Corporate Governance Framework

City of Wanneroo

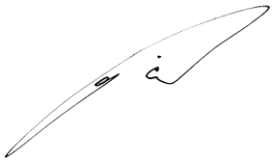

CITY OF WANNEROO

Foreword

This framework sets out the governance principles and the standards for accountability that I expect of all staff and officers of the City of Wanneroo (**City**). It aims to provide a comprehensive but high level account of how the City applies the governance principles to achieve good governance.

Council Members and all City employees must demonstrate a commitment to applying the governance principles in undertaking the duties of their roles. Effective governance arrangements, ethical leadership and decision making, accountability and role clarity underpin our governance controls.

This framework will help us to achieve and implement sound governance practices and will ensure our stakeholders and the Community can be confident in the integrity and good governance of the City and the quality of our services to the community.



Daniel Simms
CHIEF EXECUTIVE OFFICER

INDEX

1 INTRODUCTION 1

2 DEFINITIONS 2

3 LOCAL GOVERNMENT 5

3.1 ROLE OF LOCAL GOVERNMENT 5

3.1.1 PLANNING AND MONITORING ACHIEVEMENT 5

3.1.2 LAWMAKING AND ENFORCEMENT 6

3.1.3 POLICY DEVELOPMENT 6

3.1.4 REPRESENTATION 6

3.1.5 ADVOCACY 6

3.1.6 SERVICE DELIVERY 6

3.2 COMMUNITY DEFINED 6

4 GOVERNANCE IN LOCAL GOVERNANCE 7

4.1 GOVERNANCE DEFINED 7

4.2 GOOD GOVERNANCE IN LOCAL GOVERNMENT 7

4.3 GOOD GOVERNANCE IN PRACTICE 8

4.3.1 INTERNAL CONSIDERATIONS 8

4.3.2 EXTERNAL CONSIDERATIONS 8

5 GOVERNANCE PRINCIPLES 9

5.1 PRINCIPLE ONE: VISION, VALUES AND CULTURE 9

5.2 PRINCIPLE TWO: ROLES, RESPONSIBILITIES AND RELATIONSHIPS 9

5.3 PRINCIPLE THREE: DECISION-MAKING AND MANAGEMENT 9

5.4 PRINCIPLE FOUR: ACCOUNTABILITY 9

6 CORPORATE GOVERNANCE FRAMEWORK 10

7 PRINCIPLE ONE: VISION, VALUES AND CULTURE 11

7.1 CITY'S VISION AND VALUES 11

7.2 BUSINESS EXCELLENCE 11

7.3 INTEGRATED PLANNING AND REPORTING FRAMEWORK 11

7.4 ANNUAL PLANNING PROCESS 13

7.5 CULTURE 13

7.5.1 SUPPORT FOR FRANKNESS, HONESTY AND QUESTIONING 13

7.5.2 INNOVATION 13

7.5.3 EFFECTIVE MANAGEMENT STRUCTURES AND PRACTICES 14
7.5.4 COMMUNICATION 14
7.5.5 LEARNING AND TRAINING 14
7.5.6 ETHICAL BEHAVIOUR 14
7.5.7 CODES OF CONDUCT AND RULES OF CONDUCT 15
7.5.8 CONFIDENTIALITY 16
7.5.9 CONFLICTS AND DISCLOSURE OF INTERESTS 16
7.5.10 GIFTS 16
7.5.11 INDUCTION PROGRAM 17
8 PRINCIPLE TWO: ROLES, RESPONSIBILITIES AND RELATIONSHIPS 18
8.1 ROLES 18
8.2 ROLE OF COUNCIL 19
8.2.1 GOVERNING THE CITY'S AFFAIRS 19
8.2.2 RESPONSIBLE FOR THE PERFORMANCE OF THE CITY'S FUNCTIONS 19
8.2.3 OVERSEEING THE ALLOCATION OF THE CITY'S FINANCES AND RESOURCES 19
8.2.4 DETERMINING THE CITY'S POLICIES 19
8.3 ROLE AND RESPONSIBILITIES OF THE MAYOR 19
8.4 ROLE AND RESPONSIBILITIES OF THE DEPUTY MAYOR 21
8.5 ROLES AND RESPONSIBILITIES OF COUNCILLORS 21
8.6 ROLE AND RESPONSIBILITIES OF THE CHIEF EXECUTIVE OFFICER 21
8.6.1 DELEGATED AUTHORITY 22
8.6.2 SEPARATION OF ROLES BETWEEN COUNCIL AND CEO 23
8.7 WORKING RELATIONSHIPS – COUNCIL MEMBER OBLIGATIONS 24
8.8 WORKING RELATIONSHIP BETWEEN MAYOR AND COUNCILLORS 24
8.9 WORKING RELATIONSHIP BETWEEN MAYOR AND CEO 25
8.9.1 COMMUNICATION 25
8.9.2 ROLE CLARITY 26
8.9.3 EFFECTIVE RELATIONSHIP 26
8.10 WORKING RELATIONSHIP AMONGST COUNCIL MEMBERS 26
8.11 WORKING RELATIONSHIP BETWEEN COUNCIL MEMBERS, CEO AND EMPLOYEES 27
8.12 RELATIONSHIP AND CONTACT BETWEEN COUNCIL MEMBERS AND EMPLOYEES 27
9 PRINCIPLE THREE: DECISION-MAKING AND MANAGEMENT 29

9.1 DECISION MAKING FORUMS 29
9.1.1 COUNCIL MEETING SCHEDULE 29
9.1.1.1 COUNCIL FORUM SESSIONS 29
9.1.1.2 COUNCIL BRIEFING SESSIONS 29
9.1.1.3 COUNCIL MEETINGS 30
9.1.2 COMMITTEE MEETINGS 30
9.1.3 WORKING GROUPS 31
9.1.4 AGENDAS AND MINUTES 31
9.1.5 QUALIFIED PRIVILEGE 32
9.2 INTERESTS 32
9.2.1 FINANCIAL INTEREST – DIRECT AND INDIRECT 33
9.2.2 PROXIMITY INTEREST 33
9.2.3 INTEREST THAT MAY AFFECT IMPARTIALITY 33
9.3 FINANCIAL MANAGEMENT 34
9.3.1 FINANCIAL MANAGEMENT PLANNING AND PRINCIPLES 34
9.3.2 ANNUAL BUDGET 35
9.3.3 FINANCIAL REPORTING 36
9.3.4 ROLE OF THE ADMINISTRATION 36
9.4 LEGISLATIVE COMPLIANCE FRAMEWORK 36
9.5 INTEGRATED ISO MANAGEMENT SYSTEM 37
9.6 ENTERPRISE RISK MANAGEMENT 37
9.7 PROJECT MANAGEMENT SYSTEM 38
9.8 PLANNING AND DEVELOPMENT FUNCTION 38
9.8.1 QUASI JUDICIAL ROLE 38
9.8.2 COUNCIL MEMBERS RELATIONSHIP WITH DEVELOPERS 39
9.8.3 PLANNING AND DEVELOPMENT ACT 2005 40
9.8.4 DISTRICT PLANNING SCHEME 40
9.9 LEGAL FRAMEWORK 42
9.9.1 LOCAL GOVERNMENT ACT 1995 42
9.9.2 DELEGATION OF AUTHORITY 42
9.9.3 EXECUTIVE FUNCTIONS 43
9.9.4 POLICY 43

9.9.5 LOCAL LAWS 44
10 PRINCIPLE FOUR: ACCOUNTABILITY 45
10.1 PRINCIPLE OF ACCOUNTABILITY 45
10.2 PERFORMANCE MANAGEMENT 45
10.3 COMPLIANCE 45
10.4 AUDIT AND RISK COMMITTEE 46
10.5 COMMUNITY CONSULTATION AND ENGAGEMENT 46
10.6 RECORDS MANAGEMENT 47
10.7 LEGISLATIVE OBLIGATIONS 47
11 REVIEW AND CONTINUOUS IMPROVEMENT 48
12 REFERENCES 49

Revision	Date Approved	Next Review	Document Ref#
1.0 - Internal	7/3/2017	March 2019	16/372981
1.0 – External	7/3/2017 – CE07-03/17	March 2019	17/131230
2.0 – Internal	20/4/2021	April 2023	16/372981*
2.0 - External	20/4/2021 – CE01-04/21	April 2023 (Review date extended by Council to April 2024)	17/131230*
3.0 – Internal	09/11/2023 (23/388881)	Administrative Changes Only to align with SCP and to update links to documents	16/372981*
3.0 - External	09/11/2023 (23/388881)	Administrative Changes Only to align with SCP and to update links to documents	17/131230*
3.0 – External	24/03/26 – CE01/03/26	April 2026 (Review date extended by Council to November 2026)	17/131230*



1 Introduction

This Corporate Governance Framework provides a mechanism for the City to practice good governance in providing services and facilities, by proper and democratic government, to the broad range of people who have a stakeholder interest in the City, including residents, commercial and retail business, workers, and local, national and international visitors.

The practice of good governance is critical for ensuring that the:

- City meets its legal compliance obligations;
- Council, Council Members and Administration acts ethically;
- City's decisions are made in the interests of its stakeholders and the community; and
- City acts and behaves as a good corporate citizen.

By implementing this Framework, the City will:

- provide clear guidelines for the roles of the Council, Council Members, the CEO, and Employees and ensuring that all responsibilities are properly allocated and discharged by those accountable;
- develop a culture of best practice in relation to governance processes;
- assist the Council and the CEO in delivering good governance;
- meet its compliance requirements;
- enable processes throughout the City by setting guidelines for strategic planning; and
- provide an induction tool for new Employees.

The principles and practices of good governance and guiding documents set out the specific processes of decision making by which the City is directed, controlled and held to account. Good governance ensures that the City is able to manage its many complex responsibilities effectively in the best interests of the Community.

For the City to demonstrate good governance, there needs to be a clear understanding about responsibility and accountability. This Framework has been produced to set out the roles of Council, Council Members, Administration and Employees, and their relationships, along with financial, legal and ethical considerations.

The Framework consists of four key principles required to achieve excellence in governance:

- Culture and Values.
- Roles and Relationships.
- Decision-making and Management.
- Accountability.

Each principle is divided into sub-categories where the theory of the principle is explained and then the way the theory is put into action at the City of Wanneroo.

This Framework has been developed with reference to documents previously produced regarding the concept and practice of good governance (please refer to the Reference section of this document).

2 Definitions

Capitalised terms referred to in this Framework are defined in the table below:

Term	Definition
Act	Local Government Act 1995.
Audit and Risk Committee	The Audit and Risk Committee is a formally established committee and supports Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal controls structure, risk management, internal and external audit functions and ethical accountability. The Committee reports to Council and provides appropriate advice and recommendations to facilitate informed decision making by Council in relation to the legislative functions and duties of the Local Government that have not been delegated to the CEO.
Administration	The operational arm of the City which includes the Employees and is headed by the CEO.
CEO	The Chief Executive Officer being the most senior officer in the Administration and who is directly accountable to the Council.
City	The City of Wanneroo, including the Council and the Administration.
Committee	A formal committee of the Council established under the Act or any other applicable legislation.
Community	The entire population of the District and as the context requires includes those who work in, or visit the District for recreational or similar reasons.
Council	The body constituting of all Council Members sitting formally as a Council under the Act.
Council Meeting	A formal meeting of Council conducted in accordance with the Act and applicable local law.
Council Member	An individual elected representative of a local government Council.
Councillor	An individual Council Member of the Council of a local government but does not include the Mayor.
Corporate Business Plan	A four year plan (which is updated on an annual basis) that can be considered a contract with the Community detailing how the City will deliver on the commitments set out in the Strategic Community Plan.

Term	Definition
Director	A senior position in the Administration directly responsible to the CEO and who are classified as "senior employees" in accordance with the Act.
District	The land area encompassing the wards and suburbs that constitute the City of Wanneroo of district.
DPS2	City of Wanneroo District Planning Scheme No. 2
Employee	An employee of the local government including casual or contract employees.
Executive	The CEO and the Directors.
Framework	This Corporate Governance Framework.
Long Term Financial Plan	A long term financial plan that outlines the sound financial principles upon which the City rates its ratepayers, borrows to meet community demands (if necessary) and how it reinvests surpluses to remain financially sustainable and takes into account future asset management requirements.
Mayor	A person elected by the community (or by the Council) to hold the position as the elected leader of the local government for a term as specified by the Act.
Stakeholders	Individuals and organisations that may have an impact on or an interest in the strategic direction and decision-making processes of the City of Wanneroo.
Strategic Community Plan	An overarching plan that provides the highest level of direction for all activities that guides the development and provision of the City's projects, services and programs over a ten year period.



3 Local government

Local government in Western Australia is established under the Local Government Act 1995 and is the third tier of government in Australia. Local government has legislative responsibility for many functions and activities that are relevant to a local community. As the level of government often seen as closest to the population, local government activities relate to matters that are fundamental to people's lives and impact significantly on their quality of life.

Each local government is a corporate body, a legal entity with power to do things for the local community. A local government can also sue and be sued.

A local government is comprised of:

- the elected body consisting of the Mayor/President and Councillors
- the Administration that includes the CEO and Employees.

The Mayor and Councillors form the Council, and the following principles apply:

- Council Members are able to exercise authority as the Council after they are formally sworn in and when they meet formally as the Council.
- All lawful decisions are made at the Council meetings or through delegated authority (to CEO or the Council's Committees where applicable).

Employees are accountable to the CEO, whose role is detailed in section 5.41 of the Act, and includes but is not limited to:

- advising Council;
- implementing Council's decisions;
- managing the services that the local government provides for its community; and
- being responsible for the day to day operations of the local government.

The CEO is appointed directly by Council, and Employees are employed through the executive function of the CEO as set out in section 5.41 of the Act. Notwithstanding this, the position of Director has been designated as a senior employee in accordance with section 5.37(1) of the Act and the CEO is required to inform Council of any proposal to employ or dismiss a senior employee and Council is required to either accept or reject such proposal in accordance with section 5.37(2) of the Act.

3.1 Role of Local Government

In order to consider the issues of good governance in local government, it is also necessary to consider the role and functions of local government. Local government has a number of fundamental roles:

3.1.1 Planning and Monitoring Achievement

Planning for the development and wellbeing of the community is a critical role for Council. The Act (s.5.56) requires Councils to develop and adopt a 'plan for the future', which sets overall directions for the CEO through long-term planning. The Strategic Community Plan, Corporate Business Plan and the Long Term Financial Plan are strategic long-term plans. The strategic planning framework provides the direction for the provision of Council's

activities.

3.1.2 Lawmaking and Enforcement

Local government make decisions in areas over which it has legislative authority but cannot duplicate or contradict Commonwealth or State law. Laws made by local government are called local laws and cover such issues as the activities permitted on public land, animal management (as set out in applicable legislation), and use of facilities and infrastructure.

Local government is also responsible for enforcing local laws and other legislation over which it has authority.

3.1.3 Policy Development

One of the most important roles of Council Members is to participate in making policy decisions on behalf of the Community. An essential element of policy making is identifying Community needs, setting objectives to meet those needs, establishing priorities between competing needs, and allocating appropriate resources. A Council policy is a decision of the Council and sets out the adopted strategy, agreed views and decisions concerning a particular area of responsibility. Such policies provide Administration with guidance for the implementation of the strategic policy position and related processes. Council policies are drafted to allow Council to adopt policies in accordance with its role of providing strategic direction.

3.1.4 Representation

Individual Council Members or the Council when formally meeting represent their constituents on matters of concern. Council Members are to represent the interests of electors, ratepayers and residents of the District. Council Members need to listen to and be interested in the wider community (not just the people in the ward who elected them).

3.1.5 Advocacy

Local government may advocate on behalf of its Community to other levels of government, statutory authorities and other relevant parties who have responsibility for the matter.

3.1.6 Service Delivery

Council must ensure that services are delivered in the most efficient and effective manner. The Act (s.2.7(2)(b)) provides autonomy to Councils to determine policies, in consultation with their Communities, about the nature and level of services provided. The Council must ensure the delivery of quality services for which they have responsibility.

3.2 Community Defined

An appreciation of the term “Community” is integral to an understanding of what constitutes good governance at a local government level. When discussed in connection with good governance the term is often used as though it is a homogenous entity and presupposes that there is a single community interest, community demand or community need.

The population of the City of Wanneroo consists of a large number of communities, for example, the business community, the visitor community and the resident community. These can be further broken down into subsets, which include the retail community, the developer community and the tenant community. Additionally, local communities can be defined by geographical area and in respect of the City, this covers a significant area.

Often such diverse communities do not share the same aspirations, goals and interests. One of the challenges for all levels of government but particularly local government which defines itself as being closest to the Community is how to govern so that different, and often competing, interests are recognised, addressed and managed.

When referred to in this Framework the term 'Community' means the many groups, individuals and interests represented in the City of Wanneroo.

4 Governance in Local Governance

4.1 Governance defined

Governance is the process by which:

- decisions are made and implemented;
- an organisation achieves its goals and produces its outputs; and
- organisations are directed, controlled and held to account.

Governance encompasses the concepts of:

- Authority
- Accountability
- Stewardship
- Leadership
- Ethics and Values
- Culture

Democratic governance exists when a government governs for and on behalf of its community. Good democratic governance occurs when governments govern as a result of being elected providing the democratic basis, which is essential to an understanding of good governance in the local government sector.

Good governance involves providing:

- clarity of roles and responsibilities.
- robust systems which support both internal and external accountability.
- transparent access to information and decision-making processes.

4.2 Good Governance in Local Government

Good governance in local government combines the characteristics of governance and the definitions and roles of local government. For local governments this requires:

- Councils being elected by, representative of, and accountable to the community.
- Council Members making decisions in the best interests of the residents of the local government District as a whole.
- Policies, procedures and programs reflecting the mandate Council has been given by their electors.
- Policy enactment arising from the Strategic Community Plan with appropriate performance management to assess Council's progress.
- Community participation.
- Mayor and Councillors providing leadership to the community and reflecting the

community's collective aspirations.

- A management structure which implements the Council's goals in accordance with Council's priorities and approved budget.
- Provision of services which meet the community's needs (sometimes in partnership with other levels of government, business or community organisations).
- Local government being well placed to facilitate coordination and integration at a local level.
- Cooperation between local governments.

4.3 Good Governance in Practice

Good governance needs to be practiced both within local government, and between local government and the community. Key considerations (both internal and external) include the following:

4.3.1 Internal Considerations

- Relationships are a key factor.
- Sound advice is crucial to good governance.
- Advice is provided through Council reports, Council Briefing Sessions, Council Forums and other means of communication.
- Good processes contribute to good decisions that are accountable and transparent.
- Council Members need information in order to perform their duties. Processes need to be developed to meet the legitimate information requirements of Council Members.

4.3.2 External Considerations

- To ensure that a Council and its community share a sense of direction and purpose, strategic planning is vital and involvement of all relevant stakeholders enables shared ownership of a common goal.
- Performance management enables local government to be accountable to its community and stakeholders. It assesses whether a local government has done what it said it would do with the resources with which it has been provided, and within the defined time frames.
- Balancing 'community-wide' and sectional interests is central to democratic governance.
- Accountability of a local government to its community is a key factor in good democratic governance.
- Good governance means a community feels engaged, knows what is going on, is included in decision making, and feels part of the governing process.
- Informed decisions are based on well-researched information, and some of the best information comes from the opinions of those who are affected by a decision or interested in an issue. Good consultation methods are needed to elicit these opinions.
- Enabling community leadership.
- Local governments need to lead or influence communities on particular issues.
- Communities expect good services and systems which is fundamental to good governance.

5 Governance Principles

The following Principles provide the foundation for good governance and a means for assessing the extent to which good governance is occurring at the City of Wanneroo.

5.1 Principle One: Vision, Values and Culture

There is a positive culture, developed through promoting the corporate values, of openness and honesty, in which constructive and respectful questioning is encouraged and accountability is clear.

There is a clear vision and strategic plan that is produced through a comprehensive and inclusive consultation process, which provides an opportunity for the community and stakeholders to be involved.

5.2 Principle Two: Roles, Responsibilities and Relationships

There is clarity about the roles of local government and there exists a robust and consistent approach to defining and implementing these.

There are effective working relationships that are promoted and supported within and between the Council Members, CEO and Administration.

5.3 Principle Three: Decision-Making and Management

There are effective decision-making processes in place that reflect the transparency and accountability which underpin excellence in local government.

Financial management systems have been established and are maintained to meet and support decision making to ensure the City's accountability to its stakeholders are met particularly in terms of stewardship of community assets, both now and into the future.

An effective approach to the identification, assessment, monitoring and management of risks should be established and maintained.

Effective delegation of authority should be implemented and maintained.

5.4 Principle Four: Accountability

The City must account for its activities and have systems that support accountability. The City has an active performance management system in place that enables the City to be openly accountable for its performance to the Community and its stakeholders.

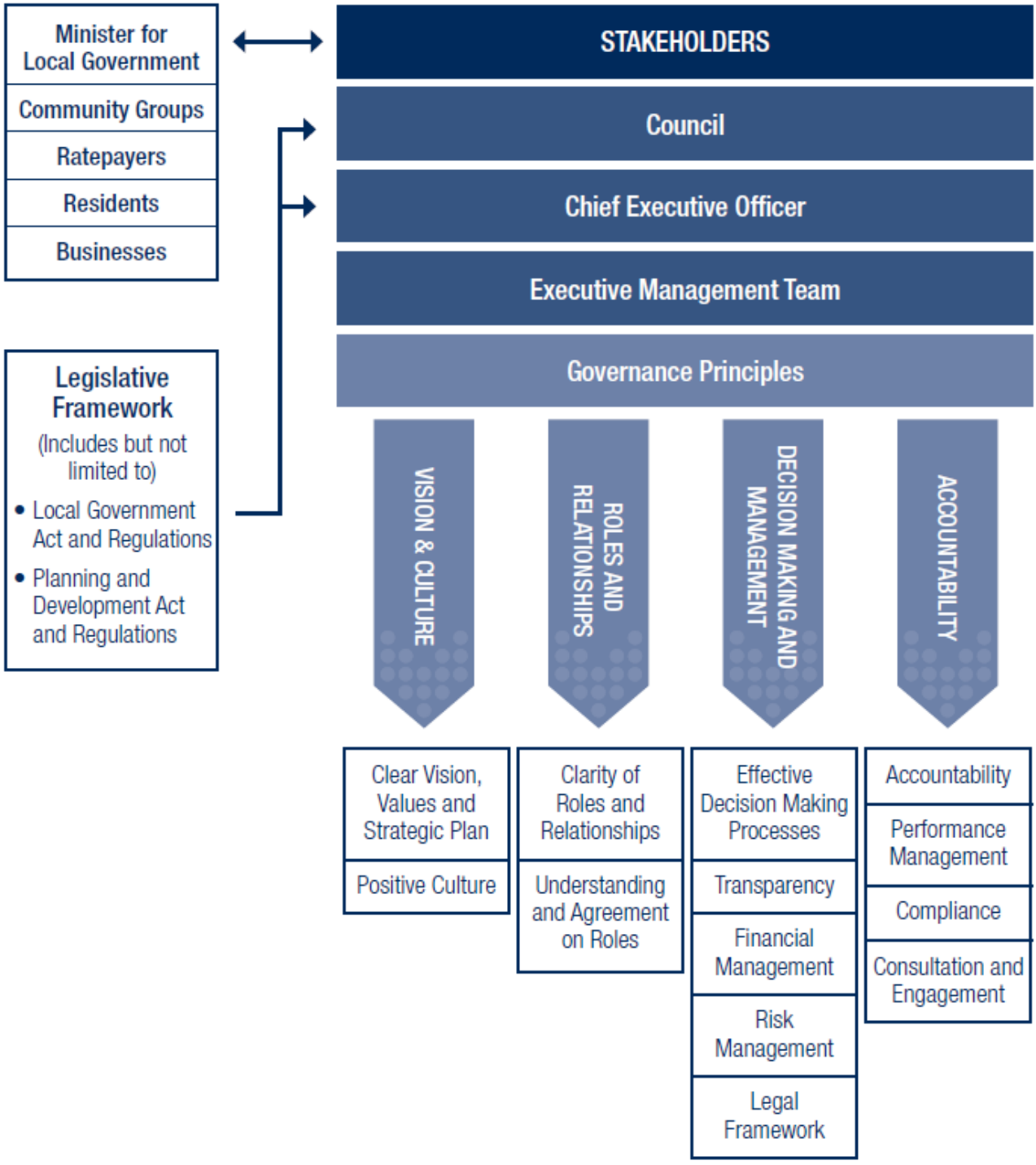
The City has established internal structures that provide for independent review of processes and decision-making to assist the Council meet its accountability to stakeholders.

Consultation should be undertaken that is appropriate to the scope and potential impact of the matter. Such consultation should respect the position and opinion of all stakeholders with the outcomes of the consultation considered when the decision is made and feedback should be provided to those who participated.

6 Corporate governance framework

The diagram represents the governance structure implemented at the City.

Governance Structure



7 Principle One: Vision, Values and Culture

7.1 City's Vision and Values

The City's Vision is:

A welcoming community, connected through local opportunities.

The City's purpose is:

To create a strong community with local opportunities to participate, be active, feel secure, contribute and belong.

The values provide a foundation for the City, which distinguish us and guide our actions to deliver results. Our values guide our behaviours and provide the boundaries within which our interactions with stakeholders and customers occur. Values are linked to our vision, culture and strategy. The values define our organisation to employees, stakeholders and customers, and remind staff of the preferred way of achieving our desired outcomes. These Values are:

- Customer Focused: Delivering Service Excellence.
- Improvement: Finding simpler, smarter and better ways of working.
- Accountability: Accepting responsibility and meeting commitments, on-time and to standards.
- Collaboration: Together we are stronger.
- Respect: Trusting others and being trustworthy.

7.2 Business Excellence

The City uses a Business Excellence Framework to assess and improve performance and to build a sustainable organisation. The Framework is used to improve the City's capacity to deliver the Strategic Community Plan, providing the outcomes which our community value most.

7.3 Integrated Planning and Reporting Framework

The City has implemented the Integrated Planning and Reporting Framework (**IPRF**) to ensure integration of community priorities into strategic planning for Council, as well as implementation of the goals that have been set from these priorities.

The IPRF requires each Local Government to have three levels of integrated strategic planning, informed and supported by appropriate resourcing and asset management plans. The key components of the IPRF are:

- Strategic Community Plan
- Corporate Business Plan
- Annual Operational/Service Unit Plan and Annual Budget

The diagram below shows how the City's Integrated Planning and Reporting Framework guides our planning process to ensure alignment to and delivery on our community's expectations. The framework is also aligned to legislative requirements for local governments in Western Australia:



The City's Strategic Community Plan gives a high-level view of how we will reach our vision, while providing enough flexibility to ensure it stays fit for purpose.

The Plan presents the strategic goals that have been identified by the community, along with the supporting priorities to help achieve these goals.

Goal 1:	An inclusive and accessible City with places and spaces that embrace all.
Goal 2:	A City that celebrates rich cultural histories where people can visit and enjoy unique experiences.
Goal 3:	A vibrant, innovative City with local opportunities for work, business and investment.
Goal 4:	A sustainable City that balances the relationship between urban growth and the environment.
Goal 5:	A well-planned, safe and resilient City that is easy to travel around and provides a connection between people and places.
Goal 6:	A future focused City that advocates, engages and partners to progress the priorities of the Community.
Goal 7:	A well-governed and managed City that makes informed decisions, provides strong community leadership and valued customer focused services

The City's Corporate Business Plan is responsible for driving internal operational activities, which are developed in line with the priorities set in the Strategic Community Plan.

High-level plans enable the strategic goals in the Strategic Community Plan to be more comprehensively articulated. Actions in these plans are measured against key performance indicators, which enable the City and the Community to gauge success in the implementation of strategic objectives.

The City's Integrated Planning Framework (which includes the City's Strategic Community and Plan and Corporate Business Plan) may be accessed through the following link:

Integrated Planning and Reporting Framework

7.4 Annual Planning Process

The City's Annual Budget and Corporate Business Plan are adopted by the Council each year and focuses on the City's actions to be achieved within each of the Strategic Community Plan strategic goals and forms the basis of the City's Capital Works Program. Financial information relating to capital works projects can be accessed from the City's Annual Budget.

This process assists in meeting the requirements of the Act for a plan for the future. This includes community consultation undertaken by the City as an integral part of its planning and decision making processes, to ensure that diverse and changing needs of the public, including residents, ratepayers and the wider community are considered and met.

Quarterly progress reports against the Corporate Business Plan are provided to the City's Audit and Risk Committee with a full assessment of the City's progress in relation to the achievement of pre-determined milestones for major projects and programs. Full progress reports against the Capital Works Program are provided at the same time as Corporate Business Plan progress reports to the City's Audit and Risk Committee.

7.5 Culture

A positive culture promotes openness and honesty, makes accountability and responsibility clear and encourages debate on important issues. An organisation seeking excellence in governance should have the following elements in its organisational culture:

7.5.1 Support for Frankness, Honesty and Questioning

Council Members are to debate issues openly and honestly. Employees are to provide accurate, frank and timely advice to the CEO and Executive, and the CEO and Executive will provide accurate, sound and frank advice to Council and Council Members.

7.5.2 Innovation

The City considers new and better ways of going about its business in the achievement of its goals, through innovation which will be assessed critically by using appropriate risk management and other analysis.

The City is committed to encouraging a climate of innovation and continuous improvement and has adopted the Australian Business Excellence Framework as the principal guide to develop our approach for improving the organisation.

7.5.3 Effective Management Structures and Practices

The City has implemented a management structure that meets its goals and needs and the structure characterised by efficient and effective use of human resources and clear accountability.

Management practices reinforce accountability and outcomes and incorporate the nurturing of Employees' capacities to undertake their role and discharge their duties.

7.5.4 Communication

The City has effective communications policies and practices, internally and externally, and is open to, and encourages, feedback from all Stakeholders.

7.5.5 Learning and Training

The City invests in training both for Council Members and Employees to improve performance and capacity.

Employees

The City is committed to developing a highly skilled and flexible workforce to deliver on the objectives of the City's Strategic Community Plan and Corporate Business Plan.

Council Members

Legislation provides a common foundation for Council Members professional development.

Prior to nominating for election to Council, candidates are required to complete an online induction module to assist with a better understanding of the role of a Council Member.

Once elected, the Act (s.5.126) requires that Council Members undertake a Council Member Essentials Training course within 12 months of being elected to equip Council Members with the skills and knowledge to perform their roles as leaders.

The City's Council Member Professional Development Policy provides further development opportunities to support Council Members in their role.

The City's Council Member Professional Development Policy may be accessed through the following link:

Council Member Continuing Professional Development Policy

7.5.6 Ethical Behaviour

Good governance is characterised by honesty and integrity. Council Members and Employees must behave in a way that generates community trust and confidence in them as individuals and enhances the role and image of both the Council and City generally.

For the Community to have confidence in those who govern and participate in the governance process, the community must have trust that the local government is acting for the common good. The Community need to believe that governance is characterised by honesty and integrity and that those in local government will

behave accordingly.

Council Members and Employees are expected to own and adhere to the respective applicable Codes of Conduct and the City's Values.

7.5.7 Codes of Conduct and Rules of Conduct

The Act (s.5.103 (1)) and the Local Government (Model Code of Conduct) Regulations 2021 (r.3) prescribes a mandatory Code of Conduct to be observed by council members and candidates. It provides principles to guide behaviour and a disciplinary framework to deal with individual misconduct.

Division 4 introduces rules of conduct (previously legislated through the new repealed Local Government (Rules of Conduct) Regulations 2007 regulating matters such as:

- Misuse of local government resources;
- Securing a personal advantage or disadvantaging others;
- Prohibition against involvement in administration
- Relationship with local government employees
- Disclosure of information; and
- Disclosure

Breaches of Division 4 of the Rules of Conduct are dealt with by the Department of Local Government, Sport and Cultural Industries Standards Panel.

The City's Council Members, Committee Members and Candidate Code of Conduct may be accessed through the following link:

Codes of Conduct and Rules of Conduct

The Local Government (Model Code of Conduct) Regulations 2021 may be accessed through the following link:

Local Government (Model Code of Conduct) Regulations 2021

The Act (s.5.51A) requires that the CEO is to prepare and implement a Code of Conduct to be observed by employees and the *Local Government (Administration) Regulations 1996* sets out that the Employee Code is to include provisions relating to:-

- Gifts and the recording, storing, disclosure and use of information;
- Conflicts of interest;
- Employee behaviour;
- Use and disclosure of information;
- Use of local government resources and finances;
- Keeping of records; and
- Reporting suspected breaches.

In addition to the above requirements, the City's Employee Code of conduct reflects the City's Corporate Values and aligns with the requirements of the Act and the Public Sector Commission.

The Codes are not intended to control or prohibit the actions of Council Members,

Committee Members or Employees but simply to document the standards of conduct expected of all who serve the community.

The City's Employee Code of Conduct may be accessed through the following link:

Employee Code of Conduct

7.5.8 Confidentiality

At times access to and the use of confidential information is required to conduct local government business. This information could relate to commercial matters, individual citizens and legal issues.

Each of the Codes of Conduct expressly state that the confidentiality of any and all confidential information must be maintained unless determined otherwise.

Council Members, Committee members and Employees must not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent with their obligation to act impartially in the public interest; or to improperly cause harm, detriment or impairment to any person, body, the Council or the City.

7.5.9 Conflicts and Disclosure of Interests

Council Members, Committee Members and Employees must comply with the requirements for the disclosure of interests as described in the Act (sections 5.65 and 5.70) and the City's respective Codes of Conduct.

Any conflicts of interest that are disclosed by Council Members, Committee Members or Employees should be managed to ensure that undertaking their professional duties is not influenced by their personal interest or the interests of those persons closely associated with them. Policies and procedures are in place to manage such interests.

The Council Members and CEO's "Attendance at Events Policy" provides a framework to enable Council Members and the CEO to attend events as representatives of Council without restricting their participation in the Council decision making process.

Attendance at Events Policy (Council Members and CEO)

7.5.10 Gifts

A gift is the conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral or a travel contribution.

The Act (5.87A and 5.87B) requires that Council Members and the CEO disclose gifts that are received in their capacity as a Council Member or CEO that are valued over $300; or are of a cumulative value that exceeds $300 where the gifts are received from the same donor in a 12 month period. Gifts received from two or more related bodies corporate (as defined in the Corporations Act 2001) (Cth)) is considered to have been given by a single corporate (donor).

The Local Government (Administration) Regulations 1996 (r.19AA) prescribes that a local government employee is not to accept a prohibited gift (a gift that is valued at

more than $300). This requirement extends to the cumulative value of gifts that exceeds $300 where the gifts are received from the same donor in a 12 month period.

The Employee Code of Conduct along with supporting policies and procedures make provisions that Employees shall not seek or accept (either directly or indirectly) in the majority of circumstances any immediate or future gift, for themselves or for any other person or body as a result of their employment with the City, or appointment to a committee of the City.

If any gift, reward or benefit is offered (other than gifts of a token kind, or moderate acts of hospitality), disclosure must be made in a prompt and full manner and noted in the appropriate register.

7.5.11 Induction Program

The City's positive culture is communicated to Council Members and Employees through effective induction programs.

Induction and training for Council Members is provided to assist in understanding local government, governance in local government and how to operate effectively to produce good outcomes for their community. The Induction Program focuses on:

- The complementary roles of Council Members and Employees.
- Working relationships.
- Decision making processes.
- Responsibility, accountability, and delegation of authority.
- Code of Conduct.
- Organisational values and culture.

8 Principle Two: Roles, Responsibilities and Relationships

8.1 Roles

An appreciation and understanding of the different roles of Council, the Mayor, Councillors, the CEO and Employees, and strong communication and cooperation between all underpins good governance at the City of Wanneroo. The relationship between Council Members and the CEO must respect the diversity of opinion and the rights of all points of view to be heard with courtesy and respect.

The City recognises that the Mayor has a general leadership role. The Act (s.2.8) recognises the role of the Mayor, as the spokesperson for the City, to carry out civic and ceremonial functions of the mayoral office, and to preside at meetings of the Council in accordance with the City's Standing Orders Local Law. The City places great importance on the role of the Mayor as Presiding Member of the Council to facilitate good decision-making.

The City recognises the importance of the Mayor's leadership role in respect of ensuring good governance. Part of the Mayor's role is to ensure that all Councillors participate in the decision-making process.

The Mayor should also facilitate good relationships amongst Councillors and between the Councillors and Administration and help to create an environment where good communication, systems and processes can thrive.

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

- Represent and advocate on behalf of their constituents at the Council level.
- Facilitate communication between Council and the Community.
- Debate the issues in an open, honest and informed manner to assist the decision making process.
- Keep the entire Community in mind when considering and addressing issues and focus on the 'big picture'.
- Work together, cooperate and respect diversity.
- Provide model leadership and adhere to good governance principles.

Council 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 openness, accountability, fairness and good communication.

The Act sets out a framework for the way in which local governments in general are to operate. It specifies the roles and responsibilities that are to be undertaken within each local government.

The City's Standing Orders Local Law may be accessed through the following link:

Standing Orders Local Law 2021

8.2 Role of Council

In accordance with section 2.7 of the Act, the Council is charged with the following responsibilities:

- Governing the City's affairs.
- Responsible for the performance of the City's functions.
- Overseeing the allocation of the City's finances and resources.
- Determining the City's policies.

8.2.1 Governing the City's Affairs

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

8.2.2 Responsible for the Performance of the City's Functions

This role determines that Council has ultimate responsibility for the performance of the City's functions. Council can exercise this responsibility through the development of appropriate governance frameworks including delegations of authority, the 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.

8.2.3 Overseeing the Allocation of the City's Finances and Resources

The Council, guided by the Council's Budget policy, exercises this role by overseeing and adopting the City's Long Term Financial Plan, Annual Budget including the Capital Works Program, and the Strategic Asset Management Plans. Council is advised by the CEO and Employees who are responsible for the professional development of appropriate financial controls and strategic documents.

8.2.4 Determining the City's Policies

The role of Council in setting policy is most effective when it is linked with a professional organisation that implements these policies through the development of appropriate management practices and work processes. The policies of the Council provide the strategic direction for the ongoing management of Council activities.

The general function of local government is 'to provide for the good government of persons in its district'. This general function is the basis of the City of Wanneroo's powers.

8.3 Role and Responsibilities of the Mayor

Notwithstanding that there are a number of provisions within the Act outlining the role and functions of the position of Mayor, it is important to note that the Mayor is a key public official who also performs an important function in ensuring good governance and represents the views and directions of the Council.

Section 2.8(1) of the Act defines the role of the Mayor as follows:

The Mayor:

(a) Presides at meetings in accordance with the Act.
(b) Provides leadership and guidance to the community in the district.
(c) Carries out civic and ceremonial duties on behalf of the local government.
(d) Speaks on behalf of the local government.
(e) Performs such other functions as are given to the Mayor or President by the Act or any other written law.
(f) Liaises with the CEO on the local government's affairs and the performance of its functions.

The Mayor, even though elected by the community, has the following additional responsibilities, which are similar to Councillors and outlined in section 2.10 of the Act:

(a) Represents the interests of electors, ratepayers and residents of the district.
(b) Provides leadership and guidance to the community in the district.
(c) Facilitates communication between the community and the Council.
(d) Participates in the local government's decision-making processes at Council and Committee meetings.
(e) Performs such other functions as are given to a Council Member by the Act or any other written law.

The roles and duties of the Mayor can be categorised as:

- Governance
- Presiding Member of Council
- External relations
- Spokesperson for the Council
- Supporting the Community
- Civic and Ceremonial

The ‘Governance’ and ‘Presiding Member of Council’ functions of the Mayor are critical to ensuring good governance as they include leadership of the City and the Community, and ensuring that the decision-making processes are fair, equitable and inclusive.

The Mayor supports good governance by modelling good behaviour and ethics in fulfilling the leadership role and is pivotal in both the pursuit and demonstration of good governance.

A very specific role that the Mayor has is in representing and advocating the decisions of the Council and section 2.8(1)(d) of the Act provides that the Mayor speaks on behalf of the City. The position of Mayor is pre-eminent and when speaking on behalf of the City, must articulate the views and decisions of Council. The Mayor must put aside their individual views and clearly outline the views of Council in an all-inclusive way.

The Mayor’s role of presiding at all meetings of the Council is to ensure that the City’s Standing Orders Local Law is adhered to by all Council Members to achieve Council’s resolved outcome that demonstrates leadership by the Council in the Community. The most important aspect of the role is a good understanding of meeting procedures and a detailed knowledge of the City’s Standing Orders Local Law. This will enable the Mayor to provide impartial interpretations and to ensure the smooth flow of the meeting.

As a community leader the Mayor represents the Council at many civic and ceremonial

functions including the role as “host” of many Council activities. The Mayor must be familiar with etiquette and protocol arrangements and familiarise themselves with the expectations of greeting guests in a formal manner. Any speeches made on these occasions should not be used to present a point of view contrary to a decision of Council.

8.4 Role and Responsibilities of the Deputy Mayor

In accordance with section 5.34 of the Act, the Deputy Mayor may perform the functions of the Mayor if the:

(a) office of the Mayor is vacant; or
(b) Mayor is not available or is unable or unwilling to perform the functions of the Mayor.

8.5 Roles and Responsibilities of Councillors

The Act and relevant Regulations set out the legislative framework within which the Councillors operate and from where they derive specific details of their roles and responsibilities.

It is important to note that an individual Councillor, unless delegated, as a 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.

Further, Councillors have no direct authority over Employees with respect to the way in which an Employee undertakes their duties.

In accordance with section 2.10 of the Act, the role of Councillors is set out as follows:

A Councillor:

(a) Represents the interests of electors, ratepayers and residents of the district.
(b) Provides leadership and guidance to the community in the district.
(c) Facilitates communication between the community and the Council.
(d) Participates in the local government’s decision-making processes at Council and Committee meetings.
(e) Performs such other functions as are given to a Councillor by the Act or any other written law.

The Council and Council Members have a number of roles to undertake and they must do this with the support of the CEO. One of the challenges for good governance in respect of a Councillor is to be provided with the opportunity to raise specific issues for due consideration by Council. Often these issues have been the platform on which a Councillor was elected, Councillors need to work together as a Council to consider the issues and determine accordingly. The Mayor and CEO have important roles to play in this process.

8.6 Role and Responsibilities of the Chief Executive Officer

In accordance with section 5.41, the functions of the CEO are:

(a) Advise the Council in relation to the functions of a local government under the Act and other written laws.
(b) Ensure that the advice and information is available to the Council so that informed decisions can be made.
(c) Cause Council decisions to be implemented.
(d) Manage day to day operations of the local government.
(e) Liaise with the mayor or president on the local government’s affairs and the

performance of the local government's functions.
(f) Speak on behalf of the local government if the Mayor or President agrees.
(g) Be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees.
(h) Ensure that records and documents of the local government are properly kept for the purposes of the Act and any other written law.
(i) Perform any other function specified or delegated by the local government or imposed under the Act or any other written law as a function to be performed by the CEO.

The CEO has a statutory responsibility to manage the organisation through the implementation of goals and strategies that have previously been approved by the Council.

The most important role the CEO plays in promoting good governance is through developing appropriate systems and leading the administration's culture to adhere to the principles of good governance and to engage with Council Members and Council appropriately.

A key accountability of the CEO is financial management and notwithstanding that Council has overall accountability, the Administration (as led by the CEO) has critical responsibilities for managing the organisation soundly from a financial perspective and reporting such results to the Council.

In accordance with Regulation 17 of the Local Government (Audit) Regulations 1996 the City is to review the appropriateness and effectiveness of the local governments systems and procedures (and report) in relation to:

(a) Risk Management
(b) Internal Control and
(c) Legislative Compliance

8.6.1 Delegated Authority

The Act (s.5.42) enables the Council to delegate in writing to the CEO, the capacity to exercise any of its powers or duties, with the following exceptions (see section 5.43 of the Act):

(a) Any power or duty that requires an absolute majority of the council;
(b) Accepting a tender, which exceeds an amount determined by the local government for the purpose of this paragraph;.
(c) Appointment of an auditor.
(d) Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.
(e) Any of the local governments powers under Sections 5.98, 5.98A, 5.99, 5.99A or 5.100.
(f) Borrowing money on behalf of the local government.
(g) Hearing or determining an objection of a kind referred to in Section 9.5.
(h) The power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
(i) Any power or duty that requires the approval of the Minister or the Governor;
(j) The power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government; and
(k) Such other powers or duties as may be prescribed.

Delegations of authority are required in order to provide Employees with the power to exercise duties and make determinations. It is essential that the delegations of authority are performed in a manner that is in accordance with this Framework and Council policy and is compliant with the relevant legislation. The City is required to keep records on the exercise of its delegations.

In accordance with the Act, both the Council and the CEO are given certain functions and duties to be discharged. Council may delegate authority to perform some of its functions and duties to the CEO. All delegations of authority by the Council must be reviewed on an annual basis.

Where legislation provides for such, the CEO may delegate to any other Employee the authority to perform functions and duties that are exercisable by the CEO under the Act or that have been delegated to the CEO by the Council (with the exception of the power to delegate).

Employees are responsible to the CEO and the CEO is responsible to Council. The implementation of Council decisions and instructions are conducted by the CEO, who may delegate some of this responsibility to other Employees.

The use of delegated authority means that routine matters can be acted on promptly and this facilitates efficient service delivery to the Community. Delegated authority also allows Council to concentrate on policy development, representation, strategic planning, and Community leadership.

8.6.2 Separation of Roles between Council and CEO

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 objectives.
- Managing relationships between the various elements in the local government.
- Ensuring that the organisation is staffed by suitably qualified and motivated Employees and that policies are in place that promotes this and managing Employee performance.
- Ensuring that Employees are aware that the Administration is working for a democratically elected Council and that Council decisions form the basis for the Administration's activities and the services that the City provides.

The table below sets out the separation of roles between the Council (directing and controlling the affairs of the local government) and the CEO (managing day-to-day operations):

Council	CEO
Sets direction and strategy	Provides professional and technical advice to the Council
Ultimate responsibility for the performance of the City's functions	Implements the decisions of Council
Decide on matters of policy	Liaises with the Mayor

Council	CEO
Ensure that services and facilities are integrated with and do not unnecessarily duplicate other public services	Manages the day-to-day operations
Oversee the allocation of the City's finances and resources	Responsible for the employment and management of Employees
Monitor performance through the CEO to ensure efficiency and effectiveness in service provision	CEO prepares reports to Council and makes recommendations based on expert advice
Mayor to liaise with the CEO and preside at Council Meetings	Establishes and maintains financial management systems that consider risk management, internal control and legislative compliance.

8.7 Working Relationships – Council Member Obligations

Council Members are members of a team, elected by their communities to work collectively in the interest of the whole Community. The achievement of sound outcomes for the local area 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 the Council and the City generally. Council Members are expected to:

- Conduct their ongoing relationship with other Council Members, Employees and the Community with respect and courtesy.
- Act within the law at all times.
- Act in good faith and not for improper or ulterior motives.
- Act in a reasonable, just and non-discriminatory manner.
- Undertake their role with reasonable care and diligence.

8.8 Working Relationship between Mayor and Councillors

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

The most important aspects of the Mayor/Councillor relationship are as follow:

- The Mayor is the Presiding Member of the Council and this role should be respected by all Councillors.
- The Mayor should facilitate an inclusive approach to decision-making and involvement in Council activities in general.
- The Mayor is a source of assistance for Councillors and also has the responsibility for facilitating resolution of any disputes between Councillors.

The Mayor, as the Presiding Member of the Council, has an integral and influential role

both within the meetings and outside of the formal decision making process by facilitating and encouraging all points of view to be expressed and respected. This ensures that Council Members who may not have their point of view supported by the majority, can be satisfied that they have been given due consideration and the process is transparent.

Through this facilitation role, the Mayor can manage conflict and differing opinions in a constructive manner. The complexity and diversity of opinion in the Community, and therefore of Council Members, can be made to work in the broader interest of the City as a whole, rather than be a source of division.

The Mayor is also a first point of contact for Councillors who wish to achieve a particular outcome. By advising, supporting and facilitating negotiations, the Mayor can assist this process considerably, and in so doing, assist Councillors to meet their accountabilities to their communities.

This advisory and support role of the Mayor is possibly the single most important contribution to good governance a Mayor can make. It requires great skill and experience and as such, is critical to the overall operation of Council.

8.9 Working Relationship between Mayor and CEO

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

The functions of the CEO are outlined in section 5.41 of the Act. Specifically, two of these functions relate to the CEO's relationship with the Mayor:

(a) Liaise with the Mayor or President on the local government's affairs and the performance of the local government's functions.
(b) Speak on behalf of the local government if the Mayor or President agrees.

Both the Mayor and CEO have a role to liaise with each other in respect of the City's affairs and the performance of the City's functions. They also have a crossover of responsibilities in relation to speaking on behalf of the City. It is acknowledged that the role of speaking on behalf of the City rests with the Mayor however there are occasions when it is considered prudent for this function to be undertaken by the CEO which can be determined between the Mayor and the CEO.

It is crucial that the Mayor and CEO develop a clear, robust relationship and understand the limits of each other's authority.

The Act is silent in respect of how the liaison is to occur and as such the Mayor and the CEO are to adopt an approach that suits their circumstances. Providing that the overall essential principles of having a large degree of trust in each other and respecting each other's opinion and role are in place, effective communication will be facilitated that will ensure good governance is achieved.

The essential principles for an effective Mayor/CEO relationship are:

8.9.1 Communication

- Both parties are in a position to brief and inform the other about information each is privy to and which would assist the other in doing their job. Deciding on what information is important and what 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 'no surprises' principle should apply. The Mayor and CEO should brief one another so that neither is caught off guard within other forums.

8.9.2 Role Clarity

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

8.9.3 Effective Relationship

Features of a good and effective relationship between the Mayor and the CEO include:

- The need to work closely together and put energy into achieving a good working relationship.
- A relationship characterised by consistency, openness, and good communication.
- Each has the responsibility to keep the other informed about important and relevant issues. Open communication ensures that an understanding develops about what is important and relevant.
- An understanding that each has different roles and authorities. While the Mayor is the leader of the City, this position has no specific authority while the CEO has particular authorities under the various sections of the Act.
- The need for the relationship between the Mayor and the CEO should aim to facilitate involvement and inclusion amongst the Council Members and Administration. It does not seek to concentrate power in the relationship.
- Consistent communication and regular meetings.

8.10 Working Relationship amongst Council Members

All Council Members have issues of particular concern and interest to them. Given the open nature of the local government system and the absence of political structures (which exist at the State and Federal levels of government), Council Members must work together to achieve satisfactory outcomes.

Acknowledging this interdependency, Council Member relationships should be characterised by mutual respect and an acknowledgement that, while they may not agree on all issues, they are all doing important and often difficult work.

At times, the very nature of local government leads to conflict and how such conflict is resolved has implications for good governance. Council Members should always seek to resolve conflicts respectfully and with a mutual understanding that Council is the decision making body.

In respect of behaviour in the Council Chamber, Council Members should model good constructive relationships and show personal respect for one another. There is no requirement to agree with every Council Members' opinion, however there is the need to respect those opinions and allow other Council Members to freely express their opinions.

Council Members need each other to achieve their individual and collective goals. Effective relationships between Council Members assist in achieving a successful Council, a pleasant working environment and a Council with public credibility.

Features of an effective relationship are:

- While they may have different views, Council Members should treat each other with respect and courtesy.
- Disagreements should be expressed in ways that are not personal attacks, and do not cause detriment to individual Council Members or the 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 in order to succeed individually and collectively.

8.11 Working Relationship between Council Members, CEO and Employees

It is critical to good governance in local government to maintain an appropriate relationship between Council Members, the CEO and Employees.

Council Members need support to manage pressures in such a way that their constituents feel their issues or concerns are being heard, but appreciate that their demands cannot always be met. Advice and support on consultation and engagement, good systems that refer complaints and queries to the relevant area 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 advise and support the Council.

The CEO and Council Members must be in regular contact about issues, problems and information. As with the Mayor/CEO relationship, a level of trust needs to be fostered which in turn, is based on good communication and understanding of each other's roles and functions.

A number of factors contribute to a good relationship between Council Members, the CEO and Employees including:

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

It is crucial that appropriate channels for information, discussion and consultation be developed to allow for the legitimate interest the Council Members have in the role of the CEO and the Employees, and the legitimate interest of the CEO and employees in the role of the Council Members.

8.12 Relationship and Contact between 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.

Council Members and Employees must consider the following:

- Council Members need to understand that accountable advice must go through an organisational process. Advice must be sought through the CEO, Directors or Managers (as appropriate) and Council Members should not seek advice from other Employees as the Employee may have a particular interest in promoting the issue, but may not be in command of the full facts of the issue.

- Employees are accountable, through the CEO, to the whole Council. They are not accountable to individual Council Members and are not required to take direction from them.

Regulation 20 of the Local Government (Model Code of Conduct) Regulations 2021 deals with relationships between Council Members and Employees as follows:

(2) A council member or candidate must not —

(a) direct or attempt to direct a local government employee to do or not to do anything in the person's capacity as a local government employee; or

(b) 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

(c) 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, 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 —

(a) make a statement that a local government employee is incompetent or dishonest; or

(b) use offensive or objectionable expressions in reference to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

9 Principle Three: Decision-making and management

Decision-making is the most important activity undertaken by Council. Effective decision-making processes increase the likelihood that the decisions are made in the best interests of the entire Community and District as a whole taking into account all relevant considerations and best information available at the time of making the decision.

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

The CEO is responsible for ensuring that Council receives quality and timely reports with all the necessary information, options and clear recommendations, including financial impacts and any associated risks in respect of any decision that Council is required to make.

9.1 Decision Making Forums

The Council is a corporate body and as such it can only make decisions by resolution, that is, a motion has to be put to a properly convened meeting and passed by the required majority in accordance with the requirements of the Act. It is the fundamental statutory obligation and duty of a Council Member to vote on every item of business discussed at Council Meetings, unless they are absent or prevented from participating due to a conflict of interest.

Except where Council has granted delegated authority to a Committee, there are no other circumstances in which Council can make a decision or pass a resolution.

The decisions made by Council at formal 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.

9.1.1 Council Meeting Schedule

Council operates a four weekly meeting cycle, (except in January when Council is in recess) as follows:

9.1.1.1 Council Forum Sessions

During weeks 1 and 2, the Council Members meet in an informal forum to facilitate two-way communication between Council Members and Employees on strategy, policy, contemporary and/or complex issues. The Forum Sessions are open to all Council Members and the CEO, Directors and any other Employees (whose attendance is required for specialist advice) are required to attend subject to determination by the CEO.

Forum Sessions are not open to members of the public with all materials (agendas, presentations and advice) and the discussions being confidential.

9.1.1.2 Council Briefing Sessions

During week 3, the Council Members meet in a formal forum whereby the Administration provides a briefing to Council Members on the agenda items to be presented at the forthcoming Council Meeting. The Briefing Session provides Council Members to ask questions and/or seek clarification or advice in respect of the agenda items. No decisions are made at Briefing Sessions. Briefing

Sessions are open to the members of the public, and question and statement time is permitted. Questions and statements must relate to an item on the current agenda. A member of the public may also request to present a deputation to Council Members relating to an item on the current agenda.

Council Members, the CEO and Directors attend all Briefing Sessions. Other Employees may be required to attend as required and determined by the CEO or the relevant Director.

9.1.1.3 Council Meetings

Council Meetings are formal meetings of Council as defined under the Act and must be open to the public except for certain circumstances whereby the Council Meeting may be closed to the public in accordance with section 5.23(2) of the Act. In order to promote transparency and accountability required for good governance these provisions should be applied as infrequently as possible.

Good decision making at a Council Meeting is enhanced when the meeting is conducted in accordance with the City's Standing Orders Local Law. This requires a clear, detailed and informative agenda, good chairing and facilitation, adherence to meeting procedures and adherence to statutory requirements. Council demonstrates a strong commitment to the principle of Council meetings being open to the public so that they are fully informed and, where appropriate, involved in the decisions and affairs of the Council.

Question and statement time is permitted and must relate to the business of the City.

Council Members, the CEO and Directors attend all Council meetings. Other Employees may be required to attend as required and determined by the CEO or the relevant Director.

9.1.2 Committee Meetings

In accordance with section 5.8 of the Act, Council may establish Committees to assist Council and to exercise the powers and discharge the duties of Council that can be delegated to the Committee.

The work of Committees is significant in local government due to the wide range of activities and functions of the Council. Committees report to the Council and are subject to the requirements of the Act.

When Council establishes a Committee comprising Council Members, it must determine the reporting and other accountability requirements that are to apply in relation to that Committee.

Council can establish Committees to:

- Inquire into matters and to provide and make recommendations to the Council on matters within the Council's responsibilities.
- Oversee a specific project or task on behalf of the Council.
- Exercise, perform or discharge delegated powers, functions or duties.

Council has established an Audit & Risk Committee to oversee and advise Council on matters of accountability, audit, internal control and risk.

The register of the City's current internal Committees may be accessed through the following link:

Committees and Working Groups Register

9.1.3 Working Groups

Council has established a number of Working Groups to provide a vehicle for facilitating and improving community input and participation in the City's decision-making processes. The role of a Working Group is to facilitate greater community consultation in accordance with the Act. Working Groups comprise community representatives and are resourced by the City.

Working Groups that are established by the Council provide Council with the opportunity to obtain the views of community representatives and enable Council Members and Employees to network with a wide range of community representatives on issues of common interest. This opportunity to obtain such views serves to assist Council to address strategic issues and priorities.

In effect, Working Groups act as advisory bodies to Council by enabling the relevant stakeholders to have a clearly defined mechanism for communication with Council.

The register of the City's current Working Groups may be accessed through the following link:

Committees and Working Groups Register

9.1.4 Agendas and Minutes

Agendas are made available to Council Members and the public before the Briefing Sessions and Council Meetings. In most circumstances, agendas of the various Committees of Council are also available.

Agendas are comprised of reports prepared by Employees and are structured to include information on the Issue, Background, Detail, Consultation, Comment, Statutory Compliance, Strategic Implications, Risk Management Considerations, Policy Implications, Financial Implications, Voting Requirements and Recommendation in respect of the subject matter of the report. All reports are the professional advice of Employees and contain recommendations from the CEO. The decision to adopt, amend or reject a recommendation rests with the Council.

Unconfirmed Council minutes of each Council and Committee meeting are to be made available to members of the public. In the case of a Council meeting, they are to be made available within 14 business days after the meeting and in the case of a committee meeting, within 7 business days after the meeting. Meeting minutes are confirmed at the first meeting held immediately thereafter. The minutes of these meetings comprise all items considered at the meeting and include attendances, all motions, their movers and seconders and the results of the motions.

The City's agendas and minutes of Briefing Sessions and Council Meetings may be accessed through the following link:

Council meeting dates, agendas and minutes

9.1.5 Qualified Privilege

Members of the Federal and State parliaments have absolute privilege. This means that they cannot be sued for defamation for anything they say inside their respective parliaments. Council Members have what is known as 'qualified privilege'. This means that they cannot be sued for defamation for what they say inside the Council Chambers (or in Committee meetings) provided what they say is in 'good faith', or without malice.

Malice is evident (and will lead to the Council Member being vulnerable to a defamation action) if said statement 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.

Outside the Council Chambers (or Committee meeting), qualified privilege may still provide basic protection so long as the Council Member is discussing a matter considered to be related to the business of the local government.

Qualified privilege may also protect Council Members when making comments to the media or to public gatherings however, this protection may be lost if malice exists.

9.2 Interests

Notwithstanding that it is a fundamental statutory obligation and duty of a Council Member to vote on every item of business discussed at Council Meetings, Council Members must be mindful of interests they may have in any matter before Council as the Act set outs specific requirements in respect of declaring interests and whether a Council Member can participate in deliberations and/or vote.

In accordance with section 5.60 of the Act, a Council Member will have an interest in a matter if they themselves or a person to whom they are closely associated has a direct financial, indirect financial interest or a proximity interest in the matter. The Act defines a closely associated person at section 5.62 and includes but is not limited to the following:

- the employer of the Council Member;
- a body corporate whereby the Council Member is a director, secretary or executive officer of that body corporate;
- the spouse, de facto partner or child of the Council Member and is living with the Council Member;
- a person who, within the previous 12 months, was a client or adviser of the Council Member;
- a person who has given a gift to the Council Member under prescribed circumstances.

In accordance with section 5.65 of the Act, Council Members must disclose such interests and in the event of a conflict of interest or where a potential conflict of interest may arise, involved Council Members will, unless Council resolves otherwise pursuant to section 5.68 of the Act, withdraw from deliberations concerning the matter in accordance with the requirements of the Act.

It is prudent for Employees to also consider section 5.70 of the Act in relation to any interest they may have in respect of reports to Council and their role in drafting such reports, providing advice and making recommendations in respect of the Council decision making process, making decisions under delegated authority and

undertaking their duties as a City of Wanneroo employee. Employees are required to also disclose such interests and in the event of a conflict of interest or where a conflict of interest may arise, involved Employees will either remove themselves from the decision making process or agree with their respective leader to implement a conflict of interest management plan. To assist Employees in determining if they have or where there is the potential for a conflict of interest in a matter; Employees should consult the policy and complete the check list. If such an interest exists, Employees must disclose such an interest using the appropriate form and seek approval from the relevant Leader.

Employees involved in the recruitment process must consider circumstances where they have or where there is the potential for a conflict of interest in respect of the recruitment process and must disclose such interests so that an effective management plan may be implemented.

9.2.1 Financial Interest – Direct and Indirect

A person will have a financial interest where that person may or has the potential to a financial gain, loss, benefit or detriment from a decision of Council or of an Employee with delegated authority in accordance with the City's Delegated Authority Register. The financial interest may be direct or indirect as set out in the Act and described below.

In accordance with section 5.60A of the Act, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government (by a Council Member, a Committee Member or an Employee) will result in a financial gain, loss, benefit or detriment for that person.

In accordance with section 5.61 of the Act, a person will have an indirect financial interest in a matter where there is a financial relationship between that person and another person who requires a decision of the local government in relation to that matter.

9.2.2 Proximity Interest

A person will have a proximity interest in a matter where they have an estate or interest in land that adjoins land, which is subject to a specific planning decision of Council or of an Employee with delegated authority in accordance with the City's Delegated Authority Register.

In accordance with section 5.60B of the Act, a person has a proximity interest in a matter if the matter concerns a proposed:

- change to a planning scheme affecting land that adjoins the person's land;
- change to the zoning or use of land that adjoins the person's land; or
- a proposed development (as defined in section 5.63(5))of land that adjoins the person's land.

9.2.3 Interest That May Affect Impartiality

A Council Member or Employee who has an interest that could or could reasonably be perceived to adversely affect their impartiality in undertaking their duties must disclose such an interest. Such interests include but are not limited to circumstances relating to relationships (kinship and friendship) or membership of associations.

In accordance with regulation 22 of the Local Government (Model Code of Conduct)

Regulations 2021, Council Members must make a disclosure of an impartiality interest either in writing to the CEO before the Council or Committee meeting or immediately before the matter is discussed at a Council or Committee meeting. It is important to note that the disclosure of an impartiality interest does not affect the ability of the Council Member to discuss or vote on the matter.

In accordance with regulation 19AD of the Local Government (Administration) Regulations 1996, the City must have a Code of Conduct that requires Employees to disclose an impartiality interest in writing to the CEO before the Council or Committee meeting or immediately before the matter is to be discussed at a Council or Committee meeting where the person is attending the Council or Committee meeting; or at the time the advice is given. In addition, Employees must also disclose any interest that could or could reasonably be perceived to adversely affect their impartiality when undertaking their duties and making decisions under delegated authority.

9.3 Financial Management

9.3.1 Financial Management Planning and Principles

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

Council has endorsed a Long Term Financial Plan that has been developed by Administration and is consistent with the Strategic Community Plan and Asset Management Plan.

The principal aim of long term financial planning is to ensure that the City remains financially sustainable. The definition of financial sustainability that is relevant to the Long Term Financial Plan can be found in the report entitled: National Financial Sustainability Study of Local Government (Australian Local Government Association. Text box 16 16, p 96):

> "The financial sustainability of a council is determined by its ability to manage expected financial requirements and financial risks and shocks over the long term without the use of disruptive revenue or expenditure measures; which is determined by:
>
> - Healthy finances in the current period and long term outlook based on continuation of the council's present spending and funding policies and given likely economic and demographic developments; and
> - Ensuring infrastructure renewals/replacement expenditure matches forward looking asset management plan expenditure needs.

The City needs to continue in perpetuity; therefore, it must consider how it acquires and manages a stock of financial and physical assets in order to provide services for future generations of local residents and ratepayers.

To ensure the City remains financially sustainable, it is important that sound financial strategies and principles are developed and continually reviewed in line with the changing economic and demographic outlook for the community. The City's process starts with the Strategic Community Plan which is the City's long term plan that captures the aspirations of the community and the Corporate Business Plan which

provides the focus on key priorities over the next four years. Following on from the key objectives of the Strategic Community Plan, the Corporate Business Plan and the Strategic Asset Management Plans that set the priorities. These plans and the various financial policies are used to form the Long Term Financial Plan.

This Long Term Financial Plan outlines these basic principles upon which it Rates its Ratepayers, borrows to meet community demands (if necessary) and how it reinvests surpluses. These principles can be observed throughout this document providing the community with a clear understanding of the financial direction of the City.

In developing the Long Term Financial Plan Council adhered 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 effects of Council decisions on future generations.
- Provision of accurate and timely disclosure of strategic financial information.
- New revenue sources to be identified where possible.

Council is to ensure that it receives sufficient reports and other information to adequately monitor its performance, resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery.

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 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.

Council has also established an Audit and Risk Committee to oversee and advise Council on matters of accountability, audit, internal control and risk.

The City's Long Term Financial Plan may be accessed through the following link:

Long Term Financial Plan

The City's Audit & Risk Committee Terms of Reference may be accessed through the following link:

Audit and Risk Committee Terms of Reference

9.3.2 Annual Budget

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

The Annual Budget is developed within an overall integrated strategic planning framework which guides Council in identifying community needs and aspirations over the long term through the development of the Strategic Community Plan and the

Long Term Financial Plan over a 20 year horizon period.

The City's Annual Budget may be accessed through the following link:

Council Budget

9.3.3 Financial Reporting

Financial reporting forms the basis of accountable financial management and is required by the Act. Financial reporting is undertaken at the City by the Annual Report, Quarterly Financial Reports and Monthly Financial Reports.

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 and Council.
- financial information and statements.
- key projects commenced or achieved; and
- strategic performance indicators which help evaluate present programmes and make decisions on changes to them, or the need for additional services.

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

Quarterly Reports are provided to the Audit and Risk Committee for each quarter ending September, December, March and June. The Quarterly Report identifies any significant variations with the year-to-date performance and the year-to-date budget, any likely effect on the end-of-year results and any significant areas where the activities are not in accordance with budget estimates.

Monthly Reports are provided to Council and are essential to keep Council in an informed position to ensure it meets its financial responsibilities.

9.3.4 Role of the Administration

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

- appropriate financial systems, plans, strategies and protocols;
- effective internal controls to provide reasonable, but not absolute assurance that the City's interests are safeguarded, financial and other information is reliable, legislative and policy compliance requirements are met, that errors are detected and fraud and misconduct is prevented.
- 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.

9.4 Legislative Compliance Framework

The City is committed to conducting its business activities lawfully and in a manner that is consistent with its compliance obligations. The Corporate Legislative Compliance Policy establishes the overarching principles and commitment to embed a positive compliance culture with appropriate control systems to produce effective compliance outcomes within the City.

9.5 Integrated ISO Management System

The City utilises its process management system for alignment to integrated ISO Management Standards. This will involve integrating the systems for managing quality, safety, and environmental objectives; embedding continual improvement mechanisms to enable safe and sustainable operations, and to deliver high quality services and outputs to customers and our community.

The ISO Management System Standards provide an integrated way to deliver systematic improvements to the compliance, governance, and risk management across the City's operations and service delivery. A corporate integrated approach using ISO Standards relating to Quality (ISO9001); Safety (ISO45001), and Environmental Management (ISO14001) is being used to define and improve how the City manages these inter-related objectives through operations and delivery of services/products.

9.6 Enterprise Risk Management

Council is committed to and participates in the risk management program at a strategic and policy level, and the CEO and Executive ensure processes are in place for identifying and managing risk, responding to and mitigating such risks.

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

Potential risks are considered to inform and assist in the development of the Strategic Community Plan, which are activated through community plan strategies and priorities. The risks from the internal and external environment will help determine which goals and objectives to choose in the first instance.

The City has an established Integrated Enterprise Risk Management Framework, which contributes to the corporate governance arrangements within the City and provides the City with a foundation for risk management including:

- Aligning strategic objectives and activities with the City's risk appetite by identifying and assessing risks and establishing acceptable levels of risk relative to growth and return objectives.
- Providing the mechanism for a truly integrated enterprise risk management approach and dynamic risk management function, where risk management will be incorporated into relevant processes and information, and be used as a key input into decision making

- Providing Council and the Executive with confidence that strategic and corporate risks are being effectively managed throughout the City, therefore supporting them in delivering on their respective governance responsibilities.
- Encouraging a “risk aware” culture that allows for innovation and responsible risk-taking while ensuring appropriate measures are taken to protect the City and maintain stakeholder and community confidence.
- Increasing the visibility of risk management activities within the City including clear accountability for the management of risk, and greater value derived from risk management.

The City has also implemented a Risk Management Policy and Appetite Statement that explains the City’s commitment and approach to risk management, sets out the roles and responsibilities and the City’s appetite for risk. The framework and policy together outline the key features of risk management and the potential benefits and its importance to the City. The City’s Audit and Risk Committee together with the Executive Leadership Team oversee progress and updates on all Strategic Risks biannually to review and identify key strategic risks.

9.7 Project Management System

The City has a formalised, structured and standardised approach to Project Management and has developed a project management capability which includes a Project Management Framework. The City’s Project Management Framework is comprised of project management tools, templates and supporting guidelines supported by the PMO function and developed in collaboration with the Project Management Working Group.

9.8 Planning and Development Function

9.8.1 Quasi Judicial Role

Council has particular responsibilities under the Planning and Development Act and related legislation and as a public administration agency, has a quasi-judicial role in determining development applications within the City of Wanneroo. Council is also responsible for applying factual situations to the legislative regime in a quasi-judicial manner under aspects of the Act, Planning and Development Act and other relevant legislation.

The controls and procedures for assessment of development applications are set in place by a statutory framework and the City is responsible for undertaking this role in accordance with the Planning and Development Act and relevant Regulations. Council is required to decide on planning matters in an unbiased manner that satisfies the principles of administrative law and natural justice/procedural fairness. Notwithstanding that lay members of the Community constitute the Council, they must exercise their discretion over planning matters in a way that is mindful of this quasi-judicial role.

The City employs specialist planning officers to draft reports and provide Council with advice and all the information on the facts of a particular planning matter and the relevant law that is applicable.

Council, in determining planning and development matters must exercise care to ensure that the following principles are applied:

(a) Council Members must read the Administration report on the matter before voting at a Council Meeting. A Council Member who has not read the Administration report and who participates in the decision making process without a full understanding of the issues at hand may jeopardise the validity of the decision making process.

(b) Council Members must ensure that when they debate a planning and development matter under consideration that they restrict themselves to the relevant matters of fact and law. These relevant matters will be contained and addressed in the Administration report. Where Council conducts a debate on a matter that is based on irrelevant considerations, or fails to take into account relevant considerations, this may jeopardise the decision making process.

(c) Council must exercise caution when making a resolution that is different to Administration's recommendation. In making a resolution that is different from the recommendation, Council is required to include reasons for the departure from the recommendation. These reasons must take into account the relevant considerations of fact and law and must not be based on irrelevant considerations.

(d) If a development has the potential to impact on neighbours and/or the locality, and where a statutory obligation exists, Council has a duty to ensure that consultation occurs in relation to that development. The Administration report must include details of any notification or consultation that has occurred. Council must ensure that neighbouring landowners and occupiers who may be adversely affected by a proposed development have had an adequate opportunity to make a submission and that any relevant matters that they raise have been considered in the decision making process. An opportunity to make a written submission is generally sufficient, though an opportunity to make a deputation in person to a relevant meeting may be appropriate where a person with a sufficient interest requests it.

Any submission must be made on the basis of planning principles. Council has the role of considering and testing submissions, whether made by the applicant or another party.

Generally, Council as a body, and each Council Member individually, must be certain that they have a clear understanding of the relevant facts and law before making a decision. This decision must be based on the relevant considerations and should not take into account irrelevant considerations.

Council has delegated authority to make certain decisions in respect of planning and development matters to the CEO which the CEO has sub-delegated to certain Employees. Each Employee exercising delegated authority in making such decisions must also consider the principles set out above.

9.8.2 Council Members relationship with Developers

Council Members face many pressures when dealing with development applications which may come from public opinion and the media but may also take the form of offers of gifts, benefits and donations or other lobbying techniques. To protect the openness and transparency and perceived probity of council's decision-making, Council Members must understand the limitations on their decision-making role in relation to development applications and should avoid situation where they become

too close to a development proposal, an applicant or objectors.

The Council Members, Committee Members and Candidate Code of Conduct include provisions relating to dealing with a proponent.

Council Member, Committee Member and Candidate Code of Conduct

9.8.3 Planning and Development Act 2005

Local Governments play an important role in land use planning and development approvals. While planning is the responsibility of the State Government, Councils are responsible for the local implementation of State Planning Strategies in accordance with the Planning and Development Act 2005.

The Planning and Development Act 2005 provides for the proper and orderly planning and development of land in Western Australia and focuses principally on zoning, subdivision and development approvals. It provides the City authority to prepare and amend town planning schemes, and for the Minister for Planning to approve or refuse what is proposed.

Decisions made in relation to development applications are made under the City of Wanneroo District Planning Scheme No.2 (DPS2) and the discretions allowed under that scheme. The overall intent is to seek an appropriate balance of responsibilities whereby staff deal with routine planning approvals and Council Members concentrate on strategic planning matters including the review or development of planning schemes and policies. Council Members would most importantly develop the policy settings under which planning staff apply delegated planning approval powers.

Effective compliance and regulatory programs, systems and processes are essential components of good governance. Council sets the strategic direction for compliance through policy or local laws but is not involved administratively in seeking or enforcing compliance. The City has adopted a number of policies and procedures to manage compliance such as the DPS2 and its Local Planning Policies.
Local Planning Policies

9.8.4 District Planning Scheme

In accordance with the Planning and Development Act, the City is required to have in place a Planning Scheme for the District, being the City of Wanneroo District Planning Scheme No. 2 (DPS2). DPS2 is consistent with the Metropolitan Region Scheme, which is administered by the State Government and takes into consideration State Government Planning Strategies, Plans and Policies. DPS2 was gazetted on 6 July 2001 and has been amended numerous times since gazettal to accommodate changes in the planning regulatory framework and the District.

DPS2 provides the legal framework for a range of functions including:

- Providing land use and development controls.
- Supporting housing choice, variety and amenity.
- Providing the mechanism for the development of convenient and attractive retail centres.
- Assisting economic development through facilitation of commercial, industrial and business development to maximise job opportunities.
- Establishing high quality public open space areas and protecting areas of

environmental significance.
- Assisting in the provision of a transport network, which serves the needs of the community by providing a range of alternative networks catering for different transport modes, which are closely integrated with land use considerations.

The provisions of DPS2 are developed through a collaborative and consultative process involving the State Government and the Community. The State Government, through the Minister for Planning, provided final approval to the contents of DPS2 and once gazetted, DPS2 came into operation and acquired the force of law. The authority to operate DPS2 is delegated to the City of Wanneroo by the State Government.

A Planning Scheme is required to be reviewed on regular basis to ensure that the Planning Scheme continues to meet changing community needs and expectations.

As stated previously, DPS2 has been amended numerous times to vary the operative provisions. Each amendment to DPS2 has involved the State Government and consultation with the Community. The Minister for Planning provides the final approval for amendments to DPS2.

The City has developed and implemented numerous local planning policies that support and guide the implementation of DPS2. The purpose of each local planning policy is to provide guidance, detail and consistency of treatment with respect to amenity and other relevant planning issues.

It is important to note that DPS2 incorporate by reference the Residential Design Codes (R-Codes), which is the planning policy of the State Government providing detailed development control for residential development. The State Government revises the R-Codes from time to time and all such revisions apply to DPS2.

The role of a Council in administering a Planning Scheme includes:

- Consideration of development applications.
- Consideration of subdivision proposals.
- Consideration of DPS2 Amendment proposals (whether suggested by Administration or by a member of the Community).
- Enforcement of DPS2 provisions.
- Development of planning policies.
- Review of existing DPS2 provisions.
- Formulation of new DPS2 provisions.

Council is provided with the professional advice from specialist planning officers in exercising its role in relation to each of these matters. This advice provides Council Members with detailed information relating to the particular planning issues requiring Council consideration. In certain circumstances applicants have rights of appeal to challenge a planning related decision of the Council. It is therefore important for Council Members to gain a full understanding of the issues and follow proper process before reaching a decision.

There are also circumstances where the powers of a Local Government to determine a development application are replaced by a Development Assessment Panel (DAP). These DAP's consider development applications which meet certain cost of development thresholds.

DAPs are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. DAP Members are appointed by the State Minister for Planning and include two local government members and three specialist members. There are currently five DAP's in Western Australia – four Joint DAP's that serve two or more local governments and one Local DAP that only serves the City of Perth,
The State Administrative Tribunal (SAT) is the appellant statutory body that has the authority to review decisions made by the City (decisions of Council and decisions of Employees made under delegated authority) regarding a range of matters including town and regional planning. Landowners and/or applicants can apply to the SAT to make decisions, settle disputes and review decisions under a range of enabling laws.

DPS2 permits Council to delegate its decision-making powers to certain qualified persons (or Committees), subject to certain conditions. This allows those applications that meet certain criteria to be determined by Employees.

The City's District Planning Scheme No. 2 may be accessed through the following link:

City of Wanneroo District Planning Scheme No. 2

The City's Local Planning Policies may be accessed through the following link:

Local Planning Policies

9.9 Legal Framework

9.9.1 Local Government Act 1995

The City of Wanneroo is constituted as a district under the Act. The general function of a local government is to provide for the good government of people living and working within its district and includes legislative and executive powers and responsibilities given through the Act.

Overall, the Act is intended to provide excellence in governance through:

- Better decision-making by local governments.
- Greater community participation in the decisions and affairs of local governments.
- Greater accountability of local governments to their communities.
- More efficient and effective local government.

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 though delegations, policies and local laws.

9.9.2 Delegation of Authority

The Act and other legislation allow Council to delegate its authority to make decisions to the CEO (and in some instances of other Employees). Delegation of authority is part of the City's decision-making approach and represents the policy of the Council to entrust certain types of decisions to the CEO or Committees. All delegated authority is guided by Council policy that provides guidance to the delegate (Employee) to make decisions that are consistent with Council's desired

policy outcomes.

Delegations of authority are established, maintained and documented by Council to empower the actions of delegates so that Council can retain oversight of and accountability for the decisions made by delegates. Decisions made under delegation are reported to the Council on a regular basis, and records of delegations are retained in accordance with legal requirements for document retention and record keeping.

The City reviews all delegation of authority at least once every year.

The City's Delegated Authority Register may be accessed through the following link:

Delegated Authority Register

9.9.3 Executive Functions

Council is responsible for overseeing the executive functions of the City. The executive functions of the local government are to provide services and facilities. Section 3.18 of the Act states:

(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
(2) In performing its executive functions, a local government may provide services and facilities.

Local government can, therefore, administer local laws and provide services and facilities in order to provide for 'the good government of the District. A local government must satisfy itself that the services and facilities it provides:

- integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
- are managed efficiently and effectively.

9.9.4 Policy

In accordance with section 2.7(2)(b) of the Act, Council is to determine the local government's policies.

Policies provide the Council and Employees with the ability and direction to make decisions that are considered to be consistent with Council's strategic direction and are unbiased. Policies can also provide detail on in the manner in which the City undertakes, or requires others to undertake, certain works or activities.

The City has established two types of policies which are:

- Council Policies – strategic policies that set governing principles and guide the direction of the City to align with community values and aspirations. These policies have a strategic, external focus and align with the vision and strategic direction of the City.
- Corporate Policies – policies that are developed for administrative and

operational requirements and have an internal focus.

Council Policies may be accessed through the following link:

Council Policies

9.9.5 Local Laws

In accordance with section 3.5 of the Act, Council may make local laws for the District (or with the Governor's approval apply outside the District). The City's local laws reflect current Community standards and provide for the good governance of the City.

The Act outlines the process by which Council may adopt local laws. This legislative role allows Council to adopt a regulatory regime that may be enforced through the courts, by the issue of infringement notices or by performing other executive functions to enforce the local laws. When adopting local laws Council must be aware that they operate with the force of legislation and the City has a duty to enforce all of its local laws.

The process for adopting local laws provides the community with a six-week advertising period to allow for the opportunity to comment on proposed local laws. The local law is then presented once more to Council and any public submissions are considered. Upon final adoption the local laws are gazetted and considered by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

The gazetted versions of the City's Local Laws may be accessed through the following link:

Local Laws

10 Principle Four: Accountability

10.1 Principle of Accountability

Excellence in governance is based on the principle that those involved in governance, the Council Members and Employees, are held to account for what they do, the decisions they make and their performance in undertaking their role. The public trust that the Council, the Council Members and Administration act in the public interest and this can be justified in the manner in which their duties have been performed.

Accountability systems need to provide disclosure and review of decision-making and processes. These systems must record and support the City's accountability to its stakeholders and its legal accountability to the State Government.

The City's Enterprise Risk Management system aims to ensure that consideration of risk is an integral part of decision-making. The design and implementation of a sound control environment will help to assist in risk management.

The City's consultation and engagement policy and framework supports good decision-making by providing the tools to consult and engage with the Community and Stakeholders appropriately in respect of decisions that will affect them.

The City strives to implement accountability systems that provide disclosure and review of decision-making and processes are integral to good governance and are reflected through:-

- Open and transparent government so that people can understand and follow decision-making processes and outcomes.
- Consultation so that the Community's views are being heard and considered.
- Good information and communication processes so that the Community is kept informed.

10.2 Performance Management

Council is accountable for monitoring performance in the achievement of its strategic direction, goals and financial outcomes which are set through the Strategic Community Plan, Long Term Financial Plan, Corporate Business Plan and Annual Budget.

The City has developed a reporting system to provide Council with the necessary information to enable it to assess performance against the plans. The reporting system is a systematic and regular process that allows Council to take action to rectify any issues that arise and as such, be accountable to the Community.

Council is accountable for managing the CEO's performance and is responsible for setting the CEO's key performance criteria and subsequently monitoring the CEO's performance. The CEO is responsible for managing the performance of Administration and all Employees in meeting the strategic direction of Council.

10.3 Compliance

It is a requirement of the Act to conduct an annual audit of compliance with statutory requirements of the Act.

The Compliance Audit Return (CAR) is submitted to the Department of Local Government, Sport and Cultural Industries each year after its adoption by the Council. The CAR seeks

information and responses in relation to a local government's statutory obligations in a number of areas, such as local laws, tenders, meeting process, disclosure of financial interests and financial management.

10.4 Audit and Risk Committee

On 24 August 2017, amendments to the Local Government Act 1995 through the Local Government Amendment (Auditing) Act 2017 were passed by State Parliament giving the Auditor General (OAG) the mandate to audit local governments in the areas of:

- performance audits under section 7.12AJ to examine the economy, efficiency and effectiveness of programs, including compliance with legislative provisions and internal policies; and
- Financial Audits under section 7.12AB.

Council has established an Audit and Risk Committee in accordance with section 7.1A of the Act, to oversee and advise Council on matters of internal and external audit and risk management and compliance functions of the City. The Audit and Risk Committee meets approximately four times a year and all Council Members are members of the committee.

The Audit and Risk Committee has no delegated authority and all meetings are held in closed sessions that are not open to the public. Any recommendations of the Audit and Risk Committee must be made to Council to endorse.

10.5 Community Consultation and Engagement

The City recognises that consultation is a two-way interactive process that provides opportunities for the City and the Community to clarify information, raise issues and discuss ideas and options. Consultation is an important dimension that informs and enhances Council's and Administration's decision-making process.

Council, in undertaking its role in defining the City's directions and priorities for a sustainable future achieves this by:

- Meeting its obligations in respect of the Planning and Development Act.
- Promoting discussion within the Community and with other stakeholders about the priorities and needs of the City.
- Using research to develop and inform Council policies and decision-making.
- Actively canvassing, and faithfully considering, the needs and opinions of the community when making decisions.
- Translating the Community's aspirations for a sustainable future through appropriate partnerships, initiatives, programs and services into the Strategic Community Plan.

Council has adopted the Community Engagement Policy, the objective of which is to provide guiding principles for community engagement to ensure consistent, meaningful and best practice engagement is carried out within the City of Wanneroo.

The City's Community Engagement Policy clearly articulates the City's commitment to strong stakeholder and community relationships and engagement. The goal of the policy is to provide a process for involving the Community and stakeholders in decision-making and to enhance current opportunities and processes for that to happen.

The City's Community Engagement Policy may be accessed through the following link:

Community Engagement Policy

10.6 Records Management

The City's corporate records are to be managed in accordance with the City's Record Keeping Plan and Records Management Policy.

All 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, in accordance with:

- State Records Act 2000.
- Freedom of Information Act 1992.
- Local Government Act 1995.

The City's Records Management Policy and Record Keeping Plan may be accessed through the following link:

Record Keeping Plan

10.7 Legislative Obligations

The City, as a local government, is obligated to comply with various state legislative requirements and obligations to external authorities in addition to the Local Government Act and the Department of Local Government and Communities. The City has implemented systems and processes to ensure it meets its legislative obligations and reports accordingly to any external agencies or authorities.

Relevant legislation that sets out legislative requirements and obligations for the City includes but is not limited to:

- Public Interest Disclosure Act 2003.
- Corruption, Crime and Misconduct Act 2003.
- Equal Opportunity Act 1984.
- Parliamentary Commissioner Act 1971.
- Freedom of Information Act 1992.

Relevant external agencies or authorities that the City may have a reporting obligation to include but is not limited to:

- Public Sector Commission.
- Corruption and Crime Commission.
- Equal Opportunity Commission.
- Ombudsman of Western Australia.
- Office of the Auditor General
- Office of the Information Commissioner.

11 Review and continuous improvement

The processes that support continuous improvement of this Framework and the policies, procedures and processes that support this Framework include:

- reviewing the Framework (and the supporting policies and procedures) biennially or following a significant change within the City or in relevant legislation;
- review of individual governance issues to identify any control weaknesses and lessons learned for policy and procedure improvement; and
- regular training for Employees and Council Members.

Contact

Executive Manager Governance and Legal
Ph: (08) 9405 5000
governanceandlegal@wanneroo.wa.gov.au

City of Wanneroo
23 Dundebar Road
Wanneroo WA 6065

12 References

The following documents have been used in the development of the Governance Framework for the City of Wanneroo:

- AS8000 Good Governance Principles. 0
- ASX Corporate Governance Council – Principles of Good Corporate Governance and Best Practice Recommendations.
- Conflict of Interests Guidelines – Office of the Public Sector Standards Commissioner.
- Corporate Governance Charter - WA Local Government Association December 2004.
- 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– Local Government Operational Guideline No 17 – Delegations.
- Department of Local Government– Local Government Operational Guideline No 20 – Disclosure of Financial Interests at Meetings.
- Council Members Welcome Pack - City of Joondalup - 2011.
- Enterprise-wide Risk Management – Better Practice Guide for the Public Sector – CPA Australia 2002.
- Excellence in Governance for Local Government – CPA Australia.
- Good Governance Guide 2004 – The Principles of Good Governance within Local Government - Municipal Association of Victoria.
- Information for Council Members – City of Wanneroo.
- Lessons for Local Government - City of Belmont published by the Department of Local Government and Regional Development April 2003.
- Lessons for Local Government - City of South Perth published by the Department of Local Government and Regional Development.
- Local Government Act 1995.
- Local Government (Administration) Regulations 1996.
- Local Government (Financial Management) Regulations 1996.
- Local Government (Model Code of Conduct) Regulations 2021.
- Murdoch University Senate, Statement of Governance Principles.
- OECD Principles of Corporate Governance.
- Public Sector Governance (Vol. 1) – Better Practice Guide – Australian National Audit Office.

- Reinventing Your Board, A Step by Step Guide to Implementing Policy Governance – John Carver and Miriam Mayhew Carver.
- Sustainability Reporting Guidelines – Global Reporting Initiative.
- The Business of Local Government (a training course for Council Members)- a joint WALGA and Australian Institute of Company Directors Course.
- WALGA Training and Development Program for Council Members.

Revision	Date Approved	Next Review	Document No.
1	01/12/2023		
CE01-03/26	24/03/2025 OCM		