

Council Ref : 11/013
Customer Ref :
Enquiries : J.Christie

CITY OF BELMONT
215 Wright Street
(LMB 379) Cloverdale
Western Australia 6105

All communications
to be addressed to:
The Chief Executive Officer
LMB 379 Cloverdale
Western Australia 6985

11 November 2020

Ms Lisa Hollands
Chair
Belmont Residents and Ratepayers Action Group Inc.
PO Box 73
CLOVERDALE WA 6105

Dear Ms Hollands

Response to Questions Taken on Notice - Ordinary Council Meeting 27 October 2020

Thank you for your questions placed before Council at its meeting held 27 October 2020, and subsequently taken on notice. Our records show the questions as listed below and for your convenience the City's response follows:

At the last Council Meeting, I asked questions about the \$1m Gratuity Payments. I read out Section 5.50, which stated the payments must not be more than that prescribed by the Regulations. I asked why the City was paying leaving staff more than the prescribed amounts and cited two recent cases of payments of \$125,000 and \$45,000. Following the City's response, what is the point of Council having a policy on Gratuity Payments when it does not have legal effect and how much does it cost residents to create such a policy?

Response: It is a requirement under the Local Government Act to have a Council Policy which at the City has legal effect on any proposed payments to staff that fall outside of the Gratuity Payment arrangements. There are no direct costs to residents for the creation of this Council Policy.



On receiving the City's response, I have done my own investigation on Gratuity Payments. Given there is WA Legislation by way of the Local Government Act 1995, I have been advised by the Fair Work Ombudsman that because this part of the employment contract is inconsistent with State laws, that part is ultra vires.

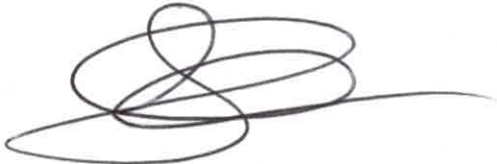
We pay an exorbitant amount of money to employ officers in Human Resources, Governance and the CEO. Did anyone at the City of Belmont know this scheme may not be legal or outside the scope of ability to include it and if not, why not?

Response: At the time that the Local Government Act was changed with regard to these kinds of payments advice was taken with regard to the City's legal position taking into account all matters relevant to the issue. Action taken to date is in accordance with this advice.

This response will be reported at our next Council meeting scheduled for 24 November 2020.

I hope that the above information has clarified Council's position.

Yours faithfully

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

JOHN CHRISTIE
CHIEF EXECUTIVE OFFICER