, there are no decisions or debating to occur at this session as it is informational in nature.

All question, statements and deputations must relate to agenda items only.

4.2 Council Meetings

Council meetings are formal meetings of the Elected Members, as a decision-making body as defined under the Act.

Generally, the meetings are open to the public, although there are situations where a meeting can be closed under specific provisions of the Act.

Members of the community can ask questions, make deputations on any matter relating to any aspect of the Local Government 's operations in accordance with administrative procedures.

4.3 Standing Committees of Council

Due to the wide range of activities and functions of the Council, the Council will sometimes use Standing Committees.

These Committees report to the Council and are subject to the requirements of the Act. These meetings are open to the public unless the meeting is closed under specific provisions of the Act.

4.4 Advisory Committees

Advisory (and Management) Committees provide a vehicle for facilitating and improving community input and participation in the City's decision-making processes. Advisory Committees also assist in facilitating greater community consultation in accordance with the Act.

These committees may comprise Elected Members, community members and staff, and are resourced by the City.

Committees can make recommendations to the Council as part of the advisory process.

The CEO, as part of their role in advising Council, will ensure the Council also receives professional advice on the recommendations of the Advisory Committee, which may include alternative recommendations to the Advisory Committee.

5. Community Consultation

This Policy does not require community consultation.

6. Governance

This Policy will be governed by Council resolution.

7. Measures of Success

This Policy will be measured by feedback received from community and Councilors as required.

8. Definitions

Nil.

Status	Council Requirement		
Related Local Law	City of Kalamunda Standing Orders		
Related Council Policies	N/A		
Relevant Delegation	N/A		
Related Internal Procedures	N/A		
Related Budget Schedule	N/A		
Legislation	Local Government Act 1995 (WA)		
Notes and Conditions	N/A		
Authority	Council		
Adopted	2019	Next Review Date	2021

1.1.3. Governance 3: Elected Members – Entitlements, Travel and Professional Development

1. Purpose

The purpose of this policy is to support Elected Members to:

- Effectively represent the community and carry out their role by providing equitable fees, allowance, and reimbursement of out-of-pocket expenses.
- Develop and enhance their knowledge pertaining to their role, understand their obligations, make well informed decisions, and effectively represent their constituents.
- Be clear about their entitlements under both the Local Government Act 1995 (Act) and Council's adopted policies.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

The City of Kalamunda's Elected Members are required to carry out certain functions and responsibilities under the Local Government Act 1995 (Act). In order to adequately perform their duties of office, the City provides a range of support and entitlements.

This policy makes transparent the range of support and entitlements provided by the City and complies with the Act and Regulations in the nature and scope of entitlements provided. It ensures Elected Members are provided with appropriate facilities, equipment, material and information to support them in performing their duties of office.

4. Detail

4.1 Provision of Support

4.1.1 Mayor

The Mayor shall, in carrying out the duties and responsibilities of office, receive the benefit of the following:

- a) access to suitable office accommodation allocated by the CEO.

- b) services and facilities of an Elected Member (as per Clause 4.1.2); and
- c) access to other services and facilities relevant to the position as determined by the CEO.

4.1.2 Elected Members

All Elected Members shall, in carrying out the duties and responsibilities of office, receive the benefit of the following:

- a) administrative support from the Council Support Officer.
- b) conference/meeting rooms within the Administration Building (with prior timely booking being made through the CEO's Office).
- c) limited use of photocopying, printing, facsimile, internet, and telephone facilities within the Administration Building.
- d) Entry card to the Council Chamber, Committee Room 1 and Function Room available from 7am to 7pm.
- e) one Apple iPad, or equivalent tablet technology along with City support to a standard determined by the City's IT staff and this option will result in a reduced ICT allowance as determined by the City.
- f) May elect to provide their own ICT equipment and will receive the full ICT allowance as prescribed
- g) name badges.
- h) business cards; and
- i) access to other services and facilities relevant to the position as determined by the CEO.

Election Campaigns Excluded

The support and entitlements described in this policy must not be used for any election purpose.

4.2 Fees and Allowances

4.2.1 Elected Member Fees and Allowances

- a) Elected Member Fees and Allowances shall be approved by Council, according to the standards set by the Salaries and Allowances Tribunal, and as applicable for the City of Kalamunda.
- b) Unless otherwise stated in clause 5, all fees and allowances will be approved by Council, will comply with the *Local Government (Administration) Regulations*, and will comply with the standards set by the Salaries and Allowances Tribunal as applicable for the City of Kalamunda.

4.2.2 Mayor and Deputy Mayor Allowance

The Mayor's Allowance and Deputy Mayor's Allowance is payable in addition to the entitlement to Elected Member Fees and Allowances in clause 4.2.1a).

4.2.3 Information, Communication and Technology (ICT) Allowance

The City will pay all Elected Members an allowance for ICT Expenses in accordance with their elected choice of in-house technology or provision of technology themselves.

4.2.4 Travel and Accommodation Allowance

The City will pay all Elected Members an allowance for Travel and Accommodation Expenses relating to approved Council Business activities.

4.2.5 Reimbursement Claims in Excess of Annual Allowances

- a) Claims by Elected Members for exceeding the \$50 allowance for Travel and Accommodation Expenses, are to be:
 - i. supported by documentation, such as receipt or invoice, and
 - ii. submitted to the CEO on the relevant reimbursement form.
- b) Where an Elected Member exceeds the allowance, a request for reimbursement shall be referred to Council for approval.

4.2.6 Elected Member may refuse fees and allowances

- a) If an Elected Member does not want to claim any part of these fees and allowances then he/she will advise the CEO in writing, including a date the request is to take effect.
- b) Subsequent to clause 5.6(a), if an Elected Member later requests full or additional payment of fees and allowances, it will not be back paid, but will accrue from the date of the Chief Executive Officer receiving such subsequent request in writing.

4.2.7 Taxation implications

The taxation liability arising from payment of any Elected Member fees or allowance is the individual responsibility of each Elected Member.

4.3 Eligible Payments and Reimbursements

4.3.1 Cost of Attending Functions and Events

Attendance of functions and events is outlined in Council Policy Governance 16 Elected Member and Chief Executive Officer Attendance at Events.

4.3.2 Childcare

- a) In accordance with Regulation 31, childcare costs will be paid at the rate set by the Salaries and Allowances Tribunal for an Elected Member's attendance at:
 - i. An Ordinary Council Meeting,
 - ii. Special Council Meeting,
 - iii. Committee meeting of which he/she is a member,
 - iv. Council function or Council-related activity.
- b) Childcare costs are applicable for children, either of natural birth or guardianship determined by a legal process.
- c) Childcare costs will not be paid if the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.

4.3.3 Retiring Elected members

Retiring elected members who are not contesting a re-election and who meet the criteria prescribed in clause 34AC (1) of *Local Government (Administration) Regulations 1996*, can apply in writing for the amount prescribed in subclause (2) of that regulation.

4.4 Payment Arrangements

4.4.1 Time and Method of Payment

- a) Payment of the Elected Member Fees and Allowances, other than those outlined under clause 4.2, are to be:
 - i. made every month in arrears paid by the 20th of the month; and
 - ii. calculated on a pro-rata basis in those years where an Elected Member's term of office expires due to election, or an Elected Member retires before their term of office expires.
- b) All fees and allowances shall be paid automatically into a nominated bank account.

4.4.2 Time Limit on Claims and Approval Process

Elected Members should submit the appropriate expense claim to the CEO, together with supporting documentation:

- a) within two calendar months of incurring the expense,
- b) except that at the end of each financial year, claims must be provided by the 7th July of the following financial year.

4.4.3 Supporting documentation

Claims for reimbursement should include a tax invoice or tax receipt.

4.5 Professional Development, Conference and Training

4.5.1 Requirement to attend Professional Development and Training

Elected Members will participate in mandatory Professional Development and Training requirements, as defined within the Act.

All mandatory training and professional development will be reported annually through a report to Council and posted on the City's website.

4.5.2 Professional Development Allowance

- a) Each Elected Member will be allocated a maximum of \$2000 per financial year to pay for all training, conferences or memberships, but not including mandatory training.
- b) If an Elected Member wishes to exceed the value of this allowance in a financial year, they may either:
 - i. Seek Council approval to exceed the allowance; or
 - ii. Pay the difference.

4.5.3 Types of Conference or Training

- a) In addition to mandated training, Elected Members are encouraged to participate in continuing professional development including:
 - i. any City of Kalamunda Elected Member Induction Program; and
 - ii. Western Australia Local Government Association (WALGA) – Elected Member Courses.
- b) Further Conferences or Training to which this policy applies shall generally be limited to:
 - i. Western Australian Local Government Association (WALGA) and Australian Local Government Association (ALGA) conferences.
 - ii. special 'one off' conferences sponsored by WALGA or ALGA on important issues.
 - iii. annual conferences of the major professions in local government and other institutions of relevance to local government activities.
 - iv. training relating to the role of Elected Members provided by:
 - a. Australian Institute of Company Directors.

- b. Australian Institute of Management.

4.5.4 Reimbursement of Memberships

The City will reimburse memberships to professional associations relevant to the role of Elected Members.

4.5.5 Approval to attend Conference or Training

- a) An Elected Member must advise the CEO of his/her intention to attend training at least three weeks prior to the event. The CEO will then advise the Elected Member whether there are sufficient budgeted funds for the participation in the training to occur and will approve the payment of the expenditure once Council approval has been granted.
- b) Approval of Council is required for any Elected Member attendance at any Interstate or International Conference or Training.

4.5.6 Report Back on Conference or Training

Except for mandated training, where it is considered of benefit to the council, an Elected Member upon return from attending a Conference or Training, within two months should provide:

- a) a written or verbal report for Council on the Conference or Training.
- b) copies of all discussion papers and notes; and
- c) outline of the benefits, lessons, and actions for the City.

4.5.7 Professional Development Attendance and Reimbursements

- a) Registration, travel, and accommodation for Elected Members will be arranged through the CEO's Office.
- b) In general, all expenses including airfares, registration fees, and accommodation will be paid directly by the City.
- c) All accommodation and travel expenses shall be warranted, reasonable and practical:
 - i. Air travel shall be at economy rates, via the most direct route.
 - ii. Accommodation should be for a standard room with a basic breakfast option, and upgrades are at the Elected Member's expense.
- d) Taxi vouchers and car hires may be requested and approved prior to travel.
- e) Normally accepted living expenses will be reimbursed where they are reasonable, such as:
 - i. Meals and refreshments not already provided.

- ii. Dry-cleaning and laundry expenses.
- f) An Elected Member wishing to take an accompanying person to a Conference or Training is required to pay all associated costs for the other person.
- g) If an Elected Member wishes to use a private vehicle, they will be reimbursed a mileage allowance, using the Australian Taxation Office's cents per kilometre method.
- h) Expenses shall only be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home (including cost of travel to and from the airport).
- i) Any personal travel shall be at the expense of the Elected Member.

4.5.8 Repayment of Professional Development Expenses

Should an Elected Member resigns from office within three months of any professional development paid for by the City, will be required to repay those expenses.

4.5.9 Insurance

An Elected Member travelling for a Conference or Training shall be covered by the City's Travel Insurance Policy

5. Community Consultation

This Policy does not require community consultation.

6. Governance

This Policy will be governed by Council resolution. Breaches will be referred to the Council's Complaints Behavioral Committee.

7. Measures of Success

This Policy will be measured by Council receiving reports from Elected Members professional development feedback and level of compliance with all other aspects of the Policy.

8. Definitions

"Conference or Training" means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions and events related to the industry of Local Government.

"Elected Member Fees" means a fee entitled to be paid to an Elected Member as defined by section 5.98 and 5.99 of the Act, and at a rate determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975.

“ICT Expenses” means expenses that may include:

- rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the Regulations; or
- any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the Regulations.

“Travel and Accommodation Expenses” means:

- travel costs, as prescribed by regulation 31(1)(b) of the Regulations; or
- any other expense that relates to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the Regulations.

Status	Council requirement		
Related Local Law	N/A		
Related Council Policies	Governance 16 Elected Member and Chief Executive Officer Attendance at Events		
Relevant Delegation	FMR1 – Payments from Municipal Funds		
Related Internal Procedures	CEO Direction: Internet and Email Usage Policy CEO Direction: IT Security Policy CEO Direction: Information Management Policy		
Related Budget Schedule	Members of Council		
Legislation	Local Government (Administration) Regulations 1996 Local Government Act 1995 WA Salaries and Allowances Act 1975		
Notes and Conditions	N/A		
Authority	Council and the CEO		
Adopted	2016	Next Review Date	2023

1.1.4. Governance 4: Legal Representation for Elected Members, Committee Members and Employees

1. Purpose

The purpose of this policy is to support the smooth administration of the local government by protecting the interests of Elected Members, Committee Members and Employees where they have become involved in legal proceedings as a result of their official function or duties.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

- a) Under the Local Government Act 1995, the general function of a local government is to provide for the good government of the persons in its district.
- b) Money held by the local government may be applied towards this purpose, within the strategic and policy frameworks approved by Council, the CEO, and the Act.
- c) Where the City believes it is reasonable to do so, and the scope of the matter reflects the function of local government, the City may approve the expenditure of funds to provide legal advice and representation for Elected Members, Committee Members and/ or Employees.
- d) This policy document sets the criteria for assessing the appropriateness of City funds being expended for this purpose.

4. Detail

4.1 Payment Criteria

- a) Five Criteria

There are five major criteria that apply as the basis for approval of whether the City will pay the Legal Representation Costs of a Relevant Person. These are:

- i. the Legal Representation Costs relate to a matter that arises directly or indirectly, from the performance, by the Relevant Person, of his or her functions with the City of Kalamunda.
- ii. the Legal Representation Costs are in respect of Legal Proceedings that have been, or may be, commenced.

- iii. in performing his or her functions, to which the Legal Representation relates, the Relevant Person has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct.
 - iv. the Legal Representation Costs do not relate to a matter that is of a personal or private nature where that matter is not related to the Relevant Person's functions with the City of Kalamunda.
 - v. notwithstanding any approval by the City to pay the Relevant Person's Legal Representation Costs, or any part thereof, the Relevant Person acknowledges and agrees that he or she will at all times remain personally liable for any and all Legal Representation Costs and by making the Application, irrevocably indemnifies the City against all claims for any such costs, and/ or any claims by the Relevant Person or any third party, including the Relevant Person's Lawyer, for any matter whatsoever in regard to, or arising out of the City's approval of the Application.
- b) If all of the five criteria in clause 4.1 a) of this Policy are satisfied, the City may approve the payment of the Relevant Person's Legal Representation Costs to the extent permitted by this Policy.
 - c) The City will not approve, unless under exceptional circumstances and at the sole discretion of the Council, or CEO under delegation, the payment of Legal Representation Costs for a defamation action, or a negligence action, instituted by a Relevant Person.
 - d) The City will not approve, unless under exceptional circumstances, the payment of Legal Representation Costs for any matter being considered before a Local Government Standards Panel for an alleged breach of the Local Government Act 1995 (WA) or regulations.

4.2 Application for payment of Legal Representation

- a) If a Relevant Person wishes to seek payment of Legal Representation under this Policy, they must make an Application in the Approved Form and submit their Application to the CEO, or the Council if the Relevant Person is the CEO.
- b) The Application must include details of:
 - i. the matter for which Legal Representation is sought, including particulars of all party names.
 - ii. how the matter relates to the functions of the Relevant Person in performing their role for the City of Kalamunda.
 - iii. the proposed Lawyer (or law firm) to be asked to provide the Legal Representation.

- iv. the scope of Legal Representation to be sought.
 - v. an estimated cost of the Legal Representation as provided by the Lawyer in writing to the Relevant Person; and
 - vi. why it is in the interest of the City for the Relevant Person's Legal Representation Costs to be paid by the City.
- c) The Application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the Application relates.
- d) As far as possible, the Application is to be made before commencement of the Legal Representation to which the Application relates, or if not, the Application must include an explanation as to why the Relevant Person considers the City should consider any retrospective Legal Representative Payment that may be sought and explanation of the reason for delay in the Application.
- e) The Relevant Person must sign on the Approved Form that he or she:
- i. has read and understands the terms of this Policy.
 - ii. acknowledges that any approval of Legal Representation Costs is conditional on the repayment provisions of clause 8 of this Policy and any other conditions to which the approval is subject; and
 - iii. undertakes to:
 - (a) inform the Lawyer acting for the Relevant Person that pursuant to this Policy and any approval by the City to pay the Relevant Person's Legal Representation Costs, the City agrees to be and is to be considered as a Non-Associated Third-Party Payer only, as per the definition of that term in section 253(1)(c) of the Legal Profession Act 2008 (WA);
 - (b) provide the City with all cost estimates and updates, together with all invoices and receipts from the Relevant Person's Lawyer at least 14 days prior to any payment being due by the Relevant Person;
 - (c) execute all documentation reasonably requested by the City in respect of the Application as may be required by the City;
 - (d) repay the City any Legal Representation Costs in accordance with the provisions of clause 8 of this Policy.

- f) An Application must be accompanied by a report to Council for either noting if the Application is approved by the CEO under delegated authority, or approval of the Application by the Council, or where the CEO is the applicant, by the City's Director of Corporate Services and the City's General Counsel.

4.3 Legal Representation Costs – Limit

- a) Council, or the CEO under delegated authority in approving an Application shall set a limit on the costs to be paid based on the estimated costs in the Application.
- b) A Relevant Person may make a further Application to Council, or to the CEO, in respect of the same matter.

4.4 Matters to be determined by the Council or CEO under delegation

- a) In considering an Application, Council, or the CEO, may–
 - i. refuse the Application.
 - ii. grant the Application; or
 - iii. grant the Application subject to conditions.
- b) Conditions under clause 4.4a) may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of Legal Representation Costs.
- c) In assessing an Application, Council may have regard to any insurance benefits that may be available to the Applicant under the City's Councillors and Officers liability policy or its equivalent.
- d) Council may at any time vary an approval, or any conditions of approval, for the payment of Legal Representation Costs and may revoke approval in the event that the Relevant Person breaches their obligations or undertakings as required by this Policy or any conditions of the Council's approval.
- e) Council may determine that a Relevant Person whose application for Legal Representation Costs has been approved has, in respect of the matter for which Legal Representation Costs were approved:
 - i. not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or

- ii. given false or misleading information in respect of the application.
- f) A determination under clause 4.4e), may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
- g) Where Council makes a determination under clause 4.4e), the Legal Representation Costs paid by the City are to be repaid by the Relevant Person in accordance with clause 4.5, of this policy.

4.5 Repayment of Legal Representation Costs

- a) If a determination under clause 4.4e) above is made by the Council, the Relevant Person whose Legal Representation Costs have been paid by the City is to repay the City all or part of those costs, as determined by the Council.
- b) Repayment by the Relevant Person, if required under this clause, may be made by way of set-off, where the Relevant Person receives monies paid for costs, damages or settlement, in respect of the matter for which the City paid the Legal Representation Costs.
- c) The City may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.

5. Community Consultation

This Policy is not subject to community consultation.

6. Governance

This Policy will be governed by the council or the CEO where delegated under this policy.

7. Measures of Success

This Policy will be subject to review by Council if the performance of the policy is proving to be ineffective as determined by the Council.

8. Definitions

“Application for Payment of Legal Representation” also referred to in this Policy as an ‘Application’, means a written application in the Approved Form by a Relevant Person to the City pursuant to clause # of this Policy for payment by the City of Legal Representation Costs.

“Approved Form” means the application form annexed to this Policy and marked ‘Application for Payment of Legal Representation’.

“Lawyer” means:

- a) ‘an Australian lawyer who holds a current local practising certificate or a current interstate practising certificate’ under the Legal Profession Act 2008 (WA); and
- b) From a law firm on the Western Australian Local Government Association’s panel of preferred legal service providers, unless otherwise approved by Council.

“Committee Member” means a person who is a member of a committee appointed by Council who is not an Elected Member.

“Legal Proceedings” means civil, criminal or investigative legal matters.

“Approved Legal Representation” is the provision of legal services, the scope of which is expressly approved by the Council or the CEO under delegation, to or on behalf of an Elected Member or Employee, by an Approved Lawyer in respect of:

- a) a matter or matters arising directly or indirectly, from the performance of the functions of the Relevant Person as an Elected Member or Employee of the City of Kalamunda, but excluding any matter that is, or may be construed as being, against the City of Kalamunda, any of its Elected Members, or any Employee, and
- b) legal proceedings involving the Relevant Person that have been , or may be, commenced.

“Legal Representation Costs” means the costs, including fees and disbursements, reasonably incurred by the Relevant Person from the Approved Lawyer, in the provision of the Approved Legal Representation.

“Legal Services” means any aspect of the Approved Legal Representation provided to the Relevant Person by the Approved Lawyer.

“Payments” means payment by the City of Legal Representation Costs, that may be either by:

- a) a direct payment to the Approved Lawyer (or the relevant firm); or
- b) a reimbursement to the Relevant Person.

“Relevant Person” means an Elected Member, Committee Member or Employee.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	CEO Delegation		
Related Internal Procedures	N/A		
Related Budget Schedule	Municipal Fund		
Legislation	Local Government (Rules of Conduct) Regulations 2007 Legal Profession Act 2008 Local Government Act 1995 WA		
Notes and Conditions	N/A		
Authority	Council		
Adopted	2019	Next Review Date	2023

1.1.5. Governance 5: Investments

1. Purpose

The purpose of this policy is to invest the City's surplus funds in a manner that maximises returns whilst balancing social and environmental benefits, with due consideration of risks, whilst protecting the initial capital investment and future cash flows.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

The City manages its investments in a financially sustainable manner to ensure that it receives favourable rates of return whilst preserving the City's initial capital investment.

The Chief Executive Officer or their delegate under the powers delegated is to invest surplus funds in accordance with Council Policy and Management Procedure, and Section 6.14(1) of the Local Government Act 1995 and the associated Regulations.

4. Detail

The City's investments are subject to the following principles:

- a) preservation of capital is the principal objective of the investment portfolio.
- b) the investment portfolio will ensure that there is sufficient liquidity to meet all reasonably anticipated cash flow requirements as and when they fall due, without incurring significant costs due to the unanticipated recall of an investment.
- c) in order to reduce the overall carbon footprint, preference is given to investment in non-fossil fuel lending institutions.
- d) investments will be managed with care, diligence, and skill that a prudent person will exercise.
- e) Investment carried out for speculative purposes is prohibited, including
 - i. Derivative based instruments
 - ii. Principal only investments or securities providing potential nil or negative cash-flow

- iii. Standalone securities issued that have underlying futures, options, forward contracts and swaps of any kind
- iv. Cryptocurrency
- v. That Council's investment in any one institution is limited to a maximum of:
 - A. 30% of the total investment portfolio where the amount in any one institution exceeds.
 - B. If the amount of \$200,000 or less is placed in any one institution, the 30% spread may not apply
- vi. Funds invested are required to be in Australian currency

In investing its surplus funds, the City ensures that:

- f) funds surplus to immediate requirements may be placed in any of the following authorised deposit taking institutions (ADI's), being licensed banks as defined under the Banking Act 1995, for a period not exceeding 12 months:
 - i. Western Australian Treasury Corporation
 - ii. Australian and New Zealand Banking Group
 - iii. National Australian Bank
 - iv. Westpac
 - v. Commonwealth Bank
 - vi. IMB Ltd
 - vii. St George Bank Ltd
 - viii. Bendigo Bank
 - ix. ING Bank Australia Limited
 - x. Suncorp Bank
 - xi. Bank of Queensland
 - xii. CitiBank

The Banks as listed in clause 3a) may be amended by Council from time to time.

5. Community Consultation

This Policy is not required to be subject to community consultation.

6. Governance

The Investment Portfolio schedule shall be presented monthly to Councillors as part of the Monthly Financial Statements Report.

7. Measures of Success

The success of the Policy will be measured by:

- a) the amount of interest earnings.
- b) the percentage of investment in non-fossil fuel lending institutions.

8. Definitions

Nil.

Status	Council and Statutory Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	LGA 8 Investment of Surplus Funds		
Related Internal Procedures	(CM-FIN02 – Investments) – Updated Procedure Pending		
Related Budget Schedule	N/A		
Legislation	Section 6.14 of the <i>Local Government Act 1995</i> Regulation s 19, Regulation 19C, Regulation 28 and Regulation 49 of the Local Government (Financial Management) Regulations 1996 Australian Accounting Standards <i>Part III Investments – The Trustees Act 1962</i> <i>Banking Act 1959</i>		
Notes and Conditions	N/A		
Authority	Council		
Adopted		Next Review Date	

1.1.7. Governance 7: Elected Member Commitment to Occupational Health and Safety

1. Purpose

The purpose of this policy is to confirm that Elected Members and Council have responsibilities as both individuals and as a collective decision making body to create a safe work culture and to encourage the City's compliance with section 19 of the Occupational Safety and Health Act 1984 and section 5.40(e) of the Local Government Act 1995.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

Under the Local Government Act 1995, there are general principals affecting employment within the City of Kalamunda. One key principle is that employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984.

4. Detail

Elected Members and Council encourage a physically and mentally safe and healthy working culture by:

- a) Ensuring the Chief Executive Officer has safe and healthy working conditions as an employee of the City.
- b) Monitoring safety risk, safety hazards and safety performance through the Audit and Risk Committee.
- c) Ensuring adequate resourcing is provided to maintain a safe and healthy workplace through budget and planning processes.
- d) Monitoring employee safety at Council meetings and functions.
- e) Encouraging safe work mental health by monitoring employee exposure to bullying, harassment and stress, particularly in relation to their interactions with Elected Members and members of the public.

- f) Not undertaking any actions that could adversely impact the physical and mental wellbeing of the CEO or any employees.

While Elected Members are not employees, the City acknowledges that Elected Members are also entitled to perform their role in a physically and mentally safe and healthy working environment. They are encouraged to raise personal concerns about safe working practices to the Mayor and Chief Executive Officer.

5. Community Consultation

This Policy does not require community consultation.

6. Governance

This Policy will be governed by the Council through monitoring the risk associated with occupational health and safety through the Council's risk framework.

7. Measures of Success

The success of this policy will be assessed by minimising the number of claims.

8. Definitions

Bullying – to seek or harm, intimidate or coerce someone perceived as vulnerable

Harassment – aggressive pressure or intimidation

Status	Statutory Requirement		
Related Local Law	N/A		
Related Council Policies	Governance 8: Risk Management		
Relevant Delegation	N/A		
Related Internal Procedures	N/A		
Related Budget Schedule	N/A		
Legislation	Local Government Act 1995 WA Occupational Safety and Health Act 1984		
Notes and Conditions	N/A		
Authority	Council		
Adopted		Next Review Date	

1.1.8. Governance 8: Risk Management

1. Purpose

The purpose of this policy is to establish organisation-wide risk management principles, systems and processes that ensure consistent, efficient, and effective assessment of risk in all planning, decision making and operational processes.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

The City of Kalamunda is committed to ensuring that risk is managed in accordance with AS/NZS/ISO 31000:2018. Risk Management is embedded in all aspects of management ensuring that the principles of risk management are applied to all relevant levels and functions of the organisation.

4. Detail

The City of Kalamunda manages its risks continuously using a process that involves the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.

The City has a low appetite for risks that relate to:

- a) Health, safety and the wellbeing of staff and the community.
- b) Administration of finances and assets.
- c) Legislative compliance.

The City has a potentially higher risk appetite where benefits created by innovation or new initiatives outweigh the risks.

Risk Management is embedded in all aspects of management and is a vital element of the governance framework. The benefits of risk management embedded in all aspects of management are:

- a) Effective management of adverse events or opportunities that impact on our purpose and objectives.

- b) Ability to make informed decisions regarding management of potential negative effects of risk and take potential advantage of opportunities.
- c) Improved planning and performance management processes enabling a strong focus on core business service delivery and implementation of business improvements.
- d) Ability to direct resources to risks of greatest significance or impact.
- e) Improvement in culture of the organisation enhancing staff capacity to understand their role in contributing to the achievement of objectives.
- f) Greater organisational objectives.

5. Community Consultation

Whilst no direct community consultation was undertaken regarding risk management, extensive internal consultation is undertaken via the City's Leadership Team and subject to review by the Audit and Risk Management Committee.

6. Governance

The City's Integrated Risk Management Plan has been established in accordance with AS/NZS/ISO 31,000:2018.

The Audit and Risk Committee has a key role governed by the *Local Government Act 1995, Local Government (Audit) Regulations 1996*. This role is to provide guidance and assistance to the local government as to the carrying out of its functions in relation to audits, the appointment of external auditors, review of reports given to it by the CEO, review the Annual Compliance Return and consider the CEO biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance.

Risks will be regularly reviewed and reported through the Council's Audit & Risk Committee.

7. Measures of Success

The success of this policy will be measured through:

- a) A year on year comparison of the City Risk Profile
- b) Annual reviews of the City Integrated Risk Management Plan by Council.

8. Definitions

Risk Profile – an evaluation of an organisations willingness and ability to take risks and to identify the threats it may be exposed to.

Risk Appetite – the level of risk an organisation is prepared to accept in pursuit of its objectives before action is deemed necessary to reduce the risk.

Status	Council and Statutory Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	N/A		
Related Internal Procedures	This Risk Management Policy should be read in conjunction with the Integrated Risk Management Plan.		
Related Budget Schedule	N/A		
Legislation	<i>Local Government Act 1995</i> AS/NZS/ISO 31000:2018.		
Notes and Conditions	N/A		
Authority	Council		
Adopted	2019	Next Review Date	2023

1.1.9. Governance 9: Whistleblower (Public Interest Disclosure)

1. Purpose

The purpose of this policy is to encourage Employees, Elected Members, contractors, consultants and members of the public, to report unlawful unethical, or undesirable conduct (Misconduct) that they genuinely believe has been committed by a person or persons in breach of the City of Kalamunda's Code of Conduct, policies or the law.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1.- Provide good governance.

3. Policy Statement

- a) The City of Kalamunda (City) is committed to the aims and objectives of the Public Interest Disclosure Act 2003. It recognises the value and importance of Employees and others to enhance administrative and management practices, and strongly supports disclosures being made as to alleged Misconduct.
- b) The City will not tolerate Misconduct and has developed this policy to assist Elected Members, Employees, contractors, consultants, and members of the public to raise concerns through a constructive and safe process.

4. Detail

The Policy has been developed to:

- a) Demonstrate the City's commitment to a fair workplace and outline the process for managing matters of Misconduct.
- b) Protect individuals who in good faith report conduct which they reasonably believe to be Misconduct, on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.
- c) Assist in ensuring that matters of Misconduct and / or unethical behaviour are identified and dealt with appropriately.
- d) State the City of Kalamunda's commitment to the aims and objectives of the Public Interest Disclosure Act 2003, the purpose of which is to facilitate the disclosure of information in the public interest, and to provide protection to those who make a disclosure or who are the subject of a disclosure.

5. Community Consultation

Policy does not require community consultation it is a statutory requirement.

6. Governance

This Policy is required under legislation and is governed by the Public Sector Commissioner for issues relating to officers and contractors of the City or the Corruption and Crime Commission of Western Australia for matters relating to Elected Members.

7. Measures of Success

The success of this Policy will be measured in terms of the number of complaints being lodged through effective governance of the City's business.

8. Definitions

Nil.

Status	Council and Statutory Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	N/A		
Related Internal Procedures	N/A		
Related Budget Schedule	N/A		
Legislation	This policy has been drafted to comply with the: AS 8004-2003 (Whistle blower Protection Programs for Entities) AS 8001-2008 (Fraud and Corruption Control). <i>Public Interest Disclosure Act 2003 of Western Australia</i> <i>Public interest Disclosure regulations 2003</i>		
Notes and Conditions	The Whistleblower Policy and Procedures will be reviewed periodically by the Audit Committee. A report will be made to the Council on the outcome of each review and all recommended changes to the Policy. All information, documents, records and reports relating to the investigation of reported misconduct will be confidentially stored and retained in an appropriate and secure manner, in accordance with the <i>Public Disclosure Act 2003</i> .		
Authority	Council		
Adopted	2013	Next Review Date	2023

1.1.11. Governance 11: Capital Grants Clubs and Community Groups

1. Purpose

The purpose of this policy is to guide capital infrastructure funding requests from sport and recreation clubs and community groups and to ensure that infrastructure developments are aligned to the various Council adopted strategic plans.

2. Planning

The City of Kalamunda has completed reserve master plans for each of the City's major sporting reserves, outlining the projected infrastructure development needs for user groups over a 10 to 20-year period. These plans are to be utilised as an important infrastructure planning tool for applicants.

3. Policy Statement

The City will consider requests for capital funding toward community infrastructure improvements from local clubs and community groups.

Applications must be submitted in accordance with the Capital Grants process for consideration and prioritisation of the Strategic Sport and Recreation Committee and final decision making by Council, as part of the annual budget deliberation process.

Capital funding will not be provided outside of this process, to retrospective projects or within the financial year that the application is made. Requests outside of this process will only be considered under extenuating circumstances and with the approval of Council through the budget process.

Council may endorse a club or community groups community infrastructure project without providing funding support, however it will not be responsible for funding any under scoped project items. If Council provides funding support, it will generally be on the basis of providing a grant of up to 1/3 of the total project cost.

4. Detail

4.1 External Funding

Clubs and community groups seeking external funding should ensure that their project is fully scoped, costed and where appropriate, any necessary approvals are sought prior to submitting their application. As land owner, it is essential that the City has been provided sufficient advance notification of the proposed project and has cited and supported the funding application, scope of works and costings. An application will not be supported should the details conflict with any Council adopted reserve Master Plan or is not fully scoped and costed.

Should the external funding application be successful prior to applying through the City's Capital Grants process, this will not necessarily commit Council to funding their project.

If the City is requested to contribute funding toward the project, then an application is to be submitted through the Capital Grants process.

At the conclusion of the Capital Grants and Strategic Sport and Recreation Committee processes the City seek appropriate external funding opportunities.

4.2 Assessment of Community Need and Priorities

To ensure the financial support it provides is effectively targeted to achieve maximum community benefit, Council will consider the following as key priorities:

- a) Strategic Alignment – All projects are required to align with and support relevant strategic plans including, but not limited to; the City's Strategic Community Plan, any relevant Reserve Master Plans, State Sporting Associations Strategic Facilities Plans and other relevant strategic directions.
- b) Demonstrated Community Need - All projects are required to clearly demonstrate the current and projected community need and a project sustainability that provides clear direction with regard to future community benefit and utilisation. This will include, but is not limited to, City of Kalamunda resident membership of the applicant club or community group (total and proportional), support for junior activities and the level of community accessibility and inclusive participation.
- c) Community Health and Wellbeing - Infrastructure or improvements that increase opportunities for physical activity and social wellbeing as well as recognising the value of accessibility and inclusive participation, will be highly regarded.
- d) Co-Location and Shared Use – Priority will be given to developing infrastructure that will be used by more than one club or community group, particularly where such groups are not yet sharing infrastructure. This is to facilitate the intent of reducing duplication, maximising utilisation and encouraging clubs and community groups to share infrastructure while still retaining their separate management and identity.
- e) Functionality - Any proposed projects must meet relevant Australian Standards and ensure fit for purpose.
- f) Availability of Existing Infrastructure - All projects are required to identify similar infrastructure within close proximity and explain how participation will be impacted at each location. The City will actively seek to rationalise infrastructure where duplication and/or shared use opportunities for community participation

are clearly evident. There should be no similar commercial facilities nearby which could meet these needs.

- g) External Funding Opportunities – To ensure overall financial viability of projects, priority will be given to projects that are eligible for funding from other government bodies such as the Department of Local Government, Sport and Cultural Industries – Community Sporting and Recreation Facilities Fund (CSRFF), Lotterywest or Sport Australia Funding. Applicants need to identify all funding sources and clearly demonstrate their level of financial (cash & in-kind) contribution.
- h) Demonstrated sustainable club or community group – The applicant will need to provide evidence of sustainable operations by providing the following:
 - i. All City debts have been settled by due dates.
 - ii. Financial statements for three years with the latest financials being no older than 12 months.
 - iii. Bank statements showing current financial status; and
 - iv. Minutes showing amounts committed towards the project and reflected in the financials as restricted funds.

5. Community Consultation

Consultation with sporting clubs and community groups occurred during the development of this policy.

As a direct result of this policy, the Strategic Sport and Recreation Committee was created to consider and prioritise capital grant applications.

6. Governance

This policy will be governed by the Capital Grants – Clubs and Community Groups – Management Procedure in addition to the Terms of Reference of the Strategic Sport and Recreation Committee.

7. Measures of Success

Capital infrastructure developments occur in alignment with various Council adopted strategic plans. Where appropriate, external funding opportunities are sought and maximised.

8. Definitions

Nil.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	Service 9: Community Group Leases		
Relevant Delegation	N/A		
Related Internal Procedures	Updated Procedure Pending		
Related Budget Schedule	N/A		
Legislation	Local Government Act 1995 Local Government (Administration) Regulations 1996		
Notes and Conditions	N/A		
Authority	Council		
Adopted		Next Review Date	

1.1.12. Governance 12: Recruitment & Selection, Performance Review, Salary Review and Termination of the Chief Executive Officer

1. Purpose

The purpose of this policy is to set out the principles and criteria under which the Council will recruit, select, review the performance and salary, and terminate the position of Chief Executive Officer, in compliance with the Local Government Act 1995, Salaries and Allowances Act 1975 requirements and relevant employment laws.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

The City of Kalamunda (City) recognises that Council holds statutory and contractual obligations for Recruitment and Selection, Performance and Salary Review and Termination of the Chief Executive Officer (CEO).

To ensure best practice and greater consistency in these processes between local governments the Local Government Legislation Amendment Act 2019 includes a requirement for standards covering the Recruitment and Selection, Performance Review and termination of employment of local government Chief Executive Officers.

4. Detail

4.1 Recruitment and Selection

In accordance with Section 5.40 of the *Local Government Act 1995* (the Act), the City must select a CEO in accordance with the principles of merit, equity and transparency and not exercise nepotism, bias, or patronage in exercising its powers. The City must not unlawfully discriminate against applicants. The minimum standard for recruitment and selection will be met when all parties agree to the following principles:-

- a) The Council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO for the City.

- b) The Council has approved, by absolute majority, the Position Description (PD) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The PD is made available to all applicants.
- c) The Council has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.
- d) The Council attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The Council must advertise a vacancy for the position of CEO in the following manner:
 - (i) State-wide public notice of the vacancy (e.g., internet job boards);
 - (ii) Details of the remuneration and benefits offered;
 - (iii) Details of the place where applications are to be submitted;
 - (iv) The date and time the applications close;
 - (v) The duration of the proposed contract;
 - (vi) A web address where the PD can be accessed;
 - (vii) Contact details for a person who can provide further information; and
 - (viii) Any other relevant information
- e) The Council has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- f) The Council has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- g) The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.
- h) The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- i) The Council has endorsed by absolute majority the final appointment.
- j) The Council has approved the employment contract by absolute majority.
- k) The Council re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

4.2 Selection Panel and Independent Person

In accordance with Section 5.40 of the Act, the City is required to establish a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members and must include at least one

independent person. The independent person cannot be a current elected member, human resources consultant, or staff member of the local government. Examples of who the independent person could be include:-

- a) Former elected members or staff members of the Council;
- b) Former elected members or staff members of another Council;
- c) A prominent or highly regarded member of the community; or
- d) A person with experience in the recruitment of CEOs and senior executives

Panel members will participate in the selection panel for the duration of the recruitment and appointment process. A new panel should be selected for each occasion of CEO recruitment.

4.3 Selection Panel Responsibilities

The panel is required to read and assess all applications and create a shortlist of appropriately qualified and experienced candidates. The shortlisted candidates will be required to conduct a presentation to the Council and will be interviewed by the Council using an agreed set of interview questions.

4.4 Independent Human Resources Consultant

The Council can seek independent advice from a Human Resources (HR) consultant, but they cannot be a member of the HR team within the City nor be associated with the City or any Council members. The consultant can be an independent HR professional, recruitment consultant or recruitment agency.

The HR consultant will provide advice to the selection panel on conducting the recruitment process, or provide support in undertaking certain aspects of the recruitment process such as:

- a) development or review of the PD;
- b) development of selection criteria;
- c) development of assessment methods in relation to the selection criteria;
- d) drafting of the advertisement;
- e) executive search;
- f) preliminary assessment of the applications;
- g) shortlisting;
- h) drafting questions for interview;

- i) coordinating interviews;
- j) preparing the selection summary assessment and recommendation;
- k) arranging for an integrity check and/or police clearance; and
- l) assisting the Council in preparing the employment contract.

The HR consultant cannot be directly involved in determining which application should be recommend for the position as their role is not one of decision maker nor can the consultant:

- a) conduct the interviews of candidates (only the selection panel can do this);
- b) make the decision about who to appoint; and
- c) negotiate the terms and conditions of employment (only provide advice on remuneration etc to the selection panel).

4.5 Selection and Appointment of CEO

Selection of an applicant should be based on the person best suited to the requirements of the position and the needs of the Council. As part of the selection process, the Council may request the preferred candidate to do a presentation to Council.

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

- a) assessment techniques used;
- b) quality of application;
- c) referee reports; and
- d) verification of formal qualifications, work history and other facts.

Once a preferred candidate has been identified, the CEO employment contract will be drawn up inclusive of the necessary provisions required under section 5.39 of the Act and adhere to associated regulations and legislations. The contract:

- a) must not exceed a five-year term;
- b) contain the expiry date of the contract.
- c) specify the performance criteria for the purpose of reviewing the CEO performance; and
- d) as prescribed under regulation 18b of the Administrations Regulations, the maximum amount of money to which the CEO is to be entitled if the contract is terminated before the expiry date. The amount is not to exceed whichever is the lesser of:

- (i) the value of one year's remuneration under the contract; or
- (ii) the value of the remuneration that the CEO would have been entitled to, had the contract not been terminated.

The Council must approve, by absolute majority, the employment contract and the person they appoint as CEO.

4.6 Appointment of Acting CEO

In accordance with Section 5.39C of the Act, if the CEO is absent from the workplace for periods of leave less than twelve months, Council is required to appoint an Acting CEO.

The process for appointment of an Acting CEO will be in accordance with Governance Policy 18 - Appointment of Acting CEO.

4.7 Performance Review

In accordance with Section 5.38 of the Act, a CEO who is employed for a term of more than one year, will have their performance reviewed formally at least one in every year of their employment.

The minimum standard for performance review will be met if:

- a) performance criteria is specific, relevant, measurable, achievable and time-based;
- b) the performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and Council.
- c) the CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- d) the collection of evidence regarding performance outcomes is thorough and comprehensive.
- e) assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent; and
- f) the Council has endorsed the performance review assessment by absolute majority.

Setting the performance criteria can include:

- a) service delivery targets from the City's Strategic Community Plan.
- b) budget compliance.

- c) organisational capability.
- d) operational and project management.
- e) financial performance and asset management.
- f) timeliness and accuracy of information and advice to Councillors.
- g) implementation of Council resolutions.
- h) management of organisational risks;
- i) leadership, including conduct and behaviour, and human resource management; and
- j) stakeholder management and satisfaction.

4.8 Performance Review Panel (Chief Executive Officer Review Committee)

The Performance Review panel will consist of:

- a) The Mayor (Chairperson)
- b) all councillors, and
- c) an independent Observer.

4.9 Performance Review Facilitator

An Independent Consultant, experienced in performance reviews in a local government setting, can be appointed to assist the Performance Review Panel with the overall review process, including: -

- a) setting performance criteria.
- b) preparing the performance agreement.
- c) collecting performance evidence.
- d) writing the performance appraisal report.
- e) facilitating meetings between the performance review panel.
- f) assisting with the provision of feedback to the CEO;
- g) formulating plans to support improvement (if necessary); and
- h) providing an objective view regarding any performance management-related matters between the concerned parties.

It is a requirement of the regulations that the process by which the CEO's performance is documented and agreed by both parties. Council and the CEO must agree on any performance criteria that is in addition to what is specified in the CEO's contract of employment.

The CEO performance is measured in an objective manner against the performance criteria set for that year and are impartial. Assessment of the performance can include:

- a) achievement of key business outcomes.
- b) interactions with the Council and progress that has been made towards implementing the Council's strategic vision.
- c) Audit and Risk committee reports.
- d) workforce metrics
- e) incident reports.
- f) organisational survey results.
- g) relationships with relevant stakeholder groups; and
- h) insights from key stakeholders.

4.10 Addressing Performance Issues

Once the CEO's performance has been assessed, any areas requiring attention or improvement that have been identified must be formally discussed with the CEO and a written plan agreed and implemented to address the performance shortfalls. The plan must include:

- a) actions to be taken.
- b) who is responsible for the actions;
- c) a constructive approach towards improving competency;
- d) an agreed timeframe to improve the performance gaps identified.
- e) options for professional development, training, counselling, mediation, mentoring or developing new work routines; and
- f) regular feedback discussions to ensure the improvements are being made and maintained.

If potential wrongdoing (misconduct) is identified, the Council should be referring the matter to the Public Sector Commission or Corruption and Crime Commission. This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

The Council must ensure that accurate and comprehensive records of the performance management process are created, and any information produced must be kept strictly confidential.

4.11 Salary Review

The CEO's employment contract requires that the review of salary and other benefits must occur annually and must have regard to:

- a) the CEO's performance, as determined in the performance review.
- b) any changes to the work value or responsibilities of the CEO's position.
- c) the hours of work, including hours worked outside normal working hours.
- d) the condition of the market and economy generally.
- e) the relevant determination from time to time made under the Salaries and Allowances Act 1975; and
- f) the capacity of the City to pay an increase.

The Council is not obliged to increase the amount of salary or benefits but must not, other than with the CEO's consent, reduce the amount of the total salary and benefits package (also called 'Remuneration Package').

4.12 Termination

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

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

- a) decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
- b) performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The Council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the Council.
- c) the principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
- d) decisions are impartial and transparent

- e) the Council has endorsed the termination by absolute majority; and
- f) the required notice of termination (which outlines the reasons for termination) is provided in writing.

4.13 Reasons for Termination

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

- a) poor performance.
- b) misconduct; or
- c) non-performance or repudiation of contract terms.

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

- a) not carrying out their work to the required standard or not doing their job at all.
- b) not following workplace policies, rules or procedures.
- c) unacceptable conduct and behaviour at work.
- d) disruptive or negative behaviour at work;
- e) not meeting the performance criteria set out in the employment contract and/or performance agreement unless these are outside the CEO's control.
- f) not complying with an agreed plan to address performance issues.
- g) failing to comply with the provisions of the Local Government Act 1995 and other relevant legislation; or
- h) failing to follow Council endorsed policies.

Serious misconduct can include when an employee:

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

Termination on the basis of misconduct is covered by employment law. The Council should seek independent legal, employment or industrial relations advice prior to a termination. A Council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This

will ensure that a Council complies with employment law during the entire termination process.

A confidential request to the Director, Corporate Services can be made so Council can obtain three quotes from appropriate legal firms. The three quotes can be submitted to Council for consideration and decision. The Director, Corporate Services will raise a PO and release funds so the Council can then receive independent legal advice prior to any decision to terminate.

Council is required to endorse the decision to terminate a CEO's employment by way of an absolute majority decision. The Council must certify that the termination was in accordance with the adopted standards in regulations.

4.14 Termination Report

The Council will prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy any issues, and an explanation of the CEO's failure to do so.

Council must provide prior opportunities and support to the CEO to assist them in remedying the issues which form the basis of the termination. It is a requirement of the Act that Council must provide written notice to the CEO outlining the reasons for their decision to terminate.

In addition, Council must certify that the termination of the CEO's employment was carried out in accordance with the standards set out in regulations.

4.15 Confidentiality

The Council should ensure that the termination process is kept confidential. The CEO is to be informed of their rights and entitlements. Notice of termination of employment is required to be given in writing. Where possible, the news of termination of employment should also be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of their employment.

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

5. Community Consultation

This Policy is guided by the Local Government Amendment Act 2021 and is not required to be the subject of community consultation.

6. Governance

This Policy will be governed by the Council in accordance with the regulations under the Local Government amendment Act 2021.

7. Measures of Success

The success of the Policy will be measured by the Council in the ability to effectively recruit, performance manage and terminate a CEO should that be required.

8. Definitions

Nil

Status	Council and Statutory Requirement		
Related Local Law	Western Australia Industrial Relations Commission		
Related Council Policies	N/a		
Relevant Delegation	N/A		
Related Internal Procedures	N/A		
Related Budget Schedule	Municipal Budget		
Legislation	Local Government Act 1995 Local Government (Administration) Regulations 1996 Local government Amendment Act 2021 Department of Local government Guidelines for CEO Recruitment and selection, Performance Review and Termination March 2021.		
Notes and Conditions	Council and Statutory Requirement		
Authority	Western Australia Industrial Relations Commission		
Adopted	25 May 2021	Next Review Date	

1.1.13. Governance 13: Appointment of Community Members to Advisory Committees and Reference Groups

1. Purpose

The purpose of this policy is to provide a clear and understandable expectation as to the requirements of community members to achieve appointment to Advisory Committees and Reference Groups established by the Council.

This policy outlines the criteria, role and responsibilities required of a member of the public to be appointed to an Advisory Committee or Reference Group as well as how the assessment will be evaluated and reported to Council for appointment to be ratified

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

3. Policy Statement

- 3.1 The City of Kalamunda has a long record of strong community engagement. We recognise the importance and value of engaging with our community and seek to act in a participatory manner. The City has maintained strong ties with local environmental community groups, cultural community groups and demographic specific groups and believe that being in close contact with the views of community leads to good governance and effective decision making.
- 3.2 The City is committed to engaging with its community in a collaborative manner to resolve issues and achieve goals. To pursue this goal, Council will establish a range of community-led Advisory Committees and Reference Groups to assist in dealing with specific service areas or issues.
- 3.3 The establishment of these committees and groups requires a City-wide advertising period to receive nominations and a selection process to identify the most suitably qualified for each role. Council requires clarity in how it selects members of the community.
- 3.4 Nominations must be based on a set criterion, which demonstrates the community member has the necessary qualifications (where appropriate) and experience for the role and always brings diversity amongst applicants being reflected.

- 3.5 Collaborating involves the City engaging with community members on an issue that will become the basis for the development of a plan, project, facility, or service.
- 3.6 Collaboration:
- a) generally, occurs in the form of working groups or advisory committees.
 - b) is either for the duration of the project (working groups) or on-going if issue related (advisory committees).
 - c) can be used in conjunction with inform, consult, and involve strategies; and
 - d) involves communication, not just between the community and the local government, but also amongst stakeholders and community members.
- 3.7 This level of engagement provides participants with a level of influence over outcomes in the City. It should be noted that the final decision ultimately remains with the Council. These participants may be interested members of the community or may represent specific stakeholder groups.
- 3.8 Participants have a responsibility to:
- a) actively listen to the opinions of a wide range of stakeholders.
 - b) adopt and adhere to the values and code of conduct of the City.
 - c) commit sufficient time to the process.
 - d) represent the interests of other people, including those who might be less vocal or harder to reach.
 - e) recommend the best-fit solution that meets the needs of all people with an interest or those likely to be affected, including those from minority groups; and
 - f) keep people informed on the progress of the process.
- 3.9 It is essential to the balanced operation of any collaborative group that membership is reflective of all views, and is regularly refreshed, and does not become dominated by the strongly held thoughts of a small group of residents.
- 3.10 The Advisory Committees and Reference Groups are established by Council to provide advice into issues.
- 3.11 Membership is by invitation of the Council and expressions of interest are advertised via media channels and on the City's homepage.
- 3.12 Advisory Committees and Reference Groups shall all have terms of reference which are to include:
- a) the purpose and objectives of the Committee/Group.
 - b) the membership of the Committee/Group.
 - c) meeting times – usually up to three times per annum, at a time of day that suits members. (School holidays periods should be avoided where possible)
 - d) review periods – usually biennially in September prior to the election.
 - e) meeting procedures - including nomination and role of the Committee/Group Chair and Deputy Chair, process for decision making and

- recording of that decision, Disclosure of any Non-Pecuniary or Pecuniary Interests, adherence to any Code of Conduct, relevant policies and
- f) the recording of minutes and any associated proposals or suggestions is to be in accordance with the Terms of Reference of each Committee or Group as the case may be.

3.13 Once publicly advertised, all interested members of the public are required to apply before the deadline date.

3.14 Any late applications will not be considered unless the CEO deems extenuating circumstances exists.

4. Detail

4.1 Terms of Reference and Advertising

When a committee or reference group is to be established, the following will occur.

- 4.1.1 Terms of reference will be developed and adopted by Council, and are to include:
- a) The purpose.
 - b) The objective.
 - c) Reporting periods/frequency.
 - d) Constitution of the committee (numbers, background, skills base);
 - e) Meeting times and frequency.
 - f) Review periods (for on-going committees this is generally in September);
 - g) Meeting procedures - including nomination and role of the Committee/Group Chair and Deputy Chair, process for decision making and recording of that decision, Disclosure of any Non-Pecuniary or Pecuniary Interests, adherence to any Code of Conduct, and any relevant policies etc.
 - h) Officer responsible for support, if required.
 - i) Councillors sponsoring the Committee; and
 - j) The recording of minutes and any associated recommendations to be submitted to Council.
- 4.1.2 Expressions of Interest to participate in the committee will be advertised for a minimum of three weeks, throughout the City, including via the City's web site and social media.
- 4.1.3 Expressions of Interest will request the following general information:
- a) General background and life experience of the Nominee.
 - b) The Nominees ability to:

- (i) Commit sufficient time to the process.
- (ii) Demonstrate how they will act as an advocate for the city always displaying positive intent.
- (iii) Represent the interests of other people, including those who might be less vocal or harder to reach.
- (iv) Choose the best-fit solution that meets the needs of all people with an interest or those likely to be affected, including those from minority groups.
- (v) Have a level of general knowledge relevant to the Committee's responsibility.
- (vi) Keep people informed on the progress of the process
- (vii) Comply with the requirements of the *Local Government Act 1995* and to adhere to the Code of Conduct.

4.2 Assessment of Nominations

4.2.1 Evaluation Process and Report

- a) City officers will undertake an assessment against the selection criteria of each application for a committee or group. The assessment will be undertaken by a panel of up to five City officers appointed by the CEO.
- b) The Selection panel will comprise of City officers who have limited interaction with nominees to ensure the greatest level of impartiality
- c) A designated officer will produce an evaluation report outlining the selection process and will identify the candidates that best met the criteria.
- d) The evaluation report will be a confidential attachment to the Council report. Council, upon receipt of the confidential evaluation report will have the ability to review and change the recommendations of officers should Council see the need.

4.2.2 Confidentiality

- a) All applications will remain confidential, and names of the recommended appointments will also remain confidential.
- b) All applicants will receive a letter outlining the result of their application as to whether they were successful or unsuccessful. The City has no requirement to provide feedback on the status of any application.

4.3 Selection Criteria

A community member's application to be on an Advisory Committee or Reference Group will be assessed and their final score weighted against the following selection criteria:

Selection Criteria	Weighting
Knowledge, experience, or qualifications of the topics the Committee/Group will be required to address.	20%
Ability to demonstrate previous experience working in teams and groups.	20%
Demonstrate how they will act as an advocate for the city always displaying positive intent and the ability to represent the interests of other people, including those who might be less vocal or harder to reach.	20%
Applicants demonstrating, they are from cultural and linguist diverse backgrounds	20%
The ability to allocate the necessary time to attend meetings and read documentation prior to the meeting.	10%
Applicants that have not participated in any previous advisory committees enabling new talent to be attracted to committees that may not have as much experience as existing members.	10%

Score	Assessment
21 - 25%	Excellent
16 - 20%	Very Good
11 - 15%	Satisfactory
6 - 10%	Poor
1 - 5%	Unsuitable

5. Community Consultation

This Policy requires that all positions are advertised every two year unless otherwise resolved by the Council.

6. Governance

This Policy is governed by the Council.

7. Measures of Success

The City will undertake a review of the efficacy of committees every two years and make recommendations to Council on any improvements identified.

8. Definitions

Nil.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	CEO		
Related Internal Procedures	Advisory committees' terms of reference		
Related Budget Schedule	N/A		
Legislation	Local Government Act 1995		
Notes and Conditions			
Authority	Council		
Adopted	2015	Next Review Date	2023

1.1.15. Governance 15: Payments to Employees Recognition of Service

1. Purpose

To allow for the recognition of employees whose employment with the City of Kalamunda (City) is ending, based on the length of their service to the City. In accordance with section 5.50 of the *Local Government Act 1995*, this recognition may be paid in addition to their entitlements under an Award, Workplace Agreement or Contract of Employment.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

In recognition of long and meritorious service the City may provide, at the sole discretion of the Chief Executive Officer a gift as a token of appreciation to employee's service to the Community upon their voluntary separation from the City.

The value of the gift provided is to be \$250 for ten years of service and additional \$25 for each completed year of service to a maximum of \$1,000.

In special circumstances, Council may resolve to make a payment to a terminating employee which is more than the amount set out in this Policy as long as provision of Section 5.50(2) of the *Local Government Act 1995* are complied with. At least ten years of continuous service is required at the time of separation to be eligible for this Policy.

Where a proposed payment exceeds the policy provisions, local public notice must be given, in accordance with Section 5.50(2) of the *Local Government Act 1995*.

4. Detail

1. Basis for Determination of Gift

The gift will be \$250 for ten years of service and an additional \$25 for each completed year of service to a maximum amount of \$1,000.

5. Community Consultation

This Policy does not require community consultation.

6. Governance

This policy is governed by the Council

7. Measures of Success

This Policy will be measure by review of efficacy by the CEO and any changes approved by the Council.

8. Definitions

Continuous Service” means service undertaken at the City of Kalamunda without any break in service. It does not include any period of unauthorised absence from duty, or any period of unpaid leave (unless Council determines otherwise). It also does not include the definition of ‘continuous service’ for employees transferring into the City employ in line with the Local Government (Long Service Leave) Provisions

Status	Council requirement		
Related Local Law	LG Act 1995		
Related Council Policies	Nil.		
Relevant Delegation	CEO		
Related Internal Procedures	Nil.		
Related Budget Schedule	Municipal fund		
Legislation	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>		
Notes and Conditions			
Authority	Council		
Adopted	2019	Next Review Date	2023

1.1.16. Governance 16: Elected Member and Chief Executive Officer Attendance at Events

1. Purpose

The purpose of this Policy is to provide a clear framework and guidelines for the acceptance of tickets or invitations by Elected Members and the Chief Executive Officer (CEO) to attend events or functions to ensure that the City of Kalamunda (the City) meets the requirements of the legislation and community expectations.

2. Policy Statement

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

Elected Members and the CEO are often invited or required to attend events to fulfil their leadership role in the community.

Elected Members and/or the CEO will receive tickets or invitations to attend events to represent the City. The event may be a paid event, or a ticket/invitation may be gifted in kind.

4. Detail

4.1 Provision of Tickets or Invitations

To meet the policy requirements tickets and invitations to events must be received by the City.

4.2 Pre-Approved Events

The City approves attendance at the following events by Elected Members and the Chief Executive Officer:

- a) Meetings of clubs or organisations within the City
- b) Any free event held within the City
- c) Australian or West Australian Local Government events
- d) Events hosted by Clubs or Not for Profit Organisations within the City to which the Mayor, Elected Member or Chief Executive Officer has been officially invited
- e) Functions or events to which the City has provided sponsorship

- f) Community art exhibitions
- g) Cultural events/festivals
- h) Events run by a Local, State or Federal Government
- i) Events run by schools and universities within the City
- j) Major professional bodies associated with local government at a local, state and federal level
- k) Opening or launch of an event or facility within the City
- l) Recognition of Service events
- m) RSL Club events
- n) Where representation by the Mayoral or Chief Executive Officer has been formally requested.

All Elected Members and the Chief Executive Officer are entitled to attend a pre-approved event. If there is a fee associated with a pre-approved event, the fee, including the attendance of a partner, will be paid for by the City out of the City's budget by way of reimbursement.

In addition to the above pre-approved events, Elected Members may also attend a paid event held within the City, with the funds to be paid for by way of reimbursement, other than the following events:

- Party political events and fundraisers
- Social events
- Entertainment events with no link to the City
- Events that primarily benefit Elected Members in a personal capacity or in a role other than their role at the City

If there are more Elected Members than tickets provided, then the Mayor shall allocate the tickets.

4.3 Non-Approved Events

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event.

If the event is a free event to the public then no action is required.

If the event is ticketed and the Elected Member or Chief Executive Officer pays the full ticketed price and does not seek reimbursement, then no action is required.

If the event is ticketed and the Elected Member or Chief Executive Officer pays a discounted rate or is provided with a free ticket then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days.

4.4 Approval Process

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval no later than three business days prior to the event for approval as follows:

- Events for the Mayor will be approved by the Deputy Mayor;
- Events for Councillors will be approved by the Mayor; and
- Events for the Chief Executive Officer will be approved by the Mayor.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval.
- The benefit to the City of the person attending.
- Alignment to the City's Strategic Objectives.
- The number of City representatives already approved to attend.

Where an Elected Member has an event approved through this process and there is a fee associated with the event, then the cost of the event, including for attendance of a partner, is to be paid out of the Elected Member's training allocation.

Where the Chief Executive Officer has an event approved through this process and there is a fee associated with the event, then the cost of the event is to be paid for out of the City's budget.

4.5 Dispute Resolution

All disputes regarding the approval of attendance at events are to be resolved by the Mayor.

5. Community Consultation

This Policy does not require community consultation.

6. Governance

This Policy is governed by the Local Government Act gift provisions and the Council.

7. Measures of Success

Breaches of the gift provision are reportable under the Act.

8. Definitions

“Elected Members” includes the Mayor and all Councillors.

“Event” is defined as a:

- Concert
- Conference (not included in Policy Governance 3 – Elected Members – Entitlements, Travel and Professional Development)
- Function
- Sporting event
- Occasions prescribed by the *Local Government (Administration) Regulations 1996*.

Status			
Related Local Law			
Related Council Policies			
Relevant Delegation			
Related Internal Procedures			
Related Budget Schedule			
Legislation	Local Government Act 1995 Local Government (Administration) Regulations 1996		
Notes and Conditions			
Authority			
Adopted		Next Review Date	

1.1.17. Governance 17: COVID-19 Financial Hardship Policy

1. Purpose

The purpose of this policy is to give effect to the City of Kalamunda's (the City) commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the City recognises that these challenges may result in financial hardship for our ratepayers.

This Policy is intended to ensure that the City offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

This policy applies to:

- a) Outstanding rates and service charges as at the date of adoption of this policy; and
- b) Rates and service charges levied for the 2020/21 and the 2021/22 financial year.

for the duration of the Western Australian State and Public Health Emergency Declarations for COVID 19.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

It is a reasonable community expectation, as the City deals with the effects of the pandemic that those with the capacity to pay rates will continue to do so. Accordingly, this Policy is focused on the provision of assistance to those ratepayers who are able to evidence financial hardship and the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.

4. Detail

4.1 Payment difficulties, hardship and vulnerability

The City is offering rates assistance for those ratepayers who are still experiencing financial hardship as a result of COVID-19. For payment of rates, the City will not charge penalty interest and the administration fee that is usually charged for alternative payment arrangements. In addition, an extension for payment of the rates outside of the payment options will be provided for on the rate notice for eligible ratepayers.

4.2 Anticipated Financial Hardship due to COVID19

Covid-19 Financial hardship occurs when a ratepayer is genuinely struggling to pay their rates and charges owed and struggling to meet other financial obligations. Genuine financial hardship does not arise where it is inconvenient to pay the amount of rates owed or it is subject to the timing of income; for example, holiday pay, dividends, lump sum payments. Genuine financial hardship may occur in the following circumstances arising as a result of the COVID-19 pandemic crisis:

- a) Loss or significant reduction in family income due to job loss or business closure (or both).
- b) Serious illness resulting in incapacity to work.
- c) Any other factor that results in an unforeseen and substantial change in the ratepayer's capacity to meet their financial obligations.

4.3 Financial Hardship Criteria

While evidence of hardship will be required, we recognise that not all circumstances are alike. The City will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- a) Recent unemployment or under-employment
- b) Sickness or recovery from sickness
- c) Low income or loss of income
- d) Unanticipated circumstances such as caring for and supporting an extended family

Ratepayers are encouraged to provide any information about their individual circumstances that will be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. The City will consider all circumstances, applying the principles of fairness, equity and confidentiality whilst complying with our statutory responsibilities.

4.4 Payment Arrangements

Payment arrangements will be facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- a) The payment arrangement will establish a known end date that is realistic in achieving the discharge of the debt;
- b) The ratepayer will be responsible for informing the City of any change in circumstance that jeopardises the agreed payment schedule.

4.5 Debt recovery

Debt recovery actions via the courts for 2021/2022 will remain suspended for outstanding debts. This is only for those ratepayers who adhere to the payment arrangements agreed to as part of the financial hardship rates assistance application approval.

Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995, as agreed to by Council.

4.6 Review

The City will establish a mechanism for review of decisions made under this policy and advise the applicant of their right to seek review and the procedure to be followed.

4.7 Communication and Confidentiality

The City will always maintain confidential communications and undertakes to communicate with a nominated support person or other third party at their request.

5. Community Consultation

The financial hardship rates assistance application form is available on the City's website. Furthermore, the back of the rates notices advises to contact the rates department if experiencing financial difficulties.

6. Governance

This Policy will be governed by the Council until such time as the COVID pandemic is resolved.

7. Measures of Success

The City aims to review and process financial hardship applications forms within two weeks. Ratepayer to be advise of the outcome as soon as practical.

8. Definitions

Nil.

Status	Council requirement		
Related Local Law	nil		
Related Council Policies	nil		
Relevant Delegation	CEO		
Related Internal Procedures	nil		
Related Budget Schedule	Municipal budget		
Legislation	<i>Local Government Act 1995</i> Local Government (Financial Management) Regulations 1996		
Notes and Conditions			
Authority			
Adopted	2020	Next Review Date	2023

1.1.18. Governance 18: Appointment of Acting Chief Executive Officer

1. Purpose

To allow the proper appointment of an Acting Chief Executive Officer in accordance with the Local Government Act 1995.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

3. Policy Statement

The Council recognises that it is imperative for the continued efficient operations of the City of Kalamunda (City) administration that during periods of absence of the Chief Executive Officer a suitable person can be appointed as the Acting Chief Executive Officer.

3.1 For appointments up to 20 Days

The Chief Executive Officer (CEO) is authorised to appoint any City Director of their choosing. The CEO will provide a note to the Council report when applying for leave nominating a Director and the Council must be satisfied that all the City's Directors are suitably qualified to act as Chief Executive Officer.

3.2 For appointments between 21 Days and 12 Months

The Council will appoint an Acting CEO.

Should there be no City of Kalamunda staff available, or they are unwilling to be the Acting CEO, the Council will appoint a person, who is suitably qualified, from amongst nominations obtained from the Western Australian Local Government Association, or from candidates obtained through a public advertising of the position.

4. Detail

This Policy will be administered by the CEO who will make appropriate recommendations to Council for resolution.

5. Community Consultation

This Policy does not require any community consultation.

6. Governance

This Policy will be governed by Council resolution.

7. Measures of Success

This Policy will ensure the City always has a CEO in place.

8. Definitions

Nil

Status	Council requirement		
Related Local Law	Local government Act Amendment 2021		
Related Council Policies	Recruitment Performance Review Termination of CEO		
Relevant Delegation	Nil.		
Related Internal Procedures	Nil.		
Related Budget Schedule	Salary or Higher Duties will be paid from the operating budget.		
Legislation	Local Government Act 1995 Local Government (Administration) Amendment Regulations 2021		
Notes and Conditions			
Authority	Council		
Adopted	2021	Next Review Date	2023

1.1.19. Governance 19: Naming of Parks, Reserves, Streets and Infrastructure

1. Purpose

To provide a consistent approach for the City of Kalamunda's (City) requirements for the naming of parks, reserves, streets and infrastructure as set out by the Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia.

2. Planning

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

3. Policy Statement

The City supports a consistent approach being aligned to the State Government requirements for naming of City facilities, Streets, Parks, Reserves and Buildings under the Council's jurisdiction. The naming of all City facilities, streets, parks, reserves and buildings shall be in accordance with the Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia.

Where appropriate, the Council will consider naming parks, reserves or buildings in honour of persons considered to have made an outstanding contribution to the City, or who, in the opinion of the Council, are worthy of such an honour.

Council supports the naming parks, reserves or buildings with dual naming to recognise our Noongar heritage as well as Noongar only naming.

This policy will also apply to proposals for the naming of defined portions of reserves specifically developed for sports, hereinafter referred to as "fields".

Whenever it is proposed to name a street, building, reserve, field, or other facility located on Crown or City-owned land (vested or not) the Crown or City ownership will be respected by adhering to the naming guidelines set down by the State's Geographic Names Committee.

If the City becomes aware that a person who has had a building, park, reserve or field named after themselves has been found guilty of a crime where the indictable penalty was or included a term of imprisonment exceeding 5 years or for life or has been found guilty of a serious local government offence as defined in s2.22(3) of the *Local Government Act 1995*, Council will initiate actions to have the naming honour removed and new naming undertaken.

The decision to approve the naming of a park, reserve, field or building shall remain with Council and not delegated without Council approval.

Road names, that form a part of subdivision, are to be reviewed and approved by the Chief Executive Officer.

Names chosen for City facilities, streets, Parks, Reserves and Buildings are expected to be permanent, and re-naming is discouraged and will only be undertaken in exceptional circumstance. If renaming is proposed because of some exceptional circumstance, the Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia will apply.

Evidence of substantial community support for a change of name must be provided and this will be ascertained via consultation with the community, in accordance with the Council's Policy – Communication and Engagement.

This Policy is to be read in conjunction with the following "Policies and Standards for Geographical Naming in Western Australia" and Policy Procedures.

4. Detail

4.1 Criteria for Assessment

In accordance with Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia:

- a) The naming of a park, reserve, street, field and infrastructure shall be determined by Council.
- b) A list of all names and their origins will be kept within a Geographic Names Register.
- c) Priority will be given to the naming of parks and reserves after an adjacent street or feature to maximise the identification of that park or reserve with an area.
- d) Components of recreational reserves (e.g. pavilions, ovals, gardens etc.) may:
 - i. be named in honour of community members who have contributed towards the establishment of the facility or towards the community or the district in general. Such proposals may include forename/surname combinations; or
 - ii. have commercial short-term names for the purposes of event promotion or sponsorship.
- e) All requests for the naming of a park, street, reserve, field or infrastructure must be identified within one of the following categories:
 - i. A figure of local historical note;
 - ii. Geographic feature(s); or
 - iii. Other acceptable theme(s).
- f) Requests for the naming of a park, street, reserve, field or infrastructure after a person must be made in writing and contain the following details of the person intended to be recognised:
 - i. Name;
 - ii. Date of birth and year of death, if applicable;

- iii. (If applicable) Detailed information and supporting documentation (e.g. letters, newspaper articles, oral histories, photographs etc.) to demonstrate the person's significant contribution(s)/relevance to the local community/district:
- g) A significant contribution could include:
 - i. A minimum of twenty (20) years as an elected member of a local government council.
 - ii. Twenty (20) or more years association with a local sporting or community group, such as Scouts, Apex, Rotary, School P & C etc.
 - iii. Action by an individual to protect, restore, enhance, or maintain an area that produces substantial long-term improvements for the community or area.
 - iv. Evidence of works undertaken for the benefit of the community;
 - v. (If applicable) Evidence of all efforts to gain consent from family members of the person who is being recognised in the name; and
 - vi. (If applicable) supporting commentary to explain the meaning of a proposed name.
- h) Names chosen for City parks, reserves, fields and infrastructure are expected to be permanent, and re-naming is discouraged. Renaming will only be considered in exceptional circumstances and where significant community support has been demonstrated.
- i) Nothing in this policy prevents Council from approving short term names for the purposes of event promotion or sponsorship.
- j) The Council shall in determining the application, to name a City facility, Street, Park, Reserve, Building or significant infrastructure:
 - i. Give due consideration to any submissions received.
 - ii. Receive a confidential report from the Chief Executive Officer detailing all requests to apply a name; and
 - iii. approve of any application only by an Absolute Majority Decision.

5. Community Consultation

Evidence of substantial community support for a change of name must be provided and this will be ascertained via consultation with the community, in accordance with the Council's Policy – Communication and Engagement.

6. Governance

This Policy is governed by the Council in accordance with the Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia.

7. Measures of Success

The success of this policy will be measured through the compliance with this policy.

8. Definitions

Nil

Status			
Related Local Law			
Related Council Policies			
Relevant Delegation			
Related Internal Procedures	CEO Direction: Process for naming parks, reserves, fields and buildings		
Related Budget Schedule			
Legislation	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>		
Notes and Conditions			
Authority			
Adopted	25 May 2021	Next Review Date	May 2023

1.1.20. Governance 20: Code of Conduct Complaints Management

1. Purpose

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and City of Kalamunda Code of Conduct for Council Members (the Code), the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Code.

2. Policy Scope

This Policy applies to complaints made in accordance with Clause 11 of the Code.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

3. Policy Statement

The City of Kalamunda and Council are committed to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

4. Details

4.1 Principles

a) Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- i. the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- ii. the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- iii. any findings made will be based on proper and genuine consideration of the evidence.

b) Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

c) Confidentiality

The City will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

d) Accessibility

The City will ensure that information on how to make a complaint, including this Policy, is available at the City's Administration Building and on the City's website. The City will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

4.2 Roles

a) Complaints Officer

The Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Complaints Officer will apply the Principles of this Policy.

b) Complaint Assessor

The Complaint Assessor is appointed by the Complaints Officer in accordance with clause 4.4 h) of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

c) Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only.

The Committee will have a membership of four (4) comprising:

- a) The Mayor
- b) Three (3) councillors, one (1) from each of the other Wards.

All other councillors would be appointed as Deputy Members to cover situations where an appointed member is the subject of a complaint.

The functions of the Committee are to:

- a) undertake an initial assessment of complaints and determination of a process;
- b) where necessary, approval of an appropriate Complaints Assessor;
- c) consideration of the outcome of Complaints Assessor Report and Recommendation to Council of appropriate sanction;
- d) oversight of the implementation of any sanction;
- e) advise Council of any refusal by a complainant to comply with a Council imposed sanction.

4.3 Procedure

a) Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [clause 11(1) of the Code].

A Complaint must be made within one (1) month after the alleged Breach [clause 11(2)(c) of the Code].

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Complaints Officer will give the Complainant written notice that the Complaint cannot be made [clause 11(2)(c) of the Code].

b) Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 4.4 a), above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Complaints Officer will provide written notice:

- a) to the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- b) to the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt

with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with [clause 15(1) of the Code]

c) **Withdrawing a Complaint**

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint [clause 14 of the Code].

A Complainant may withdraw a Complaint by advising the Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

d) **Notice to Complainant**

Within 7 days after receiving a Complaint, the Complaints Officer will provide written notice to the Complainant that:

- (i) confirms receipt of the Complaint;
- (ii) outlines the process that will be followed and possible outcomes;
- (iii) explains the application of confidentiality to the complaint;
- (iv) includes a copy of this Policy; and
- (v) if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Complaints Officer will advise the Complainant of the process in accordance with clause 4.4 f) of this Policy.

e) **Notice to Respondent**

Within 14 days after receiving a Complaint, the Complaints Officer will provide written notice to the Respondent that:

- (i) advises that a Complaint has been made in accordance with the Code and this Policy;
- (ii) includes a copy of the Complaint Documents;
- (iii) outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- (iv) includes a copy of this Policy; and
- (v) if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Complaints Officer will ask the Respondent if they are also willing to participate in accordance with clause 4.4 f) of this Policy.

f) Alternative Dispute Resolution

The City recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with clause 4.4 c) of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Complaints Officer will resume the formal process required under this Policy.

g) Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Officer may decide to progress those Complaints concurrently.

h) Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Complaints Officer with approval of the Behaviour Complaints Committee, will

appoint a suitably qualified and experienced Complaint Assessor, in accordance with the City's Purchasing Policy.

The Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

i) Search of Local Government Records

The Complaint Assessor may request the Complaints Officer to search for any relevant records in the City's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- (i) the behaviour occurred at a Council or Committee Meeting;
- (ii) the behaviour was dealt with by the person presiding at the meeting, and/or
- (iii) the Respondent has taken remedial action in accordance with the City's Standing Orders Local Law.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

j) Assessment of the Complaint

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under clause 4.4 d) and e) of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations

k) Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

- (i) outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- (ii) include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and

- (iii) include recommendations on each decision that may be made by the Complaints Committee; and
- (iv) include reasons for each recommendation, with reference to clause 4.5 of this Policy

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code and clause 4.5 d) of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

l) Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to recommend that Council dismiss the Complaint in accordance with Clause 13 of the Code and clause 4.5 b) of this Policy.

If the Complaint is not recommended for dismissal, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code and clause 4.5 of this Policy.

If the Behaviour Complaints Committee recommends that Council finds that the alleged Breach **did not** occur, the Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code. This concludes the process for this Complaint.

If the Behaviour Complaints Committee recommends that Council finds that the alleged breach **did** occur, the Committee will also recommend whether to take no further action in accordance with clause 12(4)(a) of the Code or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code and clause 4.5 d) of this Policy.

If the Behaviour Complaints Committee recommends Council to take no further action, the Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5)* of the Code. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and recommending to Council the implementation of the Plan.

m) Compliance with Plan Requirement

The Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code.

The Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4.4 Decision Making

a) Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in clause 4.2 of this Policy.

b) Dismissal

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code if it is satisfied that -

- a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- b) either —
 - (1) the behaviour was dealt with by the person presiding at the meeting; or
 - (2) the Respondent has taken remedial action in accordance with the City's Standing Orders Local Law.

c) Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [clause 12(3) of the Code].

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code.

d) Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- (i) the nature and seriousness of the breach(es);
- (ii) the Respondent's submission in relation to the contravention;
- (iii) whether the Respondent has breached the Code knowingly or carelessly;
- (iv) whether the Respondent has breached the Code on previous occasions;
- (v) likelihood or not of the Respondent committing further breaches of the Code;
- (vi) personal circumstances at the time of conduct;
- (vii) need to protect the public through general deterrence and maintain public confidence in Local Government; and
- (viii) any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

e) Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- (i) engage in mediation;
- (ii) undertake counselling;
- (iii) undertake training;
- (iv) take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code.

The Proposed Plan may also outline:

- (i) the actions to be taken to address the behaviour(s);
- (ii) who is responsible for the actions;

- (iii) any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- (iv) a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

5. Definitions

Act means the Local Government Act 1995;

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 4.3 c) of this Policy;

Breach means a breach of Division 3 of the City of Kalamunda Code of Conduct for Council Members, Committee Members and Candidates]

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act;

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in clause 4.4 b) of this Policy;

City means the City of Kalamunda;

Code means the City of Kalamunda Code of Conduct for Council Members, Committee Members and Candidates;

Committee means a committee of Council, established in accordance with s.5.8 of the Act;

Committee Member means a Council Member, employee of the <> or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution;

Complaint means a complaint submitted under Clause 11 of the Code of Conduct;

Complainant means a person who has submitted a Complaint in accordance with this Policy;

Complaint Assessor means a person appointed by the Complaints Officer in accordance with clauses 4.3 b) and 4.4 h) of this Policy;

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant;

Complaint Form means the form approved under clause 11(2)(a) of the Code of Conduct [by Council resolution or by the CEO exercising delegated authority];

Complaints Officer means a person authorised in writing [by Council resolution or by the CEO exercising delegated authority] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Complaints Officer is addressed in clause 4.3 a) of this Policy;

Council means the Council of the City;

Council or Committee Meeting means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings;

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act;

Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred;

Plan means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred;

Response Documents means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

Status			
Related Local Law			
Related Council Policies			
Relevant Delegation			
Related Internal Procedures			
Related Budget Schedule			
Legislation	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i>		
Notes and Conditions			
Authority			
Adopted		Next Review Date	

1.2. Service Policy

1.2.1. Service 1: Managing Unreasonable Behaviour by Customers

1. Purpose

The purpose of this policy is to provide guidance as to the basis for a fair, equitable and transparent mechanism for dealing with unreasonable behaviour by customers in order to achieve a balance between:

- a) Meeting the genuine needs of customers, fairly and equitably.
- b) Providing a safe working environment for staff, volunteers and Elected Members; and
- c) Ensuring that City resources are used efficiently, effectively, and equitably to manage the City's responsibilities to discharge its statutory functions and represent the interests of all persons in the District.

2. Policy Statement

The City of Kalamunda is committed to being accessible and responsible to all customers who approach the City for assistance, raising legitimate and important concerns, enquiries, or requests.

The City aspires to deliver outstanding customer service as a priority in accordance with the City of Kalamunda Customer Charter and this is reflected in everything the do.

The Council and the City's Administration also have a responsibility to:

- d) ensure the equitable allocation of the City's resources across all the enquiries, requests, concerns, and complaints received.
- e) ensure the health, wellbeing, safety and security of its employees, contractors, consultants and volunteers; and
- f) consider the net public benefit for the community in the allocation of time and resources.
- g) Meet its statutory obligations under LG Act and various other legislation / regulations.

The provision of outstanding customer service is an aspiration and priority for the City of Kalamunda, reflected in a variety of Customer Strategies and measures in place.

However, at times the expectations or demands of a person may exceed the City's ability to deliver.

Unfortunately, at times the expectations or demands of a person may exceed the City's ability to deliver which results in a variety of forms of unreasonable behaviour or conduct.

What Constitutes Unreasonable Behaviour

It is acknowledged that regardless of the standard of professional and positive customer service the City achieves, there will be a small percentage of customers whose issues cannot be dealt with to their satisfaction, and they engage in unreasonable behaviour in an attempt to obtain their desired outcome. This may include cases across all communication channels. In person, via email, phone and or via social media.

In a small number of cases, customers behave in a way that is inappropriate and may demonstrate the following unreasonable types of conduct:

- a) Unreasonable persistence
- b) Unreasonable demands
- c) Unreasonable lack of cooperation
- d) Unreasonable argument or
- e) Unreasonable behaviour

These conducts may take many forms as outlined below.

Unreasonable persistence

Unreasonable persistence is continued and unrelenting conduct by a customer/complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

Examples of unreasonable persistence include:

- persisting with issues even though they have been dealt with to finality.
- unwillingness to accept final decisions.
- attempting to engage with different departments across Council by contacting different officers across the organisation, including senior managers, the CEO, Mayor and Councillors in the hope of getting a different outcome.
- engaging with external organisations and individuals, by contacting State and Federal Members, associated entities, and other government agencies in the hope of getting a different outcome to the complaint.
- repeatedly contacting Council by phone calls, visits, letters, emails (including Cc'd correspondence) after being asked not to do so;
- lodging requests for service that, compared to requests of a similar nature lodged by other customers, are considered unreasonable in number.

Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a customer/complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time or resources. Examples of unreasonable demands include:

- raising issues outside of Council's responsibility.
- asking for outcomes that are unattainable or disproportionate to the issue e.g., termination or prosecution of an officer, an apology and/or compensation with no reasonable basis.
- requesting actions that are inappropriate or demanding for issues to be dealt with in a particular way, including requesting an immediate response.
- demanding answers to questions that have already been responded to comprehensively and or repeatedly.
- changing their issues or desired outcome while their matter is being dealt with;
- demanding information that is not permitted to be disclosed/provided e.g., copies of sensitive documents, names, personal contact details of staff.
- insisting on talking to a senior manager, CEO, Mayor or Councillor personally when it is not appropriate or warranted.
- making threats with the intent to intimidate, harass, shame, seduce or portray themselves as being victimised when this is not the case.
- seeking regular and/or lengthy phone calls or face to face contact when it is not warranted.
- demanding or requesting to discuss complaint matters outside of office hours, including contacting Council Officers, Mayor or Councillors by their personal email or social media accounts.

Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer/complainant to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources.

Examples of unreasonable lack of co-operation include:

- sending a constant stream of disorganised information without clearly defining any issue of complaint, or explaining how they relate to the core issue/s being complained about
- refusing to provide key documents that would assist in managing a complaint matter.
- dishonestly presenting the facts or being unwilling to consider other valid viewpoints.
- refusing to follow or accept City or Council instructions, suggestions or advice without a clear or justifiable reason for doing so;
- arguing frequently, and/or with intensity, that a particular solution is the correct one in the face of valid contrary arguments and explanations.

Unreasonable argument

Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false, inflammatory or trivial and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources. Arguments are unreasonable when they:

- fail to follow any logical sequence.
- are not supported by any evidence.
- lead a customer/complainant to reject all other valid and contrary arguments.
- are trivial when compared to the amount of time, resources and attention that the customer/complainant demands.
- are false, inflammatory or defamatory.

Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances regardless of how stressed, angry or frustrated that a customer/complainant is; because it unreasonably compromises the health, safety and security of our staff, other service users or the customer/complainant.

Examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, sexist, or grossly defamatory remarks.
- harassment, intimidation, or physical violence.
- rude, confronting, and threatening correspondence.
- threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
- stalking (in person or online);
- emotional manipulation.

3. Detail

All community members have the right to:

- a) ask questions in a respectful manner about the City and the services it provides.
- b) express opinions in a respectful manner about the City about the City's services; and
- c) lodge complaints about the City and the City's services.

The right to ask questions, express opinions and lodge complaints is not unqualified. The City may, and in some cases is legally obligated to, act when faced with unreasonable behaviour.

The employee's first obligation is to preserve the health and safety of themselves and others. There is no obligation upon an employee to continue an interaction with a customer who is engaging in verbally / physically abusive or threatening behaviour. The customer should be advised that the interaction will be terminated if the customer is unable to refrain from engaging in the unreasonable behaviour.

If de-escalation of the customer's unreasonable behaviour is unsuccessful or not viable, the customer should be invited to engage again when reasonable behaviour is exhibited, and the interaction terminated. Customer behaviour that involves physical assault of a person, property damage, or serious threats of the same should be reported through an Incident Report to the department and to the police

On occasions, a customer may have difficulty accepting the department's final decision on their complaint and may seek to engage in ongoing written correspondence or phone calls in an attempt to change the department's position on the matter. In these circumstances, the employee should confirm the written information previously provided to the customer on their external appeal rights and indicate that no further written or verbal correspondence will be entered into in relation to the department's decision.

The Impact of Unreasonable Behaviour

The impact upon those confronted by these behaviours will be in direct conflict with the city duty of care and the disproportionate amount of the City's time and resources and cause serious psychological stress or physical harm to employees and others.

All members of staff, volunteers and Elected Members have the right to be treated with respect and courtesy by members of the community.

The City has a responsibility to eliminate and reduce risks to mental and physical health and safety under Occupational Safety and Health legislation.

The City has a statutory responsibility to ensure resources are allocated efficiently, effectively and equitably. This includes minimising excessive diversion of resources to the personal benefit of individuals.

The City will provide staff with training to provide the best customer service possible, in accordance with its customer charter, while also managing difficult or aggressive customers.

At all times, the City's responses will remain reasonable and proportionate to the nature of the behaviour and its impact on the City's employees and resources. This includes having a due regard to the person's personal circumstances.

As a last resort, the City may limit the person's access to City services in the interest of protecting the City's employees and resources.

Such decisions will be made at a Director level and the person will be informed about the limits, the reasons for the decision and the options for review.

Nothing in this policy limits the capacity and legal requirement of the City to take immediate appropriate action where the unreasonable conduct involves:

- a) an imminent and readily apparent threat to the mental or physical health or well-being of Elected Members, employees, contractors, consultants, volunteers or others; and/or
- b) failure to obey a lawful instruction.

4. Community Consultation

This policy does not require community consultation.

5. Governance

In accordance with the Local Government Act and the Ombudsman.

6. Measures of Success

Review of the volume of complaints and inappropriate behaviour over a 3-year period.

7. Definitions

Unreasonable Behaviour

Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening.

Aggressive behaviour

Aggressive behaviors may be at any point along the scale from verbal aggression to actual physical violence.

City of Kalamunda Customer Service Charter

The Customer Charter is a statement of standards which summarises our commitment to you. Our vision is to make *'our customers the 'key influencers' in the development, improvement and delivery of our services'*. This means we aim to ensure all customer interactions with the City of Kalamunda are timely and meaningful. If not, we will use your feedback to improve them. This charter lets customers know what you can expect from us, and what to do if you feel these standards are not being met.

Customer Service Principles

Our customer service principles outline our promise to you.

We aim to ensure that customers:

- receive timely responses
- have meaningful interactions
- are made to feel like the only customer
- are helped to help themselves
- are informed and will help inform our services.

Status	Council Requirement		
Related Council Policies	N/A		
Related Council Policies	Code of Conduct for Employees Customer Service Policy – Updated Policy Pending Occupational Health and Safety Policy		
Relevant Delegation	CEO		
Related Internal Procedures	Customer Complaint Handling Processes and Procedure		
Related Budget Schedule	N/A		
Legislation	Equal Opportunity Act 1984 (WA) Local Government Act 1995 (WA) Occupational Health and Safety Act 1985		
Related Budget Schedule	N/A		
Notes	Ombudsman WA – Managing Unreasonable complainant conduct Practice manual City of Ipswich Unreasonable Customer Conduct Policy City of Sydney Unreasonable Conduct by Customers Policy Commonwealth Ombudsman		
Authority	Council		
Adopted	27 August 2019	Next Review Date	27 August 2021

1.2.2. Service 2: Neighbour Mediation

1. Purpose

The purpose of this policy is to establish a neighbourhood mediation service which is fair, user friendly and neutral from the council's perspective and which supports strategies to resolve differences between neighbours related to matters relevant to council.

2. Policy Statement

This policy is intended for smaller scale matters including (but not limited to):

- a) Unauthorised development
- b) Conditions of development approval
- c) Non-compliant development
- d) Amenity issues including built form, noise and odour
- e) Drainage issues
- f) Pets
- g) Privacy
- h) Fences and retaining walls
- i) Trees

Where no more than 2 adjoining neighbours (in addition to the applicant) are involved. The City recognises that while it has a statutory obligation to uphold the requirements of various legislative instruments in an effective and efficient manner, in many cases however it is preferable that neighbours develop their own solutions using mediation and discussion particularly in relation to civil matters that fall outside the regulatory process.

The City may defer compliance action for a period of up to 3 months or longer as required at the discretion of the City to enable the parties to attend mediation.

The City will meet the costs of up to 3 mediation sessions conducted by a professional mediator appointed by the City during the deferral period where these sessions are agreed to and attended by all parties and where the matter falls within the statutory jurisdiction of the City.

3. Detail

In determining whether mediation is necessary, the City shall take into consideration the nature of the issues raised by neighbours and any history of compliance issues on the respective sites, and whether there are reasonable arguments on both sides (i.e. where the merits of the case and specific impacts could both reasonably be argued). The City cannot compel neighbours to participate in mediation. After the City has formally invited neighbours to attend mediation and one or more neighbours do not wish to attend, the matter will be determined in accordance with relevant City policies and legislation.

Where mediation has occurred, the matter will be determined considering the outcome of the mediation as well as the statutory obligations of the City. This does not affect the

City's ability to issue an infringement notice or take other legal action. Where mediation is proposed, regard is to be given to the statutory time frames associated with infringements and legal action.

Where mediation has previously occurred, unless the current matter is significantly different to the previously mediated matter, further mediation may not be offered.

4. Community Consultation

This Policy is internally focused upon the Council and the Administration and hence is not required to undergo public consultation .

5. Governance

This Policy will be implemented by the CEO administratively with Council allocating a budget for mediations to occur. The CEO will consider all requests for mediation and subject to budget availability, will approve if the result is likely to avoid enforcement costs. All requests will be considered on the merits of the request and may be rejected by the CEO if not determined to be in the City's interest.

6. Measures of Success

This Policy will be measured every three years by the effectiveness mediation has on avoiding enforcement.

7. Definitions

Nil.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	CEOA		
Related Internal Procedures	N/A		
Related Budget Schedule	Operating budget allocation		
Legislation	Local Government Act 1995		
Notes and Conditions	N/A		
Authority	Council		
Adopted	2019	Next Review Date	2023

1.2.3. Service 3: Disability Access and Inclusion

1. Purpose

To ensure that the City of Kalamunda is an accessible, equitable and inclusive local government for our community, whilst ensuring compliance to the *Disability Services Act (1993)*

2. Planning

The Inclusive Kalamunda Social Inclusion Plan 2021-2025 includes several deliverables relative to this policy.

3. Policy Statement

The City of Kalamunda is committed to ensuring that all our facilities, services and events are inclusive and accessible to everyone in our community.

4. Detail

The City of Kalamunda commits to achieving the following six goals:

Goal 1: Encourage all of community to participate in social, economic, and civic life

Goal 2: Ensure equal access to City of Kalamunda buildings and facilities

Goal 3: Ensure all City communications are inclusive and accessible

Goal 4: Ensure City staff are equipped with knowledge and resources to ensure service received by community is inclusive and accessible

Goal 5: Encourage opportunities for employment, civic participation, and volunteering

Goal 6: Endeavour to improve access to housing, transportation, and health services

The implementation of this Policy is applied through the City's Inclusive Kalamunda Social Inclusion Plan

5. Community Consultation

The City has undertaken extensive engagement with other local governments, non-government organisations and the community when developing the Inclusive Kalamunda Social Inclusion Plan. As a direct result, adjustments have now been made to this Policy.

6. Governance

The Disability and Carers Advisory Committee will be the reference group that assists with the implementation of the plan.

7. Measures of Success

The policy is measured according to progress made against the Inclusive Kalamunda Social Inclusion Plan. The City will also report deliverables to the Department for Communities on an annual basis.

8. Definitions

NA

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	N/A		
Related Internal Procedures	Disability Access and Inclusion Plan (2017-2022)		
Related Budget Schedule	N/A		
Legislation	Disability Services Act 1993 and Regulations 2004		
Notes and Conditions	N/A		
Authority	Council		
Adopted	27 August 2019	Next Review Date	27 August 2023

1.2.4. Service 4: Asset Management

1. Purpose

The purpose of this policy is to define the requirements for management of the City of Kalamunda's (the City) physical assets.

2. Policy Statement

The City will manage its assets with a financially sustainable approach to service delivery and to meet current and future needs of the community in accordance with adopted Strategic Community Plan, Corporate Business Plan and annual budgets.

3. Planning

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to key centres of activity, employment and quality amenities.

Strategy 3.2.1 - Ensure existing assets are maintained to meet community expectations

4. Detail

The City will:

- a) Manage asset performance, aligned with the levels of service, such that assets are cost effective, safe, capable, usable, high in amenity, and supportive of community values.
- b) Consider the life cycle cost, environmental and social impact, and sustainability implications of decisions relating to the maintenance of assets, renewal of assets, upgrade of assets and new assets.
- c) Manage assets to support optimised service delivery.
- d) Undertake asset management practices, valuation and reporting as specified by accounting standards and relevant legislation.
- e) Follow contemporary asset management practices such as provided by the Institute of Public Works Engineers Australasia's International Infrastructure Management Manual and associated publications.
- f) Where possible, in a constrained funding environment, prioritise funding towards maintaining existing assets that are to be retained rather than creation of new assets.
- g) Investigate alternative service and funding models including "non-asset" solutions, private partnerships, service sharing, and benefit cost models, as part of asset management decision making.

5. Community Consultation

The City will consult with the community and customer groups to determine the acceptable levels of service that are provided by assets, including willingness to pay.

6. Governance

The City will develop procedures and processes for asset management practices as part of an asset management system, including data management, condition inspections, asset valuations, maintenance planning, consultation, capital works planning, performance management, asset management plans, and definition of roles and responsibilities.

The strategic approach to asset management will be reviewed every five years or earlier, including the financial ratios.

Asset management planning will be practiced across the organisation in support of the City of Kalamunda Strategic Community Plan.

Council will be asked to endorse Asset Management Plans for the various classes of assets on a five-yearly basis.

7. Measures of Success

The success of the policy will be measured through the:

- a) Publication and review of Asset Management Plans for all key asset classes.
- b) Level of community engagement during review periods for each specific asset class
- c) Achievement of the Asset Management Strategy's primary objectives, and
- d) Achievement of Asset Ratios.

8. Definitions

Asset Management Plan: A report of assets managed by an organisation that follows an internationally accepted format defined by the Institute of Public Works Engineering Australasia.

Status	Adopted		
Related Local Law	N/A		
Related Council Policies	Nil		
Relevant Delegation	CEO		
Related Internal Procedures	Govern the City's Asset Management Practices Asset Management Guiding Process		
Related Budget Schedule	Operating Budget Business Unit 411 Asset Management and Forward Planning		
Legislation	Local Government Act 1995 (WA) Local Government (Administration) Regulations 1996 Integrated Planning and Reporting Framework and Guidelines		
Notes and Conditions	N/A		
Authority	Council		
Adopted	2019	Next Review Date	2023

1.2.5. Service 5: Communication and Engagement

1. Purpose

The purpose of this policy is to ensure the City's engagement with its community is always undertaken in the most effective manner using contemporary techniques and methods.

2. Policy Statement

"People whose lives are effected by a decision have the right to be involved the decision-making process in some way." (IAP2 Core Values)

The City of Kalamunda takes pride in the strong and collaborative relationships it has developed with community members. Community engagement can occur in many ways depending on the situation, priorities and outcomes required.

The City of Kalamunda is committed to clear, consistent, and timely communications, providing stakeholders with opportunities to be informed, participate, engage, and contribute to the decisions made by Council on issues that affect them.

This policy addresses the key elements of both **communication** and **engagement** and outlines the City's objectives to deliver timely, meaningful, and appropriate communication and engagement opportunities and to clearly show when and how stakeholders have contributed to the decision-making process.

3. Detail

Effective community engagement seeks to:

- a) Encourage the use of engagement analysis tools to inform on the performance of communications and engagement activities.
- b) Encourage consultation and communication planning to meet stakeholder needs and expectations.
- c) Ensure communication and community engagement is proactively planned around each major project and issue that arises.
- d) Improve communication and brand consistency across the organisation.
- e) Increase the timeliness and effectiveness of communication and engagement internally and externally.
- f) Ensure the City is guided by relevant best practice principles and industry standards including the core values of the International Association of Public Participation (iap2) as outlined in the adopted Community Engagement Strategy.
- g) Increase employee communications, community engagement, and public confidence in the City and its management of local resources.

Methodology

The City uses the iap2 Spectrum (as shown below) to assist and guide in the communication and engagement process. The model identifies five levels where communication and interactive opportunities are selected, depending on project purpose, audience, and the expected influence of each.

The City's Commitments

The City commits to:

- a) open and transparent communication. Unless something is commercially confidential, it should be communicated in a complete, unambiguous and timely manner.
- b) communicating about significant happenings in a thoroughly planned manner. Care should be taken to decide and plan what requires formal communication by whom, and by when, through what channel – and how effectiveness will be measured.
- c) communicating both good and bad news quickly, even if the full impact of the decision or message may not be clear.
- d) recognising those who are affected by a decision have a right to be involved in the decision-making process.
- e) seeking out and enabling the involvement of those potentially affected.
- f) involving participants in choosing and defining how they receive information or participate.
- g) communicating to participants how their input affected the decision.
- h) providing participants with the information they need to participate in a meaningful way; and
- i) providing an ongoing relationship between Council and the community.

Engagement Spectrum

Each project or issue being managed will have varying resource implications and various levels of potential influence within one activity, with a need to move up and down the engagement spectrum.

Inform	Consult	Involve	Collaborate	Empower
Public Participation Objective				
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solution.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
Obligations to the Public				
We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Source – International Association of Public Participation

Communication and Engagement Principles

- a) The communication and engagement program will be interesting, equitable, inclusive, adequately resourced and specifically tailored to each project or issue.
- b) Communication and engagement activity will begin early and be part of project scoping and milestones identification, rather than being a one-off event or undertaken after a final decision

- c) The history of previous communications and engagement programs will be considered
- d) The purpose expected outcomes and decision-making process will be clearly communicated to all parties participating.
- e) Diverse communication and engagement techniques will be implemented to maximise opportunity for participation and flexibility of choice on how to engage.
- f) Communication and engagement approaches will be constantly evaluated against objectives and modified accordingly to meet changing needs.
- g) Participants will be provided with 'Feedback Summaries' following consultation activities.

Roles and Responsibility

Elected Members are to ensure Community Engagement principles are encompassed in the engagement processes undertaken. Elected Members will be invited to give oversight and comment on all engagements being undertaken.

Stakeholder engagement does not replace Council decision-making responsibility, rather it is designed to ensure Council has access to a range of information about stakeholder and community needs, opinions, and options, prior to making decisions.

Stakeholder feedback is one part of the information gathering process upon which decisions are based. Other information which may be considered includes technical advice, legal advice, third party expert advice and other stakeholder advice as necessary.

As one of the City's roles is Advocacy, there may be circumstances where public participation is not undertaken by the City, such as major infrastructure projects delivered by the State or Federal Government. These projects will be outlined in the City's annual advocacy program and endorsed by Council.

When a decision is mandatory, Council shall comply with statutory requirements, such as for strategic planning documents or Development Applications.

4. Community Consultation

This Policy does not require community consultation as it guides how the City will undertake engagement and communication with the community.

5. Governance

The Policy will be implemented administratively with Council oversight over all engagements undertaken prior to engagement processes being released.

6. Measures of Success

The Policy will be measured and reported annually to Council outlining the number and effectiveness of all engagements.

7. Definitions

Community Engagement

The processes through which the community and other interested parties are informed about and/ or invited to contribute, through consultation or involvement, to proposals or policy changes relating to City services, events, strategic plans, issues, projects, and the like. Community engagement does not necessarily mean consensus; it is about seeking broad understanding and best possible solutions for the city and the community.

Barriers to participation

A barrier is a circumstance or obstacle that prevents a person from participating or engaging. Barriers can either be perceived or real and are likely to be different for everyone.

Status	Council and Statutory Requirements		
Related Local Law	N/A		
Related Council Policies	Kalamunda Advancing 2027 Strategic Community Plan		
Relevant Delegation	CEO		
Related Internal Procedures	N/A		
Related Budget Schedule	Operating budget allocated		
Legislation	Local Government Act 1995 (WA) Local Government (Administration) Regulations 1996		
Notes and Conditions	N/A		
Authority	Council		
Adopted	2019	Next Review Date	2023

1.2.6. Service 6: Event Sponsorship and Donations

1. Purpose

The purpose of this policy is to provide an assessment framework for event sponsorship applications and donation requests made to Council.

2. Planning

This Policy has links to the City of Kalamunda Strategic Community Plan, the Social Inclusion Plan, Reconciliation Action plan, the City's Tourism Strategy, the City's Arts Strategy and the City's Economic Development Strategy.

3. Policy Statement

The City of Kalamunda will actively support community events by providing sponsorship to selected events. The City of Kalamunda Event Sponsorship Program aims to support organisations and community groups in the running of an event that has a direct benefit to the local community or visitors to the City and offers positive promotion of the City's brand to its target markets

Sponsorship aims to provide the community with enjoyable and engaging activities. Supporting a wide range of events will enhance liveability and the City's reputation as a destination of choice.

The City's Event Donations program aims to support local organisations and community groups in the running of an inclusive event that has a direct benefit to the local community or visitors to the City. The Event Donations program aims to support a wide range of organisations and initiatives, and as such, organisations and are assessed on a case by case basis

4. Detail

Council will consider sponsorship of organisations and individuals to hold events in the City. This policy aims to ensure the Council can fairly assess applications for sponsorship, donations and in-kind support, against criteria that ensures mutually beneficial, pre- determined community outcomes.

This document applies to events and activities held in the City of Kalamunda only.

This Policy will be implemented administratively by advertising all sponsorship and donation opportunities annually and assessing all applications against a pre-determined selection criterion.

- Council will consider sponsorship of organisations and individuals to hold events in the City.
- Event sponsorships and donations requests should demonstrate how they contribute to building capacity for community groups to achieve a position of longer-term self- sufficiency.
- Support may range from in-kind, to seed funding, up to substantial support for event delivery. Applications for financial support can only be made once a year.
- Applications with requests for a donation or waiving of fees must be received at least two months prior to the event.
- Sponsorship requests can be made annually, funding decisions will only be considered in relation to the annual budget cycle.
- Applications for Sponsorship must be submitted each year by 30 April for the following financial year. Specific donation amounts and sponsorship packages available are predetermined. Sponsorship differs from a Partnership.

5. Partnerships

Partnerships are specific agreements made under a Memorandum of Understanding (MOU) with a longer-term commitment, and a broader range of significant outcomes to achieve, in collaboration with an external stakeholder. Partnerships are not governed by this policy.

6. Sponsorships

Sponsorships specifically relate to covering some of the costs associated with a program in exchange for a level of recognition.

6.1 All sponsorship activity should:

- (a) meet Kalamunda Advancing - Strategic Community Plan objectives.
- (b) provide positive exposure for the City's brand image locally and regionally.
- (c) meet mutually beneficial, reciprocal business benefits outlined in the application criteria, to provide adequate return on investment for the City.
- (d) show potential toward sustainability with the development of viable long-term relationships and community outcomes; and
- (e) enhance a strong sense of community to benefit residents and attract visitors.

6.2 An event or activity must:

- (a) be inclusive, accessible, free or low-cost;

- (b) demonstrate benefit to the wider community or a specifically targeted community group;
- (c) align with the City's values and objectives as set out in Kalamunda Advancing Strategic Community Plan;
- (d) provide promotional opportunities for the City relative to the level of sponsorship package.

6.3 Examples of events that may be supported include, but are not limited to:

- (a) cultural or community events;
- (b) sporting or recreation events.
- (c) carnivals, festivals or fairs held within the City; and
- (d) community development and welfare events or programs for specific target groups, for example Seniors, Youth, Disability Groups.

6.5 Categories of Donation and Sponsorship

Applicants may apply for one category of monetary support each financial year at the following levels. The Event Sponsorship and Donations budget only allows for approval of applications to a maximum monetary value. Available allocation of funds in the annual budget cycle may limit the number of Gold, Silver, Gold or Platinum sponsorships available in any given year.

Donations/Waiving of Fees	Sponsorships
Up to \$250	Bronze – Up to \$5,000
Up to \$500	Silver – Up to \$10,000
Up to \$1000	Gold – Up to \$15,000
	Platinum – Up to \$20,000

6.6 Eligibility

To be eligible to apply an organisation must be registered within the City of Kalamunda and provide a service/activity primarily for residents of Kalamunda.

6.7 Exclusions

Council will not provide sponsorship to any event, activity or organisation where, in the view of the Council, the proposal:

- (a) does not meet with the Council's expectations of contributing to a just, fair and equitable society.
- (b) does not align to the City's values.
- (c) relates to an event, activity or organisation that is engaged in the promotion of tobacco, alcohol, firearms, politics, specific religious doctrines, or for-profit activities.

Organisations which have previously received sponsorship but have either not completed their sponsorship reporting or have failed to provide an adequate outcomes report will not be eligible.

Events where alcohol is served responsibly as part of your event e.g. wine tasting, stakeholder cocktail party, are permitted and will be reviewed on a case-by-case basis:

- (a) Low strength alcohol and non-alcoholic choices must also be available where alcohol is available at the event.
- (b) Activities or promotions that encourage rapid consumption of alcohol (e.g. discounted drink prices, happy hours, drinking competitions) will not be supported.

Organisations are also ineligible for donations and event sponsorship if the application is for:

- (a) an organisation that has previously submitted, and been successful, with an application for sponsorship, contribution or donation within the same financial year.
- (b) an event that has already occurred or will occur during the application assessment timeframe.
- (c) the total cost of the event.
- (d) general business operating expenses.
- (e) costs already being covered by another sponsor or government body. Evidence of other sponsorships e.g. Healthway, Lotterywest or private companies, are to be stated within your application

The City will assess the risk of any co-sponsorship arrangement(s) which may conflict with City objectives. In addition, sponsorship will not be considered when the organization has outstanding debt (s) due an payable to the City

7. Community Consultation

This Policy was advertised when it was developed.

8. Governance

This Policy will be governed by Council and implemented by the administration in accordance with procedures.

9. Measures of Success

This Policy will be assessed annually based on the effectiveness of the events funded and the outcome report received.

10. Definitions

Nil.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	CEO		
Related Internal Procedures	N/A		
Related Budget Schedule	N/A		
Legislation	Local Government Act 1995		
Notes and Conditions	N/A		
Authority	Council		
Adopted	27 August 2019	Next Review Date	27 August 2023

1.2.7. Service 7: Art Collection Acquisition and Management

1. Purpose

The purpose of this policy is to develop and maintain an art collection representing the unique culture, history and environment of the City of Kalamunda which is suitable to Council's available exhibition space, other exhibition opportunities, available storage space and Council's capacity to maintain and restore works.

In acquiring works, the city will endeavour to contribute to the cultural development of the city and promote and support local and regional artists whose work is relevant to the city, the times, and the community.

2. Planning

Priority 1: Kalamunda Cares and Interacts

Objective 1.3 - To support the active participation of local communities.

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events in the City of Kalamunda.

3. Policy Statement

The City of Kalamunda shall develop, maintain and manage an Art Collection which is representative of the diversity of artistic expression within the community.

4. Detail

4.1 Criteria for Acquisition

Criteria for artwork selection shall include, but not be limited to the following:

- (a) Art objects exploring the history, local identity, environment, sense of place and cultural diversity of City of Kalamunda.
- (b) Artwork which interprets some aspect of City of Kalamunda.
- (c) Artwork which enhances the integrity and internal cohesion of the current collection in painting, 3D artworks, works on paper or photography by relating to one of the aesthetic, thematic or conceptual strands within the Collection.
- (d) Artwork which fills a gap in the artistic history of City of Kalamunda.
- (e) Artwork which relates to a specific locality, architectural feature, or Council building within the city environs.

4.2 Acquisition

- (a) Acquisitions of art works shall include a range of artwork that, through display, enhance public buildings, spaces, and corporate areas.
- (c) All art and object acquisitions, donations and gifts should wherever practicable have the endorsement of the Director Corporate Services.
- (d) Acquisition must be authenticated and supported by adequate documentation including but not limited to curation & maintenance advice, engineering assessments (where relevant), provenance of the artwork and interpretive description of the artwork.
- (e) Items in poor or questionable condition should only be considered in exceptional circumstances and after condition issues are resolved through a condition report.
- (f) Artworks with specialised installation requirements must have these resolved before acquisition.

4.3 Gifts and Donations of Artwork

From time to time the City receives or is offered gifts or donations of artworks and notes:

- (a) Council reserves the right to respectfully decline such offers on the basis that the collection is already well represented in that capacity, there is insufficient or inadequate exhibition or storage capacity, or works aren't in a suitable condition for acquisition, or the work is of a form which does not suit the scale and mix of the City's collection.
- (b) The Council may accept a gift which it later chooses to dispose of as part of the regular collection review program.
- (c) These gifts or donations are deemed unconditional gifts unless otherwise agreed and documented.

4.4 Display of Artwork

- (a) The Collection shall be displayed in public areas, libraries and designated office areas in an aesthetically pleasing and appropriate context which maximises and enhances public enjoyment and education, giving due recognition to the artists' intent.
- (b) In recognition that not all works may be on display at any one time, Council will ensure that works are stored in a manner which meets

archival storage guidelines set out by the WA Art Gallery or equivalent authority.

4.5 Collection management

- (a) The Collection will be documented and catalogued to enable identification, informed management decisions and the provision of information to the public.
- (b) The Collection will be independently assessed and valued in compliance with Local Government Regulations.
- (c) The Collection will be subject to periodic review.
- (d) The Council reserves the right to dispose of works as a necessary or where a work requires such attention that it unreasonably drains resources needed for the care of the rest of the Collection.
- (e) Council will be sensitive to religious beliefs and the cultural significance of artefacts and art pieces within the community

5. Community Consultation

The City will consult where necessary regarding the application of this policy.

6. Governance

The Policy will be administered by the City with a register containing details of all City acquired artwork.

7. Measures of Success

The success of the policy shall be measured through:

- a) Evidence that all acquired artwork is recorded in the City's Art Register

8. Definitions

Nil.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	N/A		
Related Internal Procedures	N/A		
Related Budget Schedule	N/A		
Legislation	<i>Local Government Act 1995</i>		
Notes and Conditions	N/A		
Authority	Council		
Adopted	27 August 2019	Next Review Date	27 August 2023

1.2.8. Service 8: City Tree Management

1. Purpose

The purpose of this policy is to provide a framework for the management of trees within public areas managed by the City of Kalamunda (City) to meet the needs and expectations of the community which is consistent with the City's strategic objectives and operational requirements.

2. Planning

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.

Strategy 2.1.2 - Development and Implementation of the Urban Forest Strategy.

3. Policy Statement

The City will strive to improve the overall tree canopy in areas that are managed by the City through conservation and protection where possible of healthy existing trees and as resources are available, increase the overall tree numbers.

It is recognised that trees are an integral part of the identity of the City and a vibrant urban forest is shown to positively contribute to the health and wellbeing of the City.

If a tree is deemed necessary for removal by the City, an objective methodology of assessment shall be undertaken and documented.

4. Detail

Tree management in public areas forms part of the annual operating processes of the Assets Directorate determined within available budgets.

In achieving suitable community outcomes, the City will:

- a) Take a proactive asset management approach to the management of trees in public areas.
- b) Recognise and manage budget limitations and ensure decisions reflect the principles of financial sustainability.
- c) Manage trees in line with utility and infrastructure service provider requirements.
- d) Minimise risk and meet its duty of care legal obligations.

- e) Deliver broader ecological, social and aesthetic benefits to present and future generations.
- f) Retain healthy trees wherever possible.
- g) Encourage owners of Private Property that have tree branches or limbs overhanging their property to consult with the City and then undertake removal of limbs and branches inside their property at their cost rather than remove the tree.
- h) Undertake assessment of the need to remove trees within City controlled parks, reserves, and leased areas where:
 - i. All or part of the tree is dead, suffering termite or other damage or is determined by the City to be declining in health. In some cases, dead trees may provide habitat for local fauna and will be assessed accordingly for possible retention.
 - ii. It is a cultivated tree and is considered a hazard to residents, motorists, or property (where pruning of overhanging branches onto private property will not sufficiently mitigate these risks).
 - iii. A street tree was planted without approval from the City and is determined to be unsuitable in the area.
 - iv. As part of any development approval process the tree is considered by the City, appropriate to remove.
 - v. The tree causes reoccurring damage to public infrastructure that outweighs its public benefit.
 - vi. The tree has adverse impact on access to the relevant property.
 - vii. The tree presents an unacceptable risk regarding the City's Bushfire Management Plan and procedures
- i) For every tree that is removed, either 4 smaller trees or 2 semi mature trees shall be planted by the City and near where the original tree was removed (if practicable).

5. Community Consultation

This policy is internally focussed upon the Council and the Administration and hence is not required to undergo public consultation.

6. Governance

Where it is recognised that there may be significant community concern regarding a proposal to remove a tree, the matter will be referred to Council for decision.

Where there has been a request to remove an existing tree which is otherwise assessed by the City as suitable for retention, the matter will be referred to Council for decision.

If Council decides to proceed with a proposal to remove a tree, the City will undertake localised community consultation on the matter and if there is significant objection refer the matter back to Council for final deliberation.

The City will maintain records setting out matters regarding to retention, removal and community consultation regarding City managed trees.

7. Measures of Success

The success of this policy will be measured by:

- a) Evidence where trees are retained through proper processes
- b) Community satisfaction surveys.

8. Definitions

City Managed Tree – means a tree that has most of its trunk located within land that is under the care and control of the City.

Cultivated Tree – means a tree that is not endemic to Western Australia

Street Tree – means a tree planted in the verge or median of a road reserve

Status	New Policy for Adoption		
Related Local Law	Street Lawns and Gardens (1964)		
Related Council Policies	Governance 8: Risk Management		
Relevant Delegation	CEO		
Related Internal Procedures	Updated Procedure Pending		
Related Budget Schedule	Operating Budget Business Unit 450 Open Space Management		
Legislation	Local Government Act 1995 (WA) Local Government (Administration) Regulations 1996 Bushfire Act 1954 (WA)		
Notes and Conditions	N/A		
Authority	Council		
Adopted		Next Review Date	

1.2.9. Service 9: Community Group Leases

1. Purpose

The purpose of this policy is to outline the City's approach to providing long-term leased facilities to community groups within the City to support their activities for the benefit of the Community.

2. Planning

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.3 - Provide high quality and accessible recreational and social spaces and facilities.

3. Policy Statement

The City is committed to providing long-term leased facilities to community groups within the City to support their activities for the benefit of the community.

Lease terms should not generally be negotiated for a total term, including options, longer than 10 years. Such leases are available only to associations formed under the Associations Incorporation Act 1987; all other long-term leases will be considered as Commercial Leases.

Leases are on the basis that the community group will be responsible for the consumables they use, minor maintenance and other nominal costs, except those costs separately identified within the CEO instruction to this Policy as being the responsibility of the City. In recognition of the community benefit provided by Associations, the lease fee applicable will be \$1.00 per annum (peppercorn).

Community Groups that are unwilling to sign a Lease Agreement in accordance with this Policy, will be required to hire their facilities in accordance with the City's Casual Facility Hire Agreement at the rate applicable for that facility.

4. Detail

The Policy provides user groups with certainty regarding access to facilities. It also provides user groups with an incentive to maintain the City's assets in good condition. The Policy is predicated on the basis that User Groups will be responsible for the day-to-day costs associated with the buildings and any minor maintenance with each parties' obligations identified in the Lease Agreement.

User Groups enjoy quiet enjoyment and may have exclusive occupancy of the leased area or agree to a shared lease agreement with another user group.

It is the responsibility of the User Group to notify the City where an incident may jeopardise the health, or safety of users or the general public or which may affect the City's building insurance.

Where a User Group seeks to undertake additions or alterations to a building, consent must be requested from the City, with such requests supported by the co-tenants of the building.

Unless previously agreed in writing with the City, all invoices issued by the City are to be paid within 30 days of the invoice date.

5. Community Consultation

Community Consultation regarding any changes to the Community Group Leases Policy will be undertaken with Users.

6. Governance

This Policy will be governed by the Council and administered by the City. The User Group is required to comply with the provisions of all regulations, local laws, by laws, Acts or Amendments affecting the premises.

7. Measures of Success

The Community Group Leases Procedure provides additional clarity outlining the roles and responsibilities of both the City and the User Group. Whilst there are no formal measures of success, the building condition reports completed by Asset Services will give an indication as to whether the User Group is managing their maintenance responsibilities in a satisfactory fashion.

8. Definitions

Nil.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	Governance 11 - Capital Grants - Clubs and Community Groups Policy		
Relevant Delegation	CEO		
Related Internal Procedures	Updated Procedure Pending		
Related Budget Schedule	N/A		
Legislation	<i>Local Government Act 1995</i>		
Notes and Conditions	N/A		
Authority	Council		
Adopted	2019	Next Review Date	2023

1.2.10. Service 10: Community Funding

1. Purpose

The purpose of this policy is to provide a framework to ensure the effective, consistent and fair provision of grant funding to recognise and assist individuals and groups in the City of Kalamunda, in line with the City's Strategic Community Plan.

2. Planning

Kalamunda Advancing 2031 - Strategic Community Plan references the objective to provide support to the local community to actively participate. One of the measures of success is through the provision of small grants.

3. Policy Statement

The City of Kalamunda, through the delivery of a Community Funding Program, is committed to actively supporting individuals and groups in recognition of the key role that they play in developing vibrant, diverse and inclusive communities.

This policy guides how the City responds to requests for financial assistance from individuals and groups in line with the City's Strategic Community Plan.

4. Detail

The Community Funding Program is divided into three principal areas in order to encourage a range of applications and activities, as follows:

- 4.1 Sport and Recreation
- 4.2 Community Development
 - 4.2.1 Kalamunda Sports Star Awards
 - 4.2.2 Student Citizenship Award
- 4.3 Youth

This policy applies to the types of grant funding nominated under each principal area of the program. This policy does not consider funding requests from the community for prizes, annual or special appeals, cash donations, waiver of fees and charges.

Capital funding requests will be considered by Council through the Capital Grants – Clubs and Community Groups Policy.

5. Community Consultation

The Community are consulted in relation to this policy through the development of the Kalamunda Advancing 2031 – Strategic Community Plan

6. Governance

The Community Funding Management Procedure details how the programs shall be administered, inclusive of funding process and timelines.

7. Measures of Success

Recipients of community funding must provide a grant acquittal, providing evidence of how funds have been spent and how the funding has assisted the applicant.

8. Definitions

Nil.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	Governance 11: Capital Grants – Clubs and Community Groups Policy		
Relevant Delegation	N/A		
Related Internal Procedures	N/A		
Related Budget Schedule	N/A		
Legislation	Local Government Act 1995		
Notes and Conditions	N/A		
Authority	Council		
Adopted	27 August 2019	Next Review Date	27 August 2021

1.2.11. **Service 11: Trading on Thoroughfares or Public Places Permit Conditions**

1. Purpose

The purpose of this policy is to ensure a consistent approach is taken during the assessment of trading permits under clause 3.6(1) of the City's Trading in Thoroughfares and Public Places Local Law 2008.

2. Planning

Management of trading in public areas shall be undertaken in line with relevant adopted Strategic Community Plans, Corporate Business Plans, adopted Strategies and Actions within Annual Budgets.

3. Policy Statement

3.1 Trading in Public Places and Thoroughfares – Permit Conditions

In order to provide an efficient application process for trading in public places, approvals are limited to the locations prescribed within the table in Schedule 1 and the maps within Schedule 2 of this Policy, unless otherwise approved by the Director Development Services.

Schedule 1

Location	Reference Number
Fleming Reserve, 111 Newburn Road, High Wycombe	1
Lesmurdie Lions Lookout, 2 Welshpool Road, Lesmurdie	2
Elizabeth Street Car Park, Stirk Park, 18 Kalamunda Road, Kalamunda	3
Zig Zag Car Park, 1 Zig Zag Scenic Drive, Gooseberry Hill	4
Corner of Midland Road and Ridge Hill Road, Maida Vale	5
Jorgenson Park, 2 Crescent Road, Kalamunda	6
Corner of Hawtin Road and Norwood Road, Maida Vale	7

Schedule 2

Location 1



Location 2



Location 3



Location 4



Location 5



Location 6





4. Detail

The number of applications received by the City to trade in public places has been increasing. The processing of these applications requires several approvals from different departments. The additional referrals slow down processing time for applicants and increase the cost of determining an application. The purpose of this policy is to 'preapprove' locations to guide applicants on where is suitable to trade and to streamline the application process. Further to this it also assists with space activation by guiding prospective traders to areas that need activation.

5. Community Consultation

This policy is internally focused to assist the City in assessing and approving trading applications received. The City considered the impacts to the community when identifying the designated trading areas and further considers the impact to the community when assessing applications.

6. Governance

This policy is to assist with determining trading applications received under the City's Trading on Thoroughfares and Public Places Local Law 2008, all actions taken are to be in accordance with this local law.

7. Measures of Success

The policy is to be reviewed every five years and will be measured by the length of time required to determine applications and a qualitative assessment of the effects of the trading activities on the designated trading areas.

8. Definitions

Nil

Status	Council Requirement		
Related Local Law	Trading on Thoroughfares and Public Places 2008		
Related Council Policies	N/A		
Relevant Delegation	N/A		
Related Internal Procedures	N/A		
Related Budget Schedule	N/A		
Legislation	Local Government Act 1995 WA		
Notes and Conditions	N/A		
Authority	Council		
Adopted	27 August 2019	Next Review Date	27 August 2021

1.2.12. Service 12: Sporting Reserves Usage

1. Purpose

The purpose of this policy is to ensure the effective, consistent and fair management of the City's sporting reserves for the benefit of the community.

2. Planning

The City of Kalamunda has completed reserve master plans for each of the City's major sporting reserves and this includes investigating the current and projected usage of the city's major reserves.

3. Policy Statement

The City aims to maximise the use of its sporting reserves and wherever possible, accommodate a diverse range of activities and user groups on both a seasonal and casual basis, rather than provide exclusive use for a single user group or activity.

4. Detail

The City's sporting reserves are available to be hired through the City of Kalamunda's reserve bookings process for sporting clubs, community groups and the broader community. The hiring of sporting reserves is classified as follows:

4.1 Casual Hirer

One off or short-term hire is available to organisations or individuals, subject to availability and the activity suitability for the reserve. Casual Hirers are required to have Public Liability Insurance when part of an organisation. Individuals are not required to have Public Liability Insurance unless requested.

4.2 Regular Hirer

Regular hire (11 bookings or more annually) is available to organisations or individuals, subject to availability and the activity suitability for the reserve. All Regular Hirers are required to have Public Liability Insurance.

4.3 Seasonal Hirer

Seasonal hire of reserves is available to sport and active recreation clubs for the duration of the season. All Seasonal Hirers are required to have Public Liability Insurance.

- (a) Summer season: 1 October to 31 March
- (b) Winter season: 1 April to 30 September

Preference will be given to Seasonal Hirers who have previously accessed the reserve, subject to the activity suitability.

Casual/regular or seasonal hirers cannot sub-lease the reserve to a third party.

All booking enquiries, whether for a casual, seasonal or regular hire from either a local or external user, must be managed and processed through the City of Kalamunda.

A two-week reserve maintenance program is scheduled between seasons. Reserves may not be available for this period by any Hirers with consideration given to the nature of use and the expected wear and tear on the reserve, and the recognised maximum usage amount of 25 hours per week.

Applications for use outside of a sports 'regular season' will only be accepted and subject to change in consideration of the 'in season' club requirements.

4.4 Application to Hire

Any request for hire of a reserve will be referred to the Community Development Department. Applications must be received at least two weeks prior to the booking. The minimum time for any booking is one (1) hour.

Once an application is received a two-week processing time is required to process and confirm or decline the request. All applicants will be notified in writing the outcome of the application. The City reserves the right to decline or refuse hire of its reserves.

In addition, the City reserves the right to request an Event Application Form to assess the impact on the surrounding community.

4.5 Fees and Charges

A schedule of Fees and Charges applicable to reserves is determined annually through Council's budget process in accordance with the Local Government Act 1995 Section 6.16 (Imposition of Fees and Charges) and Section 6.17 (Setting Fees and Charges).

Use of reserves by juniors that play for City of Kalamunda Clubs (under 18 years of age) will be subsidised 100%.

4.6 Non-Compliance of Conditions of Hire

The City reserves the right to cancel any booking where it has been determined that the Hirer has either breached the Conditions of Hire, has outstanding hire fees for 120 days or more, or when the Hirer has accessed the reserve outside of allocated hire times without prior permission.

In exercising its rights, the City will:

- (a) Issue a first warning in writing to the Hirer in regard to the non-compliance/s.
- (b) Suspend use for a period of up to one month in the event of a second non-compliance.
- (c) Cancel use in the event of a third non-compliance.

The Hirer will have the right of appeal in accordance to the Local Government Property Local Law.

4.7 Allocation of Shared Space

Where a reserve must accommodate multiple user groups, requests from clubs will be considered by the City on a seasonal basis and allocations will be determined based upon demand, times/days required in addition to exceptional circumstances.

5. Community Consultation

The community, through sporting clubs are consulted annually as part of the bookings process and seasonal user group meetings.

6. Governance

This policy will be governed by the Local Government Act 1995 Section 6.16 (Imposition of Fees and Charges) and Section 6.17 (Setting Fees and Charges).

7. Measures of Success

City is able to maximise the availability of sports space for City of Kalamunda sporting clubs and the community.

8. Definitions

“Regular Season” is defined as the period of time when a sports main competition is played. This is as determined by, and aligned with, the Sports Governing body.

“In season” – the in-season club is defined as the club playing within its regular season.

Status	Council Requirement		
Related Local Law	Local Government Property Local Law		
Related Council Policies	Service 6: Event Sponsorship and Donation Policy; Service 9: Community Group Leases; Service 13: Sports Floodlighting;		
Relevant Delegation	N/A		
Related Internal Procedures	Updated Procedure Pending		
Related Budget Schedule	N/A		
Legislation	Local Government Act 1995		
Notes and Conditions	N/A		
Authority	Council		
Adopted	27 August 2019	Next Review Date	27 August 2021

1.2.13. Service 13: Sports Floodlighting Policy

1. Purpose

The purpose of this policy is to guide the forward planning, development and usage of sports floodlighting infrastructure within the City of Kalamunda.

2. Planning

The City of Kalamunda has completed reserve master plans for each of the City's major sporting reserves, outlining the projected infrastructure development needs for user groups over a 10 to 20 year period. These plans are to be utilised as an important infrastructure planning tool for applicants and guides sporting club and community usage on reserves and within sports leased areas.

3. Policy Statement

This policy guides the provision and operational impact of sports floodlighting on the City's sporting reserves.

The City will consider requests for capital funding for reserve sports floodlighting from local community and sporting groups through the Capital Grants – Clubs and Community Groups Policy (C-COMR21).

4. Detail

4.1 Level of Provision

Standard Provision - The City will provide floodlighting infrastructure to a "community training level only" on the City's sporting reserves and leased sports club areas, that comply with the appropriate Australian Standards. This policy will be applied in accordance with the City's Asset Management Plan, available resources and budgetary priorities.

Competition Level - Where identified through relevant Reserve Master Plans and/or demonstrated through a relevant business case, the City may support floodlighting to a "community competition level" for large ball sports.

Small Ball Sports - The provision of floodlighting for small ball sports will be identified through the City's relevant Reserve Master Plans and/or demonstrated through a relevant business case.

Tennis/Bowls - Any new or upgraded sport lighting developments are to be identified through the City's relevant Reserve Master Plans and/or demonstrated through a relevant business case. The following standards shall apply:

- a. Tennis Courts - "Recreational and Residential Level"
- b. Bowling Rinks - "Training or Competition Level"

4.2 Compliance with Relevant Standards and Other Policies

Australian Standards - Any new sports floodlighting or upgrade of sports floodlighting must comply with the relevant Australian Standards at the time of design.

Other Relevant Standards - In the event that no Australian Standard exists to determine the sports floodlighting requirements for specific purposes, the Council in consultation with relevant stakeholders (e.g. State Sporting Association, State Government (Department of Local Government, Sport and Cultural Industries (DLGSCI)), local sporting groups etc.) shall determine an appropriate standard to which the sports floodlighting must comply. In this case, the Australian Standard for activities of a similar nature may be referenced. The determination of appropriate standards shall give due consideration to the nature and speed of the activities likely to occur on the City's sporting reserves.

Nothing in this policy commits the City to upgrading existing Sports Floodlighting simply due to the change in relevant standards and guidelines for sporting activity from time to time. Requests for upgrading of lighting systems shall be undertaken in conformance to Clause 2 above.

4.3 Funding

External Funding – To leverage City funding, external funding assistance will be sought through the DLGSCI's Community Sporting and Recreation Facilities Fund program, Club Night Light Program or other funding sources.

Sporting Club/Community Group Contribution - Clubs and community groups who are likely to benefit from a proposed sports floodlighting project, will be expected to contribute financially towards the project.

4.4 Sports Flood Lighting Operation and Charges

New sports floodlighting to be installed on the City's Ovals, Reserves and Outdoor Sporting Facilities shall include suitable devices such as timing switches, SMS controls, sub meters, light sensors and glare shields, to manage the effectiveness of the floodlights and address concerns of nearby residents.

The ongoing electricity costs for the operation of sports floodlighting shall be borne by the hirer, as per the City's schedule of Fees and Charges. Where possible, the provision of LED lighting shall be considered over the use of metal halide lighting as a more efficient and cost-effective lighting source.

Ownership

Sports floodlighting on the City’s reserves, outdoor sporting facilities and leased sporting club areas (whether funded by a Sporting Club, Community Group or otherwise) shall be recognised as an asset of the City.

The City shall have the absolute discretion to allow other hirers to utilise the sports floodlighting, with charges to be in accordance with the City’s schedule of fees and charges.

5. Community Consultation

Consultation for the provision and / or upgrade of sporting floodlighting, shall occur through the relevant reserve master plan or relevant business case process.

6. Governance

This policy will be governed by the relevant Australian Standards (AS-2560) for sports floodlighting or in the event no specific Australian Standard exists, consultation with relevant State/National Sporting Association.

7. Measures of Success

Sports lighting is provided to the relevant Australian Standards, enabling the City sporting clubs to undertake their sporting activity and remain physically active.

8. Definitions

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	Governance 11: Capital Grants – Clubs and Community Groups Policy		
Relevant Delegation	N/A		
Related Internal Procedures	Updated Procedure Pending		
Related Budget Schedule	N/A		
Legislation	Local Government Act 1995		
Conditions	N/A		
Authority	Council		
Adopted	27 August 2019	Next Review Date	27 August 2021

1.2.15. Service Policy 15: Closed-Circuit Television (CCTV) Surveillance

1. Purpose

This policy establishes the purpose, principles and requirements for the installation and management of CCTV systems owned and operated by the City of Kalamunda.

2. Planning

This policy is aligned with the City's CCTV Strategy, and supports the Kalamunda Advancing Strategy Community Plan objective 1.2 "To provide safe and healthy environments for the community to enjoy".

3. Policy Statement

The City of Kalamunda is committed to a safe community and workplace. CCTV surveillance is acknowledged as a valuable and effective tool for the protection of people and property.

The City of Kalamunda owns and operates CCTV at various locations as part of security systems to protect City assets and in the public realm to create a safer community by contributing to the deterrence and response to crime.

CCTV cameras are also installed from time to time by tenants or licensees of Council land or buildings in accordance with the terms of leases and/or licenses, as a separate safety measure by the tenant or licensee. Unless identified as a key site, where the vision is clearly recorded and held by Council, such cameras lie outside the scope of this policy. Accordingly, all references to CCTV cameras within this policy refer only to cameras operated and monitored by, or on behalf of Council.

Mobile or temporary cameras that are used in the same manner as fixed CCTV cameras to achieve said objective of CCTV provision, are incorporated into the scope of this Policy. This policy does not relate to mobile or temporary cameras (including dash cams or body worn cameras) that are primarily used for activities associated with enforcement by authorised Council officers in their delegated tasks; or for personal safety measures relevant to those tasks.

Any decision to install CCTV surveillance in areas shall be underpinned by a relevant risk assessment linking the need to proposed CCTV solution. Decisions to install CCTV systems will be taken by the Chief Executive Officer in line with approved budgets.

4. Detail

To implement this policy, the City of Kalamunda has set the following primary objectives:

- a) Contribute to community safety, asset protection and police response capability.
- b) Contribute to perceptions of safety and making people feel safe and secure; and
- c) Maintain ownership and responsible control of the CCTV system.
- d) In achieving these objectives, the City's CCTV system will be operated in accordance with the following guiding principles:
- e) CCTV is installed to contribute to the protection and safety of the City's assets, public spaces, and community.
- f) CCTV is part of a multi-faceted approach to crime prevention and community safety and installations are based on an evidence-based assessment of public open space or asset risk assessment.

The contribution and value of CCTV is acknowledged through Community and Stakeholder consultation; and

CCTV systems are maintained to a high operational standard and operated in compliance with all relevant legislation and functional requirements.

Signage will be deployed advising the public that CCTV surveillance is in place

WA POLICE FORCE MEMORANDUM OF UNDERSTANDING

The City of Kalamunda is a participant to the State CCTV Strategy. The City of Kalamunda provides access to live Recorded Material of public space CCTV to the WA Police Force, under the terms of the WA Police Force MOU.

The City of Kalamunda may withdraw from the WA Police Force MOU in accordance with Clause 5 of the WA Police Force MOU.

CONTROL OF RECORDED MATERIAL

The City of Kalamunda manages Recorded Material according to Management (Standard Operating) Procedures.

Access to Recorded Material may be approved in the following circumstances:

Recorded Material is accessed by the WA Police Force in accordance with the WA Police Force MOU and following receipt of a signed application for Recorded Material (Annexure I).

Recorded Material is subject to a subpoena or lawful order by a court; and

Following receipt of a Freedom of Information application, however, each application will be assessed on a case by case basis, in accordance with the Freedom of Information Act 1992.

Operational matters pertaining to CCTV, including installation, management and maintenance shall be dealt with via a CEO Direction

5. Community Consultation

In line with the City’s Community Engagement Strategy, the City will Inform the community within existing communication channels as necessary when CCTV systems are being deployed

6. Governance

This policy is overseen by the CCTV working group and Community Safety & Crime Prevention Advisory Committee.

7. Measures of Success

- a) number of contributions each CCTV camera makes to Police in the form of image downloads,
- b) CCTV improves perceptions of safety through community consultation
- c) CCTV reduces reported crime in the target area.

8. Definitions

CCTV Closed Circuit Television

Security Systems A method by which something is secured through a system of interworking components and devices.

Public Realm Relates to all parts of the built environment where the public has free access.

Dash cam A video camera mounted on the dashboard or windscreen of a vehicle and used to continuously record the view of the road, traffic etc through the windscreen.

Body worn cameras A portable camera worn or used by authorised officers

Status	Council Requirement		
Related Local Law	Local Government Property Local Law 2001		
Related Council Policies	N/A		
Relevant Delegation	N/A		
Related Internal Procedures	CEO Instruction – CCTV Management (Standard Operating) Procedures.		
Related Budget Schedule	N/A		
Legislation	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>		
Notes and Conditions			
Authority			
Adopted		Next Review Date	