



City of Stirling Governance Framework

A framework for the suite of processes, systems, rules and corporate relationships by which the City is directed and controlled and by which decisions are made and our local government is held to account.

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1. Governance

Governance is a one word description for a large suite of processes, systems, roles and corporate relationships by which the City is directed and controlled and by which decisions are made and our local government is held to account.

The Council has many complex responsibilities and is required to comply with a myriad of legislative and regulatory provisions. In addition the Council itself adopts practices such as our Statement of Business Ethics and Code of Conduct that place a high degree of emphasis on ethical behaviour and decision making. All these things contribute to good governance at the City as they lay the foundations for the way in which the Council leads the organisation and influences interactions with community members and other stakeholders.

1.1 Purpose of this Governance Framework

The purpose of this document is to bring together the major processes, systems, roles and relationships that are involved in governance at the City of Stirling. It underpins the confidence people can have in the way the Council leads the City and can be used for a variety of purposes such as:

- it provides the community with an insight into the complexities of local government and the role of Councillors
- it affirms good governance principles that are integral to Council and the Administration
- it provides an addition to the induction kit for new Councillors

2. The System of Local Government

2.1 Government in Australia

The City of Stirling is proud to be part of our National system and acts as the third sphere of government alongside the State and Federal Parliaments.

The Australian Constitution that came into force on 1 January 1901 sets out the way in which the Commonwealth of Australia is to be governed. Powers are divided between State Governments and the Federal Government. State Governments are responsible for the system of local government in each State.

In Western Australia the relevant State legislation is the *Local Government Act 1995* in which local governments are given legislative responsibility for many functions and activities. The Act establishes a Council for each local government that makes decisions that impact strongly on the quality of life experienced by local communities.

2.2 Democracy

Through a cycle of regular elections, the Council is made up of elected Councillors who are representatives of the local community. The principles of democracy require that these local representatives have the authority to make decisions on behalf of the whole of the community.

About our Community

When used in relation to governance the collective term community does not refer to one single entity. Within the City of Stirling there are many different communities and subsets within them. These can be identified through factors such as neighbourhoods or people with interests in common, lifestyle, sport, business, educational institutions, developers, industry and such things as social values. Often such diverse communities do not share the same aspirations and goals as the needs and desires of people evolve and change.

A challenge for the Council is to govern so that the different and sometimes competing interests of the community can be recognised and taken into account.

A right to be heard

Community members are encouraged to make their views known and at the same time to understand that Councillors wish to hear from a wide variety of people. Because of this Councillors are not 'delegates' in the sense that they must act on instructions from ratepayers because of the possibility of widely divergent views. Instead, Councillors are representatives who are required to exercise their vote after debate according to their own judgment about an issue. In reaching that judgment they seriously weigh in the balance all the information available to them. This includes, but is not limited to, the views expressed by individuals or community groups.

Decisions are made by a Majority Vote

All Councillors have equal rights to vote and responsibilities to spend time making sure they are well informed about issues (due diligence). This involves reading and researching and listening to and analysing different viewpoints.

Decisions are made based on a majority of votes. If there is an equality of votes then the Mayor has a second vote to break the deadlock. In certain circumstances, the *Local Government Act 1995* sets out special rules for how a majority vote is to be calculated.

For Councillors to have a central role in our democratic system in local government, strong characteristics of leadership and commitment to their responsibilities are important.

Key governance concept –representative democracy

The Council operates within our system of democracy where representatives are elected to make decisions on behalf of the community as a whole. Councillors carry out their duties with due diligence that includes taking account of all information available and listening to and evaluating community views on issues that come up for decision.

2.3 How the City is set up

Local governments are set up through an Act of State Parliament to govern local districts. The *Local Government Act 1995* mandates the way in which the City is established and sets out many of its structures and processes. It is the Council that adopts strategies and policies that underpin these arrangements.

Because all local governments in WA are established in the same way, the success or otherwise of each local government depends on the quality of the people involved and especially those Councillors elected onto Council who have a major leadership role. The Councillors at the City of Stirling are dedicated to excellence in government.

The City of Stirling is a corporate body that is recognised by the legal system and it can sue in the courts or be sued, own property and enter into legal agreements.

The Mayor and Councillors are empowered to make decisions subject to some established governance processes.

- Councillors must formally make a Declaration of Office before they can act in the position
- Decisions must be made at Council meetings unless the relevant power has been formally delegated or power vested in the Chief Executive Officer
- Decisions must be based on sound advice and be made by well-informed Councillors
- Council meetings must be called and convened in accordance with relevant laws and official protocols
- The result of the vote must not be secret
- Minutes must be kept and made available to the public

Key governance concept - established under the law

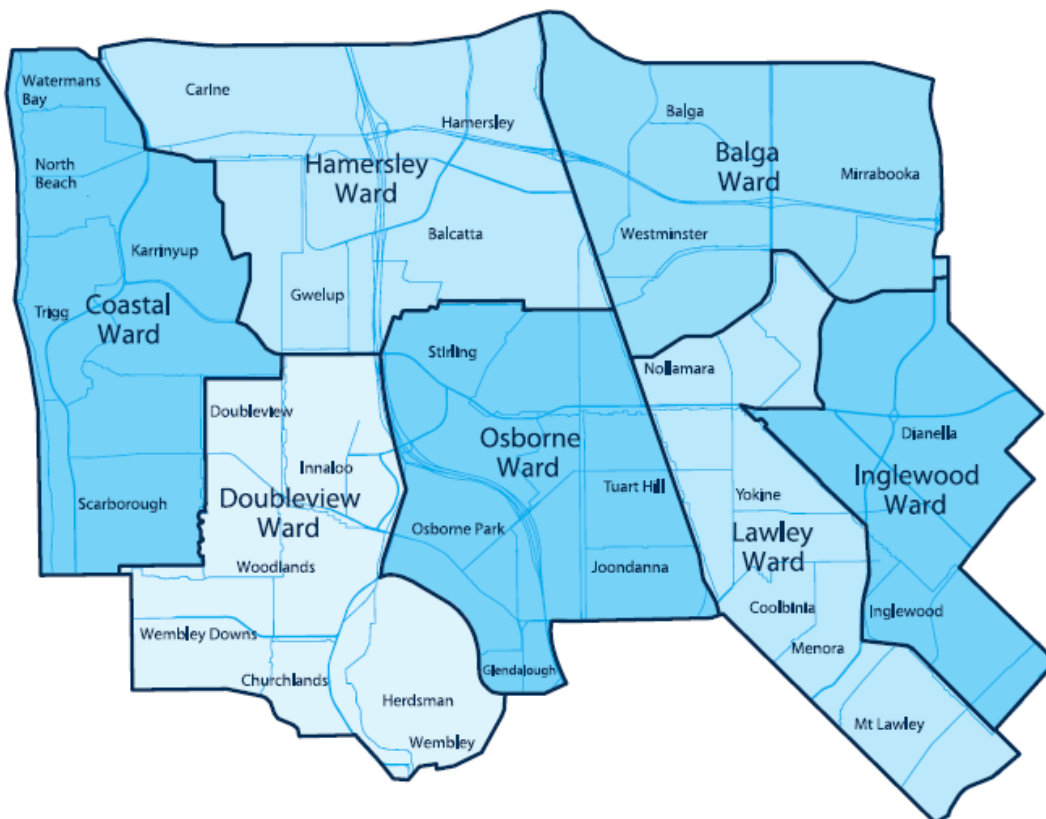
Western Australian local governments, including the City of Stirling, are established through an Act of Parliament. The effective governing of the local government area is entrusted to the Council, made up of Councillors who are a vital part of good local governance.

2.4 Composition of the Council

It is the prerogative of the Council to make recommendations to the Local Government Advisory Board about the number of Councillors and whether the district will be divided into Wards.

The Council at the City of Stirling favours a Ward system for election purposes. The law states that once elected all Councillors must represent the interests of all electors, ratepayers and residents of the whole district irrespective of the Ward they come from. However the benefit of a Ward system is that it ensures that an equal spread of Councillors across the City bring a wealth of deep seated local knowledge to the table.

The City is divided into 7 electoral Ward boundaries with 2 Councillors elected by the community in each Ward. After each Local Government Election the position of Mayor and Deputy Mayor are then elected by the Council from amongst the Councillors for a 2 year term. Councillors are generally elected for four year terms with half the Councillors' terms expiring at each biennial election.



Ward boundaries are regularly reviewed to maintain the ratio of Councillors to electors for the various Wards.

Election Caretaker Process

An important part of democracy is to ensure that eligible members of the community are able to nominate for election and that there is fair competition for the seats on Council. To avoid any perception that decisions could be made prior to the election that might be construed as favouring sitting members, the Council has adopted a “Council Election Caretaker Policy”. The Policy stipulates the caretaker period and those matters that are affected - for example types of decisions by the Council, published material, attendance at functions and events and access to information.

Key governance concept – equity in representation

The Council supports a Ward system for election purposes and maintains equity through periodic reviews to retain a fair ratio of Councillors to electors in each of the Wards. The Council has adopted a policy that ensures there can be no perception that incumbency gives sitting Councillors an unfair advantage in election campaigns.

2.5 The Council is separate to the Administration

All local governments have two distinct parts – the Council which is the governing body that makes all high level decisions and a separate Administration staffed by public servants that run the day to day services and provide executive support.

The Council puts into place an administrative structure that is capable of delivering the community outcomes that the Council desires. This structure is a reflection of the emphasis the Council places on particular local government functions.

The Chief Executive Officer is the highest position on the Administration side of the organisation. Through a contract arrangement, the Council engages the Chief Executive Officer and adopts key performance indicators whereby the Council can monitor and assess the performance of this position. The Chief Executive Officer is responsible to the whole Council.

Through provisions in the *Local Government Act 1995*, the Chief Executive Officer is empowered to employ and manage all the other staff. This power extends to deciding on the levels and conditions of employment of staff which must fall within budget constraints that are set by the Council.

Councillors acting individually do not have the authority to influence the activities, duties and operations of local government employees. Instead, staff deliver a range of services decided on by the Council as a whole and implement the decisions of the Council but are responsible to the Chief Executive Officer for their work performance. In this way proper industrial relations issues and employment channels are observed.

Although Councillors are not empowered to become directly involved in the Administration side of the organisation – the Council as a whole is able to influence and guide the way the Administration goes about its work through mechanisms such as adoption of policies, strategies, master plans and long term financial planning.

The Council receives reports on the performance of the Administration and financial reports on a regular basis so that the Council is in a position to monitor performance. The Mayor and Chief Executive Officer meet to keep each other informed about what is happening and to liaise about the City's business affairs.

The Administration must ensure that it is not perceived as being 'politicised' by aligning itself with any particular group of Councillors but must carry out its functions without fear or favour.

Key governance concept – separation of powers

Legislation stresses the strong leadership and decision making powers of the Council and a high degree of independence to be exercised by the Chief Executive Officer when implementing those decisions and in employing and managing staff engaged in providing direct services to the public.

2.6 The strategic leadership role of the Council

Strategic issues – those that are multi-faceted and with long term consequences - are addressed by the Council as it governs the affairs of the City. Under legislation the Council must use its best endeavours to meet the needs of current ratepayers and residents and at the same time is accountable for the impact of those decisions on any future generations.

The Council is charged with environmental protection, social advancement and economic prosperity. It must weigh issues carefully to achieve a balance between sometimes competing interests. This requires leadership of a high order since there may be divergent views in the community and also amongst Councillors. Ultimately the job of the Council – either unanimously or through a majority vote - is to make decisions that it believes are in the community interest.

The Council has five important roles – it:

- Governs the City's affairs and is responsible for its functions
- Allocates sufficient finances and resources for the services the City provides
- Decides policy on issues needing strategic direction
- Makes Local Laws
- Decides issues within its jurisdiction under laws of the State

Key governance concept – Council's role is strategic

The Council recognises the high degree of expectation placed on Councillors set out by the description of the role of the Council and maintains a strong strategic focus that ensures frameworks are adopted and plans put in place to provide leadership and to respond to the needs of the community for local government services.

2.7 Jurisdiction

The Council has different decision making roles as defined by different legislation. For example under the *Local Government Act 1995* the Council is the governing body of the City and is required to provide good government to the local district. When performing this role the Council adopts a Strategic Community Plan and makes other high level decisions that are designed to increase social wellbeing, protect the environment and improve amenity.

Under the *Planning & Development Act 2005* the Council is the responsible authority for planning the local community by ensuring appropriate planning controls exist for land use and development. For this purpose the Council prepares local planning schemes that set out the way land is to be used and developed, classify areas for land use and include provisions to coordinate infrastructure and development within the local government area.

Under the *Health Act 1911* the Council adopts Health Local Laws and adopts waste minimization strategies in line with requirements of the *Waste Avoidance & Resource Recovery Act 2007*.

The Council must also have regard to various State Government initiatives such as 'Directions 2031 and Beyond' published by the Western Australian Planning Commission and the State Government 'Towards Zero Waste' strategy.

When making decisions the Council ensures that it has clear understanding about its powers and functions and decisions are made that meet the specific objectives of the legislation in question.

Key governance concept – ultra vires

Jurisdiction defines the lawful powers of the Council in a particular case. Various Acts grant powers and functions to local governments. Each Act is independent from others and the Council is required to act only within the powers it has been given and the objectives of the legislation at hand. Jurisdictional errors render a decision ultra vires (beyond the Council's legal power or authority).

2.8 The framework for excellent governance

Local government is the level of government closest to the community and as such is given functions and powers across a wide spectrum of laws. The Council is called upon to provide local solutions to problems within the powers and also the constraints imposed by these laws.

The Council is granted a broad ranging mandate to do what is within the powers of a local government to benefit the community. This places a high degree of public trust in the Council as the governing body. Expectations are high that the Council will act ethically and fairly and be deserving of trust. Excellent governance systems provide the foundation for this to happen in a consistent way.

The Council is committed to the importance of excellent governance systems and processes because they:

- underpin the confidence that people have in the City and the services we provide
- affect the quality of what we do through good planning and decisions
- improve our capacity to be open to new ideas, and to be prepared to innovate to meet the changing needs and expectations of stakeholders
- ensure we meet our legislative responsibilities and minimise risk
- act as a reminder to everyone at the City of Stirling that we are ultimately accountable to the community we serve.

To ensure the level of consistency required, excellence in governance needs to be based on a number of principles and practices that emphasise clarity of goals, ownership of processes, opportunity to participate, goodwill, roles and relationships and accountability.

Governance practices within Council and throughout the City of Stirling will be in line with a principled approach. These underpinning principles are based around the following nationally recognised governance elements:

Principle 1: Vision and Organisational Culture

Principle 2: Roles and Relationships

Principle 3: Decision Making

Principle 4: Accountability

Key governance concept – underpinned by sound principles

The Council supports nationally recognised principles that emphasise clarity of goals, ownership of processes, opportunity to participate, goodwill, recognition of key roles and relationships and accountability.

3. Principles and practices for excellent governance

3.1 Principle 1A: City Vision

The Council ensures there is a clear vision for the district and a strategic plan that is produced through a comprehensive and inclusive process and is owned by all sectors of the City.

3.1.1 Vision and Mission

The vision adopted by the Council after consultation with the community reflects the way in which the district will develop. The vision is “a place where people choose to live, work, visit and invest – to have safe and thriving neighbourhoods with a range of housing, employment and recreational opportunities - to engage with our diverse community to help shape our future into the City of Stirling – a City of Choice”.

Our mission is to be a leader in the delivery of responsive, sustainable services to the City’s diverse community and in doing so to preserve and enhance its environment and lifestyle, now and into the future.

Integrated Planning and Reporting Documents

The Council has adopted a suite of documents that set a clear direction for the City through a strategic planning system that delivers accountable and measurable linkages between community aspirations and what the City as a whole delivers.

The Strategic Community Plan is a directive at the highest level and identifies the priorities of the Council for a period of ten years into the future using six key focus areas:

- Liveable City and Thriving Neighbourhoods (a sense of place)
- Sustainable Environment (value, protect and improve)
- Engaged Communities (respect and inclusion)
- Accessible and Connected City (transport solutions and improved technology)
- Prosperous City (foster business and employment)
- Making it Happen (commitment and continuous improvement)

The Strategic Community Plan is the primary document that the Council adopts in relation to its responsibilities under the *Local Government Act 1995*.

The City vision is also brought to fruition through the Council's role as the responsible authority for land use planning under the *Planning & Development Act 2005*.

The City has put in place a Local Planning Framework for land uses. At the core of the Framework is the Local Planning Strategy which sets out the long-term planning directions for the City, applies state and regional planning policies and provides the rationale for the zones and other provisions of the Local Planning Scheme. The Scheme itself provides the legal framework for a range of land use functions that provide housing choice, variety and amenity, assist economic development and creation of employment opportunities, establishes high quality open space areas and protect areas of environmental or heritage significance. The Scheme provides a framework for an integrated transport network that serves the diverse travelling needs of the community.

3.2 Principle 1B: Organisational Culture

Throughout the City there is a positive culture that promotes ethical behaviour, openness and honesty, makes accountability and responsibility clear and encourages questioning.

3.2.1 Ethical Behaviour

The organisational culture within the City is grounded in legal and ethical frameworks and in the personal integrity of every person.

The community puts its faith in those who govern and participate in governance processes and rightly expect honesty and integrity from public officials. That trust is respected at the City of Stirling through the high expectations of legal and ethical conduct placed on the position of Mayor and Councillors, the Chief Executive Officer and everyone involved in making decisions in the community interest and providing local government services.

Fundamental legal requirements on how Councillors will act whilst engaged in governing the district are contained in the following documents:

- Local Government (Rules of Conduct) Regulations 2007
- *Corruption, Crime and Misconduct Act 2003*
- *Local Government Act 1995*
- Meeting Procedures Local Law 2009
- Register of Disclosure of Gifts, Benefits & Hospitality

The Council has also taken responsibility to set down standards of behaviour above and beyond these legal requirements to guide the culture of the whole organisation towards ethical and principled decisions and choices.

These standards are adopted as a Statement of Values on behalf of all at the City who are held accountable for their own personal contribution to the City's organisational culture of commitment to integrity, diversity, environment, respect, community participation and accountability.

The Council has adopted a **Code of Conduct** which assists Councillors, members of committees and employees to decide what appropriate and acceptable ethical standards of behaviour to apply in various circumstances. The standards set by the Code of Conduct are high and the Council expects them to be met.

The Council has adopted a **Statement of Business Ethics** to guide the way in which the City interacts with providers and suppliers of goods and services to ensure that public resources are managed in an ethical, accountable and transparent manner.

Taking Responsibility

Maintaining our legal and ethical codes of behaviour is the responsibility of everyone at the City. Governance processes include the ability of anyone to draw attention to possible misconduct and this includes members of the public who may also make complaints.

Allegations of failure to observe the *Local Government (Rules of Conduct) Regulations* are managed by the Local Government Standards Panel. Complaints can be made by anyone and must be put in writing and submitted to the City's designated Complaints Officer who is required to send the complaint to the Standards Panel.

The Chief Executive Officer is required by the *Corruption, Crime & Misconduct Act 2003* to notify the Crime and Corruption Commission in writing of any matter that they suspect on reasonable grounds, concerns serious misconduct. However anyone can report suspected serious misconduct which must involve corrupt and/or criminal conduct involving a public official.

The Council has set out a complaints mechanism in the City's Code of Conduct.

3.2.2 Good Communication

Good communication is part of our organisational culture because it helps us to achieve our goals, maintain our values and maintain contacts within and between the City and all our stakeholders.

Governance systems and processes require Councillors and the Chief Executive Officer to interact frankly and openly at the strategic level.

The Council has adopted an **Elected Members Communications Policy** to establish proper communication protocols between Councillors and the Administration and between Councillors and other stakeholders and this policy is to be adhered to.

Councillors welcome contact from their constituents. When this happens Councillors are encouraged to explain their strategic leadership role within the organisation to members of

the public so that the community comes to realise that the Administration handles issues about direct services and the Council makes high level decisions. Contacts that involve the provision of direct services or regulatory matters are passed through to the Administration via the Councillor Enquiries Email system or residents can do this for themselves through the City Contact Centre

Internal Communications

Councillors are likely to interact with the Administration when performing their role as a strategic decision maker but also when a community member has asked for assistance.

In line with Council's directions, the Chief Executive Officer has designated certain positions to interact with Councillors. A Co-ordinator for Councillor Enquiries handles queries of a routine nature such as dates of meetings and Directors or Business Unit Managers are authorised to deal with an issue that falls within their area of responsibility. Councillors do not make contact with employees at other levels within the organisation. The Chief Executive Officer is to reinforce this requirement with general employees who must direct Councillors to an officer who has the necessary authority to respond on behalf of the Chief Executive Officer.

Interactions with authorised officers will recognise the separation of powers inherent in governance processes in local government. Councillors can raise a matter with properly authorised officers but must not issue an instruction or attempt to influence an officer in his or her duties.

If the interaction has come about because a member of the community has made contact with a Councillor the matter will be dealt with by the Administration and the Councillor kept informed about progress towards resolution of the matter. Updates will not include private information about a person and will not include details of purely operational matters.

If a Councillor, on their own behalf, raises a query about the work of the Administration the response from the Director or Business Unit Manager will be directed at the strategic issues involved in the issue - in line with the strategic leadership role of the Council.

External Communications

Councillors value communications from residents and this is a two-way process. It provides a chance for Councillors to hear about the desires, concerns and opinions of community members and also creates an opportunity for Councillors to provide information about

governance processes at the City and matters on the agenda for decision. If the matter involves an application that does or may require a decision from the Council as a whole then a Councillor should refrain from providing comment and if a comment is provided the Councillor must ensure that the comment is not, and cannot be perceived to be, either in favour or against the application in line with *Administrative Law* principles of procedural fairness, including the prohibitions against prejudice and bias.

The position of Mayor is the only member of the Council that may lawfully act as official spokesperson for the City. The Mayor has authorised the Chief Executive Officer to speak publicly on behalf of the City in agreed circumstances.

3.2.3 Support for Frankness, Honesty and Questioning

Elected Members are to debate issues openly and honestly and the views of each Councillor are respected and recognised as part of our democratic system.

It is understood in local government that various technical and specialist staff will assist the Chief Executive Officer in providing advice to the Council and this situation exists at the City of Stirling. Sound, frank and timely advice is the cornerstone of good decision making. The Council holds the Chief Executive responsible for the quality of information and advice provided by the Administration which must be capable of being relied on. The independence of the Chief Executive Officer in providing advice without fear or favour is an essential part of good governance at the City.

Questions relating to matters on the agenda

Questioning is an important part of accountability. Where a Councillor wants to clarify an issue the earlier questions are asked the better. Until there is clarity surrounding the issue Councillors cannot properly evaluate a situation.

The Chief Executive Officer is required to create opportunities for questions from Councillors to be dealt with expeditiously when they relate to an agenda for a committee or Council meeting so that Councillors are in a position to make informed decisions. Questions of a general nature will be dealt with as part of the usual business of the City and are covered in the **Elected Members Communications Policy**.

Answers to questions are to be full and frank and information is to be provided in a non-biased way. Councillors are to respect advice provided by the officers. In turn, the Chief

Executive Officer is to ensure that the Administration is open to new ideas and approaches to issues.

The Council accepts that the Chief Executive Officer may not be in a position to answer some questions or give out information where they relate to the private affairs of an individual, where matters are of a purely operational nature or outside the scope of the performance of the functions of a Councillor.

The Mayor at Council meetings and Presiding Members of committees are encouraged to allow time for an appropriate level of questioning from Councillors to be dealt with before a vote is taken.

3.2.4 Confidentiality

The Council supports the concept of open government. On limited occasions this is not possible. It is recognised that where private individuals interact with government then there may be instances where personal privacy, commercial in confidence or other sensitive information is not made publicly available.

Councillors and employees must handle information held by the City in a way that maintains public trust and confidence in our integrity. The Chief Executive Officer is required under the *Local Government Act 1995* to ensure the proper management of City records and documents and as such is held accountable for ensuring that any requests (whether from Councillors, employees or external parties) for information held by the City will be dealt with according to law.

The Council and the Chief Executive Officer are empowered to decide whether a matter that the Council is dealing with is confidential in accordance with provisions in the *Local Government Act 1995* and where such a decision is made it is to be strictly adhered to.

Councillors and officers are required to respect the possible sensitivity of information discussed at briefings and workshops when the public is not present. In these situations strict personal standards of ethics are expected and Councillors and officers are to check confidentiality before discussing information publicly.

3.3 Principle 2: Roles and Relationships

The Council promotes and supports effective working relationships within and between the Mayor, Councillors and Chief Executive Officer.

3.3.1 The Role and Responsibilities of Councillors

The formal 'job description' of a Councillor is set out in the *Local Government Act 1995*. This requires Councillors to provide leadership to the community, ensure that consultation links between the community and the Council are suitable and easy to follow and as a decision maker to participate in Council and committee decisions.

Each Councillor brings to their position a wealth of experience and commitment to the community. Councillors come from different backgrounds and all bring to Council a strong sense of purpose and commitment to the shared vision we have for the City. Whilst there are differences in the characteristics of individual Councillors all are required to serve the community with due diligence. This service at the local level involves:

- extensive reading and research in preparing for meetings
- planning for the needs of the community
- providing strategic direction through policy initiatives
- overseeing the financial stewardship of the City
- abiding by the provisions of the many different Acts of Parliament and other legislation the Council must deal with
- keeping up to date with issues that may impact on the City and its community

These things place demands on a Councillor's time and it is acknowledged that the role of a Councillor is performed in addition to other work, business and family commitments they may have and their involvement in the community.

Limitations of the position

Neither the Mayor nor any other Councillor can unilaterally require the Chief Executive Officer to carry out an action that has not been authorised by the Council as a whole or commit the Council itself to any action or decision that the Council has not already resolved.

Improper use of their position

Local Government (Rules of Conduct) Regulations 2007 state that a Councillor must not make improper use of their office to cause detriment to the local government or any other person. This provision has relevance to what a Councillor can say and how they act whilst performing their role and carrying out their duties as a Councillor.

Maintaining links within the community

To be effective, Councillors need to maintain links with the local community they represent. This is achieved through:

- attending meetings of local organisations
- being available to residents
- attending events and functions
- keeping up with all kinds of communications

Skill levels and interaction

Councillors require a broad range of skills to enable them to make an effective contribution across the breadth of their responsibilities. Individual Councillors have different sets of skills developed through education, business, sporting interests and other life experiences.

All Councillors need strong analytical skills, good communication and debating skills, lobbying and negotiation skills, problem solving and time management. As in any field of endeavour, Councillors come with existing skills and acquire new ones through the wide variety of tasks and experiences they are exposed to on Council and also through a commitment to training and professional development which has the support of the Council.

Relationships between Councillors

Councillors need to achieve their individual and collective goals within a democratic system that stipulates that the majority vote prevails after debate. Given this, Councillors respect the views of other Councillors and acknowledge that, while agreement may not be reached on all issues, the contribution of all Councillors to the debate is important and the decision of the Council is respected. This is part of a Councillor's duty of fidelity to the Council and the City.

3.3.2 Role of the Mayor and Relationships between Mayor and Councillors

The position of Mayor has special significance in local government as the holder of this office performs the role of a Councillor and has additional civic and ceremonial duties. The Mayor has the responsibility for presiding at Council meetings and controlling the debate. The position has authority at Council meetings to control behaviour of Councillors and also members of the public who attend.

To facilitate good relationships between the Mayor and Councillors the Mayor encourages different points of view to be expressed and ensures that all Councillors who wish to join the debate are able to do so in a fair and equitable manner. The Mayor controls the flow of business through the meeting and sets the tone of the meeting which is welcoming and constructive.

When speaking on behalf of the City the Mayor reflects the position taken by the Council rather than a personal view.

The position of Mayor has a stabilizing influence within the City by:

- spending time on building good corporate relationships
- being a positive influence
- leading by motivating others
- promoting change when necessary
- taking a thoughtful and well informed approach in conflict situations

3.3.3 Role of the CEO and Relationship with Councillors

The Chief Executive Officer is the principal advisor to the Council providing information and advice on the many and varied decisions the Council must make. The Chief Executive Officer is also responsible to the whole Council for the overall management and performance of the Administration.

The complementary but separate roles performed by the Council and the Administration are a fundamental part of many of the governance processes and systems that the Council operates under. The Council adopts high level documents that spell out the objectives, strategies, plans and policies of the Council. These form the basis for a set of key performance indicators (KPIs) that are used to assess the performance of the Chief Executive Officer who is required to put the plans and policies into practice.

Whilst the Chief Executive Officer has statutory powers to employ staff and decide on their conditions of employment and the work they are to do – this can only be done within monetary policy set by the Council through its long term financial plan and budget parameters.

Legislation requires that the Mayor and the Chief Executive Officer liaise with each other about the business affairs of the City. Consequently it is vital that a good relationship exists between the two.

Features of the relationship between the Mayor and the Chief Executive Officer are:

- trust and respect
- regular communication
- understanding that each have different roles
- being open to others and not seeking to concentrate power in the relationship.

Unlike for the Mayor, there is no specific relationship identified between Councillors and the Chief Executive Officer in legislation. However Councillors and the Chief Executive Officer are likely to be in contact during the course of performing their respective roles at the City. Factors in this relationship include:

- trust and goodwill
- good communication
- understanding of limits on power contained in legislation
- observance of structures and protocols

In addition to the legal requirement to provide advice and information to the Council and to manage the Administration other powers are conferred on the Chief Executive Officer through provisions in the *Local Government Act 1995* and through other Acts, for example:

- ensures that proper accounts and records are kept of the transactions and affairs of the local government;
- may represent the local government in court proceedings;
- is empowered to authenticate documents.

Powers (or obligations) conferred on the CEO under legislation also include:

- *Planning & Development Act* enables a CEO to appoint designated persons to issue infringement notices;
- CEO is authorised to prosecute for certain offences under the *Environmental Protection Act*;
- Under the *Corruption, Crime and Misconduct Act* the 'principal officer' of a local government is obliged to notify the CCC of suspected serious misconduct by a Councillor or an employee; and
- the 'principal executive officer' under section 23 of the *Public Interest Disclosure Act* must designate a position in the authority to receive disclosures, provide protection from detrimental action, prepare and publish internal procedures on the authority's obligations under the Act and ensure that the public authority complies with the Act.

3.4 Principle 3: Decision Making

The Council ensures that there are effective decision-making processes in place that reflect legal requirements and the transparency and accountability which underpin excellence in governance.

3.4.1 Meetings in Local Government

Types of meetings

The decision making framework for local governments is controlled through the *Local Government Act 1995* and subsidiary legislation. The framework also provides for:

- Ordinary Council Meetings (held fortnightly)
- Special Council Meetings (held as needed)
- Committee Meetings (held as established by Council)
- Audit Committee Meetings (mandatory)
- Electors' General Meeting (mandatory)
- Electors' Special Meetings (by request)

Meetings are open to the public

As a general rule meetings of Council and committees are open to the public. There are certain circumstances - controlled by legislation - in which a meeting or part of a meeting can be closed to the public.

Public Question Time

Members of the public are entitled to ask questions and have these responded to during Public Question Time. For ordinary Council meetings, the questions must relate to the functions of local government. For special meetings, questions can only relate to the matter to be considered at that meeting. A summary of questions and answers is included in the minutes.

Petitions

Members of the public can submit petitions to the Council on any matter that concerns local government. The Council will receive petitions at formal Council meetings and they will be referred to the Chief Executive Officer for action and subsequent report to the Council if the matter concerns an issue that the Council needs to deal with.

Deputations to a committee

The Council has made arrangements through a meeting procedures local law for members of the community and people who have an interest in a matter to make a presentation to the relevant committee in the form of a deputation. Applications to be a deputation are to be put in writing and some other formalities observed. Permission to address the meeting is granted by the Presiding Member of the committee.

Quorum

In order for a decision to be valid, a quorum of at least 50% of the members of Council or a committee must be present before business can be transacted. In rare situations the required number may be varied. If a quorum is not present within half an hour from the time fixed for the meeting to start then the meeting is adjourned.

Meeting Procedures

The Council has adopted standardised meeting procedures in the form of a local law. Councillors must abide by the City of Stirling Meeting Procedures Local Law 2009. This law sets out the way in which decisions are made, controls debate and behaviour of Councillors and also members of the public in attendance.

Agenda and Minutes

The Chief Executive Officer is responsible for convening meetings. This involves preparing an agenda and giving notice of the date, time and place the meeting is to be held. The agenda includes reports on the matters to be determined. The Chief Executive Officer is responsible for the content of the reports although they may be prepared by other senior officers. Each report contains information on the background, detail and implications of the issue and includes professional comments relevant to the matter.

Under the *Local Government Act 1995* the Chief Executive Officer is required to provide a recommended course of action to the Council or committee. The Council or committee may adopt this recommendation, amend or reject it and instead decide something different. When this occurs the Council or committee is required to provide a reason for not accepting the recommendation and this is recorded in the Minutes.

If they wish to do so, Councillors can also include items for consideration using the order of business – Notice of Motions.

3.4.2 Making Decisions

The Council has different decision making roles

The Council is entrusted with a variety of decision making roles. It operates under 'head of power' principles that mean it can only make decisions within its jurisdiction. Under the *Local Government Act 1995* the Chief Executive Officer is required to advise the Council on its functions under legislation. This is done by using a header section in each of the agenda reports that explains the particular function involved in that items of business.

The Council has authority or discretion to make decisions relating to:

Advocacy	when Council advocates on its own behalf or on behalf of our community to another level of government/body/agency.
Executive	when Council sets direction and includes oversight e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	when Council adopts local laws, local planning schemes and policies. The Council is required to review each local law within eight years from the time of its creation but may do so sooner.
Quasi-Judicial	when Council determines an application/matter that directly affects a person's rights or interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial decisions include development applications, building permits, applications for other permits/licences (e.g under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Particular issues surrounding quasi-judicial decisions

Councillors must remain objective and deal impartially with applicants or affected persons when quasi-judicial decisions are involved. Determinations are to be based on sound legislative rationale and on available evidence. If they involve development applications the decision is made under the provisions of the local planning schemes and any discretions allowed under the schemes. If other decisions then the relevant laws are applied. Councillors will consider existing laws and policies and to avoid prejudicing the eventual decisions,

Councillors cannot 'prejudge' a matter by deciding or telling others how they will vote before evaluating the officer report and listening to the debate at the meeting.

Administrative Law Principles

The principles of Administrative Law apply in circumstances where individuals interact with government institutions. These principles guard against abuse of power by organisations that make decisions that directly impact on peoples' lives.

Councillors and also City Officers under the supervision of the Chief Executive Officer must apply administrative law principles in their decision making.

Principle 1. To act for proper purposes and in good faith

The Council is acting for proper purposes and acting in good faith when it exercises discretionary power in such a way that is designed to achieve a purpose or object authorised by the legislation granting that power.

Principle 2. To take into account only relevant considerations

The duty to take into account only relevant considerations acts in the positive and also the negative, i.e. not to take into account matters not relevant to that particular decision.

Principle 3. To act reasonably

The Council is seen to be acting reasonably when it applies legislation or policies according to the intent of the law or policy in a non-discriminatory way.

There is a duty on the Council to ensure that there is evidence upon which any decision is based. A person may challenge a decision where there is no evidence or other material to justify the making of the decision.

Principle 4. To provide procedural fairness

The Council is seen to provide procedural fairness when it sets down clear rules relating to the decision-making process and ensures the rules are followed by applicants and the Council itself. If the Council strays from these rules it may be regarded as procedurally unfair, either to an applicant or third parties.

Procedural fairness includes the right to be heard

Applicants are able to put their case when they apply and are also given an opportunity to present other arguments during the application process.

A person who may be adversely affected by an application from another person is given the right to comment and have relevant objections taken into account by a decision-maker. However there is no right of veto and the comments of objectors must be weighed in the balance against the rights of applicants.

Procedural fairness includes the rule against bias

Bias is a term that means some deviation from an objectively neutral position. To be biased is not to conform to the expected accepted standard of fairness or to create in the mind of an observer a reasonable apprehension of failing to do so. The requirement that Councillors approach their decision making with an open mind is implicit in the way that Council decisions are made.

Policies assist procedural fairness

Because of the need for Councillors to come to fair and just decisions and for the principles of procedural fairness to be applied, Council has adopted policies to help guide decision making at Council level and within the Administration.

A written policy is a predetermined view of the way in which the City is likely to deal with a matter. Policies state the objectives and underpinning principles that will be applied to any application or decision. Policies can assist the Council to apply similar objectives and principles to each decision. This helps achieve a degree of consistency in its decision-making in situations that are the same or significantly similar. However a policy is not a law and as such its application can be waived or varied at the discretion of the Council based on the merits of the case.

The Council adopts three types of policies:

- Council policies with an external focus that impact on and are of concern to the community
- Organisational policies that have an internal focus and influence the Administration
- Local planning policies that have town planning implications and form the basis of assessment of development applications. These policies support and guide the consistent application of local planning schemes and other planning issues.

3.4.3 Conduct at Meetings

Meeting behaviour

Everyone present at a Council or committee meeting must show respect for others, whether Councillors, employees or members of the public.

Each Councillor at the City of Stirling accepts responsibility for their conduct and contributes to a culture of constructive debate without conflict, grandstanding, bullying or aggression. The Presiding Member has powers to call to order any Councillor or member of the public that does not behave in a manner set out in the meeting procedures local law.

Debate

In Western Australia each Councillor has an autonomous vote and party politics does not have a place in local government decisions.

At the City of Stirling each Councillor forms a judgement about issues through the assimilation of information contained in officer reports and by listening to different points of view, including those expressed by community members and in debate by other Councillors. This deliberative process is an important part of our democratic system. Each Councillor considers alternatives, weighs up reasons and arguments and considers the reasons for support or objection against particular proposals. Councillors form a preliminary view about an issue before entering the meeting but may modify their original views after listening to argument and counter argument in the debate. The end result is that each Councillor acting as a representative of the community has contributed to a process whereby the Council itself expresses its will through reasoning and judgment.

Casting a vote

Each Councillor must vote if they are present at a Council meeting and it is not permitted to abstain from the vote. Votes cannot be secret and the Presiding Member will ensure that Councillors comply with their responsibilities in this regard.

The Presiding Member will first call for those in favour of a motion to cast their vote and then call for those against the motion to indicate their vote. If there is an equality of votes the presiding member casts a second vote. The result of the vote is recorded in the minutes.

Participation by instantaneous communications

With the prior approval of the Council by absolute majority vote, a Councillor who is not able to attend physically may attend the meeting via telephone, video conference or other electronic means. To be eligible the Councillor cannot be outside the State of Western Australia at the time since State Government regulations cannot extend beyond State boundaries. In giving its permission the Council approves a suitable distant place for the person to be physically present during the course of the meeting. If the link is lost during the meeting the Councillor is taken to be no longer in attendance and the minutes will record this. This disengagement may impact on the numbers for a quorum.

3.4.4 Committees and Other Forums

Committees

The Council has a committee system where issues can be clarified and explored thoroughly before a recommendation is made to the Council.

Current committees are:

- Planning & Development Committee
- Community & Resources Committee
- Audit Committee
- CEO Performance Review Committee
- Strategic Property Committee

Working Groups and Advisory Panels

Less formal than established committees but of importance to the Council are various working groups and advisory panels. The views of community members that serve on these groups are valued by the Council and taken into account when decisions are made within the relevant area of interest. Current groups are:

- Disability Advisory Panel
- Heritage Advisory Panel
- Natural Environment Working Group
- Crime Prevention Working Group
- Road Safety Working Group
- Local Emergency Management Committee

Workshops and Briefings

Workshops with Councillors may involve employees under the direction of the Chief Executive Officer and other invited participants. They provide an opportunity for Councillors to be briefed on complex issues and create an opportunity for questions to be raised. No decisions are made at these forums which are for the exchange of information only.

3.4.5 DECISION MAKING POWERS ASSIGNED TO OTHERS

Delegation

Delegating a decision making power to another means that the delegate has the power to make that decision, subject to any conditions or restrictions set out in the delegation. In local government, both the Council and the Chief Executive Officer have delegation powers. The Council may delegate powers to the Chief Executive Officer or a properly constituted Committee. The Chief Executive Officer may delegate powers to another employee. A delegate is able to use their own judgement and make the decision they believe is right in the circumstances. Decisions made under delegation are binding on the local government. In local government, all delegations are recorded in a register.

The *Local Government Act 1995* places certain limitations on the powers that may be delegated but use of delegated authority means that a large volume of routine decisions of the Council can be effectively managed and acted on promptly leading to greater efficiency. Using this approach the Council delegates a range of functions and duties to the Chief Executive Officer.

In some circumstances the Chief Executive Officer will in turn on-delegate to other employees the power to make formal decisions on behalf of the City. This responsibility is taken seriously and these employees are subject to various legislative disclosure requirements detailing their personal interests as a means of ensuring conflicts are avoided. Where a conflict exists the employee is not permitted to exercise their delegated powers in that instance.

The City's Local Planning Scheme No. 3 allows for certain decision making powers to be delegated to the Chief Executive Officer or a Committee.

Acting through another

The delegation powers under the *Local Government Act* do not prevent the Council or the CEO from performing any of their functions by 'acting through' another person. Generally, this enables the Council or the CEO to authorise another person to take administrative actions on their behalf – such as communicating to a third party a decision made by the Council or CEO.

Authorised Persons

The Council or the Chief Executive Officer may appoint persons or classes of persons to perform functions under particular legislation. Employees who are appointed as authorised persons are required to have a certificate of appointment or other form of identification to confirm their appointment.

3.5 Principle 4: Accountability

The City must account for its activities and have systems that support this accountability.

3.5.1 Corporate Accountability

Stewardship and Financial Performance

The Council is accountable for long term financial planning for the City, the annual budget and for monitoring financial performance.

The Council ensures that:

- the City is financially sustainable
- infrastructure is maintained through adoption of an asset management strategy and policies
- budget reviews and other financial information is reported to the Council in a consistent and accurate way
- there is a considered strategic position in relation to funding and resourcing services that are evaluated for effectiveness
- an equitable, transparent and accountable rating system is in place
- borrowings and financial assets are aligned to strategic objectives
- the integrity of financial systems and reports are safeguarded

The Council ensures compliance with its legal obligations to:

- prepare and adopt an annual budget in the prescribed manner
- forward a copy of the budget to the Director General of the Department of Local Government & Communities
- prepare an annual financial report and other financial reports as prescribed and submit these for audit in each financial year
- establish a municipal fund and a separate and distinct trust fund
- establish and maintain reserve funds for holding money set aside for specific purposes

Audits

The City appoints external auditors and the Chief Executive Officer is required to assist the auditor carry out his or her duties. The Council ensures that an audit is conducted every year and ensures any action recommended by the auditor is followed up and requires the Chief Executive Officer to provide a report to Council on any matters raised in the report of the auditor. A copy of that report is provided to the Minister for Local Government.

Audit Committee

Council has established an Audit Committee as required by the *Local Government Act*. The function of the Audit Committee is to provide assistance to the Council in relation to the appointment of an external auditor, matters to be audited, the scope of audits and other matters associated with financial management.

The primary objective of the Audit Committee is to accept responsibility for the annual external audit and liaise with the auditor so that Council can be satisfied with the performance of the City.

The Audit Committee reviews the bi-annual report of the Chief Executive Officer on the appropriateness and effectiveness of the City's systems and procedures in regard to risk management, internal control and legislative compliance and reports to the Council the results of those reviews.

Internal Audit Reporting

The internal audit functions help all levels of the Administration to achieve sound management review and control over all activities to ensure they are carried out effectively and efficiently. The Internal Auditor reports to the Audit Committee through the office of the Chief Executive Officer.

Risk Mitigation Focus

The Council has adopted a Risk Management Framework to:

- embed the risk management process and ensure it is an integral part of the City's planning process at the strategic level
- provide a standardised and structured approach to risk management
- ensure appropriate plans are in place to mitigate risks identified
- create a risk awareness culture

Annual Reporting

The Council adopts an Annual Report each year that includes reports from the Mayor and the Chief Executive Officer, an overview of the Strategic Community Plan and its progress and alerts the community to major initiatives that will continue in the next financial year. The Annual Report contains the financial report and Auditor's Report for the financial year past. The Council presents the Annual Report to electors at the Annual Electors Meeting where members of the community can ask questions.

Strategic Activities Progress Reporting

The Council has adopted a number of strategic activities that are incorporated into the Strategic Community Plan. As part of the Council's Integrated Planning Framework progress on strategic activities is regularly monitored by the Chief Executive Officer and a report provided to Council twice yearly in February and August.

Review of the Performance of the Chief Executive Officer

The Council has established the CEO Performance Review Committee to assist with the task of reviewing the performance of the Chief Executive Officer. Key Performance Indicators are set by the Council and progress on these crucial issues is undertaken by the committee. The committee meets regularly with the Chief Executive Officer and a formal evaluation is conducted annually that is facilitated by an external consultant with relevant human resource management experience. The results of the formal evaluation are reported to Council.

Statutory Compliance Return

The Council receives a report each year on its compliance obligations and responsibilities under the *Local Government Act 1995* and Regulations. This report is submitted to the Director General of the Department of Local Government & Communities.

The Compliance Audit Return provides prompts in relation to statutory obligations in a number of areas such as local laws, tenders, meeting processes, disclosure of financial interests and final management matters.

Consultation

Community consultation allows the Council access to wider sources of information, points of view and potential solutions. It gives the community a better understanding of issues behind the decision making process and related constraints or opportunities that exist. Through policy the Council ensures that a range of mechanisms to interact and engage with the community are used. Statutory notices, Council news, events and announcements are communicated to the public through forums, publications, community notice boards, electronic channels and social media platforms.

Customer Service Charter

The Council has adopted a Customer Service Charter to ensure that the Administration is accountable for a high level of service standards. The Chief Executive Officer is required to ensure that customer service standards and performance are measured and when required to identify areas for improvement and compliance with the Charter.

Public rights of access to information

The Council supports the concept of open government and is accountable to the community, however some information held by the City relates to the private affairs of individuals and some confidential matters and therefore constraints on the right of access exist.

The *Local Government Act 1995* guarantees rights of access to certain information held by local governments. Where documents are sought outside the general rights of access, members of the public may request documents subject to the *Freedom of Information Act 1992*.

3.5.2 INDIVIDUAL ACCOUNTABILITY

Fiduciary Duty

A fiduciary duty is a legal duty to act solely in another party's interests. A person owing this duty is called a fiduciary. The party (generally an organisation) to whom the duty is owed is called a principal.

Councillors make a declaration of office when they are elected to Council. This declaration requires a person elected to formally take on the office of a Councillor at the City of Stirling and sets up a fiduciary duty to the City (the principal) which is exercised according to the best of their judgment and ability for the good government of people in the district.

Under this fiduciary duty, a Councillor, when dealing with any matter in their capacity as a Councillor, must always act in the best interests of the City of Stirling. This duty overrides any personal interest that the Councillor may have, and any other interest that any other person may have. For example, where there is a conflict between what would be in the interests of the City, and what would be in the interests of a particular Councillor or a group of ratepayers, the Councillor must vote and otherwise act in the best interests of the City.

Disclosures of Interest

The *Local Government Act 1995*, various Regulations and the City's Code of Conduct place specific obligations on Councillors, committee members and employees who have financial, proximity or impartiality interest in an item before a meeting. These provisions support the principle that elected members and employees must be open and above reproach.

A Councillor or committee member who attends a meeting and who has an interest in any matter to be discussed at a Council or committee meeting must disclose the nature of the interest –

- a) in a written notice given to the CEO before the meeting; or
- b) if verbally given at the meeting, stated immediately before the matter is discussed.

On some occasions a Councillor or committee member may also need to disclose the extent of the interest when a financial or proximity interest is held in an item before the meeting.

Employees are also required to disclose any financial, proximity or impartiality interest when providing advice or a report to the meeting.

Financial and Proximity Interests

A Councillor, committee member or employee will have a financial interest in a matter before the Council or a committee if it is reasonable to expect that the matter will, if dealt with in a particular way, result in a financial gain or loss to them, or to a person who is 'closely associated' with them (such as a spouse, partner or employer).

A proximity interest is established by the location of land and exists if a Councillor, committee member or employee, or a person 'closely associated' with them, has an interest in land and the matter before the Council or a Committee affects land adjoining theirs and concerns:

- a proposed change to a planning scheme;
- a proposed change to the zoning or use of land; or
- a proposed development of land (development includes maintenance or management of land or of services or facilities on the land).

Financial and proximity interests are dealt with under provisions in the *Local Government Act* and generally require a Councillor to leave the meeting room while the item is debated unless (in special circumstances) approval is given by the Council or committee for the Councillor or committee member to re-enter the room and be present or to participate and vote.

Failure to disclose a financial or proximity interest is a serious matter and requires a report to be made by the Chief Executive Officer to the Corruption and Crime Commission. The matter may also be dealt with by the Director General of the Department of Local Government & Communities.

Impartiality Interests

An impartiality interest is an interest that could adversely affect, or could reasonably be perceived to adversely affect, the impartiality of the person having the interest. It includes an interest arising from kinship, friendship or membership of an association.

This type of interest is distinct from financial interests as it involves a connection with the matter to be decided that would not result in financial gain or loss. Impartiality interests of Councillors are dealt with under the *Local Government (Rules of Conduct) Regulations 2007*. Similar requirements apply to employees under the City's Code of Conduct. Councillors who have an impartiality interest participate in the Council or committee meeting after declaring they will deal with the matter in an objective and unbiased way.

Primary Returns and Annual Returns

Councillors and those employees who exercise delegated powers are required to lodge primary and annual returns that provide information on the person's interests. A primary return is completed within three months of commencing duties. An annual returns is completed at the end of each financial year disclosing any changes to the information previously disclosed.

Gifts and travel contributions

Councillors and employees are required to disclose gifts or travel contributions that they receive. They are also prohibited from accepting gifts in some situations.

A disclosure must be made in writing to the Chief Executive Officer within 10 days of receiving a gift or travel contribution. The disclosure must include details such as the name and address of the person giving the gift or travel contribution, its description and an estimate of its value. These details must be included in a City register and are generally required to be published on the City's website.

Gifts that are required to be to be disclosed include hospitality or other benefits that are –

- given to a Councilor without payment or other 'consideration';
- worth more than \$50 – if it is given by a person who is undertaking or intending to undertake 'an activity involved in a local government discretion' (such as a person who has a commercial dealing with the City or who has or requires an approval or permit from the City);
- worth more than \$200 - if it is given by someone else.

A contribution to travel (including incidental accommodation costs) is required to be disclosed if it is worth more than \$200.

There are some exceptions to disclosure requirements, including where a gift or contribution to travel is given by a 'relative' (but not, for example, a cousin or in-law).

A Councillor is prohibited from receiving a gift worth more than \$300 if the gift is offered by a person who is undertaking or intending to undertake 'an activity involved in a local government discretion'.

3.5.3 Protection from Liability

Defamation

In a Council or Committee meeting, Councillors fulfil a public duty by debating issues. Therefore they have some protection from legal actions for defamation against them. The protection applies if statements they make are made in good faith and for the purpose of performing their functions as a Councillor. Statements made with malice or recklessly are not protected.

Other Liability

Provided that the person has acted in good faith, the *Local Government Act 1995* provides protection from liability for wrongdoing for Councillors, committee members and employees relating to or arising from actions that the person has done or has not done in the performance of their local government functions.

However, protection may not be afforded for matters involving some Federal legislation.

3.5.4 The City may be held to account

The systems and processes described in this framework are the inputs to good governance – the outcomes can be measured in terms of the:

- efficiency and effectiveness of the City to act as a local government
- quality of the Council's decision making
- evidence of sound and professional working relationships
- levels of engagement with and accountability to our community.

The standard of good governance at the City may be judged by reference to a number of independent outside authorities and to whom the Council is accountable. Examples are given below:

The electors	The community will judge the performance of the Council and individual Councillors at each election.
State Government	The Director General of the Department of Local Government may undertake an Authorised Inquiry into local governments and aspects of their operations and affairs. If the findings warrant this, the Minister may suspend a Council and order that further inquiry is initiated. The Minister may dismiss a Council for not providing good government and install a Commissioner until new elections can be held.
State Administrative Tribunal	Decisions made by a local government may be subject to review by the State Administrative Tribunal (SAT) for example where applicants are aggrieved by a decision that is covered by SAT jurisdiction (e.g. Development Applications). The SAT may hear complaints against individual Councillors when referred by the Director General of the Department of Local Government.
Ombudsman	The Ombudsman is an independent officer of Parliament with responsibility to investigate the actions of various government institutions including local governments.
Disabilities Services Commissioner	People with disabilities have the same right as other members of society to services and to participate in decisions affecting their lives. A complaint can be lodged under the <i>Disability Services Act 1993</i> about public service providers, including local governments.
Equal Opportunity Commissioner And Tribunal	Most commonly thought of as relating to discrimination in the workplace, the Act also covers access to public places and provision of goods and services. The Commissioner has extensive powers to pursue a complaint. In addition the Tribunal has the power to award damages for compensation to a complainant if a complaint is substantiated.

4. The ever developing systems of good governance

4.1 Our commitment to leadership in governance

Good governance is an ever developing suite of processes, systems, rules and corporate relationships that influence the conduct of all those involved in local government. Many of them are enforceable directly or indirectly by the State Government or the local government itself. Many of them rely on the strong ethics and acceptance of personal responsibility shown by Councillors who come onto Council to serve the community to the best of their ability and judgment.

Governance systems can be amended by State Parliament *legislation* or *regulations* or by the Council through policy change with new duties and rights and obligations introduced and others removed. This means that Councillors have to be ever diligent in ensuring that we keep up to date, improve our professionalism in the role and find new ways to maintain our vision and mission.

In doing so, we recognise that the most fundamental governance task the Council has is one of strategic leadership. We constantly strive to achieve a strong sense of shared purpose and commitment that will allow us to continue on our path of excellent governance and enable us to adapt to the changing needs and desires of the community we serve.
