CITY of PERTH

MINUTES

GENERAL PURPOSES COMMITTEE

5 FEBRUARY 2008

PRESIDING MEMBER'S SIGNATURE

DATE:----------

GENERAL PURPOSES COMMITTEE

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Minutes of the meeting of the City of Perth **General Purposes Committee** held in Committee Room 1, Ninth Floor, Council House, 27 St George's Terrace, Perth on **Tuesday, 5 February 2008**.

MEMBERS IN ATTENDANCE

The Lord Mayor	-	Presiding Member
Cr Evangel		

OFFICERS

Mr Edwards	-	Chief Executive Officer
Mr Mianich	-	Director Corporate Services
Mr Dunne	-	Director Service Units
Mr Monks	-	Director Planning and Development
Mr Quinlivan	-	Executive Officer
Ms Napier	-	Manager Community Services
Ms Winfield	-	Youth Development Officer
Mr Sillence	-	Administration Services Team Leader
Ms Hilton	-	Administrative Services Officer

OBSERVERS

Cr Tognolini
Cr Davidson
Cr McEvoy

GUESTS

Patrick Carvalho	-	Youth Advisory Council Member
Cameron Jansen	-	Youth Advisory Council Member
Beth Shaw	-	Youth Advisory Council Member
Vanessa Margetts	-	Youth Advisory Council Member
Armin Fazely	-	Youth Advisory Council Member

GP26/08 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.32pm.

GP27/08 APOLOGIES

Cr Butler

GP28/08 QUESTION TIME FOR THE PUBLIC

Nil

GP29/08 MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE

Cr Evangel requested a leave of absence for the next meeting of the General Purposes Committee to be held on 26 February 2008.

Moved by the Lord Mayor, seconded by Cr Evangel

That approval for a leave of absence be granted to Cr Evangel for the next meeting of the General Purposes Committee meeting to be held on 26 February 2008.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP30/08 CONFIRMATION OF MINUTES

Moved by Cr Evangel, seconded by the Lord Mayor

That the minutes of the meeting of the General Purposes Committee held on 15 January 2008 be confirmed as a true and correct record.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP31/08 DISCLOSURE OF MEMBERS' INTERESTS

Nil

GP32/08 YOUTH ADVISORY COUNCIL - PRESENTATION

BACKGROUND:

FILE REFERENCE:	P1022057
REPORTING OFFICER:	Carole Winfield
RESPONSIBLE DIRECTOR:	Garry Dunne, Director Service Units
DATE:	23 January 2008
MAP / SCHEDULE:	N/A

At the General Purposes Committee meeting held on 27 November 2007, a report was presented on the current projects and issues of interest to the Perth Youth Advisory Council and city youth issues in general.

LEGISLATION / STRATEGIC PLAN / POLICY:

Strategic Plan

Key Result Area:	Liveable City
Strategy:	Dynamic City Strategy

Policy

Policy No and Name:	Youth Forum Action Plan 1998 Northbridge Action Plan 2003 – 2007 Community Safety and Crime Prevention Plan 2006 - 2009

DETAILS:

The Perth Youth Advisory Council (PYAC) has been in operation since 1998 as an outcome of the Youth Forum Action Plan. Currently, the PYAC is made up of eight active members and three associate members. The demographic of the group is three females and five males aged between 20 – 25 years. The PYAC's aim is to actively and inclusively represent young people throughout the city of Perth. The group currently meets on a fortnightly basis to discuss issues relating to young people, current developments in the city and new and ongoing events and projects.

Members of the Perth Youth Advisory Council gave a short presentation to the General Purposes Committee on its current activities.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

Supporting and increasing youth participation in democratic processes is a vital component to securing a resource base for future political and community activity. The Perth Youth Advisory Council is integral to this development as it engages young people in civic action, whilst maintaining important links to the community through various interactions and projects.

Moved by Cr Evangel, seconded by the Lord Mayor

That the presentation given by members of the Youth Advisory Council, be received.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP33/08 UNBUDGETED EXPENDITURE - PLAN AND DESIGN OF NEW CUSTOMER SERVICE DESK - CITY OF PERTH LIBRARY

BACKGROUND:

FILE REFERENCE:	P1021897
REPORTING OFFICER:	Barbara Lovell
RESPONSIBLE DIRECTOR:	Garry Dunne, Director Service Units
DATE:	24 January 2008
MAP / SCHEDULE:	N/A

The customer service desk in the City of Perth Library was transferred from Council House to its current location in the Law Chambers Building in 1995. The physical condition of the service desk has deteriorated due to wear and tear and several alterations which were necessary to accommodate changes in work routines. Changes in technology and the installation of a library security system have affected work routines.

With changes to work routines, Occupational Safety and Health is also a consideration. Redesign and possible relocation of the service desk on the Library floor will assist with these concerns.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Local Government Act 1995
Section: 6.8(1)(b)

Strategic Plan
Key Result Area: Liveable City
Strategy: Dynamic City Strategy

DETAILS:

Funds totalling $6,960 were approved in the 2007/08 operating budget for the possible re-design and modification of the customer service desk.

However, the current desk configuration cannot be altered any more to assist with streamlining the tasks that need to be carried out at the service desk.

A request for funding the construction and installation of a new customer service desk has been submitted for consideration in the 2008/09 capital budget, however, it is proposed to proceed with the design work for a new customer service desk in 2007/08. As this work will form part of a proposed capital works project it will be necessary to re-allocate the approved funds in the operating budget to the capital budget of 2007/08.

FINANCIAL IMPLICATIONS:

No capital funds exist for this project. There are funds in the operating budget to cover the design process.

Budget Item where monies will be fully expended

ACCOUNT NO:	2007/08 Capital Works Item (to be determined)
BUDGET ITEM:	City of Perth Library Customer Service Desk
BUDGET PAGE NUMBER:	TBC
BUDGETED AMOUNT:	$ 0
AMOUNT SPENT TO DATE:	$ 0
PROPOSED COST:	$6,960
BALANCE REQUIRED:	$6,960

Budget Item where additional funds to come from

ACCOUNT NO:	130-240-7215	
BUDGET ITEM:	Recreation and Culture - Libraries - Perth City Library (LBS) (Maintenance - Other)	
BUDGET PAGE NUMBER:	12	
	BUDGET ITEM	**THIS COMPONENT**
BUDGETED AMOUNT:	$2,099,451	$12,120
AMOUNT SPENT TO DATE:	$	$ 0
PROPOSED COST:	$ 6,000	$ 6,000
BALANCE:	$	$ 6,120

ACCOUNT NO:	130-240-7251	
BUDGET ITEM:	Recreation and Culture - Libraries - Perth City Library (LBS) (Other Professional Fees)	
BUDGET PAGE NUMBER:	12	
	BUDGET ITEM	**THIS COMPONENT**
BUDGETED AMOUNT:	$2,099,451	$6,880
AMOUNT SPENT TO DATE:	$	$ 0
PROPOSED COST:	$	$ 960
BALANCE:	$	$5,920

All figures quoted in this report are exclusive of GST.

COMMENTS:

It is unlikely that the City of Perth Library will be moving into a new location in the near future. This is an opportunity to update the look of the Library with a modern and more functional customer service desk.

A newly designed service desk will improve efficiency of operations, security for returned items and occupational safety and health.

Moved by Cr Evangel, seconded by the Lord Mayor

That subject to the endorsement of the Finance and Budget Committee the Council:-

1. ***APPROVES BY AN ABSOLUTE MAJORITY the unbudgeted expenditure of $6,960 (excluding GST), for the design of a new customer service desk at the City of Perth Library;***

2. ***notes that the unbudgeted expenditure in part 1 above can be accommodated from surplus funds in Budget Item "Recreation and Culture - Libraries - Perth City Library (LBS)".***

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP34/08 FRIDAY DINING ROOM LUNCH AND DINNER PROPOSAL

BACKGROUND:

FILE REFERENCE:	P1001610
REPORTING OFFICER:	Brendon Sadler
RESPONSIBLE DIRECTOR:	Robert Mianich, Director Corporate Services
DATE:	8 January 2008
MAP / SCHEDULE:	N/A

The General Purposes Committee, at its meeting held on 27 November 2007, requested that a report be provided detailing the impact of rescheduling the days on which the Dining Room lunches and dinners were held, to alternate Friday lunches and dinners and one Saturday dinner per month. The schedule in a typical month would therefore be as follows:-

First Friday - Dinner
Second Friday - Lunch
Third Friday - Dinner
Fourth and fifth Friday - Lunch
Last Saturday - Dinner

On agreement of any amendments to the scheduling of Dining Room lunches and dinners a calendar of dates can be produced for ease of reference.

DETAILS:

The cost impact on the rescheduling of the Friday lunches and dinners takes into consideration the following aspects and costs:

1. Catering cost variations between lunch and dinner menus; and
2. Staff costs for the Catering Supervisor, Security Officers, Casual Staff and Hire Wait Staff, whilst taking into consideration overtime rates and penalties.

In order to assess the cost implications of any rescheduling it has been assumed that 40 guests would be in attendance for each of the lunches/dinners. It should be noted that the cost of beverages is not included in the calculation.

Lunch and Dinner costs based on 40 guests (excluding GST)

Lunch/Dinner	***Food Cost***	***Staff Cost***	***Total Cost***
Friday Lunch (three course menu, three items per course)	Per head $50.50	$490	$2,510
Friday Evening (three course menu, three items per course)	Per head $55.00	$1,280	$3,480
Saturday Dining (three course menu, three items per course)	Per head $55.00	$1,660	$3,860

Based on the above calculations the following can be provided:-

- The existing cost per month considering four lunches and a Saturday dinner is approximately $13,900 based on the typical usage of 40 persons per lunch/ dinner.

- Under the alternating lunch and dinner schedule (two lunches and two dinners on Fridays plus a Saturday dinner) the cost would be $15,840, being an increase of $1,940 per month, or 14%.

COMMENTS:

It is considered that the cost of alternating Friday lunches and dinners could be undertaken at a cost to the City of approximately $1,940 per month, excluding beverages.

It is requested that the General Purposes Committee give consideration to the proposal to alternate lunches and dinners in the City's Dining Room.

It was therefore recommended that the General Purposes Committee gives consideration to the proposal to reschedule the Dining Room lunches and dinners.

Moved by Cr Evangel, seconded by the Lord Mayor

That the General Purposes Committee approves the proposal to reschedule the Dining Room lunches and dinners to be as follows:-

1. ***First Friday – Lunch;***
2. ***Second Friday – Lunch;***
3. ***Third Friday – Dinner;***
4. ***Fourth and fifth Friday – Lunch;***
5. ***Last Saturday – Dinner.***

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP35/08 REPLACEMENT POLICY 10.1 - CODE OF CONDUCT

BACKGROUND:

FILE REFERENCE:	P1013078-4
REPORTING OFFICER:	Brad Sillence
RESPONSIBLE DIRECTOR:	Robert Mianich, Director Corporate Services
DATE:	14 January 2008
MAP / SCHEDULE:	Schedule 1 - Policy 10.1 - Code of Conduct

The Local Government Act 1995 requires that a local government is to adopt a code of conduct that is to be observed by Elected Members, Committee members and employees. The Act also stipulates that regulations can be made that prescribe codes of conduct, or the content of, and matters in relation to, codes of conduct however codes of conduct cannot be inconsistent with any regulations made under the Act.

During 2007, the Local Government (Official Conduct) Amendment Act 2007 was proclaimed which amended the Local Government Act 1995 to provide a disciplinary framework to deal with individual misconduct by local government Council members. A mechanism under the Local Government Act 1995 was provided to take action against individual Council members where they do not comply with the Local Government (Rules of Conduct) Regulations 2007 (Rules of Conduct) or if they contravene particular laws applying to them in Acts or Regulations. The only avenue available to local governments prior to the introduction of the amendments was to take appropriate action against the whole Council.

The key matters in the Amendment Act were:-

(i) the establishment of a state-wide standards panel to deal with complaints about minor breaches which are to be contraventions of the Rules of Conduct with penalties including public censure, public apology or an order to undertake training; and

(ii) for complaints about serious breaches to be made to the Department of Local Government and Regional Development (DLGRD) for possible referral to the State Administrative Tribunal (SAT) for determination including similar penalties as above and stronger penalties of up to six month suspension or up to five years disqualification.

The Amendment Act also contained detailed provisions enabling regulations to be made prescribing uniform rules of conduct for Council members across all WA local governments. The Rules of Conduct proposed cover the following key areas:-

a) standards of general behaviour;

b) use of information;

c) securing unauthorised advantages or disadvantages;

d) disclosing certain interests (not financial); and

e) restriction on receiving, and disclosure of, certain gifts.

After the Local Government Elections held in October 2007, the Local Government (Rules of Conduct) Regulations 2007 came into effect which created the rules in the key areas detailed above.

The Council last reviewed the existing Policy 10.1 - Code of Conduct Policy (the "Code") at its meeting held on **23 August 2005** and many of the matters within the regulations are contained within the City's Code of Conduct. However, due to the introduction of the new legislation as well as to remove any inconsistency between the existing regulations and the City's Code, and the requirement to include certain provisions within the City's Code, it is considered appropriate that the City's Code be reviewed.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Part 5, Division 9 of the Local Government Act 1995 Local Government (Rules of Conduct) Regulations 2007 Local Government (Administration) Regulations 1996 Local Government (Elections) Regulations 1997 Public Interest Disclosure Act 2003 Corruption and Crime Commission Act 2003
Strategic Plan	
Key Result Area:	City Leadership
Strategy:	Leading City Strategy
Policy	
Policy No and Name:	10.1 - Code of Conduct

DETAILS:

With the introduction of the Local Government (Rules of Conduct) Regulations 2007 as well as the new disciplinary framework introduced within the Local Government Act 1995, an extensive review of the City's Code was undertaken to ensure that it:-

- includes provisions that are consistent with prevailing legislation; and
- complies with the City's statutory obligations for Elected Members and employees.

In this respect, the City's Code has been reviewed and a new City of Perth Code of Conduct created (attached as Schedule 1). The new Code has been structured into various Parts as follows:-

- Part 1 – Introduction.
- Part 2 – Values and Ethical Principles.
- Part 3 – Conflict and Disclosure of Interests.
- Part 4 – Personal Benefit.
- Part 5 – Conduct of Members and Employees.
- Part 6 – Dealing with the City's Property.
- Part 7 – Breaches and Misconduct

The details of each Part is described below:-

PART 1 - INTRODUCTION

This Part indicates that the primary objective of the Code of Conduct is to set out standards of behaviour expected of the City's Elected Members, Committee members and employees. It includes a definition of a "member" to clarify that the Code applies to Elected Members and Committee members.

It is also highlighted that the new Code must be read in conjunction with the Local Government (Rules of Conduct) Regulations 2007 (Rules of Conduct) which apply to Elected Members only. The Rules of Conduct include their own enforcement regime outside of the City's Code and any breaches of the Rules of Conduct are to be reported to the City's Complaints Officer, being the Chief Executive Officer (CEO).

As there are various similarities between the Rules of Conduct, other Regulations and the City's Code, references have been made throughout the new Code to provide a comprehensive listing of all the applicable provisions. The complete Rules of Conduct has also been included as an Annexure to the new Code.

PART 2 – VALUES AND ETHICAL PRINCIPLES

Values and ethical principles

The existing Code includes “The Seven Keys” which are statements that support the City’s corporate values as well as a listing of ethical principles. Due to their significance, they have been retained within the new Code.

Rules of Conduct principles

Contained within the Rules of Conduct are principles that guide the behaviour of Elected Members. Due to their significance and for the purposes of the City’s new Code, these principles have been included and therefore apply to both members and employees of the City. These principles include that an Elected Member, Committee member and employee should:-

a) act with reasonable care and diligence;

b) act with honesty and integrity;

c) act lawfully;

d) avoid damage to the reputation of the local government;

e) be open and accountable to the public;

f) base decisions on relevant and factually correct information;

g) treat others with respect and fairness; and

h) not be impaired by mind affecting substances.

The principles within the Rules of Conduct and the new Code are not enforceable and are only general principles of behaviour. The City, in response to the call for submissions on the Rules of Conduct from the DLGRD, suggested that the principles should be reworded to ensure enforceability or that information be provided to guide local governments in Guidelines that would accompany the Regulations.

The City also expressed concern that (h) is not a generally accepted principle whilst (a) to (g) are considered fair and reasonable principles to guide behaviour. It is considered that (h) could be open to interpretation, as some people may be affected by particular medicines that might not normally have an effect on the general population. It is also questioned whether intoxication through excessive alcohol consumption would be considered a substance.

Notwithstanding the above, the Rules of Conduct stipulate that these principles are for guidance only and are not rules that are enforceable under the Regulations. However it is considered appropriate that these guiding principles be included within the new Code to provide consistency with the Regulations.

PART 3 – CONFLICT AND DISCLOSURE OF INTERESTS

Conflict of interests

The Local Government Act 1995 and various Regulations are clear on the need for employees and Elected Members to ensure that there is no actual or perceived conflict of interests between their personal interests and the impartial fulfilment of their public duties and functions. In this regard the new Code reflects the existing Code's principles in that:-

a) employees must not engage in private work with or for any person or body with an interest in a proposed or current contract with the City, without first making written disclosure to the CEO;

b) members and employees must lodge written notice with the CEO describing an intention to undertake a dealing in land within the district or which may otherwise be in conflict with the City's functions (other than purchasing or leasing their principal place of residence);

c) members and employees who exercise a recruitment or discretionary function must make written disclosure to the CEO before dealing with relatives or close friends, and will disqualify themselves from dealing with those persons during the recruitment or other matter requiring a discretionary function; and

d) employees must refrain from partisan political activities which could cast doubt on their neutrality and impartiality in carrying out their public duties and functions.

Financial interests

The Local Government Act 1995 sets out the requirements to declare any financial interests and the new Code reflects that the provisions of the Act apply and the onus is on members and employees to identify any possible financial interests. Rather than reproducing the entire provisions in relation to financial interests under the Act, a notation has been included in the new Code identifying the relevant provisions.

Impartiality interests

One of the substantial changes between the City's existing Code and the new Code is the inclusion of provisions in regards to impartiality interests.

Impartiality interests is a new clause in the new Code due to the provisions of the Local Government (Administration) Regulations 1996 and the Rules of Conduct. An impartiality interest means *"an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association".*

Both the Local Government (Administration) Regulations 1996 (which apply to employees) and the Rules of Conduct (which apply to Elected Members) contain similar definitions and provisions relating to declaring interests that could affect impartiality. The Local Government (Administration) Regulations 1996 includes a requirement that a local government's Code must include minimum provisions relating to:-

a) the requirement for employees to disclose impartiality interests at Council or Committee meetings; and

b) the written notice and recording of such disclosure.

As the provisions relating to impartiality interests are similar in both the Local Government (Administration) Regulations 1996 and the Rules of Conduct the provisions within the Code have been drafted so that they apply to both members and employees, and therefore consistent with both sets of Regulations.

Disclosure of information in returns

The Local Government Act 1995 requires that designated employees must provide primary and annual returns and disclose certain information. The new Code makes reference to the applicable provisions rather than replicating or attempting to summarise them.

PART 4 – PERSONAL BENEFIT

The current clauses in the existing Code dealing with "Improper Use of Information" and "Improper or undue influence" have been replaced by the following clauses in the new Code:-

- clause 4.1 – Disclosure of confidential information;
- clause 4.2 – Improper use of information;
- clause 4.3 – Improper use of position; and
- clause 4.4 – Improper or undue influence.

Disclosure of confidential information

The new Code includes a provision that members and employees must not disclose written or oral information that is provided to them, or obtained by them, in confidence or, in the case of a document, is marked by the CEO to be confidential. The Rules of Conduct also prohibit Elected Members from disclosing information that is acquired at closed meetings and a notation has been made to indicate this provision.

Improper use of information

Section 5.93 of the Local Government Act 1995 contains provisions in regards to the improper use of information by employees and members to gain a direct or indirect advantage or to cause detriment to the local government or another person. The new Code stipulates the need to adhere to these requirements as well as ensuring that appropriate measures are taken so that the security of information is not compromised.

Improper use of position

The provisions within the new Code reflect the intent of section 5.93 of the Local Government Act 1995 by stipulating that a member or employee must not use their position to gain a direct or indirect advantage or to cause detriment to the local government or another person. The Rules of Conduct (regulation 7) also provide similar requirements and are therefore enforceable under the Rules of Conduct.

Improper or undue influence

The new Code also reflects the intent of section 5.93 of the Local Government Act 1995 in that a member or employee must not take advantage of their positions to improperly influence another person to gain a direct or indirect advantage or to cause detriment to the local government or another person.

Regulation 10 of the Rules of Conduct also prohibits an Elected Member from directing, influencing or attempting to direct or influence a local government employee whether by means of a threat or the promise of a reward and this has been noted in the new Code.

Gifts

General

One of the other changes within the new Code relate to the provisions dealing with gifts. These provisions are required to be included as a result of regulation 34C of the Local Government (Administration) Regulations 1996 that apply to employees. Whilst the Local Government (Administration) Regulations 1996 apply to employees only, similar provisions relating to gifts affect Elected Members under regulation 12 of the Rules of Conduct.

The Local Government Act 1995 (section 5.82 (4)) provides a comprehensive definition for a gift and is used for the purposes of the new Code. In general, members and employees must not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the City. In particular, employees, other than the CEO or Directors, must not accept any act of hospitality without prior approval of the CEO or a Director, as appropriate. Examples of gifts within the new Code include:-

a) a tangible item, such as a bottle of wine or a book;

b) a contribution towards the provision of accommodation;

c) an act of hospitality, such as payment for a meal or an invitation to a function or event; or

discounts on a provider's products.

However it is considered that there may be situations where gifts may be received:

a) on behalf of the City, where it is retained by the City; or

b) by a member or employee under and in accordance with the terms of a sponsorship or other commercial arrangement with the City,

and in this regard are not prevented from being received and are not considered to be a gift.

An example of such a situation in the new Code includes the receipt of tickets to attend VIP events that are given to a member or employee due to a contractual obligation under a sponsorship agreement with the City. This is often the situation that occurs when the City sponsors various corporate and cultural events and receives various benefits in return, including tickets. However, a ticket that is given voluntarily, over and above any contractual obligation will be a gift (if it otherwise satisfies the definition of 'gift' referred to earlier) and, if so, will be subject to the gift provisions of the new Code.

Both the Local Government (Administration) Regulations 1996 and the Rules of Conduct include provisions relating to prohibited gifts and notifiable gifts and these provisions are required to be included in a local government's Code. The details of such provisions are described below.

<u>Prohibited gifts</u>

As indicated, both the Rules of Conduct and the Local Government (Administration) Regulations 1996 contain provisions in respect to prohibited gifts. A prohibited gift, in both sets of regulations, means:-

a) a gift worth $300 or more; or

b) a gift that is one of 2 or more gifts given to the member or employee by the same person within a period of 6 months that are in total worth $300 or more.

When considering the value of a gift it is important to note that its full value is to taken into account, such as hidden costs associated with acts of hospitality.

Both sets of Regulations stipulate that employees and Elected Members must not accept a prohibited gift from a person who:-

a) is undertaking or seeking to undertake an activity involving a local government discretion; or

b) it is reasonable to believe is intending to undertake an activity involving a local government discretion.

An "activity involving local government discretion" means an activity:

a) that cannot be undertaken without an authorisation from the City; or

b) by way of a commercial dealing with the City.

It is questionable and problematic as to whether an employee or an Elected Member would have the knowledge or a "reason to believe" that a person, who gives a prohibited gift to them, is intending to undertake business with the City at a future time. It is considered that this would be a matter of a court of law to determine whether the employee or Elected Member would have a reason to believe of any persons future dealings with the City and therefore creates some uncertainty.

Nevertheless, to protect the interests and impartiality of employees, Elected Members and the future reputation of the City, it is viewed that any gift received by an employee or member that is over the value of $300, should be politely declined regardless if there is a reason to believe of any future dealings or activities involving the City's discretion. This provision has therefore been included and explained within the new Code.

There may be situations where a gift over the value of $300 is received from a foreign dignitary, as is often the case in respect to the various sister city visits and official receptions held at the City. It could be considered inappropriate or offensive to refuse the acceptance of such gifts (even if the estimated value is over $300) and the new Code expresses that such gifts can be received and must be provided to the CEO at the first available opportunity, where its placement (in the City's memorabilia collection) and / or registration will be further determined by the CEO.

<u>Notifiable gifts</u>

Similar to the provisions for prohibited gifts, both sets of regulations mention the required process in regards to accepting gifts between the value of $50 and $300, known as "notifiable gifts". Both sets of regulations indicate that an employee or an Elected Member may accept notifiable gifts from a person, however, if the person is undertaking or seeking to undertake an activity involving the City's discretion, then the employee or Elected Member must notify the CEO in writing within 10 days of accepting the gift. Such notification would include the name of the person giving the gift, the date on which it was accepted, its description, estimated value and the nature of the relationship between the two parties. Again the question is raised as to whether an Elected Member or employee would have a reason to believe a person would be wanting to undertake a future dealing with the City.

For the purposes of the City's new Code, it is considered appropriate that all gifts, up to the value of $300, be declared to ensure that there is a reinforcing regime of documenting all gifts received rather than a practice of avoidance. In this respect, the new Code defines a "notifiable gift" to mean a gift worth up to the value of $300 which is over and above the definition in both sets of Regulations.

Elected Members and City officers already record these types of gifts in gratuity registers and therefore the practice or notification and recording is not an uncommon practice. The Regulations and therefore the City's new Code requires the CEO to keep a register of notifiable gifts.

In respect of enforcing these particular provisions, the basis for Elected Members notifying the receipt of gifts of $50 or more is set out in the provisions in the Rules of Conduct and any breach would be subject to the provisions of Division 9, Part 5 of the Local Government Act 1995. As there are no enforcement or breach provisions in the Rules of Conduct for Elected Members receiving gifts up to the value of $50, no action could be taken against an Elected Member for not notifying receipt of a gift up to that value. The provisions within the new Code (as there are over and above the Rules of Conduct requirements) would be a suggested practice for Elected Members, but not enforceable.

Notwithstanding, employees of the City are required to comply with the provisions of the new Code and the provisions are enforceable, as individual employment contracts signed by employees require that they will observe and comply with the City's Code of Conduct as amended from time to time.

PART 5 – CONDUCT OF MEMBERS AND EMPLOYEES

Much of the structure of the Part is substantively consistent with the current provisions of the existing Code. This Part contains various provisions for employees and members in respect of:

- acting honesty and with integrity;
- performance of duties;
- compliance with local laws and policies;
- compliance with management practices;
- appropriate communication and public relations;
- effective relationships between members and employees;
- activities when appointed to external organisations and bodies; and
- defamation.

This part also includes a notation in respect of regulations 9 and 10 of the Rules of Conduct in regards to the Elected Members conduct towards employees.

PART 6 – DEALING WITH THE CITY'S PROPERTY

Much of the structure of the Part is substantively consistent with the current provisions of the existing Code, however a notation has been included in respect of regulation 8 of the Rules of Conduct which prohibit Elected Members from using the resources of the City for electoral purposes, or for any other purpose, unless authorised under the Local Government Act 1995, the Council or the CEO.

PART 7 – BREACHES AND MISCONDUCT

With any Code relating to the conduct of employees or Elected Members, there needs to be provisions and processes in place relating to how breaches of the Code are to be investigated. The Rules of Conduct provide their own enforcement regime and reporting mechanisms when dealing with Elected Member issues, and the Code includes provisions for employees which are consistent with the provisions for Elected Members.

Generally, any person may report a breach, or suspected breach, of the Code:-

a) by a member or an employee (other than the CEO) – to the CEO; or

b) by the CEO – to the Lord Mayor.

The City has comprehensive procedures in place for employees relating to investigating, managing and resolving workplace grievances as well as procedures relating to disciplinary action. Any breach of a provision of the Code by an employee will be dealt with in accordance with these procedures and with the principles of procedural fairness in mind.

As previously indicated the Rules of Conduct that apply to Elected Members only have their own enforcement regime and any breach of a rule in the Rules of Conduct is to be reported to the CEO and dealt with in accordance with Part 5, Division 9 of the Local Government Act 1995. There are also other investigatory procedures and statutory obligations that relate to misconduct by both employees and Elected Members under the Public Interests Disclosure Act 2003 and the Corruption and Crime Commission Act 2003.

However the City has raised concern in its submission to the DLGRD in respect of the process of dealing with complaints of breaches of the Rules of Conduct by an Elected Member, and in particular, the confidentiality of the complainant and the person against whom a complaint is made.

Breaches of the Rules of Conduct and confidentiality

When dealing with a complaint of a breach of the Rules of Conduct, sections 5.107(3), 5.108(2)(b), and 5.109 of the Local Government Act 1995 provides that copies of the complaint are to be forwarded to the person against whom the complaint is made. Further, Section 5.121(2)(b) of the Local Government Act 1995 provides that a register is to be maintained of all complaints that result in action, which includes the name of the complainant.

The Local Government Act 1995 states that confidentiality in respect of complaints is only required to be maintained during an election campaign (Section 5.123). The inability of the legislation to provide for confidentiality outside of an electoral campaign has the potential to undermine the integrity of the intent of the Rules of Conduct and the complaint procedures when dealing with a breach. Without confidentiality provisions, there is an increased risk of a complainant being the subject of victimisation and reprisals, and the possibility of such complaints of breaches not being made (it is questioned whether a person would be willing to make a complaint knowing there is no confidentiality).

For Elected Members, it is integral to the process in that confidentiality ensures that any unjustified complaints or ongoing investigations are not made public and the principles of natural justice apply. Furthermore, there does not appear to be any process for dealing with complaints made anonymously, even though the complaint may be accompanied by evidence that supports a breach of the Rules of Conduct.

Public Interest Disclosure Act 2003

The existing Code and new Code contain provisions related to the application of the Public Interest Disclosures Act 2003 and that it will not tolerate corrupt or improper conduct. In view of the difficulties relating to confidentiality under the Local Government Act 1995 and the Rules of Conduct as described above, the provisions of the Public Interest Disclosure Act 2003 offer protection and confidentiality for those people who wish to disclose an act of improper or corrupt conduct.

The Public Interest Disclosures Act 2003 facilitates the disclosure of public interest information by providing protection for those who make disclosures and those who are the subject of disclosures, unless:

- the person who made the disclosure consents to being identified; or
- it is necessary to do so having regard to the rules of natural justice; or
- it is necessary to do so to enable the matter to be investigated effectively; or
- the identifying disclosure is made in accordance with Sections 152 or 153 of the Corruption and Crime Commission Act 2003.

In this regard there is an element of confidentiality provided under the Public Interests Disclosure Act 2003 that is not provided for in the Local Government Act 1995, and therefore its relevance has been made clear in the new Code.

Corruption and Crime Commission Act 2003

Under this Act the CEO has a statutory obligation to report to the Corruption and Crime Commission any allegation of misconduct or any situation that otherwise involves misconduct and the CEO considers on reasonable grounds that the misconduct may have occurred. This statutory obligation has been referenced in the new Code as well as the definition of misconduct and serious misconduct as defined under this Act. Again the Corruption and Crime Commission Act 2003 offers protection and confidentiality to those people disclosing an event that is believed to be misconduct or serious misconduct.

Whilst it is of concern that a consistent approach has not been adopted for dealing with confidentiality across all existing legislation that is applicable to local government, there are avenues available to satisfactorily address matters related to confidentiality through the Public Interest Disclosure Act 2003 and the Corruption and Crime Commission Act 2003, albeit not to the City's satisfaction.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

In viewing this report, it can be appreciated that issues and provisions regarding conduct of employees, Elected Members and Committee members are comprehensive and extend across several pieces of legislation. Through the creation of a Code of Conduct that applies to all three parties, it offers the ability to satisfactorily reference all pieces of relevant legislation through the citation of one document. Not only does this produce a user-friendly document when dealing with issues of conduct, it also raises awareness of the responsibilities and requirements regarding the conduct of others.

The new Code of Conduct that is presented to the Council for adoption has been created so that it is compliant with the relevant legislation as well as to ensure that there is consistency across all parties involved at the City and that their interests, reputations and impartiality cannot be brought into question.

Training will be offered to employees and Elected Members to raise awareness of the provisions and their responsibilities in the new Code which will also include the creation of additional internal procedures.

Moved by Cr Evangel, seconded by the Lord Mayor

That the Council adopts the replacement Policy 10.1 - Code of Conduct, as detailed in Schedule 1.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor and Cr Evangel**

Against: **Nil**

GP36/08 CONSULTANTS EXPENDITURE QUARTERLY REPORT - OCTOBER TO DECEMBER 2007

BACKGROUND:

FILE REFERENCE:	P1008077-3
REPORTING OFFICER:	Steven Grewal
RESPONSIBLE DIRECTOR:	Frank Edwards, Chief Executive Officer
DATE:	16 January 2008
MAP / SCHEDULE:	Schedule 2 - Expenditure on Consultants - October to December 2007 (Council Decisions)

The General Purposes Committee requested a quarterly report on the use of consultants.

At its meeting held on 2 November 2004, the General Purposes Committee requested that expenditure on consultants, as a result of a Council decision to undertaken a project, be shown separately in the reports.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 3.57 – Local Government Act 1995
Part 4 – Local Government (Functions and General) Regulations 1996

Strategic Plan
Key Result Area: Capable and Responsive Organisation

Policy
Policy No and Name: 9.2 – Expenditure – Authorisations – Annual Items

DETAILS:

The Chief Executive Officer has delegated authority to approve the use of consultants. A consultancy costing more than $100,000 is subject to a tender process and any consultancy costing up to $100,000 is subject to a quotation process.

Expenditure on consultants for the October to December 2007 quarter was $349,035, which all relates to decisions of the Council. Of this amount, $153,900 was for the Town Hall Precinct Project and $49,550 for the Concert Hall Performing Arts Precinct Project.

For the previous quarter (July to September 2007), expenditure on consultants was $100,216, which can be attributed to many projects being undertaken in the drier and warmer months of spring, summer and autumn.

FINANCIAL IMPLICATIONS:

The costs associated with consultancy services for the City is allocated over various capital and operating accounts as approved by the Council on adoption of the annual budget.

COMMENTS:

The use of consultants is necessary where specialist skills are required, which are either not available in-house, where staff are unavailable to perform the work or where independence in the service is important.

Moved by the Lord Mayor, seconded by Cr Evangel

That the information relating to the expenditure on consultants for the October to December 2007 quarter, as detailed in the report dated 16 January 2008, be received.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP37/08 MINDARIE REGIONAL COUNCIL - MINUTES OF THE ORDINARY COUNCIL MEETINGS HELD ON 11 OCTOBER AND 13 DECEMBER 2007

BACKGROUND:

FILE REFERENCE:	P1011777-53
REPORTING OFFICER:	Garry Dunne
RESPONSIBLE DIRECTOR:	Director Service Units
DATE:	21 January 2008
MAP / SCHEDULE:	Minutes MRC Ordinary Council Meeting 11 October 2007 – distributed under separate cover Minutes MRC Ordinary Council Meeting 13 December 2007 – distributed under separate cover

LEGISLATION / STRATEGIC PLAN / POLICY:

Strategic Plan

Key Result Area:	Environmentally Responsible City
Strategy:	Green City Strategy

The Mindarie Regional Council is a legally constituted Regional Council formed under the provisions of the Local Government Act 1995. The mission of the Mindarie Regional Council is *to provide effective and cost efficient waste disposal consistent with safeguarding all environmental elements for the benefit of the constituent local governments and their residents, which form the regional district*. The constituent local governments are the City of Joondalup, City of Wanneroo, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and Town of Cambridge.

The Regional Council comprises 12 Councillors, with one representative from the City of Perth, Town of Cambridge, Town of Victoria Park and Town of Vincent, two representatives from the cities of Joondalup and Wanneroo and four representatives from the City of Stirling.

The City of Perth's representative on the Mindarie Regional Council is Cr Butler. The Technical Officer representative is the Director Service Units, Garry Dunne.

DETAILS:

Ordinary Council Meeting – 11 October 2007

The main issues dealt with at the Ordinary Council Meeting on 11 October 2007 are as follows:-

- The Town of Vincent was granted an exemption from disposal of particular waste at MRC facilities should they identify a more preferable option for disposal of some or all of their waste.

  The Town of Vincent sought this exemption as a pre-requisite to agreeing to signing off on the Financial Guarantee for the Resource Recovery Facility. In approving this request the Council expressed its disappointment at the Town of Vincent for submitting the request at such a late stage of the Resource Recovery Project.

- Further progress was made in the finalisation of the RRF project by approving a number of waivers from the Conditions Precedent for the RRF Agreement, plus approving some other changes.

- The Council approved a new branding model for the MRC.

- The Council accepted a tender of $512,512, including GST, for extensions to the Administration Building at Tamala Park.

Ordinary Council Meeting – 13 December 2007

- Following the Council Elections, a number of new Councillors were sworn in, including a new Chairman and Deputy Chairman.

- A report was received on the Zero Waste Plan, Phase I and II, by the MRC. These plans involved input from all seven Member Councils.

  The Waste Management Board is funding the Zero Waste Plan Phase I and Phase II program. Phase 1 funding to MRC was $35,000. Phase II funding to the MRC will be $180,000.

- The Council adopted the Annual Report and Financial Statements for the Year Ended 30 June 2007.

- The Council adopted the schedule for Ordinary Council Meetings for 2008. The meeting at the City of Perth is to be held on 23 October 2008.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

The Minutes of the MRC Ordinary Council Meeting held on 11 October 2007 include Confidential Supplementary Reports to Item 8.1.3. These reports are not authorised for public access. Accordingly, the Supplementary Reports have been removed from the Minutes.

It is recommended that the Council notes the Minutes of MRC Ordinary Council Meetings held on 11 October 2007 and 13 December 2007.

Moved by Cr Evangel, seconded by the Lord Mayor

That the Council notes the Minutes of the Mindarie Regional Council Ordinary Council meetings held on 11 October 2007 and 13 December 2007, as detailed in the report dated 21 January 2008.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP38/08 CORPORATE SPONSORSHIP - EARTH HOUR 2008

BACKGROUND:

FILE REFERENCE:	P1010627-14, P1015041-2
REPORTING OFFICER:	Jessica Bayens
RESPONSIBLE DIRECTOR:	Peter Monks, Director Planning and Development
DATE:	18 December 2007
MAP / SCHEDULE:	N/A

At the Council meeting held on 29 January 2008, this report was referred back to the General Purposes Committee for further consideration.

The City of Perth has been actively participating in the Cities for Climate Protection Campaign for over nine years to reduce its impact on the environment. Throughout the Campaign, the City has taken action to reduce corporate greenhouse gas emissions in a number of areas, including reducing energy use in car parks, the purchase of hybrid (dual-fuel) vehicles and solar powered ticket machines. In March 2007 a major greenhouse-related community project, the Department for Planning and Infrastructure's TravelSmart Household Program, of which the City contributed $35,000 in funding, was rolled out in the city.

At its meeting held on **22 May 2001** the Council endorsed reduction targets of 20% for both corporate and community emissions by 2010, based on 1996/97 greenhouse gas emission levels.

At its meeting held on 27 November 2007 the General Purposes Committee was shown a DVD providing details of the 2007 Earth Hour event held in Sydney.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Local Government Act 1995
Section:	1.3 (3)
Strategic Plan	
Key Result Area:	Environmentally Responsible City
Strategy:	Green City Strategy
Policy	
Policy No and Name:	8.2 - Environmental Management Policy

DETAILS:

Earth Hour was initiated by the World Wildlife Fund of Australia (WWF) in 2007. The event was designed to bring attention to the issue of global warming and involved voluntary participation of businesses and residents throughout Sydney to turn off their electrical devices, in particular lighting, for one hour on Saturday 31 March 2007 from 7.30-8.30pm.

The event had participation from over two million residents and businesses which reduced greenhouse emissions in just one night by almost 25 tonnes, the equivalent of taking over 48,000 cars off the road for an hour. The event was only held formally in Sydney but participation was extended to other parts of Australia closer to the day of the event. The City of Perth turned off the lights in Council House for Earth Hour 2007 but did not participate in or support the event further due to lack of preparation time.

Due to the success of Earth Hour 2007 the event will be expanded internationally in 2008. In May 2007 the City of Sydney and the WWF presented to 40 of the world's major cities on Earth Hour at the C40 Large Cities Conference in New York to encourage international participation in the event. Some of the international cities that have committed to participating include Copenhagen, Toronto, Chicago, Manila and Tel Aviv.

The City of Sydney also made a presentation on Earth Hour to the Council of Capital City Lord Mayors on 22 November 2007 to encourage other Capital City Councils to become involved. The City of Melbourne, City of Brisbane and the Gold Coast City Council have publicly committed to joining the City of Sydney for this year's event. The International Launch of Earth Hour was held on 14 December 2007 in Sydney.

Earth Hour delivery

Earth Hour 2007 was delivered by three 'core' partners – WWF, who provided content, objectives and community engagement; Fairfax Media, who provided media for the event; and Leo Burnett, Sydney, to deliver marketing and communications support.

Examples of other contributions to the delivery and ultimately the success of Earth Hour included:-

- Qantas ran a series of Earth Hour in-flight promotional videos;
- The 'V Festival' in Sydney presented an Earth Hour video and international artist Beck performed an acoustic set during Earth Hour;
- Toyota donated a Prius Hybrid vehicle as a prize for people signing up to participate;
- Energy Australia (a Sydney energy supplier) provided public advertising space Earth Hour promotional materials;
- Cate Blanchett, an Australian actor with an international profile, provided a voice-over for television commercials and attended the official private function on the night of Earth Hour;
- The Sydney Morning Herald was printed on green paper on the day before Earth Hour.

Local Government support

In 2007 the City of Sydney provided the following support to Earth Hour:-

- participation in the event by turning off the non-essential lights in City-owned buildings during Earth Hour;
- cash sponsorship of $20,000 (excluding GST) to the WWF for the event;
- provision of outdoor advertising spaces within the central business district in the weeks preceding Earth Hour, such as street banner space;
- provision of a venue for the corporate launch (held six weeks out from the event);

- Lord Mayoral appearances at key functions and speeches made in support of Earth Hour;
- provision of access to networks of potential corporate partners within the central business district;
- ongoing contribution to discussions on opportunities to increase participation;
- promotional support such as media releases and sending letters to key contacts requesting support.

For all outdoor advertising negotiated with the City of Sydney co-branding arrangements were made to publicise the City of Sydney's support for the event.

The City of Sydney has committed to providing the same support for the 2008 event. The World Wildlife Fund considered that the support of the City of Sydney was key to the successful delivery of Earth Hour 2007.

In Western Australia the World Wildlife Fund is currently negotiating with several organisations to participate in and support Earth Hour 2008. The MIX 94.5 radio station has committed to promoting the event in 2008 and it is hoped that other major media outlets in the City will join in support. It is envisaged a meeting will be held early in 2008 with all potential and confirmed major partners to progress the organisation of the event.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	16850000
BUDGET ITEM:	Community Amenities – Protection of Environment - Other Environment Protection
BUDGET PAGE NUMBER:	10
BUDGETED AMOUNT:	$417,307
AMOUNT SPENT TO DATE:	$212,864
PROPOSED COST:	$ 14,400
BALANCE:	$190,043

COMMENTS:

Earth Hour was a highly successful event in 2007 as a high profile visual statement about the issue of climate change. The message is consistent with the City's goals of reducing greenhouse emissions in its own operations and that of the local community.

The Perth central business district is expected to be the focal point of Earth Hour in Western Australia. It is therefore considered key to the delivery of the event that the City supports the event, not just from a visual perspective, but the valuable support and promotion the City could offer with its extensive networks throughout the local and wider community.

Potential benefits from participating in Earth Hour include:-

- showing leadership to the local and wider community on the issue of climate change;
- leveraging community interest in other environmental projects the City runs and is progressing, such as the Switch Your Thinking! program;
- developing ongoing partnerships with organisations and businesses operating in the City;
- contributing to a reduction of greenhouse gas emissions.

City of Perth support for Earth Hour

The City of Perth support for Earth Hour is based on that provided by the City of Sydney to the WWF for the 2007 and 2008 events. If the Council was willing to support Earth Hour, turning off the non-essential lights in City-owned buildings is considered an essential contribution. The cash sponsorship is based on the relative size of the City of Perth as compared to the City of Sydney. Further support in terms of promotion would be highly valued by the organisers as success is dependent on generating awareness of the event and voluntary participation. The availability of outdoor advertising space is very limited given the relatively short lead-up time to the event, however if the Council grants its support opportunities to promote the event outdoors within the City will be thoroughly explored.

It was therefore recommended that the Council approves:-

1. the City's participation in the World Wildlife Fund Earth Hour 2008 to be held on Saturday 29 March 2008 from 8.00pm to 9.00pm;

2. the turning off of non-essential lighting in City-owned buildings during Earth Hour 2008 and promotion by the City of its participation in the activity;

3. cash sponsorship of $8,000 (excluding GST) to the World Wildlife Fund;

4. in-kind sponsorship of $6,400 (excluding GST) for the venue hire cost and catering for a launch to be held at a City venue;

5. the expenditure in parts 2 and 3 above being charged to Budget Item 'Community Amenities – Protection of Environment - Other Environment Protection';

6. the World Wildlife Fund providing the following sponsorship benefits:-

    6.1 the Lord Mayor or her representative being invited to key functions related to Earth Hour 2008;

    6.2 reference to the City of Perth's support in promotional material distributed by World Wildlife Fund for Earth Hour.

Moved by Cr Evangel, seconded by the Lord Mayor

That the Council approves:-

1. ***the City's participation in the World Wildlife Fund Earth Hour 2008 to be held on Saturday 29 March 2008 from 8.00pm to 9.00pm;***

2. ***the turning off of non-essential lighting in City-owned buildings during Earth Hour 2008 and promotion by the City of its participation in the activity;***

3. ***in-kind sponsorship of $6,400 (excluding GST) for the venue hire cost and catering for a launch to be held at a City venue;***

4. ***the expenditure in part 3 above being charged to Budget Item 'Community Amenities – Protection of Environment - Other Environment Protection';***

5. ***the World Wildlife Fund providing the following sponsorship benefits:-***

   5.1 the Lord Mayor or her representative being invited to key functions related to Earth Hour 2008;

   5.2 reference to the City of Perth's support in promotional material distributed by World Wildlife Fund for Earth Hour.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP39/08 OFFICER REPRESENTATION ON TECHNICAL WORKING GROUPS AND INTEREST GROUPS

BACKGROUND:

FILE REFERENCE:	P1011251-8
REPORTING OFFICER:	Brad Sillence
RESPONSIBLE DIRECTOR:	Robert Mianich, Director Corporate Services
DATE:	18 December 2007
MAP / SCHEDULE:	N/A

At the Council meeting held on 29 January 2008, this report was referred back to the General Purposes Committee for further consideration.

At previous General Purposes Committee meetings held on 4 September 2007 and 25 September 2007, concern was raised that City officers have been appointed to various industry and State Government boards, committees and working groups without the approval of the Council, where it was considered more appropriate that an Elected Member attend.

As a consequence, the Council at its meeting held on **9 October 2007** resolved:-

That officers of the City should not be appointed to represent the City on external boards, committees or steering groups (excluding Expression of Interest and Tender Evaluation Panels), unless the proposal is referred to the relevant Committee, in order for the Committee to consider:-

1. *whether an Elected Member(s) alone should serve as the City's representative;*

2. *whether an Elected Member should serve as a representative together with a technical officer acting as a deputy member or as an advisor to the Elected Member.*

Whilst there is a general understanding and direction in respect of representation on external boards, committees and steering groups (excluding Expression of Interest and Tender Evaluation Panels), uncertainty remains as to whether a report needs to be submitted to the relevant Committee where an officer is requested to represent the City on technical working groups or interest groups.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Local Government Act 1995
Section: 2.10 - The Role of Councillors

Strategic Plan
Key Result Area: City Leadership
Strategy: Leading City Strategy

Policy
Policy No and Name: 10.2 - Delegates on Boards, Authorities and Committees

DETAILS:

Various State Government agencies, professional bodies and other community organisations request City of Perth representation on their boards, committees or technical working groups. As previously reported, and from an assessment of the types of external boards and committees that Elected Members and officers are representatives of, the boards, committees or technical working groups can be separated into three categories:-

- Council appointed membership (Advisory Groups).
- Professional Membership (Technical Working Groups).
- Targeted membership (Interest Groups).

Whilst it is acknowledged that some boards, committees or technical working groups require an Elected Member representative, and therefore a report being submitted in view of the Council's decision at its meeting held on **9 October 2007**, requests are forwarded to the City from time to time for officers to become involved with technical working groups or interest groups. Some examples of such requests and working groups include the following:-

- Building Regulations Advisory Committee - The BRAC provides advice to the Minister on draft building legislation and regulations, considers proposed amendments to the Building Code of Australia and also accredits building products. The City's Principal Building Surveyor is on this Committee due to his expertise.
- Environmental Health Management Group - The Environmental Health Coordinator attends this group with other Environmental Health Professionals on a monthly basis to discuss health related issues, trends and other legislative requirements.
- CCC Working Group - This is a technical working group to develop investigative procedures for public sector agencies. The Manager Corporate Support not only represents the City but those of the Local Government Managers Association (LGMA) and local government in general.

- Food Monitoring Committee - One of the City's Environmental Health Officers attends this Committee with other health professionals to discuss food safety, hygiene and health monitoring.
- Local Government Planners Association - The Association convenes meetings and information sessions on planning information and trends for technical officers in the planning field. Some of the City's Planning Officers attend such meetings and functions.
- Trusted Information Sharing Network for Critical Infrastructure Protection – the City's Coordinator Safety and Security attends this group along with other state government agency representatives (such as WA Police) on ways to protect various infrastructure throughout the state and metropolitan area.
- Physical Activity Taskforce Working Group – Various Health Officers throughout the metropolitan area attend this group to discuss ways and initiatives to promote physical activity throughout their communities.

Representatives on these types of working groups and interest groups are usually interested officers with the relevant technical background or expertise that are specifically targeted or a general request is submitted to the City. These are not decision-making bodies that require the approval of the Council and officers are usually selected due to their knowledge and experience.

It is considered that submitting a report to confirm representation on these types of technical working groups and interest groups, does not meet the intent of the Council's resolution.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

Existing Policy 10.2 - Delegates on Boards, Authorities and Committees stipulates that an officer of the Council that serves on a board without the approval of the Council, is deemed to be serving as a private individual without the authority to speak on behalf of the Council. It is viewed that the policy as stipulated addresses the concerns previously expressed that officers should not be making decisions on behalf of the Council.

It is recommended that the submission of a report to the relevant Committee to confirm an appointment of an officer to a technical working group or interest group, where specific expertise is called for, is therefore not required.

It was therefore recommended that the General Purposes Committee agrees that a report is not required to be submitted to the relevant Committee where an external request is received for an officer to participate on a Technical Working Group or Interest Group, as detailed in the report dated 18 December 2007.

Moved by Cr Evangel, seconded by the Lord Mayor

That a report be submitted to a future meeting of the General Purposes Committee providing further details on officer participation on Technical Working Groups and Interest Groups.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP40/08 PURCHASE OF NEW CORPORATE GIFTS FOR THE CITY OF PERTH

BACKGROUND:

FILE REFERENCE:	P1013182
REPORTING OFFICER:	Dale Quinlivan
RESPONSIBLE DIRECTOR:	Frank Edwards, Chief Executive Officer
DATE:	29 January 2008
MAP / SCHEDULE:	Schedule 3 - Corporate Gifts

The current list of corporate gifts has become dated and in need of review. The General Purposes Committee at its meeting held on 27 November 2007 approved two new items being a new City of Perth cuff links design and a ladies square compact mirror, to replace the relaxation music CD (Sounds of Kings Park).

DETAILS:

The Lord Mayor has requested a review of the City of Perth corporate gifts suggesting that some gifts have become dated and in need of replacement.

The Steven Parish Gift Book has been removed from the list as the current stock includes the photograph of the previous Lord Mayor and the stock is almost exhausted.

The following gifts are recommended for inclusion on the list. The unit price depends on the quantity ordered. The following table shows the price per item at the quantity recommended for the initial order.

Description	Quantity	Price	Cost/unit
Single bottle leather wine carrier	100	$2,595	$25.95
Deluxe Corkscrew/Stopper gift set	100	$2,335	$23.35
Leather note box with pad	100	$765	$7.65
Mints	250	$1,625	$6.50
Umbrellas	100	$2,995	$29.95
Thongs	200	$2,050	$10.25
Boomerang letter opener	250	$2,350	$9.40
Boomerang Keyring	100	$1,045	$10.45
Leather travel wallet	100	$1,695	$16.95
Leather business card holder	200	$2,940	$14.70
Total		**$20,395**	

The items will be added to the current list of corporate gifts as detailed in Schedule 3.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	GL 101 100 7914
BUDGET ITEM:	Governance - Members of Council - Lord Mayor
BUDGET PAGE NUMBER:	8
BUDGETED AMOUNT:	$416,130 ($30,000 this component)
AMOUNT SPENT TO DATE:	$219,741 ($4,326)
PROPOSED COST:	$ 20,395
BALANCE:	$175,994 ($5,279)

All figures quoted in this report are exclusive of GST.

COMMENTS:

The new corporate gifts will be made available when purchased and stocks of the new and existing gifts maintained to meet the demand for the gifts.

These new gifts will ensure the City's corporate gifts maintain a high level of presentation and usefulness to their recipients. It is considered that the new items presented are good value for money and of an appropriate level required for a Capital City.

Moved by the Lord Mayor, seconded by Cr Evangel

That the General Purposes Committee approves the list of corporate gifts as detailed in Schedule 3.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor and Cr Evangel**

Against: **Nil**

GP41/08 TENDER 039-07/08 - COMPREHENSIVE MAINTENANCE SERVICES FOR COUNCIL HOUSE LIFTS

BACKGROUND:

FILE REFERENCE: P1023064
REPORTING OFFICER: Karwai Wong
RESPONSIBLE DIRECTOR: Garry Dunne, Director Service Units
DATE: 25 January 2008
MAP / SCHEDULE: N/A

The contract for comprehensive maintenance and service of the Council House lifts, currently held by Kone Elevators Pty Ltd expired on 30 June 2007. Kone Elevators Pty Ltd is continuing to provide these services until a new contract is in place. The current maintenance and service cost is $41,208 per annum, excluding GST.

The tender for a new contract for three years with two consecutive three year options at the discretion of the City, was advertised in The West Australian newspaper on Wednesday 14 November 2007.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Local Government (Functions and General) Regulations 1996
Section: 11-24 - "Tenders for Providing Goods or Services"

DETAILS:

Six sets of tender documents were collected or downloaded from the City of Perth website during the tender period.

The tender closed at 2.00pm on Thursday 20 December 2007 and four submissions were received, as follows:-

Tender	Tender Sum
Kone Elevators Pty Ltd	$ 28,000
ThyssenKrupp Elevator Australia Pty Ltd	$ 30,696
Schindler Lifts Australia	$ 33,528
Otis Elevator Company	$ 46,376

All of the above prices relate to the first year of the contract. All are exclusive of GST.

The tender submissions were assessed against the following published qualitative selection criteria:-

- Compliance with the specification.
- Appreciation / methodology of the works / services.
- Experience of key personnel and similar experience.
- Spare parts.
- Quality control procedures.

Kone Elevators Pty Ltd achieved the highest assessment score, with a submission that comprehensively addressed the selection criteria. Coupled with the lowest tender price, their submission is considered to represent the best value for money.

ThyssenKrupp Elevator Australia Pty Ltd and Otis Elevator Company scored similarly in the assessment, with ThyssenKrupp Elevator Australia Pty Ltd scoring better in providing a methodology of the works. Schindler Lifts Australia scored slightly lower for the first three criteria listed above.

It is therefore recommended that Kone Elevators Pty Ltd be awarded this contract for a period of three years with two consecutive three year options to renew at the discretion of the City, at a cost of $28,000 per annum exclusive of GST, with annual adjustment in accordance with the Australian Bureau of Statistics All Groups Index (Perth).

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	12 442 000 7213
BUDGET ITEM:	Other Property and Services – Unclassified – Council House
BUDGET PAGE NUMBER:	16
BUDGETED AMOUNT:	$191,673 (this component)
AMOUNT SPENT TO DATE:	$ 48,350
PROPOSED COST:	$ 28,000
BALANCE:	$115,323

All figures quoted in this report are exclusive of GST.

COMMENTS:

Kone Elevators Pty Ltd is the manufacturer of the lifts installed at Council House. It is not essential to have maintenance done by the manufacturer, but it can be helpful. That factor was not considered in assessing this tender.

The tender from Otis Elevator Company allowed for considerably more hours of service than the other three tenders. The City's lift consultant advised that the additional hours offered by Otis were excess to requirements and that the tender prices offered by the other parties were generally in accord with his expectations.

Moved by the Lord Mayor, seconded by Cr Evangel

That the Council:-

1. ***accepts the most suitable tender, being that submitted by Kone Elevators Pty Ltd to provide comprehensive maintenance services for the Council House lifts, commencing 1 March 2008 under a three year contract with two consecutive three year options of renewal at the discretion of the City, at a cost of $28,000 per annum (excluding GST), subject to annual indexation in accordance with the Australian Bureau of Statistics All Groups Index (Perth);***

2. ***notes that the expenditure in part 1 above is to be charged to the Council House variable outgoings account.***

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP42/08 USE OF COUNCIL HOUSE FOYER FOR THE MOUNTS BAY DEVELOPMENT DISPLAY

BACKGROUND:

FILE REFERENCE:	P1018015
REPORTING OFFICER:	Karwai Wong
RESPONSIBLE DIRECTOR:	Garry Dunne, Director Service Units
DATE:	4 February 2008
MAP / SCHEDULE:	N/A

This item was distributed to Elected Members as a late report by the Director Corporate Services on 5 February 2008.

LandCorp has requested the use of the foyer at Council House to display concept designs for the Mounts Bay development project for public viewing. The dates proposed are 14 February 2008 to 13 March 2008.

LEGISLATION / STRATEGIC PLAN / POLICY:

Strategic Plan
Key Result Area: Liveable City
Strategy: Unique City Strategy

DETAILS:

The presentation will consist of large format display boards either in A0 or A1 size, depicting concept designs for the Mounts Bay development project for viewing by the general public. Brochures will also be made available.

The display will be open during Council House operating hours only.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

This request meets the guidelines developed for displays on the ground floor of Council House – "Displays which will be looked on most favourably will be those which will be of interest to the users of Council House or which provide important information for the residents, ratepayers and other customers of the City".

Moved by Cr Evangel, seconded by the Lord Mayor

That the General Purposes Committee approves the request from LandCorp to use the Council House Foyer to display concept designs for the Mounts Bay development project between 14 February 2008, and 13 March 2008.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor and Cr Evangel

Against: Nil

GP43/08 GENERAL BUSINESS

1. World Helenes Abroad Association Visit

Cr Evangel advised that the Lord Mayor will be hosting a reception for members of the World Helenes Abroad Association on Friday 8 February from 4.30pm to 5.30pm. All Elected Members are invited to attend.

2. City of Perth Library

Cr Evangel requested an update on progress of the City of Perth library proposed relocation into the Cathedral Square proposal. The Director Planning and Development advised that a meeting with the Minister for Housing and Works has been arranged and that further information will be provided to the General Purposes Committee.

3. Former Lord Mayors Portrait Unveiling and Farewell Reception

Cr McEvoy raised this item suggesting that it was now appropriate an official farewell function for the former Lord Mayor be held, with preference for it to be a black tie cocktail event for 200 guests in the Perth Town Hall, which is to include the official unveiling of his portrait. The Chief Executive Officer advised that a report will be submitted to the next Council meeting providing details of the proposal.

GP44/08 ITEMS FOR CONSIDERATION AT A FUTURE MEETING

- Concert Hall Performing Arts Precinct.
- Caretaker Policy.

GP45/08 CLOSE OF MEETING

There being no further business the Presiding Member declared the meeting closed at 6.49pm.