

Department of Local Government, Sport and Cultural Industries

Report of the Inquiry into the City of Cockburn

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RECOMMENDATIONS

- 1. The City undergo an independent governance review (with scope approved by the Director General) within three months of this report becoming final and provide the Director General with a copy of the review's findings and report upon its completion.
- 2. All elected members and members of the City's executive team undertake training and mediation as determined appropriate by the Director General, within six months of receipt of the final report, to enable them to work as a cohesive and well-governed group in the best interests of the local government.
- 3. Within six months of receipt of this report, the City's CEO is to deliver a report to the Director General of the Department outlining:
 - i. the steps taken in response to the above recommendations;
 - ii. identifying the persons who have attended training as set out in recommendation 2 and any reasons given for non-attendance;
 - iii. any other information considered to be relevant in respect to any further changes the City has made in response to the recommendations and/or information contained within this report.

The City commissioned an independent governance review to be undertaken of aspects of the City's governance arrangements and practices, in accordance with Recommendation 1 from the Inquiry. The City has completed Recommendation 1, 2 and 3.

The City received a number of recommendations from the Independent Governance Review. In December 2021 Council resolved to group the recommendations into themes and address those items in priority order.

- 1. Council Meetings and Briefings
- 2. Committees
- 3. Policies
- 4. Elected Member Development
- 5. Succession Planning
- 6. Miscellaneous

This report provides a summary of the actions taken by Council, through the purpose created committee, the Governance Review Steering Committee. For ease of reference, the resolutions of Council, and the relevant link to the Independent Governance Review themes are tabled below.

Note: Recommendation 1 is not included in the table below. This recommendation was for Council to establish a temporary special purpose Governance Review Committee. Council endorsed the establishment of the Governance Review Steering Committee on 11 November 2021.

| Themes | Independent Governance Review Recommendation | RESOLUTION OF COUNCIL | Action/Status |
|--------------------------------------|--|--|---|
| Council Meetings and Briefings | Recommendation 3 [Public Question Time] (a) Council not support the resolution at the Special Elections Meeting on 28 July 2021 to amend Standing Orders regarding Public Question Time (PQT) at OCMs. | That Council not considers any changes to the City's Standing Orders Local Law, Clause 4.4 related to relaxing the current regulations applicable to Public Question Time at Council Meetings. | Complete. No changes were made regarding public question time provisions in the Standing Orders Local Law were made |
| | (b) Although continuing to exercise reasonable discretion and some flexibility concerning strict application of Standing Order requirements concerning PQT at OCMs, the Mayor as presiding member at OCMs bring greater order and discipline to PQT and the conduct of community members participating in PQT. | That Council amends the protocols for Public Question Time to require written questions received for Ordinary Council meetings not related to an Agenda item to be considered after the public has had an opportunity to verbally ask questions related to items on the relevant Agenda. | Complete. Amended protocols for public question time have been implemented. |
| | Recommendation 4 [Council Briefings] | OCM 10 March 2022 | |
| | (a) The Mayor act as presiding member of all Briefings, or the Deputy Mayor in the absence of the Mayor. (b) Subject to the availability of appropriate IT/communication | That Council agrees that the Mayor, or Deputy Mayor in the absence of the Mayor, presides at all briefing sessions, on the understanding that the Chief Executive Officer will fulfil this role in circumstances where both the Mayor and Deputy Mayor are not | Complete. The Mayor presides all briefing sessions, with those sessions chaired by the CEO in the event the Mayor and Deputy Mayor are not able to do so. |
| | means if Agenda Briefings are to remain "on-line", public attendance by way of "observer | present. | |

status" only be allowed at Agenda Briefings. Complete. That Council agrees that all Ordinary All Ordinary Council Meeting Agenda Council Meeting Agenda Briefing (c) Public attendance at Briefing Briefing Sessions are in an online Sessions remain in an online format. other than Agenda Briefings not format. be allowed. Complete. That Council agrees that Strategic and (d) The style and content of Agenda Strategic and other General Briefing other General Briefing Sessions remain Briefings and other Briefings be sessions are closed, in person forums. as closed, in person forums, with reviewed in the context of the Elected Members are given the option attendance strongly preferred to be in comments in Sections to dial in if personal circumstances person. Additionally, Elected Members require, where possible. 7.1.1(b)(v)(C) and (E). are to be given the option to dial in if personal circumstances so require. **OCM 10 March 2022** Recommendation 5 [Agenda Papers and Minutes] (a) The style and approach of the Complete. That Council notes that officers City to Council agenda papers Officers have improved report drafting responsible for drafting Agenda and minutes be reviewed in the guidelines to support an improved Reports will be expected to modify the reporting process by authors. context of the comments in information contained in these items Section 7.1.1(b)(vi). to ensure the content is limited to essential information and reduced (b) The City's administration attachments. personnel responsible for the preparation of agenda papers and minutes receive education That Council agrees that a concise and training to accommodate Complete. summary of Council decisions from Officers have published a Resolution Recommendation 5(a). each Ordinary Council meeting be Register to the City website which placed in a register on the City's (c) The revised style and approach provides a quick reference guide to website as soon as practicable after be trialled for several months Council Decisions. each Ordinary Council Meeting. pending feedback and support by the Council before permanent adoption.

2. Committees

Recommendation 8 [Council Committees]

- (a) Council review the structure, terms of reference and composition of each of its standing/core Council Committees having due regard to the comments and recommendations mentioned in Section 7.3(b)(i)-(vi).
- (b) Council evaluate and review its continuing support for and Elected Member representation on the c.20+ other community based groups, committees and associations within the City's current portfolio having regard to the comments in Section 7.3(b)(vii).

OCM 10 March 2022

That Council:

- (1) ENDORSES the following monthly meeting framework and timeframes for Council and Committee Meetings to be held on Thursdays:
 - Week 1: OCM Agenda Briefing online at 6pm, plus Strategic Briefing Session online,
 - 2. Week 2: OCM in person at 7pm, pre meeting briefing and dinner at 6pm (subject to COVID),
 - 3. Week 3: Council
 Committee Meetings in
 person at 6pm-7pm; 7pm
 break for dinner; 7.30pm8:30pm next committee
 meeting (rotated between
 all committees),
 - 4. Week 4: Strategic
 Briefing Session and
 dinner in person at 6pm
 (subject to COVID),
 - 5. Week 5: Strategic
 Briefing Session and
 dinner in person at 6pm,
 to be determined based
 on need (subject to
 COVID); and

Complete.

Meeting schedule has been implemented.

(2) ENDORSES any urgent briefings required outside of this schedule to be set on a Wednesday in person at 6pm with dinner. (subject to COVID).

That Council:

- 1. REVIEWS the functions performed by each Reference Group established by Council to determine need and benefit based on current Service Level Plans and presented for Council consideration
- 2. REVIEWS the functions performed by each externally administered organisation that Council has appointed representation, to determine need and benefit based on current Service Level Plans and presented for Council consideration.
- 3. REQUESTS a review of the Standing Orders Part 17 Committees specifically to update as per the updated "Elected Members Appointment Standing Committees,

In Progress.

- ((1) & (2) Officer review of Reference Groups is in progress, A report will be prepared for Ex-Co for review.
- (3) Standing Orders Review facilitated through Council workshop with Hammond Woodhouse Advisory in progress.

| | Reference Groups, Boards and External Organisations" Policy. | |
|--|--|---|
| | OCM 10 March 2022 | |
| | That Council, pursuant to Section 5.10 (1) of the Act: (1) DISBANDS the following Committees: a. Audit and Strategic Finance Committee b. Chief Executive Officer Performance Review and Key Projects Appraisal Committee c. Cockburn Community Events Committee d. Delegated Authorities and Policies Committee | Complete. (1), (2), (3) & (4) Committees disbanded as per Council decision. New committee structure in place, Terms of Reference have been adopted for each committee, with minor review and amendments ongoing as required. In Progress (5) Corporate Strategic Budget and Planning Policy to be reviewed. Complete. (6) Committee Membership as per Council resolution. |
| | e. Grants and Donations Committee; | |
| | (2) ESTABLISHES the following Committees: | |
| | a. Audit, Risk and Compliance Committee (ARC) b. Organisational Performance Committee | |
| | (OpCo) c. Governance Committee (GovCo) | |

| d. Expenditure Review Committee (ERC); |
|---|
| (3) ADOPTS the Terms of Reference (ToR) for each of the new Committees as per the attached Schedule but NOTES the requirement for the review of each ToR at the next Committee meeting; |
| (4) REFERS the Terms of Reference from the former Grants and Donations and the Community Events Committees to the Expenditure Review Committee for review of their Terms of Reference to ensure continuity of the roles under each former committee; |
| (5) AMENDS the Corporate Strategic Budget and Planning Policy section (1) 4 to reflect the functions of the Grants and Donations Committee, and section (1) 5 to reflect the Community Events Committee functions are both now implemented by the Expenditure Review committee; and |
| (6) APPOINTS the following Members to each of the |

Committees established by Council: 1. Audit Risk and **Compliance Committee** (ARC): (Minimum of four Elected Members) i. Glyn Geen, **Independent Member** ii. Mayor Howlett iii. Deputy Mayor Widenbar iv. Cr Allen v. Cr Dewan 2. Organisational Performance Committee (OP Co): (Minimum of four Elected Members) i. Mayor Howlett ii. Cr Corke Cr Dewan iv. Cr Eva v. Cr Separovich vi. Cr Stone Governance Committee (Gov Co): (Minimum of four Elected Members) Deputy Mayor Widenbar ii. Cr Corke Cr Eva iv. Cr Kirkwood

| | | v. Cr Separovich vi. Cr Stone 4. Expenditure Review Committee (ERC): (Minimum of four Elected Members) i. Deputy Mayor Widenbar ii. Cr Corke iii. Cr Dewan | |
|-------------|---|---|--|
| | | iv. Cr Separovich v. Cr Stone. | |
| | | OCM 14 April 2022 | |
| | | That Council: | Complete. |
| | | NOTES the action taken in response to the feedback at the Governance Review Steering Committee, 8 February 2022 to provide the Elected Members with the opportunity to contribute formally at the Elected Member Strategic Briefing Forum; and ACCEPTS the Terms of Reference for the Elected Member Strategic Briefing Forum. | Terms of Reference adopted. |
| 3. Policies | Recommendation 13 [Harassment, Bullying and Complaints] | OCM 14 April 2022 | |
| | (a) Given increasing societal pressures currently emerging, | That Council: (1) CONDUCTS an externally | In Progress Council and the Senior Leadership Team attended a Respectful Workplace |
| | particular attention be applied to | facilitated policy workshop, | Workshop on 18 August 2022. |

the City's policy settings with respect to workplace bullying and harassment, non-consensual sexual dealings, complaints (internal workplace and external customer service) and whistle-blowing protection, as well as the procedural guidelines by which such matters are managed and dealt with by the City.

(b) A continuing process of education and training for all City personnel be implemented with respect to the City's policies, procedures and guidelines generally and especially in the context of workplace bullying and harassment, non-consensual sexual dealings, complaint management and whistle-blowing protection.

Recommendation 14 [City's HR Function and Related Policies/Procedures]

(a) Priority attention be afforded to the review and development of a comprehensive and contemporary suite of policies, procedures and management practices to support the City's HR Function including with focus on the anticipated near term utilising the services of a consultant with subject specific expertise to be focused on the topics of workplace bullying and harassment, to be attended by all Elected Members and Executive Staff;

- (2) DEVELOPS policies in relation to the following workplace health and safety issues:
 - Workplace Bullying and Harassment
 - 2. Non-Consensual Sexual Dealings
 - 3. Complaints (Internal Workplace and External Customers) related to 1. and 2
 - 4. Public Interest Disclosure and Whistleblowing Protection.
- (3) REVIEWS the Codes of
 Conduct of both Elected
 Members and Employees with a
 view to incorporating binding
 conditions related to:
 - Providing guidance for Elected Members and employees

Policy development and review is in progress.

New Employee Code of Conduct has been rolled out in August 2022, with inductions being undertaken.

Elected Member Code of Conduct review in progress.

| | implementation of WHS legislation in WA. (b) A continuing process of education and training for all City personnel be implemented incidentally to the adoption and implementation of such HR related policies, procedures and practices. Recommendation 18 [Benchmark Analysis of the City's Policies] The City give consideration to the benchmark analysis in Sections 8 and 11.8, and therefrom to develop a program of Council Policy review and augmentation (as appropriate) in support of enhanced systematic governance assurance for the City. Such a review should commence with agreeing a "chart" of relevant policies and then developing the substantive policies based on that "chart" and the City's Policy Framework. | 2. Clarifying complaint handling procedures for dealing with allegations of internal organisational indiscretions 3. Increased awareness levels of indiscretions 4. Mitigating the regularity of such events; (4) DEVELOPS best practice policies in relation to: 1. Privacy and Compliance 2. Cyber security; and (5) CONDUCTS a comprehensive independent Benchmark Analysis Review of all Council endorsed and Administrative Policies to ensure the currency and adequacy of the City's Policy setting regime. | |
|-------------------------------|---|--|---|
| 4. Elected Member Development | Recommendation 2 [EM conduct and behaviour] (a) EMs give serious consideration to their conduct and behaviours (both at Council meetings and in the community) in the context of their civic responsibilities and the impact of their conduct and | PART A: ELECTED MEMBER CONDUCT AND BEHAVIOUR The Council: (1) REVIEWS, through the appropriate Committee, the incorporation of statements into | In Progress. (1), (2) & (3) Elected Member Code of Conduct is currently under review. |

- behaviours upon the collective teamwork of the Council in furtherance of the best interests of the City.
- (b) EMs constructively participate in the proposed professional development program contemplated in Section 11.9, including concerning Code of Conduct expectations generally, and conflicts of interest and confidentiality requirements specifically.
- (c) Individual EMs have the opportunity to elect to participate in a personal development/coaching/mentoring program to be developed in consultation and with the agreement of the relevant EM.

Recommendation 6 [Leadership]

- (a) Mayor:
 - The Mayor be invited to heed the Improvement Opportunities mentioned in Section 7.2(a).
 - With the tacit approval of all EMs, to be conferred upon acceptance of this Recommendation, the EMs

the Elected Member Code of Conduct to reflect the following principles:

- Hierarchy of Elected Members
- 2. Collaboration and Trust between Elected Members
- Handling Conflicts of Interest
- 4. Confidentiality of Information Provided to Elected Members
- Behavioural Standards;
- (2) REVIEWS, through the appropriate Committee, the City's Governance Charter, to reflect the principles referred to in (1) above;
- (3) Following the review referred to in (2) above, INCORPORATES the Governance Charter as a binding requirement within the Elected Member Code of Conduct.

PART B: PROFESSIONAL DEVELOPMENT AND TRAINING

(4) REVIEWS, through the appropriate Committee, the City's Policy "Attendance at Conferences, Seminars, Events and Training" to consider broadening access to

Complete

Corporate Governance Framework presented to GovCo at October 2022 meeting and adopted by Council in November 2022.

Complete.

(4) Attendance at Conferences, Seminars, Events and Training Policy has been reviewed.

- support the Mayor in so doing;
- The Mayor accept mentoring from a respected and suitably experienced personal development coach, well versed in chairing governing bodies, to assist the Mayor in taking up this Recommendation.

(b) Councillors:

- Elected Members be invited to heed the comments mentioned in Section 7.2(b) to the extent to which they may apply.
- The recommended professional development programs in Recommendation 2 include "leadership" as a key subject matter.

Recommendation 9 [Council Skills/Experience Base]

(a) Council conduct a skills/experience matrix and "gap" analysis of its skills/experience base in the context of the perceived needs of the City. development opportunities for Elected Members to include:

- Training Courses (nonmandatory)
- 2. Accreditations
- Mentoring and coaching opportunities appropriate to the duties and obligations of an Elected Member
- 4. An extension of the funding required for Elected Members to attain an appropriate level of development over a four-year term of office;
- (5) CONDUCTS an externally facilitated skills and experience matrix for Elected Members, to assist in informing the development opportunities for each Elected Member in conjunction with (4) above;

PART C: STRATEGIC PLANNING PROGRAMME

(6) CONDUCTS an annual strategic planning event for Elected Members and Executive staff at an off-site venue, facilitated by an external consultant, covering the following topics:

In Progress.

(5) Stephen Cole training workshops scheduled for October and December 2022.

Deferred.

(6) Council resolved to defer the annual strategic planning event in August 2022, with the decision to be reviewed in 12 months, as a result of the resignation of the CEO in July 2022.

- (b) Council appropriately use the information gained under Recommendation 9(a) to:
 - assist in the structuring of personal professional development programs for Elected Members;
 - communication to the community at the time of Councillor elections to better inform it of the City's needs.

Recommendation 10 [Periodic Council governance/performance evaluation]

- (a) Council adopt a policy concerning its own periodic evaluation and review having regard to the comments in Section 7.4.2.
- (b) Council submit to its evaluation and review in the terms of that policy adopted, which may also assist Council in considering its own succession planning needs as mentioned in Section 7.4.3.

Recommendation 11 [Professional Development and New Councillor Induction]

The Council, with assistance from management and expert consultancy support, develop:

- 1. Team Development
- 2. Strategy and Alignment
- 3. Priority District Developments
- 4. Council Governance and Performance Evaluation; and
- (7) NOTES that a Tour of City
 Facilities Program will be
 arranged annually to enable
 greater visibility by Elected
 Members of the City's facilities
 and services provided in the
 District.

In Progress.

(7) City Facilities Tour program under review.

- (a) a professional development curriculum beyond the regulated "Essentials" course with flexibility to tailor the same to individual EM needs;
- (b) an integrated, thorough and continuing induction program for new Councillors, including physical attendance of City facilities and functional divisions, to better acquaint them, in a timely manner after their election, with the City, its assets, its finances, its functions and its needs so that the value of their contribution as a Councillor can be realised sooner, with strong encouragement for Councillors (and senior executive management personnel as appropriate) to participate, so as to enhance their capabilities to deliver civic performance outcomes for the City.

Recommendation 12 [Council Culture and Dynamics]

The recommended professional development, counselling and mentoring of Councillors and Mayor, referred to in Recommendations 2 and 6, be extended to embrace "cultural" aspects of their dealings

| | with one another perhaps with an array of support initiatives that might be availed of, and with periodic assessments of progress of the initiative to be reported against to the Council. | | |
|------------------------|---|---|---|
| 5. Succession Planning | Recommendation 7 [CEO and Director Succession Planning] The Council and the CEO give due consideration to CEO and Director succession planning in the fulfilment of their respective responsibilities of office. | PART A: ORGANISATIONAL SUCCESSION PLANNING The Council: (1) REFERS the Policy "Structure for Administering the City of Cockburn" to the Organisation Performance Committee (OPCo) for review on an annual basis, to ensure its relevance to the future development of its Chief Executive Officer and Executive Management Team in planning for the future leadership of the City. (2) NOTES the [then] Chief Executive Officer Performance Review Committee (CEOPR) consideration of the Succession Planning matters as part of Item 9.2 of the meeting held on the 17 February 2022. PART B: ELECTED MEMBER SUCCESSION PLANNING | Complete (1) Structure for Administering the City of Cockburn Policy reviewed at GovCo in October 2022 and adopted at Council in November 2022. In Progress. (2) Leadership Framework in development as part of the Workforce Planning process. No Action No action required. |
| | | The Council: | • |

| | | (1) NOTES the recommendation of the Cole Governance Review in relation to succession planning for elected members and not accept this as an acceptable practice in view of the overarching requirement that the selection of elected members is a democratic process that cannot be influenced, or directed, by incumbent elected members. | |
|------------------|--|--|---|
| 6. Miscellaneous | Recommendation 15 [Record Keeping and Delegated Authority] | OCM 14 April 2022 | |
| wiscenaneous | Trooping and Bologatou / tathonly | That Council: | |
| | The City's Governance Directorate: give support to Elected Members to clarify the requirements of the City's Record Keeping Plan with respect to EM's social media engagement relevant to City affairs; by way of internal audit | (1) CONSIDER the inclusion in its Draft 2022/23 Municipal Budget an allocation of \$80,000 for the purpose of providing resources to assist Elected Members in complying with the City's Record Keeping Plan and the requirements of the State Records Act 2000; | Complete (1) Funds in CEO Contingency Fund for FY22/23. |
| | verification, review practices by City staff of "acting through" and its report to the Council on the outcome of that review by way of integrity assurance. | (2) INCLUDES in its next Internal Audit Plan, a review of the City's internal practices associated with the "acting through" provisions of the Local Government Act 1995; | In Progress. (2) Interim Internal Audit Plan endorsed in October 2022. |
| | Recommendation 16 [Risk Management Awareness and Oversight at Council level] By way of ongoing professional development for Elected Members | (3) CONDUCTS a briefing session on the topic of the City's Corporate Risk Management Framework and Policy, and its strategic relevance to the City; | Not Commenced (3) To be actioned following the completion of other Council endorsed training. |

(and City officers as appropriate) the important principles of applied risk management in the context of a local authority be shared in a workshop training session.

Recommendation 17 [Elected Member Annual Entitlements Review]

The Council, in conjunction with the CEO and the Directorate reflect upon and review the City's current approach as to:

- (a) the adjustment of annually based EM meeting fees to accommodate circumstances where an EM's meeting absence record is beyond reasonably justifiable expectations;
- (b) the provision, by and at the direct cost and responsibility of the City, of "hard copy" meeting agenda papers to EMs requesting the same, having regard to the Consultant's commentary in Section 7.12.2.

- (4) REFERS its Policy "Elected Members' Leave of Absence" to the Governance Committee to consider inclusion of a Clause to provide for the withholding of payment of meeting attendance fees to Elected Members who are granted leave of absence from Council responsibilities in certain circumstances.
- (5) CREATES a document summarising the actions taken by Council, through the Governance Review Steering Committee, in response to and addressing the items raised in the inquiry into the City of Cockburn to be made public with the consent of Council.

Complete

(4) Elected Member Leave of Absence Policy reviewed on 12 May.

Complete

(5) Adopted at September 2022 OCM

(i') This information is available in alternative formats upon request.