



City of Perth

Governance Framework



Adopted by Council: [Click or tap to enter a date.](#)

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Introduction

The City of Perth is committed to being a leader in good governance. Providing good government for the State's capital city requires the City to demonstrate good governance, underpinned by a strong and effective governance framework. Good governance is critical for ensuring:

- decisions are made in the interests of the community and its stakeholders;
- compliance obligations are met;
- Council and the Administration act ethically; and
- decision-making at all levels is responsive, inclusive, participatory and representative.

The Governance Framework brings together the relevant legislation, processes, systems, roles and relationships to provide four foundations for achieving excellence in governance at the City of Perth:

1. Strategy and leadership.
2. Roles and responsibilities.
3. Transparent decision-making.
4. Accountability and performance monitoring.

Good governance requires a clear understanding of responsibility and accountability. The Governance Framework facilitates this by outlining:

- the information used to guide decision-making;
- the role of Council, Council Members and the Administration;
- how and when decisions are made; and
- how the City is accountable for its actions.

By implementing the Governance Framework, the City will:

- continue to develop a culture of good governance;
- provide clear guidelines for the roles of Council, the CEO and employees, and ensure that all responsibilities are properly allocated and discharged by those accountable; and
- assist Council and the CEO to deliver good governance.

Definitions

Term	Definition
Act	The <i>Local Government Act 1995</i> (WA).
Administration	City of Perth employees, including the Chief Executive Officer.
Annual Budget	A budget for a local government's municipal fund in the form and manner outlined in the Act.
Annual Report	A report prepared by a local government for each financial year in accordance with the requirements of the Act.
Asset Management Plan	A plan that identifies the asset maintenance and renewal required to deliver services at desired levels over a four-year period and sets out the City's approach to asset management.
Capital Works Program	Detailed information on a local government's capital works projects.
CEO	The Chief Executive Officer. They are the most senior employee in the Administration, and directly accountable to Council.
City	The City of Perth body corporate, including Council and the Administration.
City of Perth Act	The <i>City of Perth Act 2016</i> (WA).
Committee	A committee of Council established under the Act.
Community	Ratepayers, residents, occupiers, property owners, visitors and businesses within the City's district.
Corporate Business Plan	A four-year plan, which is reviewed and updated on an annual basis, detailing how the City will deliver the strategic priorities of the Strategic Community Plan.
Council	The Council of the City of Perth.
Council Meeting	A formal meeting of Council conducted in accordance with the Act and the <i>City of Perth Standing Orders Local Law 2009</i> .
Council Member	An elected representative of the City of Perth Council in accordance with the Act, including the Lord Mayor.
Councillor	A person who holds the office of councillor on the Council in accordance with the Act, not including the Lord Mayor.
ELT	Executive Leadership Team.
Employee	A person employed by the City of Perth in accordance with the Act.
Framework	The Governance Framework (i.e. this document).
General Manager	A senior position in the Administration directly responsible to the Chief Executive Officer.
IPRF	The City's Integrated Planning and Reporting Framework.
LDAP	Local Development Assessment Panel.
Long Term Financial Plan	The plan summarising the financial impacts of the strategic priorities of the Strategic Community Plan. The plan is a rolling ten-year financial blueprint that projects the City's financial position forward to guide the City's approach to achieving the best value outcomes and enable Council to understand the financial impacts of its decisions.

Term	Definition
Lord Mayor	The Lord Mayor of Perth. They are the person elected by the City's electors to hold the position as the leader of the City.
Presiding Member of Council	A role held by the Lord Mayor or Deputy Lord Mayor, which is critical to ensuring all Councillors participate and collaborate in the decision-making process.
Stakeholders	An individual or group with a vested interest in the City's operations, decisions and/or activities. Stakeholders include, but are not limited to, community members, businesses, industries, government representatives, employees and visitors.
Strategic Community Plan	The overarching plan that provides direction for all activities that guide the City's decision making.

Local Government in Western Australia

The role of each local government in Western Australia is to provide for the good government of the people in its district. As the closest tier of government to the community, local governments deal with matters that are fundamental to local communities and which can impact significantly on the quality of life of the members of such communities. Each local government is responsible for using its best efforts to meet the needs of current and future generations through environmental protection, social advancement and economic prosperity.

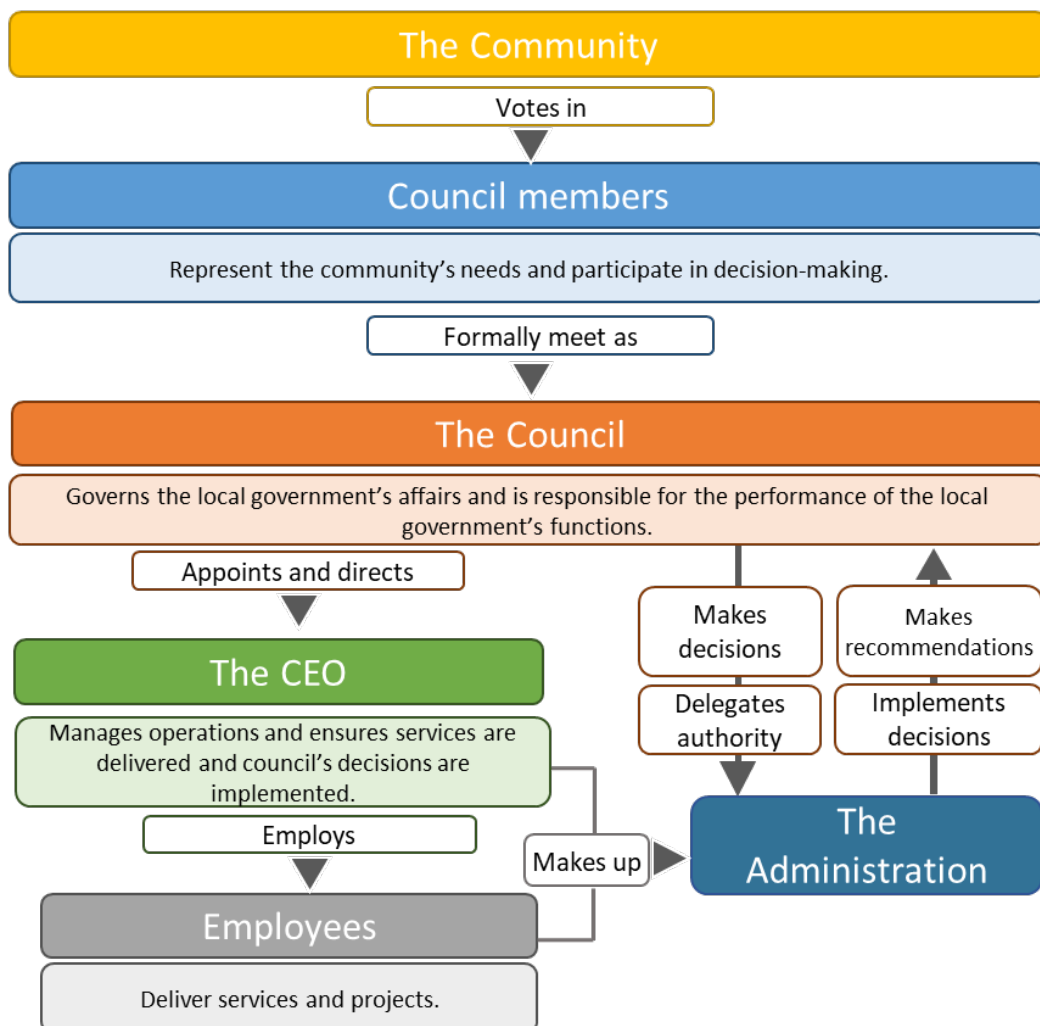
The Act is effectively the constitution for local government in Western Australia. The Act establishes the system of local government in Western Australia and sets out the fundamental structure, purpose, legal powers and responsibilities by which local government functions.

Each local government is a body corporate with the power to deliver services and facilities for the local community. Accordingly, a local government can sue and be sued.

How Does Local Government Work?

A local government is comprised of:

- An elected council, consisting of councillors lead by the mayor or president (except the City of Perth Council, which is led by the Lord Mayor).
- The Administration, consisting of the CEO and employees.



Councillors are directly elected by the people, businesses and landowners of the district through local government elections. Elections are held every two years on the third Saturday in October to fill roughly half the total positions on council for four-year terms.

There are two methods for electing a mayor or president – they are either directly elected by the public at alternating local government elections or they are elected by council from amongst the councillors. The Lord Mayor of the City is elected using the first method.

The roles and responsibilities that make up each element of the City are considered in more detail as part of Foundation Two: Roles and Responsibilities (page 12).

The Role of Local Government

The fundamental roles and functions of all local governments (not specific to the City) are:

- planning and monitoring;
- lawmaking and enforcement;
- policy development;
- service delivery;
- representation; and
- advocacy.

Planning and monitoring

Planning for future community development and wellbeing is a critical role of local governments. The Act requires councils to develop and adopt a series of plans which set the overall direction for the relevant CEO through long-term planning. The Strategic Community Plan, Corporate Business Plan and the Long-Term Financial Plan are key long-term plans that form part of an integrated planning and reporting framework to ascertain the community's needs and set goals to meet them.

Lawmaking and enforcement

Local governments make decisions in areas over which they have legislative authority but cannot duplicate or contradict Commonwealth or State law. Laws made by local governments are called local laws and cover issues ranging from activities permitted on public land, animal management, and the use of facilities or infrastructure. Local governments also enforce laws made by State government in multiple areas including public health and building regulation.

Policy development

The policies of a local government are decisions of Council that provide guidance to the Administration as to Council's position on areas of responsibility.

Service delivery

Local governments must deliver services in the most efficient and effective manner. The Act provides a degree of autonomy to local governments to determine policies about the nature and level of services to be provided.

Representation

Council members represent the interests of the community and facilitate communication between the community and Council.

Advocacy

Local government has a role in advocating on behalf of the community to other levels of government, statutory authorities and other relevant parties.

The Unique Role of the City of Perth

The City of Perth Act recognises Perth as the capital of Western Australia and consequently the special social, economic, cultural, environmental and civic roles and responsibilities this creates for the City as the State's capital city local government. These special roles and responsibilities are in addition to those the City has under the Act and set the City apart from other local governments in Western Australia.

The City of Perth Act sets ten objectives for the City, as listed below:

1. Providing for the good government of persons in the City of Perth, including residents, ratepayers and visitors.
2. Representing the community and encouraging community participation in decision-making.
3. Providing a safe, clean and aesthetic environment for community members, workers, visitors and tourists.
4. Continuously improving the services and facilities that the City provides to the community and to local, interstate and international visitors and tourists.
5. Promoting awareness of the facilities and events that are provided or facilitated by the City and encouraging the community to use these facilities and participate in these events.
6. Initiating and promoting the continued growth and environmentally-sustainable development of the City to ensure its continued role as a thriving centre of business with vibrant cultural and entertainment precincts, while enhancing and protecting its natural environment and having due regard to the flow-on impact on the Perth metropolitan area.
7. Maintaining and strengthening the local, national and international reputation of the Perth metropolitan area as an innovative, sustainable and vibrant global city that attracts and welcomes everyone.
8. Nurturing and supporting the initiatives and innovations of the diverse precincts of the City.
9. Developing and maintaining collaborative inter-governmental relationships at regional, state, national and international levels with a view to developing and implementing strategies for the continued improvement of the City.
10. Striking an appropriate balance among the City's complementary and competing civic, economic, social, cultural and environmental considerations, including considerations relating to visitors and tourists.

If a provision of the City of Perth Act conflicts or is inconsistent with the Act, the City of Perth Act prevails to the extent of the conflict or inconsistency.

Governance in Local Government

What is Governance?

Governance encompasses the concepts of authority, accountability, stewardship, leadership, ethics, values, culture, integrity, transparency, participation and inclusivity. It is the process by which:

- decisions are made and implemented;
- organisations achieve goals; and
- organisations are directed, controlled and held to account.

The Report of the Inquiry into the City of Perth states:

“Governance is the single most significant element of good government. It is essential to a thriving and successful organisation. Governance makes up the structures, rules and processes which direct and control an organisation...and hold people accountable.”

Good Governance

Good governance involves providing:

- clarity in roles and responsibilities;
- robust systems supporting both internal and external accountability;
- public access to information and decision-making processes; and
- a clear vision and positive organisational culture.

Good governance is critical to providing good government for the district, as it promotes community confidence in the Council and holds Council members and the Administration accountable for the decisions made on behalf of the community by the local government.

Good governance in local government requires:

- Council being elected by, representative of, and accountable to the community;
- Council members providing leadership to the community and reflecting the community’s collective aspirations;
- community participation in decision-making;
- policies, procedures and programs that reflect the objectives of the Strategic Community Plan;
- an organisational structure that implements the local government’s goals in accordance with the Strategic Community Plan;
- delivering services which meet the community’s needs;
- compliance with legislative obligations; and
- collaborative inter-governmental relationships at regional, state, national and international levels.

The City of Perth Governance Framework

The City of Perth Governance Framework provides four foundations for good governance at the City:

1. Strategy and Leadership.
2. Roles and Responsibilities.
3. Transparent Decision-making.
4. Accountability and Performance.

Each foundation is made up of three distinct principles, as shown below.

Foundations	Strategy and Leadership	Roles and Responsibilities	Transparent Decision-Making	Accountability and Performance
	<i>A clear vision and strategic plan delivered by holistic and inclusive processes</i>	<i>Clarity in the roles and responsibilities of Council Members, and the Administration</i>	<i>Decision-making processes across the City are open and transparent</i>	<i>Performance is effectively monitored, evaluated, improved and reported on</i>
Principles	Strategic Focus <i>Applying the integrated planning and reporting framework to guide decision-making</i>	Positive Relationships <i>Fostering effective working relationships between Council Members and the Administration</i>	Disclosures <i>Ensuring Council Members and members of the Administration disclose relevant information for decision-making processes</i>	Compliance Management <i>Ongoing commitment to meeting compliance obligations</i>
	Positive Culture <i>Demonstrating commitment to organisational values</i>	Effective Communication <i>Council Members and the Administration are informed and that diverse opinions are heard</i>	Access to Information <i>Providing community access to the information used to inform Council decisions where possible</i>	Risk Management <i>Integrating sound risk management practices into strategic and operational processes</i>
	Engagement <i>Facilitating community participation in decision-making</i>	Role Clarity <i>Striving to ensure roles are clearly delineated and respected</i>	Transparency <i>Going above and beyond legislative transparency requirements</i>	Corporate Performance <i>Reporting on performance against the City's objectives and vision</i>

Foundation One: Strategy and Leadership

A clear vision and strategic plan delivered by holistic and inclusive processes.

Principles

Strategic Focus	Applying the integrated planning and reporting framework to guide decision-making
Positive Culture	Demonstrating commitment to organisational values
Engagement	Facilitating community participation in decision-making

The City's Vision

'Vibrant, Connected, Progressive'

This is the community's vision for Perth and is reflected in the City's Strategic Community Plan. The feedback received from the community is that it wants to be part of a city that is a great place to live, work, visit, study, and invest in. The community wants the city to be seen as a beautiful and connected place that provides vibrant, diverse and friendly experiences.

The City should be seen not only as a place that is bold and progressive in its way of life, but also has a sense of distinctiveness that people can confidently promote.

Integrated Planning and Reporting Framework

The City's Integrated Planning and Reporting Framework (IPRF) aims to align the City's priorities, vision, services and resources with the needs and aspirations of the community it serves. The main components of the IPRF are outlined below.



The three pillars that inform the City’s integrated strategic planning and reporting framework are:



Strategic Community Plan

The Strategic Community Plan provides strategic direction at the highest level over a ten-year period by linking the community’s goals and aspirations with the City’s future vision and long-term strategy.

Corporate Business Plan

The Corporate Business Plan identifies how the City will translate its vision, as well as the needs and aspirations of the community, (as captured by the Strategic Community Plan) into action over a four-year period. It sets out the key projects and services to be delivered and aligns the City’s operations and priorities against the aspirations of the Strategic Community Plan.

Informing strategies

The Strategic Community Plan and Corporate Business Plan are supported by the following informing strategies.

Long term Financial Plan	A rolling ten-year financial blueprint that projects the City’s financial position forward to guide the City’s approach to achieving best value outcomes and enable Council to understand the financial impacts of its decisions.
Asset Management Plan	Identifies the asset maintenance and renewal required to deliver services at desired levels over a four-year period and sets the City’s approach to asset management.
Workforce Plan	Shapes the workforce through strategically allocating employees and planning for future workforce requirements in order to build the City’s capacity and capability to deliver its objectives over a four-year period.
Issue or area specific strategies and plans	Provide more specific and detailed guidance on specific matters, such as the Urban Forest Plan and Cultural Development Plan, or certain areas, such as neighbourhood place plans and the Roe Street Enhancement Masterplan. This is carried out in alignment with the overall IPRF, particularly the aspirations of the Strategic Community Plan.

Annual Planning Processes

Each year, the City undertakes annual planning processes to review, consider, update and operationalise the IPRF. This annual cycle includes the adoption of the annual budget by Council, monitoring implementation of the IPRF, producing the Annual Report, updating the Corporate Business Plan, and adding another year to the Long-Term Financial Plan. The annual budget is based on the City’s Capital Works Program and Corporate Business Plan to enable the City to deliver on its future vision and community needs and aspirations, as outlined in the Strategic Community Plan.

Culture and Values

For any local government to provide good government for its community, a positive culture must exist that promotes openness and honesty; makes accountability and responsibility clear; and encourages questioning throughout the organisation. Values shape an organisation's culture and are the fundamental beliefs the City considers to be important; are relatively stable over time; and have an impact on Council Member and Employee attitudes and behaviour.

Stakeholder Engagement

The City of Perth Act mandates that as the State's capital city local government, the City will move beyond engaging only with property owners, residents and ratepayers and invite input from all users of the city, including visitors, workers and tourists. The City is committed to ensuring that its residents, ratepayers and other stakeholders have the information they need about their capital city and, wherever possible, they have a voice in and access to the decision-making process on matters that impact them.

The City recognises that its stakeholders, including the local community, not only have a right to be heard but also have an extensive pool of knowledge, skills and insight that can be drawn on to deliver even better outcomes for the City.

While there are certain projects that require advertising for public comment under relevant legislation, leading practice engagement requires the City to engage with stakeholders to varying degrees during a project's life cycle. The City has adopted a Stakeholder Engagement Policy which highlights the importance the City places on tailored, effective, transparent and inclusive stakeholder consultation.

By working in partnership with its stakeholders, (including the local community) the City can ensure the State's capital city fulfils its stakeholders' needs and aspirations.

City Neighbourhoods

The City is a vibrant capital city serving the greater Perth community however, the City of Perth district consists of six distinct, and individual neighbourhoods that all have unique identities and a range of attractions and facilities. These neighbourhoods are home for residents, and places where daily life unfolds for many thousands of workers and visitors. To understand the priorities and uniqueness for each neighbourhood, and responding to community needs, the City regularly engages with community members from these neighbourhoods, and has developed individual Neighbourhood Place Plans for better planning and project delivery.

City of Perth Committee

The City of Perth Act establishes a City of Perth Committee to facilitate collaboration between the WA State Parliament and the City. The City of Perth Committee consists of the Premier, the Minister for Local Government, the Lord Mayor, Deputy Lord Mayor, the CEO and the Director General of the Department of Local Government, Sport and Cultural Industries.

The City of Perth Committee plays an important role in identifying and promoting opportunities and strategies to strengthen the economic, cultural, social, physical and environmental development and growth of the Perth CBD and the broader Perth area.

Foundation Two: Roles and Responsibilities

Clarity in the roles and responsibilities of Elected Council Members and the Administration.

Principles

Positive Relationships	Fostering effective working relationships between Council Members and the Administration
Effective Communication	Ensuring Council Members and members of the Administration are informed and that diverse opinions are heard
Role Clarity	Striving to ensure roles are clearly delineated and respected

Roles and responsibilities at the City

The general function of local government as prescribed in the Act is *'to provide for the good government of persons in its district'*. In carrying out this function, the City is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

This general function in conjunction with other expressed powers set out in the Act is the basis of the City's powers. The Act sets out a framework for the way in which local governments are to operate and specifies the roles and responsibilities that are to be undertaken by various parties within a local government.

An understanding and acceptance of the different roles of Mayor, Councillors, CEO and employees, with cooperation between all parties, underpins good governance at the City.

Roles and responsibilities

Council

The City of Perth Council consists of the Lord Mayor and eight Councillors who are each democratically elected by the district. Four of the eight Councillors are elected by the district at each two-yearly local government election. At each alternate election (every four years) the district also elects the Lord Mayor. Following each election, the Deputy Lord Mayor is elected by Council from amongst the Councillors for a two-year term.

Roles

In accordance with section 2.7 of the Act, Council is responsible for:

- governing the City's affairs;
- the performance of the City's functions;
- overseeing the allocation of the City's finances and resources; and
- determining the City's policies.

Governing the City's affairs

This role encompasses strategic planning mechanisms to ensure the continued sustainability of the City, the setting of strategic goals, and the monitoring of the City's performance against these goals.

Performance of the City's functions

Council has ultimate responsibility for the performance of the City's functions. Council can exercise this responsibility through the development of appropriate mechanisms including delegation of authority,

determination of an appropriate organisational structure, the provision of services and facilities, and regular reporting against objectives. Council also appoints and undertakes the annual performance review of the CEO.

Overseeing of the allocation of the City's finances and resources

This role involves overseeing and adopting the City's Long-Term Financial Plan, Annual Budget, Capital Works Program, Workforce Plan and Asset Management Plan. Council is advised by the Administration who are responsible for the development of appropriate financial controls and strategic documents.

Determining the City's policies

Council should adopt and review policies that act as guiding principles for the City's Administration to achieve the objectives of the Strategic Community Plan and guide officers in their decision-making processes.

Functions

The role of Council can be categorised into four key functions:

- | | |
|-----------------------|--|
| Executive | Overseeing the City's executive functions, including adopting and amending plans and budgets. |
| Legislative | Adopting local laws, planning schemes and policies that reflect the objectives of the Strategic Community Plan. |
| Quasi-judicial | Determining applications or matters that directly affect a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include planning applications, building licences, applications for other permits and licences and other decisions that may be appealable to the State Administrative Tribunal. |
| Advocacy | Advocating on its own behalf or on behalf of the community to other levels of government or other agencies. |

The Lord Mayor

The City recognises the significance of the Lord Mayor's leadership role in achieving good governance. The Lord Mayor's role as the City's spokesperson is critical to community trust in the City, and their role as the Presiding Member of Council is crucial to ensuring all Council Members participate and collaborate in the decision-making process.

The Lord Mayor's roles and responsibilities can be categorised as being:

- presiding Member of Council;
- spokesperson for Council;
- external relations;
- civic and ceremonial;
- leadership and guidance; and
- governance.

The Lord Mayor must model good behaviour and ethics in fulfilling the leadership role, which is pivotal in both the pursuit and demonstration of good governance. The position of Lord Mayor is pre-eminent, and they must articulate the views and decisions of the Council when speaking on behalf of the City. The Lord Mayor must put aside their individual views and clearly outline the views of Council in an all-inclusive way.

The City of Perth Act also recognises the special role the Lord Mayor plays at both the State, national and international levels. The Lord Mayor also has the general role of a Councillor under the City of Perth Act.

The Deputy Lord Mayor

The Deputy Lord Mayor may perform the functions of the Lord Mayor if:

1. the office of the Lord Mayor is vacant; or
2. the Lord Mayor is either unavailable, unable or unwilling to perform their functions.

Council Members

The City of Perth Act, the Act and the relevant regulations provide the legislative framework within which the Council Members operate and from where they derive specific details of their roles and responsibilities.

Council Members are to focus on outcomes, policy and strategy and in doing so are expected to:

- represent and advocate on behalf of their constituents at the Council level;
- facilitate communication between Council and the community;
- debate issues in an open, honest and informed manner to assist in the decision-making process;
- keep the entire community in mind when considering and addressing issues and focus on the ‘big picture’;
- educate and involve the community in all local government activities and processes;
- work together, cooperate and respect diversity; and
- model leadership and good governance.

An individual Council Member, unless delegated as part of a Committee arrangement, has no authority to participate in the day-to-day management or operations of the City, including making any form of representation on behalf of the City.

Council Members have no direct authority over employees with respect to the way in which employees undertake their duties.

The Chief Executive Officer

The City also recognises the CEO’s role in managing the organisation to achieve the goals and strategies endorsed by Council, and the CEO is expected to fulfil these duties in such a way that promotes an organisational culture of good governance.

The CEO is responsible for:

- putting in place appropriate systems to achieve accountability and integrity;
- implementing and maintaining a management structure which can achieve Council’s vision and strategic goals;
- ensuring the Administration is staffed by suitably qualified and motivated employees;
- managing employee performance;
- managing relationships; and
- ensuring employees are aware that the Administration works for a democratically elected Council whose decisions form the basis for the Administration’s activities and the services the City provides.

The Administration

Executive Leadership Team

The CEO is supported by the Executive Leadership Team (ELT) comprising of the City’s General Managers that are employed to oversee performance and service delivery in specific operational areas. The objective of ELT,

when it meets as a group, is to provide a forum where matters can be discussed, and decisions are collectively made that will advance the leadership of the City’s corporate operations and activities.

Employees

All employees must act in the best interests of the City and good governance relies on each employee taking individual responsibility as well as being part of a collective team effort. In carrying out their duties, employees achieve good governance when they:

- reflect the City’s values;
- identify and disclose conflicts of interest;
- disclose gifts in accordance with the relevant legislation and the City’s procedures;
- make decisions within the conditions of their delegated authority and keep a record of decisions made; and
- manage and maintain information in accordance with the City’s recordkeeping plan.

Differing Roles of Council and the CEO

The table below sets out the separation of roles between Council in directing and controlling the affairs of the City, and the CEO in managing day-to-day operations.

Council	CEO
Sets direction and strategy	Implements the decisions of Council
Ultimately responsible for the performance of the City’s functions	Provides professional and technical advice to the Council
Decides on matters of policy	Liaises with the Lord Mayor
Oversees the allocation of the City’s finances and resources	Manages the day-to-day operations
Ensures services and facilities are integrated with and do not unnecessarily duplicate other public services	Responsible for the employment and management of employees
Monitors performance through the CEO to ensure efficient and effective service delivery	Prepares reports to Council and makes recommendations based on expert advice
Lord Mayor liaises with the CEO and presides at Council meetings	

Roles and responsibilities under the Act and the City of Perth Act

	The CEO	The Council	
The Act	<ul style="list-style-type: none"> • Advise Council on the City’s prescribed functions • Ensure advice and information is available to Council to inform decision-making • Cause Council decisions to be implemented • Manage the City’s daily operations • Liaise with the Lord Mayor on the City’s affairs and the performance of its functions • Speak on the City’s behalf if the Lord Mayor agrees • Responsible for the employment of other employees • Ensure City records and documents are properly kept in accordance with legislation • Any other functions as specified or delegated by Council or prescribed by law 	<ul style="list-style-type: none"> • Govern the City’s affairs • Responsible for the performance of the City’s functions • Oversee the allocation of the City’s finances and resources • Determine the City’s policies 	
		<p style="text-align: center;">The Lord Mayor and Councillors</p> <ul style="list-style-type: none"> • Represent the interests of electors, ratepayers and residents • Provide community leadership and guidance • Facilitate communication between the community and Council • Participate in decision-making at Council and committee meetings • Any other functions as prescribed by law 	<p style="text-align: center;">The Lord Mayor</p> <ul style="list-style-type: none"> • Preside at Council meetings • Carry out civic and ceremonial duties on the City’s behalf • Speak on the City’s behalf • Liaise with the CEO on the City’s affairs and the performance of its functions • Any other functions as prescribed by law
City of Perth Act 2016		<ul style="list-style-type: none"> • Serve the community’s current and future interests • Participate in determining, overseeing, and regularly reviewing: <ul style="list-style-type: none"> ○ Council’s policies, goals, finances, resource allocation, expenditure and corporate strategies ○ the efficiency, effectiveness, and performance standards of Council’s service delivery • Seek to ensure that when dealing with matters relating to Perth’s capital city status: <ul style="list-style-type: none"> ○ an appropriate balance is struck among economic, social, cultural and environmental considerations ○ the flow-on effects on the broader metropolitan area are considered • Use the City’s objectives to inform Council’s work and decision-making • Participate in achieving a vision for the desired future of the City by setting strategic plans and policies that align with the City’s objectives • Ensure Council discharges its legislative responsibilities 	<ul style="list-style-type: none"> • Act as the City’s ambassador in hosting international delegations and attending civic functions and events (at all levels from local to international) • Carry out civic and ceremonial duties associated with the Lord Mayor’s office • Develop and maintain inter-governmental relationships (at all levels from local to international) to facilitate consistency in policy and strategic direction at all levels of government • Provide leadership and guidance to Council

Ethical Standards and Conduct

Codes of Conduct

The Act requires that every local government prepares or adopts two codes of conduct – one Code of Conduct for Council Members, Committee Members and local government election candidates; and another code of conduct for employees.

The Code of Conduct for Council Members, Committee Members and Candidates is a principles-based document which sets out Council's agreed behavioural expectations and requirements for Council Members, committee members and candidates. The Code of Conduct for Council Members, Committee Members and Candidates is based upon three principles which Council Members, committee members and candidates are expected to use to guide their behaviour:

- Relationship with others.
- Personal integrity.
- Accountability.

Similarly, the Code of Conduct for Employees includes conduct provisions as required by the *Local Government (Administration) Regulations 1996 (WA)*.

Fraud and Corruption

In support of the behavioural expectations stated in the City's Codes of Conduct, the City has developed a Fraud and Corruption Control Policy which states the City's "zero tolerance" position on fraud and corruption. It also details the internal controls in place and the expectations that are placed on Council Members, Committee Members, employees and the broader community, to prevent such activity and to identify and report such activity.

Statement of Business Ethics

The Statement of Business Ethics (SBE) provides guidance on the City's ethical standards and expectations, which must be adhered to by:

- all employees (including contractors);
- Council Members;
- Committee members;
- contractors and goods and services suppliers;
- any potential lessees;
- tenants; and
- applicants for Expressions of Interest (EOI).

It outlines the City's key business principles, practical guidelines, links to legislation and policy documents as well as contact information. Compliance with the SBE is important, as it provides all sectors of the community undertaking business with the City to be treated fairly and ethically. Non-compliance could lead to negative consequences such as termination of contracts, loss of future work with the City as well as an impact to business reputations.

Information management

Recordkeeping Responsibilities

The CEO is responsible for ensuring that the records and documents of the City are properly kept. The City's corporate records are to be managed in accordance with the City's Recordkeeping Plan.

Council Members, employees and contractors are responsible for maintaining complete, accurate and reliable evidence of all business transactions and ensuring all corporate documents are retained within the City's official recordkeeping system at the point of creation, regardless of the format. The City's record keeping practices must be in accordance with a range of legislative provisions such as:

- *State Records Act 2000 (WA)*;
- *Evidence Act 1906 (WA)*;
- *Freedom of Information Act 1992 (WA)*;
- *Local Government Act 1995 (WA)*; and
- *Local Government Accounting Directions 1994*.

Certain corporate records maintained and held by the City are accessible to members of the public in accordance with the processes stated in the *Freedom of Information Act 1992*.

Confidentiality

The City's business involves confidential information, such as information relating to commercial matters and legal issues. The City's Codes of Conduct expressly state that the confidentiality of such information must be maintained unless determined otherwise.

In this regard Council Members, Committee Members, Candidates and employees must not use confidential information to gain an improper advantage for themselves or another person or body. This is consistent with their obligations to:

- act impartially in the public interest; and
- not to improperly cause harm, detriment or impairment to any person, body, Council or the City.

Effective Working Relationships

The Lord Mayor and Councillors

The relationship between the Lord Mayor and Councillors is critical to good governance. An effective relationship will help to promote the successful delivery of the community's aspirations through the Strategic Community Plan and the credible and good reputation of the City.

Features of an effective relationship

- The Lord Mayor facilitates an inclusive approach to decision-making and Council activities generally. They encourage all points of views to be expressed and respected.
- The Lord Mayor is a first point of contact and source of assistance for Councillors to achieve a particular goal and helps to resolve disputes.
- Councillors respect the leadership role of the Lord Mayor within the community and Council.

The Lord Mayor and CEO

The Lord Mayor and CEO work closely together and the relationship should be characterised by openness with good communication, ensuring that the Lord Mayor and CEO keep each other informed about important and relevant issues.

The essential principles for an effective Lord Mayor and CEO relationship are:

Communication

- Both parties are in a position to brief and inform the other about the information they are privy to which would assist the other in doing their job. Deciding what information is important and should be passed on to each other must be negotiated and understood.
- Regular meetings over and above those scheduled to discuss specific issues or problems are necessary to enhance planning and communication.
- The Lord Mayor and CEO should brief one another so that neither is caught off guard in other forums.

Role clarity

- The Lord Mayor and CEO need to understand and respect one another's role. A clear understanding of the different roles is crucial and should be the subject of ongoing discussion.
- There is a differential of power, which should be acknowledged. While the Lord Mayor has status and leadership capacity, the position has no direct authority in its own right. The CEO however, has direct authority through the Act.

Features of an effective relationship

- Working closely together and putting energy into achieving a good working relationship.
- A relationship characterised by consistency, openness and good communication.
- Openly communicating and developing an understanding about what is important and relevant. Each has the responsibility to keep the other informed about important and relevant issues.
- An understanding that each has different roles and authorities. While the Lord Mayor is the leader of the City, this position has no specific authority while the CEO has authority under various sections of the Act.
- Using the relationship to facilitate involvement and inclusion amongst the Council Members and members of the Administration, rather than concentrating power.
- Consistent communication and regular fixed meetings.

Amongst Council Members

Council Members are members of a team, elected to work collectively in the interests of the whole community. The achievement of sound outcomes is dependent on a mature and constructive working relationship between Council Members.

Council Members should behave in a manner that generates community trust and confidence in them as individual Council Members and enhances the role and image of both Council and the City generally.

Features of an effective relationship

- While they may have different views, Council Members should treat each other with respect and courtesy.
- Disagreements, if they must be aired, should be expressed in ways that are not personal attacks and do not cause detriment to individual Council Members or Council as a whole.

- Council Members should not undermine each other, either within the local government or in public.
- Council Members must have effective working relationships to succeed individually and collectively.

Council Members, the CEO and Employees

It is critical to good governance to maintain an appropriate relationship between the Council Members, the CEO and the City's employees.

Council Members need support to manage pressures in such a way that their constituents feel their issues or concerns are being heard whilst appreciating that their demands cannot always be met. Advice and support on consultation and engagement, good systems that refer complaints and queries to the relevant areas for resolution, and responsive services and processes all assist in furthering good governance.

Council Members must have a clear understanding that the role of the CEO and employees is to implement Council's goals, policies, strategies and services and to support and advise Council.

Features of an effective relationship

- Goodwill.
- A clear understanding of each other's roles with clear delegations.
- Good communication.
- Agreed structures and protocols.
- An appreciation and understanding of legislative requirements and responsibilities

Council Members and Employees

Individual Council Members should not seek to foster special relationships with employees for the sole purpose of seeking information that may not otherwise be available to all Council Members. Council Members and employees are entitled to privacy and protection from inappropriate behaviour. This includes unauthorised access to the City's Administration area.

Regulation 20 of the *Local Government (Model Code of Conduct) Regulations 2021* states:

- "(2) A council member or candidate must not —*
- direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or*
 - attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or*
 - act in an abusive or threatening manner towards a local government employee.*
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.*
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —*
- make a statement that a local government employee is incompetent or dishonest; or*
 - use an offensive or objectionable expression when referring to a local government employee."*

Features of an effective relationship

- Council Members understand that accountable advice requires organisational process. Advice must be sought through the CEO, General Managers or Alliance Managers (as appropriate). Council Members should not seek advice from other employees, as such employees may not be aware of all the relevant facts.
- Employees are accountable, through the CEO, to the whole Council. They are not accountable to individual Council Members and are not able to take direction from individual Council Members.

Foundation Three: Transparent Decision-Making

Decision-making processes across the City are open and transparent

Principles

Disclosures	Ensuring Council Members and employees disclose relevant information for decision-making processes
Access to Information	Providing community access to the information used to inform Council decisions where possible
Transparency	Going above and beyond legislative transparency requirements

Decision-making at the City

Decision-making is the most important activity undertaken by the City, both by Council and employees. Effective and transparent decision-making processes increase the likelihood of decisions being made in the best interests of the community.

The City has an effective and efficient strategic planning process in place to ensure that Council decisions, strategies and projects are properly implemented.

The CEO is responsible for ensuring that Council receives quality and timely reports with the necessary information for Council to make an informed decision.

Council and Committee Meetings

As the City is a body corporate, decisions can only be made by formal resolution of the Council. A motion must be put to a properly convened meeting and passed by the required majority, in accordance with the Act and the *City of Perth Standing Orders Local Law 2009*. It is a fundamental statutory obligation and duty of a Council Member to vote on every item of business considered at a Council meeting.

There are no other circumstances in which Council can make a decision or pass a resolution, with the exception of any Committees that Council has granted delegated authority to.

The decisions made by Council at Council meetings provide the direction and authority for the ongoing operation of the City and provide direction to the CEO to act and implement the decisions of Council.

Council Meetings

Ordinary Council Meetings are generally held on the final Tuesday of each month in the Council Chamber of Council House, except in January, where no meeting is held as Council observes a meeting recess, and in December, where the meeting is held on the second Tuesday of the month.

Special Council Meetings can be held outside of Council's usual Council Meeting cycle should there be an operational need for a decision of Council to be made.

Council Meetings are formal meetings of Council held in accordance with the Act and the City's meeting procedures which are set out by the *City of Perth Standing Orders Local Law 2009*. Meetings must be open to the public, except when Council chooses to consider an item 'behind closed doors', (without members of the public present) as it is of a confidential or sensitive nature recognised by section 5.23 of the Act. Council demonstrates a strong commitment to ensuring Council meetings are open to the public so that the community can be fully informed and effectively involved in the decisions and affairs of the Council.

Good decision-making at a Council meeting is enhanced when the meeting is conducted in accordance with the *City of Perth Standing Orders Local Law 2009*. This requires a clear, detailed and informative agenda, good chairing by the Lord Mayor, and adherence to statutory requirements.

Members of the public can ask questions, provided such questions relate to the business of the City. Where possible, a question will be answered at the Council meeting, however, questions may be taken on notice to allow the Administration time to prepare a thorough response.

Council Members, the CEO and General Managers attend each Council Meeting, with other employees attending as required.

Agendas and Minutes

Agendas are comprised of reports prepared by the Administration. All reports contain the professional advice, detailed information and recommendations of the Administration to ensure Council can make informed decisions. Council can decide to resolve to adopt, amend, reject or defer an officer's recommendation.

The agenda is made publicly available at Council House, the City's library and on the City's website, either on the Friday prior to an Ordinary Council Meeting or as soon as practicable before the start of a Special Council Meeting. Hard copies are also available at the meeting for members of the public.

Minutes contain details of the decisions made at meetings, meeting attendance and declarations of interest made at the meeting. Minutes of an Ordinary or Special Council Meeting are submitted to the next Ordinary Council Meeting for confirmation. The Act prescribes that the City must ensure that the unconfirmed minutes of each Council meeting are available for inspection by members of the public within 10 working days, however the City strives to make minutes public as soon as possible following the meeting.

Committee Meetings

Section 5.8 of the Act enables the City to establish Committees of three or more persons to:

- assist the Council; and
- exercise the powers and discharge the duties of the City that can be delegated to Committees.

The Council currently has four Committees, known as 'Committees of Council':

- Audit and Risk Committee.
- Chief Executive Officer Performance Review Committee.
- Policy and Legislation Committee.
- Design Advisory Committee.

Audit and Risk Committee

The Audit and Risk Committee plays a fundamental role in assisting:

- the Council to fulfil its governance and oversight responsibilities; and
- the CEO to fulfil certain responsibilities they have under the Act such as financial reporting and internal audit.

The Committee was established by Council in accordance with the Act, and its key responsibilities include reviewing and making recommendations to Council regarding:

- financial management;
- risk management;

- internal controls;
- legislative compliance; and
- internal and external audit planning and reporting.

The Committee meets at least quarterly. Under the latest Terms of Reference (ToR), which were reviewed and endorsed by Council on 31 August 2021, Council is required to appoint four Council Members to the Committee, as well as one independent member. The presence of an independent member enhances the decision-making process of the Committee, as well as promoting the independence and objectivity of internal and external audits.

Chief Executive Officer Performance Review Committee

The Chief Executive Officer Performance Review Committee was established by Council on 4 June 2013 to assist the City with fulfilling its responsibilities as the CEO's employer. Council is accountable for managing the performance of the CEO and reviewing the CEO's performance at least once annually (as required by the Act). Council is also responsible for setting the CEO's key performance indicators and monitoring the CEO's ongoing performance against those indicators. The Committee plays an important role in carrying out these functions and is made up of three Council Members appointed by Council. Meetings are held as required and are closed to the public. The Committee does not have delegated authority to make decisions, it can only make recommendations to Council.

Policy and Legislation Committee

The Policy and Legislation Committee was established on 3 November 2020 to support Council in fulfilling its responsibilities under the Act in determining the policies of the City. The role of the Committee is to:

- review and develop policies and local laws; and
- make recommendations to Council.

The Committee meets at least four times per year and has three members and two deputy members.

This Committee has now fulfilled its objective of reviewing all of Council's policies. However, it was recommended at the October 2021 Ordinary Council Meeting that the Council maintain this Committee to facilitate the review of the City's local laws, as well as to continue to review Council's policies over a two-year period.

Design Advisory Committee

Clause 66A of the Supplemental Provisions to the Deemed Provisions (Schedule A of the City Planning Scheme No. 2) requires the establishment of a Design Advisory Committee (DAC). The purpose of the DAC is to consider and then advise the City with respect to planning applications.

Specifically, the DAC:

- shall be consulted where an application seeks the City's permission under cl28 of the City Planning Scheme No. 2 for bonus plot ratio; and
- may be consulted (but is not *required* to be consulted) on other design matters relating to development.

The DAC includes the State Government Architect, the City's General Manager Planning and Economic Development and nominees from:

- the Australian Institute of Architects;
- the Planning Institute of Architects; and

- the Landscape Architects Institute of Australia,

who are appointed by Council. Meetings are held every four weeks (except in January) on Thursday at 3pm and are closed to the public.

The City is one of few local governments to continue to utilise the committee of council model for design review. Most local governments in WA have established Design Review Panels (DRPs) in line with the Department of Planning, Lands and Heritage's 'Design Review Guide'. However, Council resolved during a meeting held on 25 May 2021 to request that the CEO investigate the establishment of a 'City Architecture and Design Advisory Group' to develop a new City-led design for projects of significance. As a consequence, it is proposed that the DAC will be disbanded and a DRP established.

Qualified Privilege at Council or Committee Meetings

Council Members have limited protection under the *Defamation Act 2005 (WA)* from legal actions of defamation for statements made in 'good faith' or without malice during Council or Committee meetings. This protection is known as 'qualified privilege'.

Malice exists (and will lead to the Council Member being vulnerable to a defamation action) if what is said is:

- irrelevant to the issue being debated or discussed;
- said with the knowledge that it is untrue; or
- in circumstances where there has been recklessness as to whether it is true.

Council Members may have basic protection for statements made outside Council or Committee meetings, including to the media or public gatherings, if the Council Member is discussing a matter that is considered to be related to the business of the City. However, this protection may be lost if malice exists.

Council Forums and Sessions

Agenda Briefing Sessions

Agenda Briefing Sessions (Briefings) are generally held on the Tuesday preceding each Ordinary Council Meeting in the Council Chamber of Council House. The purpose is for Council Members to ask questions and obtain additional information in respect of upcoming Ordinary Council Meeting agenda items. No decisions are made at Briefings.

Briefings are open to the public (except when considering confidential matters) and members of the public can make presentations on agenda items. Notes taken to record the Briefings are published on the following Friday.

Elected Member Engagement Sessions

Elected Member Engagement Sessions (Sessions) are held on the first and second Tuesdays of each month. The Sessions provide a forum for two-way communication between Council Members and the CEO on strategic or complex matters. The sessions are attended by Council Members, the CEO and employees designated by the CEO, and are closed to the public.

Annual General Meeting of Electors

In accordance with the Act, the City is to hold an Annual General Meeting of Electors of the City. The purpose of the meeting is for electors to formally receive the City's Annual Report (following its adoption by Council) and to raise any other items of business.

Electors can make formal resolutions at the Annual General Meeting of Electors, which are then referred to Council for formal consideration.

External Groups and Advisory Groups

Advisory Groups

The City can establish working or advisory groups as a mechanism for facilitating and improving community participation in the City's decision-making processes. The City has the following advisory groups:

- Elders Advisory Group.
- LGBTQIA+ Advisory Group.
- Access and Inclusion Advisory Group.
- Culture and Arts Advisory Group.

External Groups

Council Members are regularly appointed to represent the City on various external committees, boards and groups. Their role is generally to provide advice, identify strategic opportunities and act as a conduit with the City and the community. Although representative of the City, and therefore the City's or Council's position(s) should be considered, their appointment often requires them to act independently and to represent the interests of the committee, board or group which they are appointed to.

Decisions around Land Use Planning

The City has quasi-judicial decision-making responsibilities under planning legislation, other state laws and planning policies. Council and employees are therefore responsible for applying and assessing factual situations and circumstances against the legislative regime detailed in the Act, the *Planning and Development Act 2005* and other relevant planning laws.

The controls and procedures for assessment of planning matters are set in place by a statutory framework and the City is responsible for undertaking this role in accordance with the planning legislation and any other relevant laws.

The City is required to decide on planning matters in an unbiased manner that satisfies the principles of administrative law and natural justice / procedural fairness. Council Members must exercise their decision-making discretion over planning matters in a way that is mindful of this responsibility.

Local Development Assessment Panel

The Local Developments Assessment Panel (LDAP) is the decision-making body that determines certain types, class or value of planning applications. The LDAP consists of three specialist independent members and two Council Members nominated by the City and approved by the Minister for Planning.

The LDAP is managed by the State Government's Department of Planning, with assistance provided by the City. The LDAP has its own meeting procedures and Code of Conduct to which all members are expected to abide by. Only the LDAP Presiding Member is permitted to speak on decisions or LDAP matters.

The Administration provides technical reports to the Department of Planning, who refer the report and any other pertinent information to the LDAP.

The LDAP is unique as it consists of one local government only, the City of Perth. This is due to the City being deemed a high growth local government with enough development to support its own Development Assessment Panel.

State Administrative Tribunal

In certain circumstances applicants have rights of appeal to challenge a planning related decision of Council or an employee. It is therefore important for Elected Members to gain a full understanding of the issues and follow proper process before reaching a decision.

The State Administrative Tribunal (SAT) reviews decisions made by local governments regarding a range of matters including town planning and building approvals. Applications can be made to the SAT for a review of decisions made by local governments under a range of enabling laws.

Conflicts and Disclosures

Conflicts of Interest

It is a statutory obligation and fundamental duty of a Council Member to vote on every item of business considered at a Council meeting they attend. However, Council Members must be mindful of interests they may have in matters before Council, as the Act contains specific requirements in respect of declaring interests and consequently whether a Council Member can participate in deliberations and vote.

Employees are also required by the Act to identify, disclose and take certain actions in relation to any interests they have in matters which they:

- are providing (or contributing to) reports or advice to Council or a Committee; or
- have delegated authority.

Where a conflict of interest (or even the appearance of a conflict of interest) arises in any other aspect of an employee's duties, the employee must promptly disclose the full nature and extent of the interest using the appropriate form. They must remove themselves from the matter in so far as is practicable, unless otherwise authorised in accordance with the City's procedures.

Financial and Proximity Interests

The Act identifies, defines and regulates three types of interest – proximity interests and direct and indirect financial interests.

Certain individuals and entities as classed by section 5.62 of the Act as being 'closely associated person(s)'. A Council Member or employee shares the financial and / or proximity interests of their closely associated persons. Examples of closely associated persons include (but are not limited to):

- an employer of a Council Member or employee;
- a body corporate of which the Council Member or employee is a director, secretary or executive officer; and
- a spouse, de facto partner or child of the Council Member or employee, if they live together.

A person has a direct financial interest if it is reasonable to expect they or a closely associated person will experience financial gain, loss, benefit or detriment if the matter is dealt with in a particular way by the City, including by Council, a committee, or the Administration (section 5.60A of the Act).

A person has an indirect financial interest if they or a closely associated person have a financial relationship with another person who requires a decision from the City (section 5.61 of the Act).

Under section 5.60B of the Act, a person has a proximity interest if the matter concerns one of the following proposed changes to land that adjoins land they, (or a closely associated person) has an estate or interest in:

- change to a planning scheme affecting land that adjoins their land;
- change to the zoning or use of land that adjoins their land; and
- development of land that adjoins their land.

If a Council Member has a financial or proximity interest in an item that is being considered or discussed at a Council or Committee meeting they are attending, they must disclose the interest and must not participate in

or be present during the item, unless permitted by the Minister or a majority of the Council Members at the meeting, in accordance with the Act.

If an employee has a financial or proximity interest in a matter they are involved in providing advice or a report on to Council or a committee, they must disclose the interest when providing the report or advice (section 5.70 of the Act).

If an employee has a financial or proximity interest in a matter which they have delegated authority, they must disclose the interest and are prohibited from exercising their delegated authority in the matter (section 5.71 of the Act).

Impartiality Interests

A Council Member or employee must disclose any interest that could or could reasonably be perceived to adversely affect their impartiality in undertaking their duties, even if it is not classed as a financial interest or a proximity interest under the Act. Examples may include interests arising from personal kinships, friendships or memberships of associations. This type of interest is known as an 'impartiality interest'.

If a Council Member or employee has an impartiality interest in an item to be discussed at a Council or Committee meeting which they will be attending, they must disclose their interest either in writing to the CEO before the meeting or immediately before the item is discussed at the meeting. This obligation extends to an employee providing an advice or a report to Council or a Committee on a matter in which they have an impartiality interest.

It is important to note that the disclosure of an impartiality interest does not affect the ability of Council Members to discuss or vote on the matter.

Employees are also required to disclose any impartiality interests when undertaking their duties and making decisions under delegated authority.

Financial Disclosures

Section 5.75 of the Act requires Council Members and employees in positions with delegated authority to complete a primary return within three months of commencing in their role. A primary return is a snapshot of personal information and certain financial interests a person has at a particular point in time.

At the end of each financial year, Council Members and employees with delegated authority must complete an annual return, which discloses any changes to the information previously disclosed in their primary return or new interests that have accumulated since completing their primary return or last annual return. Returns are available to be viewed by members of the public upon request.

Similarly, the City is committed to complying with the disclosure requirements for related party transactions under the Australian Accounting Standards. Disclosure of relevant related party information will provide greater transparency and improve the quality of the financial reporting process.

A process has been implemented to disclose related party transactions to manage the risk of non-compliance with the related party disclosure objectives of the Australian Accounting Standards.

Gifts

Council Members, Committees, and employees must not seek gifts for themselves or for another person or body as a result of their official role and duties.

The Act and the City's Codes of Conduct set out the gift disclosure requirements for Council Members and employees. If a gift of a certain value is accepted, a disclosure must be made promptly and noted in the

appropriate register. The City is required to maintain various gift registers that are available for public inspection and are also available on the City's website.

Legislative Framework

The general function of the City is to provide for the good government of people living and working within its district and includes legislative and executive powers and responsibilities given to it through the Act. To allow local governments better decision-making, greater accountability and to be more efficient and effective, the Act provides a number of ways of achieving these objectives.

Delegated Authority

The Act enables Council to delegate the capacity to exercise any of its powers or duties to the CEO, with the following exceptions (section 5.43 of the Act):

- any power or duty that requires a decision of an absolute majority of Council;
- accepting a tender which exceeds an amount determined by the City;
- appointing an auditor;
- acquiring or disposing of any property valued at or above the limit determined by the City;
- determining fees, allowances and expenses of Council Members and committee members (sections 5.98, 5.98A, 5.99, 5.99A or 5.100 of the Act);
- borrowing money on behalf of the City;
- hearing or determining an objection of a kind referred to in section 9.5 of the Act;
- the power to authorise a person to sign documents on behalf of the City (section 9.49A(4) of the Act);
- any power or duty that requires the approval of the Minister or the Governor; and
- such other powers or duties as may be prescribed.

The ability to delegate authority also exist under other legislative instruments, such as the City's Planning Scheme and the *Public Health Act 2016* (WA). The City maintains a Register of Delegations and Authorisations which is available for viewing on the City's website, and delegations are reviewed regularly by the Council and the CEO.

Authorised persons

Under legislation, Council or the CEO (with delegated authority) can 'appoint' persons or classes of persons to perform particular functions. These persons are generally termed 'authorised persons' or some other similar term. Legislation or local laws may specify that an 'authorised person' can perform a particular function and those functions or duties are normally specified in the applicable provision.

Employees appointed as authorised persons are required to have a certificate of appointment or some other form of identification to confirm their appointment and to demonstrate their ability to perform that function.

Due to their position as an employee, some legislative provisions appoint all employees of a local government as authorised persons. Examples of such legislation include the Litter Act 1979 (WA) and the Criminal Procedures Act 2004 (WA).

The City has developed a Statutory Authorisations Register which lists those employees appointed as an authorised person, which is available on the City's website.

Local Laws

As part of its legislative functions, Council can make local laws as a way of providing good governance to the community and which reflect current community standards. Local laws allow for a regulatory regime to be implemented and enforced by the courts, through the issuing of infringement notices for certain contraventions.

The local law creation process, including periodic review requires community consultation to be undertaken. A copy of the City's local laws is available on the City's website.

Policies

The Act states that the Council is to "determine the local government's policies". Policies provide Council and the Administration with the ability and direction to make decisions that are consistent and unbiased. A policy can also provide detail on the way the City undertakes, or requires others to undertake, certain works or activities. The City has established both high level (or strategic) policies as well as policies that are more internally focussed.

Access to Information

Registers

Registers are a critical component to demonstrate transparency in the way the City conducts its affairs. As part of its commitment to being a leader in the areas of transparency, disclosure and public accountability, the City has placed a number of its registers online for public viewing. The online registers include, but are not limited to:

- Gift Registers;
- Declared Interests Register;
- Fees, Expenses and Allowances Register
- Register of Complaints and Minor Breaches;
- Tender Register;
- Annual and Primary Return Register; and
- Professional Development Register (for Council Members).

Public Access to Information

Members of the public can access certain information held by the City in accordance with section 5.94 of the Act, and can also request access to information in accordance with the *Freedom of Information Act 1992*.

Freedom of Information gives members of the public the right to access the City's documents, subject to some limitations. The City's Information Statement (available on the City's website) outlines the documents available for public viewing. Additionally, all documents created by the Administration and Council Members can be subject to freedom of information requests.

Foundation Four: Accountability and Performance Monitoring

Performance and conduct is effectively monitored, evaluated, improved and reported on

Principles

Compliance Management Ongoing commitment to meeting compliance obligations

Risk Management Integrating sound risk management practices into strategic and operational processes

Corporate Performance Reporting on performance against the City's objectives and vision

Financial Management, Planning and Principles

Council is ultimately responsible for the financial management of the City. Good financial governance requires both Council and the Administration to understand and undertake their roles.

Council has endorsed a Long-Term Financial Plan that has been developed by the Administration and aligned to the Strategic Community Plan. The Long-Term Financial Plan outlines the City's priorities in accordance with financial resources and ensures the financial sustainability of the City.

In developing the Long-Term Financial Plan, Council adheres to the following principles:

- prudent management of financial risks relating to debt, assets and liabilities;
- provision of reasonable stability in the level of rate burden;
- consideration of the financial effect of Council decisions on future generations;
- provisions of accurate and timely disclosure of strategic financial information; and
- new revenue sources to be identified where possible.

Council receives sufficient reports and other information to adequately monitor the City's performance, resource allocation, expenditure and associated activities, and the efficiency and effectiveness of the City's service delivery.

The CEO is accountable to Council for the financial performance of the City and must ensure that certain systems and processes are in place including, but not limited to:

- appropriate financial systems, plans, strategies and protocols;
- adequate resources to support the financial systems, plans, strategies and protocols;
- suitable internal review mechanisms; and
- an organisational culture in which responsibility and accountability are clearly delineated and understood.

The City has established robust and transparent financial management practices which are compliant with the requirements of the Act, the *Local Government (Financial Management) Regulations 1996* (WA) and applicable accounting principles and standards. These management practices are maintained to meet the City's accountability to its stakeholders, particularly in terms of stewardship of community assets both now and into the future.

The City's Long-Term Financial Plan is available on the City's website.

Annual Budget

In accordance with the Act, Council sets and adopts the Annual Budget which is prepared by the Administration. The Annual Budget represents annual articulation of the Long-Term Financial Plan, the determination of Council priorities and the allocation of resources to deliver these priorities.

Financial Reporting

Financial reporting forms the basis of accountable financial management and is required by the Act. As Council is ultimately responsible for the financial management of the City, it must receive regular and sufficient reports to enable it to adequately monitor the City's financial performance, resource allocation, expenditure and service delivery. In doing this, Council receives the following financial reports:

- Monthly Financial Activity Statement.
- Monthly List of Payments.
- Annual Financial Report.

Business Management

Corporate Business Plan

In accordance with the Act, the City is required to have a four-year Corporate Business Plan which is reviewed and adopted by Council each year. This Plan is pivotal in ensuring that the medium-term priorities are strategically aligned to Council's long-term vision and deliver on the needs of the community. Quarterly reporting is provided to Council throughout the year on the progress achieved against the key performance indicators within the plan.

Annual Report

The Annual Report provides information about the City's activities, income and expenditure. In accordance with the Act, the City is required to develop an Annual Report each financial year that is adopted by Council. The Annual Report is a key organisational document which details:

- information relating to the achievements of the City;
- financial information and statements; and
- key projects commenced or achieved.

The Annual Report is received by the community at the Annual General Meeting of Electors.

Risk Management

The City's vision for risk management is for all decision makers to be fully informed of risks, and that risks are effectively managed in the achievement of the City's strategic and operational objectives. Risk management benefits the City, rate payers and stakeholders by enabling new ideas to be explored and potential risks to be managed to minimise unacceptable impacts.

The City is responsible for providing a wide and diverse range of services to its residents and visitors. It is acknowledged that these activities involve some form of risk, which must be managed to ensure that aims and objectives are achieved, services are delivered and the opportunities to deliver better and more cost-effective services are realised. If the City is not aware of, or has not adequately addressed some risks, it could result in financial loss, threats to public or employee safety or lead to substantial adverse publicity.

The City is committed to continuing to improve its operational efficiency and find innovative ways of delivering our services to residents, ratepayers, businesses and visitors without compromising service quality or elevating risks above a level that the City is willing to accept.

Risk management plays a critical role in helping the City understand the impacts and manage the risks associated with these priorities. It helps the City determine an appropriate control environment and balance strategies to address risk so that we are using our resources efficiently and effectively. It involves making decisions and establishing governance systems that embed and support effective risk processes, as well as building an organisational culture that supports alertness, openness and responsiveness to change.

The City has established a Risk Management Policy and a Risk Management Framework which outlines the key principles that guide how risk management is embedded in the operations of the City.

CEO Performance Review

The Council is accountable for managing the CEO's performance and is responsible for setting the CEO's performance plan and subsequently monitoring performance. As required by the Act, Council has adopted standards for the recruitment and selection, performance review and termination of the CEO.

The Council has established the Chief Executive Officer Performance Review Committee to assist it with this task of reviewing the CEO's performance.

Audit and oversight

Compliance Audit

The Act requires all local governments to conduct an annual audit of its compliance against various requirements and responsibilities placed on the City under the Act and its supporting Regulations.

Once adopted by Council it is submitted to the Department of Local Government, Sport and Cultural Industries.

Audit and Risk Committee

The Act requires that local government establish an audit committee to oversee and advise Council on matters of internal or external audit, risk management, financial reporting and various other legislative compliance functions. The City's Audit and Risk Committee has been established by Council for this purpose.

The Audit and Risk Committee also develops and monitors the City's internal and external audit activities, as well as reviewing the appropriateness and effectiveness of City systems and procedures in relation to risk management and other internal controls.

Internal Audit

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, internal controls and governance processes.

In view of this the City has developed a strategic annual internal audit plan so that audit resources are directed in the most efficient manner to provide sufficient assurance that key risks are being managed effectively.

Recommendation action plans are developed and agreed with management for audit recommendations and follow-ups conducted to ensure that they are implemented as agreed.

External Audit

The Office of the Auditor General (or its appointed contractor) conducts an annual audit of the City's financial statements, with an audit report being provided to Council. Any matters of action are reported through to Council and reported to the Minister for Local Government.

The audited financial report forms part of the City's Annual Report which is subsequently adopted by Council and presented to the Annual General Meeting of Electors.

Formal Complaint Reporting Mechanisms

The City is subject to reporting and review mechanisms conducted by several external agencies, including:

- minor breach and serious breach complaints about Council Members to the Department of Local Government, Sport and Cultural Industries' Standards Panel under the Act;
- public interest disclosures made under the *Public Interests Disclosure Act 2003* (WA) (commonly known as whistleblowing);
- misconduct complaints to either the Public Sector Commission or the Corruption and Crime Commission under the *Corruption, Crime and Misconduct Act 2003* (WA); and
- investigating and resolving complaints about the decision making of local government to the WA Ombudsman under the *Parliamentary Commissioner Act 1971* (WA).

The City is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* and does not tolerate corrupt or improper conduct. This includes the mismanagement of public resources. The City recognises the value and importance of the contributions of employees to enhance administrative and management practices and strongly supports disclosures being made on corrupt and improper conduct.

The City has a number of Public Interest Disclosure Officers, located at the Depot, Library and Council House. Employees and others wishing to report misconduct are encouraged to contact a Public Interest Disclosure Officer. The City has created a Public Interest Disclosure Guide, available on the City's website, to assist persons wishing to make a disclosure.

References

The following documents have been used in the development of the City's Governance Framework and are therefore acknowledged:

ASX Corporate Governance Council – Corporate Governance Principles and Recommendations 4th Edition February 2019

Australian Institute of Company Directors – The Not for Profit Governance Principles

City of Joondalup Governance Framework 2021

City of Perth Act 2016 (WA)

City of Perth Code of Conduct for Council Members, Committee Members and Candidates

City of Perth Corporate Business Plan 2020/21 – 2024/25

City of Perth Council Member Induction Manual

City of Perth Council Policies

City of Perth Employee Code of Conduct

City of South Perth Governance Framework 2016

City of Stirling Governance Framework

Corruption, Crime and Misconduct Act 2003 (WA)

Department of Local Government – Local Government Operational Guideline No 3 – Managing Public Question Time

Department of Local Government – Local Government Operational Guideline No 4 – Council Member Induction

Department of Local Government – Local Government Operational Guideline No 5 – Council Forums

Department of Local Government – Local Government Operational Guideline No 7 – Clarity in Council Motions

Department of Local Government – Local Government Operational Guideline No 9 – Audit Committees in Local Government

Department of Local Government – Integrated Planning and Reporting Advisory Standard September 2016

Department of Local Government – Local Government Operational Guideline No 17 – Delegations

Department of Local Government – Local Government Operational Guideline No 20 – Disclosure of Financial Interests at Meetings

Excellence in Governance for Local Government – CPA Australia

Freedom of Information Act 1992 (WA)

Local Government (Administration) Regulations 1996 (WA)

Local Government (Financial Management) Regulations 1996 (WA)

Local Government (Model Code of Conduct) Regulations 2021 (WA)

Local Government Act 1995 (WA)

Parliamentary Commissioner Act 1971 (WA)

Public Interests Disclosure Act 2003 (WA)

Report of the Inquiry into the City of Perth

State Records Act 2000 (WA)