

14.1 CONSIDERATION OF DRAFT PROPOSALS FOR MANDATORY CODE OF CONDUCT AND CEO RECRUITMENT

Author: Senior Governance Advisor
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council:

1. Note the Department of Local Government, Sport and Cultural Industries' draft for consultation and the Western Australia Local Government Association (WALGA) draft submission in response to those regarding the:
 - a) Mandatory Code of Conduct for Council Members, Committee Members and Candidates; and
 - b) Standards and Guidelines for CEO Recruitment and Selection, Performance Review and Termination.
2. Support the Town of Port Hedland's responses to WALGA's draft submissions to the Department as listed in Attachment 1 and Attachment 2.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to recommend supporting the Town's responses to the Western Australia Local Government Association (WALGA) draft submissions regarding the 'Mandatory Code of Conduct for Council Members, Committee Members and Candidates' and on 'Standards and Guidelines for CEO Recruitment and Selection, Performance Review and Termination'.

DETAIL

On 27 June 2019, the *Local Government Legislation Amendment Act 2019* was passed in Parliament. This Act will introduce new requirements for the introduction of:

- Mandatory code of conduct for council members, committee members and candidates (Code of Conduct) (Attachment 6); and
- Mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers (CEO Standards) (Attachment 5).

The Department of Local Government, Sport and Cultural Industries (DLGSC) released drafts of the above documents for consultation and is seeking feedback by 6 December 2019 via an online survey or written submissions.

While WALGA and other invited parties participated in two separate working groups to develop these documents, both documents were released without WALGA's endorsement and a number of concerns have been expanded upon in their draft submissions and will be raised with the DLGSC. WALGA is seeking feedback from local governments on their draft submissions by 25 October 2019.

The Town has reviewed both the DLGSC and WALGA's drafts (Attachment 3 and Attachment 4), and has prepared responses to WALGA's draft submission it proposes to submit to the Department on behalf of the local government sector. Those responses are located in Attachment 1 and Attachment 2 of this report and speak for themselves.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this item will not significantly impact the community or Council as a whole, nor have any significant financial implications.

CONSULTATION

Internal

Director Corporate Services
Manager Human Resources
Acting Manager Governance

External Agencies

Western Australia Local Government Association (WALGA)
Department of Local Government, Sport and Cultural Industries (DLGSC)

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Legislation Amendment Act 2019 introduces the new requirements for a mandatory Code of Conduct and CEO Standards.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications in relation to this item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken

There are no significant identifiable environmental, social or economic impacts relating to this item.

Corporate Business Plan

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 4.a.1.1 Research and develop a coordinated response to town issues in line with the Strategic Community Plan

RISK MANAGEMENT CONSIDERATIONS

There are no significant community, Council or financial risks associated with this item because the risk rating is considered to be Low (2). This is determined by an unlikely (2) likelihood and an insignificant (1) consequence. This report promotes good governance, transparency, accountability, the prudent expenditure of financial resources and informed decision making.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town's submissions details its concerns and praises of how the draft legislation will work in practice based on its experiences.

ATTACHMENTS

1. CEO Recruitment and Selection, Performance Review and Termination (under separate cover)
2. Mandatory Code of Conduct for Council Members, Committee Members and Candidates (under separate cover)
3. WALGA Draft Submission - Standards and Guidelines for CEO Recruitment and Selection, Performance Review and Termination (under separate cover)
4. WALGA Mandatory Code of Conduct for Council Members, Committee Members and Candidates (under separate cover)
5. Standards and Guidelines For Local Government CEO Recruitment and Selection, Performance Review and Termination (under separate cover)
6. Mandatory Code of Conduct for Council Members, Committee Members and Candidates (under separate cover)