

TOWN OF COTTESLOE



STRATEGIC PLANNING COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, WEDNESDAY, 21 AUGUST 2013

CARL ASKEW
Chief Executive Officer

23 August 2013

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STRATEGIC PLANNING COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:02 PM.

2 DISCLAIMER

The Presiding Member drew attention to the town's disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor advised that he attended a G7 Mayoral meeting earlier in the evening to discuss the ongoing issue of local government reform as it applies to the western suburbs. He advised that the notes and agreed outcomes from the meeting are yet to be finalised and confirmed and that it would not be appropriate to summarise those issues until the final version has been agreed. The Mayor advised that the CEO would be preparing a report for Council's consideration on Monday night which will reference the issues raised at the Mayor's meeting.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.2 PUBLIC QUESTIONS****5 PUBLIC STATEMENT TIME****6 ATTENDANCE****Present**

Mayor Kevin Morgan
Cr Jack Walsh
Cr Peter Jeanes
Cr Rob Rowell
Cr Yvonne Hart (observer)
Cr Greg Boland (observer)

Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Andrew Jackson	Manager Development Services
Mr Mat Humfrey	Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mrs Lydia Giles	Executive Officer

6.1 APOLOGIES

Nil.

Officer Apologies

Nil.

6.2 APPROVED LEAVE OF ABSENCE

Nil.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Nil

8 CONFIRMATION OF MINUTES

Moved Cr Walsh, seconded Cr Rowell

[Minutes November 21 2012 Strategic Planning Committee.docx](#)

The Minutes of the Ordinary meeting of the Strategic Planning Committee, held on 21 November 2012 be confirmed.

Carried 4/0

9 PRESENTATIONS

9.1 PETITIONS

Nil.

9.2 PRESENTATIONS

Nil.

9.3 DEPUTATIONS

Nil.

Due to its confidential nature of item 10.1.2, the Presiding Member determined to consider the item in camera at the end of the meeting and the remaining items 10.1.1, 10.1.3, 10.1.4, and 10.1.5 were dealt with individually at the beginning of the meeting.

10 REPORTS**10.1 GENERAL****10.1.1 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW**

File Ref: PER/94
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 21 August 2013
Author Disclosure of Interest The author has an interest in the matter as it directly relates to his employment.

SUMMARY

This report recommends that Council confirm the establishment of the Panel for the Chief Executive Officer's annual performance appraisal in order to make recommendations to Council in accordance with Clause 8 of the Chief Executive Officer's contract of employment. It further recommends that Council invite a representative from WALGA's *Workplace Solutions* to join the panel to provide independent facilitation and professional advisory services.

BACKGROUND

In October 2012 Council considered a report in relation to the CEO's performance review and Key Result Areas (KRA's) for 2013. Specifically it resolved;

THAT Council;

- 1. Receive the attached Performance Review report and endorse the overall rating of "Satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Cottesloe".*
- 2. Conduct the next review of the CEO's performance by December 2013*
- 3. Adopt the attached Key Result Areas for the January to December 2013 appraisal period as drafted by the Panel and Mr Askew.*
- 4. Request the facilitator provide a Remuneration Report for consideration by Council at its November 2012 meeting.*
- 5. Request the facilitator draft a contract of employment for consideration and discussion of a further contract for the CEO by Council at its November 2012 meeting.*

Carried 9/0

In accordance with the Position Description for the Chief Executive Officer the principal Objectives of the position are;

- Provides visionary leadership and strategic management and direction for the Town of Cottesloe.

- Provides the primary link through effective engagement between the Council, Staff, Stakeholders and the Community to achieve the Town's goals and objectives.
- Responsible for ensuring the highest level of business excellence, integrity, corporate governance and accountability, which is demonstrated within an environment of transparency, trust, openness, honesty and fairness for all.
- Commits to "Broad Objectives for the Future" in the Future Plan 2006 – 2010, namely:
 - Protecting and enhancing the lifestyle of residents and visitors.
 - Resolving the divisive nature of the configuration of the railway and main roads.
 - Enhancing beach access and the foreshore.
 - Managing the complexities involved in pressures for development.
 - Managing infrastructure and council buildings in a sustainable way.
 - Earning the community's confidence in council.

Clause 7 of the CEO's contract reads as follows;

7. *PERFORMANCE CRITERIA & KEY RESULT AREAS*

The following performance criteria apply to this contract:

- *Provide accurate and timely advice to Council based on available and appropriate information;*
- *Works collaboratively with Council;*
- *Facilitate the development and achievement of the Local Government's strategic plan through the involvement of stakeholders and the persistent application of effort;*
- *Maintain a work environment that facilitates the development of people and encourages them to perform at a high level;*
- *Ensure the effective and accountable application of financial and physical resources;*
- *Develop and implement continuous improvement strategies to enhance service delivery;*
- *Initiate the development, implementation and review of Policy.*

These performance criteria may be varied and any other criteria may be included by agreement between the parties at any time during the term of this contract.

Key Result Areas

- *Key Result Areas will be developed for each 12-month period of the Contract.*
- *Key Result Areas are not intended to cover all aspects of the position, only those which are most clearly linked to the achievement of the Local Government's strategic objectives and Future Plan.*

- *Key Result Areas will be tangible and measurable and within the Employee's area of control and authority.*

Clause 12 of the CEO's contract reads as follows;

12. *REMUNERATION*

12.2.1 The remuneration package referred to in sub-clause 12.1 shall be reviewed annually by Council. A review shall not result in a decrease in the remuneration package.

STRATEGIC IMPLICATIONS

The achievement of Council's Future Plan is related to the performance of the Chief Executive Officer.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The relevant sections of the Local Government Act read, in part, as follows:

5.23. Meetings generally open to the public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) -

(a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

(b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

(2) A contract under this section -

(a) in the case of an acting or temporary position, cannot be for a term exceeding one year;

(b) in every other case, cannot be for a term exceeding 5 years.

(3) A contract under this section is of no effect unless -

(a) the expiry date is specified in the contract;

(b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and

(c) any other matter that has been prescribed as a matter to be included in the contract has been included.

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Regulation 18D:

- *The performance of the CEO be reviewed at least once a year;*
- *The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review. and,*
- *A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

FINANCIAL IMPLICATIONS

Any change in remuneration will have a budgetary impact. The current budget allows for an increase in line with the Town's current Enterprise Agreement.

STAFFING IMPLICATIONS

Annual review of the CEO's performance is a requirement under the LG Act and Regulations.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Mayor

STAFF COMMENT

In July 2012 Council resolved that the Strategic Planning Committee be appointed as the CEO's Contract and Performance Review Panel. The review process is conducted by the Panel under the auspices of the Mayor (whose role is to "*liaise with the CEO on the Local Government's affairs and the performance of its functions*") and it was recommended that evaluation of performance should also invite input from all elected members.

As previously approved, a number of specific Key Result Areas (KRA's) for the CEO were identified and endorsed by Council in October 2012. In accordance with Council's October 2012 resolution, the CEO's performance and remuneration review should be completed by December 2013. Initial contact with Mr John Phillips, Executive Manager WALGA Workplace Solutions has confirmed his availability to once again support Council and the Review Panel with facilitation and professional advisory services. As with previous years the review process will allow "the opportunity for elected members to meet with the facilitator to provide feedback" and this has been discussed with Mr Phillips for inclusion in the review process.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Rowell

THAT Council

- 1. Confirm the appointment of the Strategic Planning Committee as the CEO's Contract and Performance Review Panel with its role/responsibility being to;**
 - a. Conduct the CEO's annual performance review based upon the performance objectives set for 2013 with the process to include the opportunity for elected members to meet with the facilitator to provide feedback.**
 - b. Make recommendations to Council on the CEO's contract, remuneration and performance objectives for 2014.**
- 2. Invite a representative from WALGA's Workplace Solutions to join the panel to provide independent facilitation and professional advisory services.**

Carried 4/0

10.1.2 SCULPTURE BY THE SEA MEMORANDUM OF UNDERSTANDING 2013

File Ref: SUB/1420
Attachments: [CONFIDENTIAL – MOU](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 21 August 2013
Author Disclosure of Interest Nil

SUMMARY

Council has received an updated Memorandum of Understanding (MOU) from Sculpture by the Sea Inc, for the period 2014 - 2016. This report recommends that Council note some minor amendments to the MOU and authorises the CEO to sign the Memorandum of Understanding for Sculpture by the Sea on behalf of Council.

BACKGROUND

Council has had two *three year* Memorandum of Understanding (MOU) with Sculpture by the Sea covering the periods 2007-2009 and 2010-2013. Sculpture by the Sea has presented Council with a new MOU for the 2014 event and the following two (2) years.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Beach and Acquisition of Artworks policies apply.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Consultation has taken place between Council staff and Sculpture by the Sea Organisers.

STAFF COMMENT

The proposed Memorandum of Understanding presented to Council has a few changes from the previous MOU as follows;

1. An increase to the number of sculptures from 60 to “*in excess of 70*” with security being in place 24 hours a day for the duration of the exhibition, via exhibition site crew and contracted security company.
2. An increase *up to three* fete stalls to act as information and catalogue sales booths.
3. To have exclusive rights to engage the public by the Exhibition’s sponsors.
4. Exclusive right to engage in commercial activities on the beach and foreshore (excluding permanent businesses) in the Sculpture by the Sea display area.
5. Contribution for the purpose of assisting with operational aspects of the exhibition including signage, additional public toilets and/or publicity costs.
6. Sole right to stage public sculpture exhibitions in the Municipality from the date of the agreement until a period of three years after the expiration of the agreement.
7. Support of Sculpture by the Sea’s request to PTA to approve signage at the Cottesloe train station promoting Cott Cat and park and ride.
8. Consultation and assistance with addressing the need for additional public car parking.

Changes have been made to protect the Event and to ensure Sculpture by the Sea Inc maintain a well organised and well funded event for the future. Staff have also recommended that a plan/map of the area be attached to the MOU.

VOTING

Simple Majority

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Morgan, seconded Cr Walsh

In accordance with Standing Orders 15.10 “That the Council meets behind closed doors – Effect of Motion” (LG Act s5.23(2)) that Council discuss the confidential report behind closed doors.

Carried 4/0

Members of the public and media were requested to leave the meeting at 7:30 PM.

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Rowell

That Council endorse the Memorandum of Understanding with Sculpture by the Sea Inc. and authorise the CEO to sign the Agreement on behalf of Council.

AMENDMENT

Moved Mayor Morgan, seconded Cr Rowell

That these words be added after the words “on behalf of Council” ‘subject to Sculpture by the Sea Inc being provided with the opportunity to allow the MOU to be extended from three (3) to five (5) years.’

Carried 4/0

COMMITTEE RECOMMENDATION

That Council endorse the Memorandum of Understanding with Sculpture by the Sea Inc. and authorise the CEO to sign the Agreement on behalf of Council subject to Sculpture by the Sea Inc being provided with the opportunity to allow the MOU to be extended from three (3) to five (5) years.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 4/0

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Morgan, seconded Cr Rowell

In accordance with Standing Orders 15.10 “That the Council meets behind closed doors – Effect of Motion” (LG Act s5.23(2) the meeting was re-opened to the staff, members of the public and media at 7.35PM.

Carried 4/0

The Media returned to the meeting at 7:35 PM.

The Mayor read aloud the Council Resolution.

10.1.3 POLICY REVIEW – DEFENCE RESERVIST LEAVE

File Ref: POL/55
Attachments: [Defence Reservist Leave Policy](#)
Responsible Officer: Carl Askew
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 21 August 2013
Author Disclosure of Interest Nil

SUMMARY

This report recommends that Council to note the review of the Defence Reservist policy, noting there is one minor wording change made to the policy.

BACKGROUND

A process of review and update for all Council policies has been implemented by the Administration and policies are being presented to Council as they are reviewed for endorsement.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

This item relates to the review of a Council Policy.

STATUTORY ENVIRONMENT

The Defence Reserve Service (Protection) Act 2001

FINANCIAL IMPLICATIONS

Nil at this point in time as there are no staff involved with the Australian Defence Reserves.

STAFFING IMPLICATIONS

Nil at this point in time as there are no staff involved with the Australian Defence Reserves.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. Aside from the national interest being better served, the intended policy is more of a staffing or administrative nature

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council adopt the Policy on Defence Reservist Leave as attached to the Strategic Planning Committee Agenda of 21 August 2013.

Carried 4/0

10.1.4 POLICY REVIEW – STAFF GIFT

File Ref: POL/66
Attachments: [Staff Gift Policy](#)
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 21 August 2013

Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe policy for Staff Gifts has been amended by Council staff. This report recommends that Council adopt the policy, noting some minor changes have been recommended.

BACKGROUND

A process of review and update for all Council policies has been implemented by the Administration and policies are being presented to Council as they are reviewed for endorsement.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

This item relates to the amendment of a Council Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995 (S. 5.50. Payments to employees in addition to contract or award).

FINANCIAL IMPLICATIONS

The changes to the gratuity amount only reflect the increase of the inflation rate since the policy was last updated in 2007.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Rowell

THAT Council adopt the updated Policy on Staff Gift as attached to the Strategic Planning Committee Agenda of 21 August 2013.

Carried 4/0

10.1.5 2013 NATIONAL LOCAL GOVERNMENT HUMAN RESOURCE CONFERENCE

File Ref: SUB/1631
Attachments: [2013 National HR Conference.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Lydia Giles
Executive Officer
Proposed Meeting Date: 21 August 2013
Author Disclosure of Interest This report recommends Executive Officer attends the conference

SUMMARY

This report recommends Council endorse the Town's Executive Officer to attend the National Local Government HR Conference from 6-8 November, 2013.

BACKGROUND

This conference is a being coordinated by the Local Government Association of Queensland on behalf of all the state Local Government Associations. The conference has been designed by Local Government practitioners for Local Government, including the WA Local Government Association (WALGA), for its members. It will seek to address issues and challenges that the local government sector finds itself facing from an increasingly demanding constituency and reformist state and federal governments, amidst times of unprecedented and growing financial pressures and continuing change.

STRATEGIC IMPLICATIONS

Fosters staff knowledge and skills.

POLICY IMPLICATIONS

Council's *Conferences Seminars and Training Policy* adopted in July 2012 applies.

Policy Extract:

- *The Town will fund attendance at conference and seminars in order to provide regular opportunities for all employees of the Town to upgrade and enhance their skills and knowledge.*
 - *At the recommendation of the relevant Manager and the Chief Executive Officer a council approval shall be sought prior to employee's attendance at conferences and seminars outside of Western Australia by referral to the Works and Corporate Services Committee for recommendation to Council. The authority which is sought must specify the associated costs including whether or not accommodation or travelling expenses are sought.*
 - *Managers and the Chief Executive Officer must ensure that when approving an employee's request to attend a conference or seminar that the necessary budgetary allocations have been made and the course has been included within the training and development section of employees performance review.*
-

- *The Chief Executive Officer will require a report to be submitted to Council following attendance at a conference or seminar to assess the value of such attendance and expenditure.*

The Town of Cottesloe will cover the costs of attendance including the following:

- *Registration and other associated administrative fees;*
- *Return economy airfare (if air travel is required) and/or*
- *other necessary transport costs; and*
- *Reasonable accommodation costs and living expenses.*

Where possible, expenses are to be prepaid. All expenditure is to be accounted for prior to reimbursement

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The estimated cost of registration, accommodation, meals and travel for the conference is \$2,500 and can be met by the Training and Conferences budget for training and conferences in 2013/14. Early bird registration is available until 30 September 2013 and will be utilised if approval is granted.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

Councils, especially small councils such as Cottesloe, are necessarily and understandably looking to their corporate entities for ways to improve efficiencies and enhance productivity through organisational change, innovation and maximum performance of the organisation. This conference will address what these challenges mean and entail for the management of Council's workforce for the benefit of human resources, industrial relations, learning and developments, and workforce health and safety. The conference will contain a broad spectrum of presentations, workshops and discussions to assist Councils maximise their workforce management to achieve their business and service objectives.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council approve the attendance of the Town's Executive Officer at the National Local Government HR Conference 2013 from 6 – 8 November 2013 and request that a report on the conference be provided within two months of attending the event.

Carried 4/0

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

12.1 ELECTED MEMBERS

Nil.

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil.

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:35 PM.

CONFIRMED MINUTES OF 23 August 2013 PAGES 1 – 20 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /