



**BRRAG**

**Belmont Resident and Ratepayer Action Group Inc.**

*“To provide an effective voice for the people of Belmont”*

11 January 2021

Mayor and Councillors  
City of Belmont

Dear Mayor and Councillors

At the Ordinary Council Meeting of 15 December 2020, we again asked questions relating to the gratuity payments. The questions were taken on notice. As of the time of writing, we have not got a response. The response from the Officers to our questions on notice, excluded all questions relating to gratuity payments.

On this basis, you are unable to see what is in the unconfirmed minutes that are on the website regarding the gratuity questions. Therefore I would like to inform you of the following which was part of my preamble to the questions asked.

Our existing policy allows for around \$26-\$28 000 which is outside the \$5000 maximum payment set by Section 19A of the Local Government Administration Regulations 1996  
[http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/wa/consol\\_reg/lgr1996443/s19a.html](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/wa/consol_reg/lgr1996443/s19a.html)

I received advice from the Fair Work Commission regarding the current Enterprise Bargaining Agreement, with respect to clause 23 Gratuity Payments. Perhaps you would be interested in listening to exactly what I asked and read out on the recording. I stated under S210 of the Fair Work Act 2009 it could be removed or varied and asked if Mr Christie was aware of this. He took that question on notice as well.

The advice was as follows:

***“If the Council wishes to apply to vary the agreement to remove or amend the Gratuity pay provision they may do so under s.210 of the Fair Work Act 2009. We can assist with that process or more information is available on our website at [Vary an agreement](#), noting that an application may only be made by a person covered by the agreement. Similarly the Fair Work Commission has no power to terminate an agreement on its own motion; an application to terminate must be made by the employer and/or a current employee covered by the agreement”***

This means that CEO John Christie, as the employer on behalf of the City of Belmont can make this application. By not doing so, you are knowingly acting outside of the requirement of the Local Government Administration Regulations 1996. *Is there any responsibility on councillors now you have been provided with the information. for making no attempt to address the situation?*

We have been trying to get you to act for sometime in this matter. To date based on the previous response from the Mayor when we requested a review of the gratuity policy, it would seem no one

is interested. We sent you a copy of his letter so you were all aware of his response and requested if you did not agree with him to let us know. No one responded, so it is assumed you all agreed with his response.

*In accordance with the Charter, we request a response from you within ten working days to this letter. Please include following up as to why we have not got a response to date on our questions on gratuity which were taken on notice from the December meeting. Is there a particular reason they were **all** omitted in the response I got to other questions on notice?*

It appears that we are going to get nowhere within the City of Belmont and we will have to take this matter outside the City. Fortunately this has been well documented.

Please be advised a copy of this letter and your response will be made public to the residents of Belmont.

Kindest regards  
BRRAG Committee.