



City of Busselton  
*Geographe Bay*

# Candidate Information Session

*Local Government Election October 19, 2019*

# Welcome

- Tony Nottle – Director, Finance and Corporate Services - City of Busselton
- Phil Richards – Manager, Election and Events - Western Australian Electoral Commission
- Catherine Smallwood – Returning Officer



# LG – A Diverse Industry – The A-Z

- **A**irport, Aquatic Centre, Artgeo, Assets
- **B**uilding Control, Beaches
- **C**ats, Community Centre, Community Housing, Cycleways, Cemetery
- **D**ogs, Drainage, Design, Development
- **E**vents, Emergency Services, Economic Development, Environment, Employment
- **F**ire Brigades, Fire control, Footpaths
- **G**ood Governance, Gardens
- **H**ealth Services
- **I**nfrastructure
- **J**etties
- **K**ookaburra Caravan Park, kerbs
- **L**icensing, Leisure, Libraries, Lighting
- **M**osquito Management, Museums, maintenance
- **N**oise & Nuisance Management
- **O**pen Spaces
- **P**arks & Reserves, playgrounds
- **Q**uality
- **R**oads, Recreation, Rangers
- **S**ustainability, Skateparks
- **T**ourism, Town Planning
- **U**nderwater Observatory, Urban Development
- **V**ehicles – Fleet, Plant & Licensing
- **W**aste Management
- **X**-overs
- **Y**outh Services
- **Z**oning

# Legislation

- Local Government Act
- Planning & Development Act
- Health Act
- Dog Act
- Land Administration Act
- Retirement Villages Act
- Bush Fires Act
- Local Government Grants Act
- Valuation of Land Act
- Main Roads Act
- Waste Avoidance & Resource Recovery Act
- Rights in Water & Irrigation Act

# Regulations and Local Laws

A local government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for the local government to perform any of its functions under this Act (Part 3 Division 2 – Legislative functions of local governments of the Local Government Act)

The main objectives of the City of Busselton's local laws are to provide for -

- the peace, order & good governance of the municipality;
- a safe & healthy environment so that the community can enjoy a quality of life that meets its expectations;
- the safe, orderly & fair use & enjoyment of public places & facilities;
- the protection & enhancement of the amenity & environment of the municipality;
- the protection of assets vested in Council; &
- Governance systems that deliver responsible, ethical & accountable decision making.

# Current Local Laws

- Airport Local Law 2012
- Cats Local Law 2014
- Cemeteries Local Law 2015
- Dogs Local Law 2014
- Dust & Buildings Waste Control Local Law 2010
- Health Local Law 1997
- Holiday Homes Local Law 2012
- Jetties Local Law 2014
- Parking Local Law 2011
- Property Local Law 2010
- Standing Orders Local Law 2018
- Activities in Thoroughfares and Public Places Trading Local Law 2015
- Waste Local Law 2016

# Policies, Delegations and Procedures

Policies provide the Council & staff with guidelines over a range of issues. Policies are not binding, but provide a basis for in determining individual applications or requests. Policies also enable the community to be aware of the reasoning behind decisions.

The Policy & Legislation Committee assists the Council to determine its policies & to carry out its legislative function, by reviewing the City's delegations & policies, Local Laws & other delegated legislation & to consider & advise Council on significant policy or legislative implications.

- Policies
- Delegations
- Operational Practice (OP)

# Structure of Local Governments

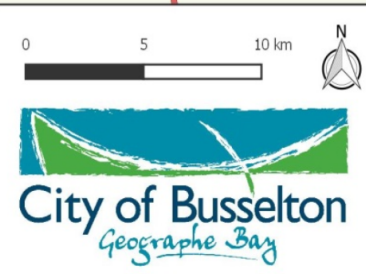
Each local government may determine its own structure i.e.:

- Section 2.2/3 – Ward or no wards & names of wards
- Section 2.17 – Number of elected members (no less than 6 & no more than 15 in total – 4 year terms)
- Section 2.11 – Council to appoint Mayor (if City or Town) or President if Shire
  - Note: Council may appoint Mayor or President but may resolve for the electors to appoint the Mayor or President. If a Council wishes to change method of appointment from the electors to Council, the approval of the electors is required.
- Section 5.8 Council to determine Committees
  - Set Terms of Reference                      - Appoint members to committee
  - Set number of committee members
- Section 4.5 – Elections held every 2 years (half positions)





# Local Government Boundary



# City of Busselton

Total Area	1,454km <sup>2</sup>
Est. Resident Population (2017)	38,37
Average Age	42 yr
Average Annual Growth	3.5%p
Population of Aboriginal descent	60
Number of Bush Fire Brigades	1
Number of Bush Fire volunteers	54
Secondary Colleges	
Local Businesses (2017)	3,87

Total Assets	\$798M
Total Non-current Assets	\$745M
Capital Expenditure	\$ 61M
Total Operating Revenue	\$ 71M
Number of Councillors	9
Budgeted (FTE) employees	
Number of permanent employees	334*
Number of casual employees (not included in above)	189*

Number of rateable properties – 23,170 as at July 2018

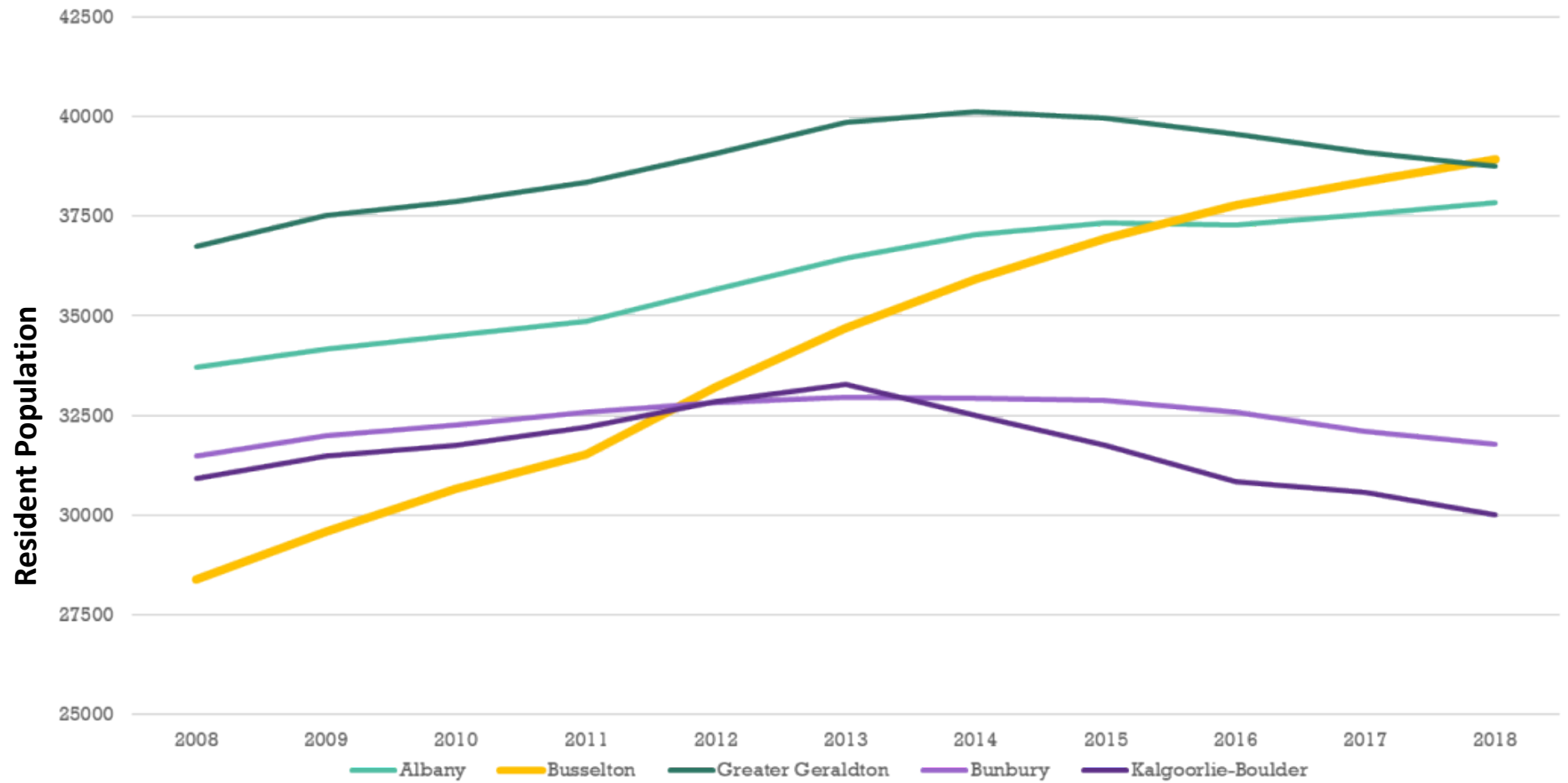
Number of properties issued to external postcodes – 8,227 (36%)

\* Figures correct as at 17 April 2019



# Our Growing Community

Estimated Resident Population - Major Regional Cities



# Role of the Council

- The Council:
  - Directs and controls the local government's affairs;
  - is responsible for the performance of the local government's functions;
  - oversees the allocation of the local government's finances and resources;
  - determines the local government's policies
  - employs the Chief Executive Officer.

# Role of the Councillors

## Councillors:

- represent the interests of electors, ratepayers and residents of the district;
- provide leadership and guidance to the community in the district;
- facilitate communication between the community and the Council;
- participate in the local government's decision-making processes at Council and committee meetings.

# Role of the Mayor

## The Mayor:

- presides at meetings in accordance with the Local Government Act;
- provides leadership and guidance to the community in the district;
- carries out civic and ceremonial duties on behalf of the local government;
- speaks on behalf of the local government;
- liaises with the CEO on the local government's affairs and the performance of its functions.

# Functions of the Chief Executive Officer

The Chief Executive Officer:

- advises the Council in relation to the functions of a local government;
- ensures that advice and information is available to the Council so that informed decisions can be made;
- causes Council decisions to be implemented;
- manages the day to day operations of the local government;
- liaises with the Mayor on the local government's affairs and the performance of its functions;
- speaks on behalf of the local government with the Mayor's agreement;
- is responsible for the employment, management, supervision, direction and dismissal of other employees;
- ensures records and documents are properly kept.



# The October 2019 Election

The City of Busselton consists of nine elected members, including the Mayor. The Mayor is elected by the Councillors and therefore, an election for the position of Mayor will take place as the Council's first order of business following the election. The Councillors will then also elect a Deputy Mayor.

Six positions on the Council are available at the October 2019 election. Five positions for a four year term and one position for a two year term. The terms of Councillors Grant Henley, Kelly Hick and Lyndon Miles will continue until October 2021.





# Regular Commitments of a Councillor

WEEK	TIME	SESSION
1 - Wednesday	1pm	Briefings
	5.30pm	Community Access Session
2 – Wednesday	1pm	Briefings
	5.30pm	Council Meeting
3 – Wednesday	1pm	Briefings
	5.30pm	Community Access Session
4 – Wednesday	1pm	Briefings
	5.30pm	Council Meeting

- ❖ This means that Councillors attend from 1pm every Wednesday until the completion of the Council meeting or Community Access Session on that day.

# Regular Commitments of a Councillor

- Membership of one or two standing Committees of Council that meet once a month during business hours on a Tuesday at 2pm and/or a Thursday at 9.30am.
- Other Committee meetings and other Community Group meetings that vary from Councillor to Councillor and may be during the day or evenings for example on a monthly basis.
- Ceremonies, functions, tours of inspection, research and reading, communicating with the Community.

# Fees and Allowances for Elected Members

- The City of Busselton has a comprehensive policy that provides each Councillor with meeting sitting fees of \$29,909 per annum and an IT / Communications allowance of \$3,500 per annum.
- Councillors are also reimbursed for travel costs, childcare when applicable and are provided with an annual clothing allowance for their corporate wardrobe.
- This is to ensure that Councillors are not out of pocket in the performance of the wide range of duties expected of each representative.

# Code of Conduct for Councillors

## The Legislative Environment

- Local Government Act 1995
- Local Government (Rules of Conduct) Regulations 2007
- City of Busselton Standing Orders Local Law
- City of Busselton Code of Conduct

# Local Government Act 1995

- Sections 5.102A to 5.125 contain the provisions for the “Conduct of Certain Officials”.
- Establishes Standards Panels to consider minor breaches and requires serious breaches to be referred to the State Administrative Tribunal.
- Director, Finance and Corporate Services is the City’s complaints officer.

# Disclosure of Financial Interests

- Key requirement for Councillors to be aware of
- Failure to declare financial interests can attract significant penalties – a fine of \$10,000 or imprisonment for 2 years.
- Councillors cannot participate in discussion or decision-making procedures if they have declared a financial interest
- Interest needs to also be declared in returns on an annual basis.

# Definition of Financial Interests

- A financial interest exists if it is reasonable to expect that a matter if dealt with in a particular way would result in a financial gain, loss, benefit or detriment for a person.
- It is important to note that the person could be the member themselves, someone with whom the member has a financial relationship, or closely associated persons which includes employers, spouses and children living with the person, or someone who has given the member a notifiable gift.

# Rules of Conduct Regulations

General Principles to Guide the Behaviour of Council Members. It is expected that Councillors will:

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



# Rules of Conduct (cont.)

There are specific rules prescribed in different areas by these regulations. They are:

- Use of information (reg 6);
- Securing personal advantage or disadvantaging others (reg 7);
- Misuse of local government resources (reg 8);
- Prohibition against involvement in administration (reg 9);
- Relations with local government employees (reg 10);
- Disclosure of interest (reg 11); and
- Gifts (reg 12).

# Code of Conduct

All Council members, Committee members and employees shall:

- Provide relevant and factually correct information to decision-makers;
- Fulfil their public and professional duties in a manner that is ethical, impartial, objective, responsible and in the best interests of the local government uninfluenced by fear or favour;

# Code of Conduct (cont.)

- Act in accordance with their obligation of fidelity to the local government;
- Not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the improper use of information gained in the performance of their duties, or otherwise;
- Contribute to the good governance and strategic priorities of the City of Busselton in accordance with the adopted vision, values, plans and budget;

# Code of Conduct (cont.)

- Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters;
- Refrain from making allegations which are improper or derogatory, unless true, in the public interest and in an appropriate forum;
- Refrain from any form of conduct in the performance of their official or professional duties which may cause any reasonable person unwarranted offence or embarrassment.

# Standing Orders Local Law

This Local Law provides the rules that apply at any officially convened meeting of the Council or a Committee.

# Standing Orders Local Law

- Establishment and membership of committees
- Calling and convening meetings
- Presiding member
- Quorum
- Business of a meeting
- Public Participation
- Questions during debate
- Conduct of members
- Preserving Order
- Debate of substantive motions
- Procedural motions
- Disclosure of interests
- Voting
- Minutes of meetings
- Revoking or changing decisions
- Suspension of standing orders
- Meeting of electors
- Enforcement

# The City as a Planning Authority

Decisions made in relation to development applications are made under the local government's town planning scheme and the discretions allowed under that scheme.

Elected members must not lose sight of the fact that when making decisions on development applications they have to apply the rules and discretions, as they exist, not as they might want them to be. The local government will need to comply with the provisions of the legislation dealing with planning decisions.

# Planning Authority (cont.)

To avoid prejudicing the eventual decision, elected members must not make up their minds about a development application (or any decision) until they have read the officer's reports and heard all the debate.

Any involvement that an elected member has with a development application during its assessment has the potential to damage the integrity of the final determination. It is therefore important that elected members refrain from public comments that could be construed as support or opposition of an application.

Similarly, during the public comment period of a development application, elected members should not be seen to be trying to influence the public by commenting on the application or signing petitions.



# Where to from here?

- Nominations open on the 5<sup>th</sup> of September and close at 4pm on the 12<sup>th</sup> of September.
- Nominations are to be lodged with the Returning Officer, Catherine Smallwood during this time [LGro\\_bus@elections.wa.gov.au](mailto:LGro_bus@elections.wa.gov.au) or 0419 799 097
- Election day – 19 October 2019
- Count commences at 6pm in the Council Chambers with the result to be declared shortly after all votes have been entered.

# Thank you

- Questions?
- Any other questions or information, please contact Lisa Haste on 9781 0301 or [eacouncil@Busselton.wa.gov.au](mailto:eacouncil@Busselton.wa.gov.au)

