



CITY OF BAYSWATER

URGENT BUSINESS

FOR THE ORDINARY COUNCIL MEETING

24 March 2020

- Item 13.1 Terms of Reference – COVID-19 Advisory Committee**
- Item 13.2 Local Emergency Management Arrangements**
- Item 13.3 Appointment of Acting Chief Executive Officer**
- Item 14.1.1.2 Lease – 271 Collier Road, Bayswater**

13.1 Terms of Reference - COVID-19 Advisory Committee

Responsible Branch:	Governance and Organisational Strategy	
Responsible Directorate:	Corporate and Strategy	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	1. Terms of Reference	
Refer:	Item 8.1: SPC 18.3.2020	

SUMMARY

For Council to consider terms of reference for the COVID-19 Advisory Committee.

OFFICER'S RECOMMENDATION

That Council adopts the draft COVID-19 Advisory Committee Terms of Reference outlined in Attachment 1 to this report.

BACKGROUND

The *Local Government Act 1995* (Subdivision 2), allows a Local Government to establish a committee of three or more persons to assist the Council in relation to specific matters.

At the Special Council Meeting on 18 March 2020 which considered measures in connection with the COVID-19 pandemic, Council adopted a number of measures including:

‘...’

8. *Approves the establishment of the COVID-19 Advisory Committee to respond to the current COVID-19 pandemic as follows:*
 - (a) *The Terms of Reference for this Committee to be prepared by the Chief Executive Officer and presented to Council for approval.*
 - (b) *The appointment of the following members to the Committee:*
 - (i) *Cr Dan Bull, Mayor;*
 - (ii) *Cr Filomena Piffaretti, Deputy Mayor;*
 - (iii) *Cr Catherine Ehrhardt;*
 - (iv) *Cr Sally Palmer; and*
 - (v) *Cr Steven Ostaszewskyj.*
 - (c) *The appointment of all Councillors who are not Members of this Committee as Deputy Members to the Committee. If a Member is unable to attend a meeting, the order of appointment of the Deputy at that meeting will be based on:*
 - (i) *Councillor of the same Ward as the Member of the Committee; and*
 - (ii) *Length of service*
 - (d) *The Chief Executive Officer and his nominated delegates.’*

The urgent establishment of this committee is seen as crucial to enable a forum for consistent updates to Elected Members on the evolving COVID-19 coronavirus situation.

EXTERNAL CONSULTATION

No consultation has occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

The draft COVID-19 Advisory Committee Terms of Reference are included at Attachment 1 for Council's consideration. The Terms of Reference address the requirement of Council to have the ability to initiate urgent actions by the City to support the community in dealing with the global pandemic associated with COVID-19. In this regard, Council may wish to consider granting delegated authority to the Committee. Should delegation be considered necessary, an absolute majority is required.

In light of the time critical nature of the issue and noting that the situation is changing on a rapid basis, it is envisaged that the Committee will meet regularly and at short notice. Given these tight time frames and potential urgency of meetings, agendas and minutes will be produced in accordance with the requirements of the Local Government Act 1995 (WA), however all officer reports will be presented as items of urgent business with brief reports. Relevant City officers will be in attendance at the meetings to speak to the items and elaborate as required.

LEGISLATIVE COMPLIANCE

- *Local Government Act 1995 (WA)* – Sections 5.8 – 5.11, 5.15, 5.19, 5.20 – 5.22 – Establishment of Minor Committee

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council adopts the draft COVID-19 Advisory Committee Terms of Reference outlined in Attachment 1 to this report.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Moderate
Conclusion	As outlined in the report, the Draft Terms of Reference are required as part of the Council resolution to establish the COVID-19 Advisory Committee. It is noted that a moderate service delivery and financial risk also exists, as resources may need to be diverted from other projects to respond to COVID-19. A moderate Organisational Health and Safety risk has been identified given the current and emerging restrictions regarding gatherings from the Federal Government.	

Option 2	Council adopts the draft COVID-19 Advisory Committee Terms of Reference as outlined in Attachment 1 to this report with amendment(s) as determined by Council.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Risks will be dependent on the amendment(s) determined by Council.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	

Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	The risks associated with this option are dependent on the amendment(s) determined by Council.	

FINANCIAL IMPLICATIONS

Council should note that the establishment of a committee comes at a cost to the City, primarily comprising officer time in preparing reports and agendas, attending meetings and taking and preparing minutes. Council should balance these costs against the additional responsiveness and flexibility in meeting frequency that a Committee can provide.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Leadership and Governance
Aspiration: Open, accountable and responsive service.
Outcome L1: Accountable and good governance.
Outcome L2: Proactively communicates and consults.
Outcome L3: Strong stewardship and leadership.

CONCLUSION

A Committee is established by Council to consider particular matters and provide advice and recommendations to Council. It is considered an important governance function for Council to adopt a Terms of Reference for any Committee formed to ensure the Committee is operating and considering matters intended by Council. Adopting the Terms of Reference provides this governance function.

Attachment 1

Terms of Reference – COVID-19 Advisory Committee

61 Broun Avenue, Morley WA 6062 | P: 9272 0622 | F: 9272 0665 | mail@bayswater.wa.gov.au | www.bayswater.wa.gov.au



Meeting occurrence:	As required
Day of Meeting:	As required
Time of Meeting:	As required
Location of Meeting:	City of Bayswater, Civic Centre, 61 Broun Avenue Morley WA 6062
Liaison Officer:	Chief Executive Officer
Purpose of Committee:	To consider urgent measures that require Council direction in relation to the COVID-19 Coronavirus pandemic.
Role of Representatives	<p>The roles and responsibilities of the City of Bayswater representatives on this Committee are:</p> <ul style="list-style-type: none">• Member in own right; and• Spokesperson for City of Bayswater.
Elected Members:	<ul style="list-style-type: none">• Cr Dan Bull, Mayor;• Cr Filomena Piffaretti, Deputy Mayor;• Cr Catherine Ehrhardt;• Cr Sally Palmer; and• Cr Steven Ostaszewskyj <p>The appointment of all Councillors who are not Members of this Committee as Deputy Members to the Committee. If a Member is unable to attend a meeting, the order of appointment of the Deputy at that meeting will be based on:</p> <ul style="list-style-type: none">(i) Councillor of the same Ward as the Member of the Committee; and(ii) Length of service
Non-Voting Members:	<ul style="list-style-type: none">• Chief Executive Officer• Director Community and Development• Director Works and Infrastructure• Director Corporate and Strategy
Terms of Membership	The term of the Committee is from the date the Committee was established until COVID-19 Coronavirus is not a direct threat to the City of Bayswater community.
Delegated Authority	Nil.
Sitting Fees	Nil (included as part of the annual Sitting Fees paid to Councillors).

13.2 Local Emergency Management Arrangements (LEMA) 2020

Responsible Branch:	Environmental Health	
Responsible Directorate:	Community and Development	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	Confidential Attachment 1. City of Bayswater Local Emergency Management Arrangements.	
Refer:	Item 12.3.2.1: OCM 25.06.2013	

Confidential Attachment(s) - in accordance with Section 5.23(2) (b) of the Local Government Act 1995 – personal affairs of any person.

SUMMARY

For Council to endorse the updated City of Bayswater Local Emergency Management Arrangements (LEMA) as endorsed by the City of Bayswater Local Emergency Management Committee (LEMC) on 3 March 2020.

OFFICER'S RECOMMENDATION

That:

1. Council endorses the City of Bayswater Local Emergency Management Arrangements (LEMA), as detailed in Attachment 1 to this report.
2. The City submits the endorsed LEMA to both the District and State Emergency Management Committees to be "noted" as per the Western Australian State Guidelines.

BACKGROUND

Local Emergency Management Arrangements (LEMA)

Under the *Emergency Management Act 2005*, local governments are required to have local emergency management arrangements. Effective local government emergency management arrangements enhance the community's resilience and preparedness for emergencies through strategies that apply prevention/mitigation, preparedness, response and recovery measures.

In addition to ensuring that an effective LEMA is in place, each local government is required to establish and maintain a Local Emergency Management Committee (LEMC). The LEMC is to provide advice and guidance to the local government relating to the development, maintenance and testing of their local emergency management arrangements (LEMA).

The term *Local Emergency Management Arrangements (LEMA)* refers to the collection of all of the emergency management documentation, systems, processes, agreements and memorandums of understanding which affect the local government district. The LEMA is the overarching document and associated sub-plans which the local government is responsible for developing, maintaining and testing.

Local Governments via their LEMC are required to formally review their LEMA every 5 years or at any other time local government considers it necessary. The approval process requires local government to have their LEMA "Noted" by both the District Emergency Management Committee (DEMC) and the State Emergency Management Committee (SEMC).

Review and Update Process

The existing LEMA was approved by Council in 2013 and was structured on guidelines provided by the State Emergency Management Committee (SEMC) at that time. A full review of the LEMA commenced in 2018, however, the review was subsequently postponed by agreement with the Department of Fire and Emergency Services (DFES) District Emergency Management Advisor to allow local government to focus on the State Risk Project Local (i.e. Emergency Risk Management Assessments).

Notwithstanding the delay, much of the existing LEMA was converted to a more modular design with 'take-away' sections (i.e. Annexures) for use in certain situations and requiring more regular review and update. This was consistent with the SEMC's revised *Local Emergency Management Arrangements Guide and Model* document. (Version 4, 2016)

The new updated 2020 LEMA has been prepared by the City's Emergency Management Officer with support from the LEMC and supporting agencies. The community of the City of Bayswater were also consulted and given the opportunity (via Engage Bayswater) to provide comment and input into the arrangements.

The result is a set of LEMA's that are compliant, effective and contemporary and based on best practice principles.

New 2020 LEMA

The City of Bayswater's LEMA has now been reviewed and updated in accordance with SEMC LEMA Guidelines and Model document. It has been designed with modular components as suggested in the SEMC document.

The new updated LEMA comprises seven parts. Parts one to six primarily contain City of Bayswater's overarching strategic and policy arrangements. Part seven comprises four appendices and five annexures. The annexures are the modular component as each are stand-alone plans and/or documents in their own right and are subject to either quarterly or annual review and update. In summary the new LEMA 2020 comprises the following contents:

Local Emergency Management Arrangements

Part One	Introduction
Part Two	Managing Risks
Part Three	Coordination of Emergency Operations
Part Four	Evacuation and Welfare
Part Five	Recovery
Part Six	Exercising, Reviewing and Reporting
Part Seven	Appendices and Annexures

Appendices

Appendix 1	Geographical Map
Appendix 2	Resources Register
Appendix 3	Risk Register
Appendix 4	Local Public Warning and Communication Systems

Annexures

Annexure 1	Local EM Plan - Provision of Welfare (DC)
Annexure 2	Emergency Welfare and Evacuation Centre Plan
Annexure 3	Local Recovery Plan
Annexure 4	Emergency Response Guide
Annexure 5	Emergency Contact Directory

EXTERNAL CONSULTATION

The LEMA was developed through consultation with members of the LEMC and also the community (via Engage Bayswater).

OFFICER'S COMMENTS

The City of Bayswater LEMA 2020 complies with the *Emergency Management Act 2005*, State Emergency Management policies, plans, procedures and other guidelines. It has been developed on best practise principles and at the same time addresses the specific needs of the City of Bayswater.

It has been endorsed by the City of Bayswater LEMC and will be forwarded to DEMC and SEMC for "notation", following endorsement by Council.

Given that a State of Emergency has recently been declared within Western Australia and that the State government has activated its Pandemic Plan (which requires that local government authorities have effective local emergency management arrangements that are prepared and maintained for their districts); Council endorsement of the new and updated LEMA 2020 is considered an urgent matter.

LEGISLATIVE COMPLIANCE

A compliant, effective and contemporary LEMA is a requirement under the *Emergency Management Act 2005*, State Emergency Management policies and plans.

The City of Bayswater LEMA 2020 meets this requirement.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That: 1. Council endorses the City of Bayswater Local Emergency Management Arrangements (LEMA), as detailed in <u>Attachment 1</u> to this report. 2. The City submits the endorsed LEMA to both the District and State Emergency Management Committees to be "noted" as per the Western Australian State Guidelines.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is considered a low risk to the City as it has undergone community consultation and been approved by the City's LEMC. In addition, State legislation and Emergency Plans require local governments have a compliant and current LEMA. The LEMA is required to be activated under State Emergency Plans (e.g. State Pandemic Plan)	
Option 2	That Council endorses the City of Bayswater Local Emergency Management Arrangements (LEMA), as detailed in <u>Attachment 1</u> to this report with other amendments as determined by Council.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome

Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	It is considered this option has a moderate strategic, governance, reputational, community and stakeholder and service delivery risk, as the draft LEMA has already undergone community consultation and been approved by the City's LEMC. It is currently unknown if any further amendments to the draft LEMA would pose other risks for the City as they would be dependent upon the amendments made. Any significant amendments may require the document to be reconsidered by the City's Local Emergency Management Committee and may restrict the City's ability to formally activate these arrangements in the meantime.	

FINANCIAL IMPLICATIONS

No financial implications are applicable:

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Leadership and Governance
Aspiration: Open, accountable and responsive service
Outcome L1: Accountable and good governance

The City's Local Emergency Management Arrangements are a legislative requirement under the *Emergency Management Act 2005* and are important in regards to enhancing resilience and preparedness for emergencies.

CONCLUSION

Option 1 is recommended as the preferred option, as the City's LEMA has been reviewed, updated and endorsed by the City's LEMC. To activate these arrangements in the event of an emergency, they need to be endorsed by Council.

The new LEMA 2020 complies with all State legislative requirements and is a critical resource in the event the city experiences a significant emergency or disaster.

13.3 Appointment of Acting Chief Executive Officer

Applicant/Proponent:	City of Bayswater	
Responsible Directorate:	Office of the CEO	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	Nil.	
Refer:	Item 10.5.1.2: OCM 9.4.2019	

SUMMARY

Following the announcement by the Prime Minister, the Hon. Scott Morrison on 15 March 2020 that all international arrivals to Australia will be required to self-isolate for 14 days due to the coronavirus (COVID-19) pandemic, Council will be required to appoint an Acting Chief Executive Officer (CEO) for a two week period.

OFFICER'S RECOMMENDATION

That Council appoints Mr Des Abel as Acting Chief Executive Officer for a period starting 6 April 2020 and ending when the Chief Executive Officer returns to the City.

BACKGROUND

At the Ordinary Council Meeting held 9 April 2019, Council adopted the recommendation made by the Chief Executive Officer Review Committee on 26 March 2019, and approved the CEO annual leave from 13 March to 3 April 2020 (inclusive) and the Director Community and Development (Mr Des Abel) being the Acting CEO during this period. Early leave approval was sought to enable appropriate planning for overseas travel.

In December 2019, a pneumonia of unknown cause was detected in Wuhan, China.

On 30 January 2020, the outbreak was declared a Public Health Emergency of International Concern by the World Health Organisation. The virus was found to originate from the coronavirus family of viruses.

On 11 February 2020, the World Health Organisation announced that the new coronavirus would be called 'COVID-19'.

On 11 March 2020, the World Health Organisation declared the COVID-19 outbreak a 'pandemic'.

On 15 March 2020, the Prime Minister of Australia, the Hon. Scott Morrison announced that all international arrivals to Australia will be required to self-isolate for 14 days upon arrival.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

The City's CEO is currently overseas, scheduled to return to Australia on 31 March 2020. In accordance with the restrictions announced by the Prime Minister, the CEO will be required to self-isolate and will not be able to return to the City until, at the earliest, 14 April 2020.

In accordance with the Temporary Employment or Appointment of a CEO Policy, adopted by Council on 29 October 2019, the following provisions apply in relation to the appointment of an Acting CEO:

‘ ...

4. ... the CEO shall have discretion to appoint an Acting CEO, subject to availability and operational requirements, for a period not exceeding four weeks. All such appointments are to be advised to Council.
5. For CEO leave exceeding four weeks, whether planned or unplanned, Council approval shall be required for appointment of an Acting CEO.’

As the CEO's leave will be extended to a period exceeding four weeks due to unplanned self-isolation, Council approval is sought for the appointment of an Acting CEO.

LEGISLATIVE COMPLIANCE

Temporary Employment or Appointment of a CEO Policy

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council appoints Mr Des Abel as Acting Chief Executive Officer for a period starting 6 April 2020 and ending when the Chief Executive Officer returns to the City.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is considered to be low risk as Mr Abel is a director within the City and has been Acting CEO since 13 March 2020. Mr Abel has experience acting in the role of Chief Executive Officer and can continue to provide leadership to the City.	

Option 2	That Council appoints _____ as Acting Chief Executive Officer for a period starting 6 April 2020 and ending when the Chief Executive Officer returns to the City.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is considered to be low risk as the City's other directors also have Acting CEO experience and would be able to provide appropriate leadership to the City during this period.	

Option 3	That Council does not appoint an Acting Chief Executive Officer for a period starting 6 April 2020 and ending when the Chief Executive Officer returns to the City.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	High
Reputation	Low	High
Governance	Low	High
Community and Stakeholder	Moderate	High
Financial Management	Low	High
Environmental Responsibility	Low	High
Service Delivery	Low	High
Organisational Health and Safety	Low	High
Conclusion	This option is considered to be high in risk. It is considered essential for the City to have active leadership, particularly during this time when the City needs to be responsive to changing community needs caused by the COVID-19 virus.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Leadership and Governance
Aspiration: Open, accountable and responsive service
Outcome L3: Strong stewardship and leadership

CONCLUSION

Council approval is sought for the appointment of an Acting CEO due to the requirement for the CEO to self-isolate upon his return to Australia for a period of 14 days, which exceeds four weeks of leave and requires Council approval.

14.1.1.2 Lease - 271 Collier Road, Bayswater

Responsible Directorate:	Works and Infrastructure	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority	
Refer:	Item 16.3.1 OCM 25.08.15 Item 9.3.10 CTFCS 19.04.17 Item 10.6 OCM 27.06.17 Item 13.1.1 OCM 15.05.18 Item 13.1.1 OCM 16.10.18 Item 14.1.1 OCM 28.05.19 Item 10.3.2 OCM 25.06.19 Item 14.1.1 OCM 05.11.19 Item 10.3.4 OCM 03.12.19	

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (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;*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,**where the trade secret or information is held by, or is about, a person other than the local government;*

OFFICER'S RECOMMENDATION

That the recommendation as contained in the attached '*Confidential Report*' be adopted.