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Elected Members and employees of the City of South Perth (the City) are committed to the democratic process and the principles of good governance.

This document outlines the City’s Corporate Governance Framework.

**PART I: CORPORATE GOVERNANCE IN LOCAL GOVERNMENT**

1. **GOVERNANCE DEFINED**

**Purpose**

This Governance Framework has been prepared to ensure our compliance with all relevant legislation, including the *Local Government Act 1995* (the Act) and the pursuit of best practice as a democratic local government.

It is an overview of the governance program that has been put in place so that Elected Members and employees can meet their governance responsibilities. It also enables our community and stakeholders to have an understanding of governance and demonstrates how all people associated with our Council can participate.

**What is governance?**

Governance is the act of governing. It encompasses all the processes for making and implementing decisions, that define expectations, grant power or verify performance. Governance is how the City of South Perth ensures and enhances good government principles throughout our organisation, in order to maintain the trust of the community.

It impacts on all sectors of our community and the practice of good governance is considered critical for ensuring that:

- The City meets legal and ethical compliance
- Decisions are made in the interests of all stakeholders
- The City behaves as a good corporate citizen should.

**What is good governance?**

Good governance for the City is about how well it provides goods, services and programs while also meeting its legislative, non-legislative requirements (e.g. internal standards) and community expectations.

This is achieved by having the best possible decision making processes and structures in place that are transparent and accountable, and having integrity when interacting with the community, businesses and with government.

It is defined by the following principles:

Good governance is accountable

Accountability is vital. The City has an obligation to report, explain and be answerable for the consequences of decisions we have made on behalf of our community.
Good governance is transparent and open

The community and stakeholders should be able to follow and understand our decision-making process. This means they will be able to clearly see how and why a decision was made – what information, advice and consultation Council considered, and which legislative requirements (when relevant) Council followed.

Good governance follows the rule of law

This means that decisions are consistent with relevant legislation or common law and are within the powers of Council.

Good governance is responsive

The City should always try to serve the needs of the entire community while balancing conflicting interests in an appropriate, timely and responsive manner.

Good governance is equitable and inclusive

Our community’s wellbeing derives from the community’s satisfaction that Council has considered their interests in the decision-making process. This means that all groups, particularly the most vulnerable, should have opportunities to participate in the process.

Good governance is effective, efficient and sustainable

The City should implement decisions and follow processes that make the best use of available staff, resources and time, to ensure the best possible results for our community.

Good governance is participatory

Anyone affected by or interested in a decision, should have an opportunity to participate in the process for making that decision, whether this is by being provided with information, or consultation to provide them with opportunity to give their opinion or recommendations.

Why is good governance important to the City?

- It underpins the confidence that the community has in Council and its services
- It affects the quality of our outputs – goods, services and programs
- It is a value adding activity
- It ensures that the City meet its legislative responsibilities
- It is a strong reminder to the Council that it is ultimately accountable to the community it serves.

By following good governance principles, the Council, the Chief Executive Officer, employees and the community can be confident that our organisation is being run efficiently, is sustainable and is carrying out the objectives, policies and plans of Council.
PART 2: GOVERNANCE STATEMENT

1. INTRODUCTION

Local governments are experiencing increasing scrutiny of their operations and activities, creating a need for full and open disclosure of their governance systems. As with the private sector's long-standing focus on governance issues, we must consider the principles of systems integrity, role delineation, accountability and strategic management, in order to develop suitable governance frameworks that ensure effective, transparent and sustainable administration of the City's affairs.

This Corporate Governance Framework provides information about the Council, Elected Members and administration; the relationships that exist and how they work together to achieve good governance.

The framework links their roles under the Local Government Act 1995 (the Act) and other relevant legislation, our suite of governance documents and the functions performed by the City. It provides guidance and information to the major participants in the governance processes of the City.

Supported by this framework, Elected Members and the Chief Executive Officer are able to:

- Provide strong, effective leadership
- Maintain quality service delivery and the effective use of resources
- Adhere to the City’s values and defined strategies
- Deliver effective stewardship of the City’s assets, including infrastructure assets
- Provide systems that ensure compliance with relevant statutes
- Encourage innovation and continuous improvement throughout the organisation
- Deliver services in line with agreed performance measures.

Our Governance Framework is underpinned by:

a) Our commitment to best practice by adopting the Australian Business Excellence Framework and promoting continuous improvement for staff and other participants.

The Australian Business Excellence Framework outlines the necessary structures and processes that guide how members and staff fulfill their duties and sets out clear boundaries for participant’s roles, in terms of their responsibilities and purpose. It also enables accurate measurement of the City’s performance in achieving defined strategic goals.

b) Our Integrated Strategic Planning (ISP) Framework and other Council strategic documents.

The ISP Framework demonstrates how we plan to sustainably and strategically meet the needs of our community, while focusing on place shaping (built/physical environment) and wellbeing and a greater level of community engagement. It was formulated through the Our Vision Ahead process, which documented our community’s priorities, aspirations and vision for the City and helped us shape and create a shared vision for the City of South Perth. This involved extensive community consultation with approximately 1450 community members contributing.
2. CORPORATE GOVERNANCE MODEL

The following diagram represents the City’s internal/external stakeholder governance model.
3. ROLES, RESPONSIBILITIES AND COUNCIL COMPOSITION

3.1 The Role of Council

The roles, functions and objectives of councils are set out in the *Local Government Act 1995* as follows.

The role of the Council [Section 2.7]:

The Council as a body corporate -

a) governs the affairs of the City of South Perth;

b) is responsible for the performance of the City of South Perth’s functions;

c) oversees the allocation of the finances and resources of the City of South Perth; and

d) determines the City of South Perth’s policies.

The following Council roles and responsibilities have been interpreted from the Act, in conjunction with the City’s Governance Framework.

a) **Directs and controls the affairs of the City of South Perth.**

How strategic planning mechanisms are used by the Council to ensure the continuing viability and performance of the City, by setting appropriate strategic goals for the organisation and monitoring the City’s performance against them.

b) **Is responsible for performance of the functions of the City of South Perth.**

The Council bears ultimate responsibility for the performance of the City’s functions. It can exercise this through the development of appropriate governance frameworks including delegations of authority and determining an appropriate organisational structure.

c) **Oversees allocation of the finances and resources of the City of South Perth.**

The Council exercises this role by adopting the City’s budget and Strategic Financial Plan, as advised by City officers responsible for the professional development of appropriate financial controls and strategic documents.

d) **Determines the policies of the City of South Perth.**

The role of Council in setting policy is most effective when it consults with a professional organisation that implements policies through the development of appropriate management practices and work processes. Council policies should set the standards for the City’s administration to achieve and make strategic policy decisions that guide officers in their decision-making processes.

To achieve the City’s accountability, stewardship, sustainability and innovation objectives, Elected Members are at their most effective when they focus on the above, while at the same time, representing the interests of the community. They must also be involved in appointing the Chief Executive Officer and participating in that officer’s performance review process.

Greater accountability and transparency is best achieved when:
Council deliberates and makes resolutions within a framework that is factually based, non-prejudicial and relevant to the issues at hand. It is fostered by Elected Members’ standards and behaviour, especially those adhering to legislation governing the declaration of financial and other interests, whenever these arise, and any other associated implications for their participation in any debate.

The role of Council can be categorised into three key areas; legislative, executive and quasi-judicial.

**Legislative**

The Council is responsible for adopting a set of local laws that reflect current community standards and provide for the good governance of the City. Council, when making local laws, must be aware of their legislative effect.

**Executive**

The Council is responsible for overseeing the executive functions of the City; determining appropriate policies, strategies and functions for the administration to implement.

**Quasi-judicial**

The Council is responsible for applying existing laws, including the Local Government Act, Town Planning and Development Act and other relevant legislation to specific facts and situations. A quasi-judicial role is one where they must act as judges rather than legislators.

### 3.2 The Composition of Council

The Council comprises nine members, including the Mayor.

Two (2) Councillors are elected from each of the City’s four wards.

The Mayor is elected by popular vote from throughout the entire City.

Local Government elections are conducted biennially (every two years) on a fixed date prescribed by the Act, with candidates elected to the office of Councillor or Mayor for a four (4) year term.

*Attachment 1* provides the eligibility criteria for nomination and current terms of office applicable to the Mayor and wards.

### 3.3 The Role of Mayor

The role of the Mayor as provided under the Act [Section 2.8], is to:

a) Preside at meetings in accordance with the Act;

b) Provide leadership and guidance to the City of South Perth community;

c) Carry out civic and ceremonial duties on behalf of the City;

d) Speak on behalf of the City;

e) Perform such other functions as are given to the Mayor by the Act or any other written law;

f) Liaise with the Chief Executive Officer on the City of South Perth’s affairs and the performance of its functions; and

g) Otherwise fulfil the role of Councillor.
3.4 The Role of Deputy Mayor

The Act [Section 2.9] enables the Deputy Mayor to perform the functions of the Mayor, if:

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

3.5 The Role of Councillors

Under the Act [Section 2.10], the role of a Councillor is to:

a) Represent the interests of electors, ratepayers and residents of the City;
b) Provide leadership and guidance to the City of South Perth community;
c) Facilitate communication between the community and the Council;
d) Participate in the City of South Perth’s decision making processes at Council and Committee meetings; and
e) Perform such other functions as are given to a Councillor by this Act or any other written law.

Each individual councillor has a legislative requirement to fulfil this role and how they perform the role is outlined in this Governance Framework.

Individually, Councillors have a responsibility to act as a conduit between the community and the City. Not only must they represent the interests of the broader community on the Council, but also as community leaders they must represent the interests of the City within the broader community.

Whilst Councillors may be elected from an individual ward, their primary obligation is to represent the interests of the broader community within the City. It is not appropriate for individual Councillor’s constituent concerns to interfere with their decision-making processes in providing good governance of the City as a whole.

3.6 The Role of Chief Executive Officer

Under the Act [Section 5.42] the Chief Executive Officer’s functions are to:

a) Advise the Council in relation to the functions of the City of South Perth under the Act and other written laws;
b) Ensure that advice and information is available to the Council so that informed decisions can be made;
c) Cause Council decisions to be implemented;
d) Manage the day to day operations of the City of South Perth;
e) Liaise with the mayor on the City of South Perth’s affairs and the performance of the City’s functions;
f) Speak on behalf of the City if the mayor 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 City of South Perth are properly kept for the purposes of the Act, or any other written law; and
i) Perform any other function specified or delegated by the City of South Perth or imposed under the Act or any other written law as a function to be performed by the Chief Executive Officer.
The Act enables Council to delegate in writing to the Chief Executive Officer, the capacity to exercise any of its powers or duties, with the exception of those relating to:

a) Actions in which a decision of an absolute majority or a 75% majority of the Council is required;
b) Acceptance of a tender which exceeds an amount as determined by the Council;
c) Appointment of an auditor;
d) Acquisition or disposal of any property valued at an amount exceeding an amount determined by the Council for the purposes of this paragraph;
e) Any of the Council’s powers under Sections 5.98, 5.99 or 5.100 (determining fees, allowances and expenses of members and Committee members);
f) Borrowing money on behalf of the City;
g) Hearing or determining an objection of a kind referred to in Section 9.5;
h) Carrying out any power or duty that requires the approval of the Minister or the Governor; or
i) Such other powers or duties as may be prescribed.

The role of the Chief Executive Officer in the governance framework extends to:

- Providing policy advice to Council
- Implementing strategies, policies and decisions of Council
- Managing the operations of the City
- Maintaining the integrity of systems and processes required to ensure that City’s accountability and compliance obligations are met
- Appointing and managing the activities of the City’s staff.

This clear separation of member and Chief Executive Officer roles and responsibilities as identified within the Act reinforces good governance principles. It also provides the basis for the City to adhere to all statutory requirements whilst meeting the expectations of its community.

However, it is also important for all parties to recognise and agree that maintenance of a close, effective and cooperative relationship between members, the Chief Executive Officer and staff will be critical to the achievement of key goals and objectives.

It is a requirement that initial staff contact by members on any matter is made through the Chief Executive Officer or Director or another person nominated by the CEO. A schedule of staff members, who the CEO has identified as being suitable to be contacted is available to members.

Should a member wish to contact any other member of staff directly, a request shall first be made to the Chief Executive Officer or relevant Director, who will assess the request.

### 3.7 Employees

In undertaking its functions and responsibilities, Council is supported by the Chief Executive Officer and an Executive Management Team comprising the heads of three directorates, namely:

- Financial and Information Services
- Infrastructure Services
- Development and Community Services.
The Executive Management Team meets weekly as a basis for ensuring effective co-ordination of the City’s operations and implementation of Council resolutions.

These meetings are complemented by regular Directorate and Operational Management Team meetings and Departmental Managers’ meetings. Such forums are considered important, both in enabling management information dissemination and feedback by staff, thereby promoting a whole of organisation approach for the City in the fulfillment of its functions and responsibilities.

3.8 Council as a Corporate Body

Under the Act [Section 2.5], a Local Government is a legal entity (body corporate) with perpetual succession (continues unaffected by death of leadership) and a common seal.

The City of South Perth protects its members and officers by mitigating their liability with liability insurance protection and incorporating effective risk management strategies and processes within our corporate governance framework.

Attachment 2 outlines the limitation of member liability.

Good corporate governance requires clear identification and definitions of responsibility and a clear understanding of relationships between the organisation’s stakeholders and those responsible for managing its resources.

Effective risk management can be achieved by ensuring participants in the governance process are fully aware of their roles, responsibilities and accountabilities.

3.9 Elected Member Support

The Chief Executive Officer, through an effective support process, will ensure that elected members develop an understanding of their roles and responsibilities so they are able to add value and bring independent, informed and objective judgment to the governance decision making process of Council.

The CEO provides a comprehensive induction program upon their appointment and makes available to Elected Members (subject to budget provisions) appropriate resources for their continuing education and development programs as necessary to ensure effective representation of the community and key stakeholders and in accordance with Council policy. Individual support and advice is available through the CEO and relevant executive management.
4. **GOVERNANCE PRINCIPLES**

The foundations of our City’s governance framework are in the strategies, policies and procedures established to meet legislative requirements, manage issues and relationships affecting our City while achieving the goals outlined in our strategic plans.

These detailed strategies and plans help us work effectively for and with the communities and businesses within the City to meet the needs and expectations of our residents and ratepayers and administer the City’s affairs. Good governance requires accountable and sustainable strategic planning, and robust and transparent financial management, particularly concerning the stewardship of community assets.

These plans also serve to support our organisation’s Mission and Vision.

**Our Mission**

Our mission statement outlines the purpose and core business of the City of South Perth. This statement identifies the important roles of the community, the Council and the staff in ensuring that the strategies outlined in the Strategic Plan 2015–2025 can be achieved.

“Working Together to Create a City for Everyone”

**Our Vision**

Our vision statement describes how the City of South Perth will respond to the community’s aspirations and priorities for the future.

The community vision was identified through Our Vision Ahead:

“We belong to an engaged and cohesive community that is linked by vibrant local centres and shared spaces. We live and travel in ways that nurture our environment; and our housing and amenities meet the diverse needs of a changing society.”

The governance foundations are outlined below and can be found on Council’s website.

**4.1 Integrated Planning and Reporting Framework**

All local governments are required to have an integrated planning and reporting framework in place, following legislation put in place by the Department of Local Government in 2012.

Our framework comprises:

**Strategic Plan 2015-2025**

This is the overarching plan guiding the Council until 2025. It has a long-term focus and a strong emphasis on our community’s aspirations, priorities and vision for the future. Community consultation identified key focus areas based around six themes, as the City’s broad priorities.

These themes are:

**Community:** Create opportunities for an inclusive, connected, active and safe community.

**Environment:** Enhance and develop public open spaces and manage impacts on the City’s built and natural environment.

**Housing and Land Uses:** Accommodate the needs of a diverse and growing community.
**Places:** Develop, plan and facilitate vibrant and sustainable community and commercial places.

**Infrastructure & Transport:** Plan and facilitate safe and efficient infrastructure and transport networks to meet the current and future needs of the community.

**Governance, Advocacy and Corporate Management:** Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan.

The Strategic Plan informs our Long Term Financial Plan 2015-2025.

**Corporate Plan 2015-2019**

This four-year rolling plan contains details of the projects, services, operations and performance measurements required, to achieve the priorities identified in the Strategic Community Plan. It works in conjunction with the Strategic Financial Plan (see below), to set the City’s resource and budgeting priorities for the life of the Corporate Plan.

Councillors are provided with a quarterly updates on the Corporate Plan to enable them to access the performance of strategic initiatives and to assist with decision-making.

**Strategic Financial Plan**

This Plan captures Council decisions that have long-term financial implications, so that better business decisions can be made about the allocation of funds and financial resources. It outlines any significant projects, programs and activities to be undertaken by the City over a five-year period, relating to the City’s strategic direction.

The Strategic Financial Plan is reviewed every year and is presented to Council every second year for consideration.

**Long Term Financial Plan 2015-2025**

Set for ten years, the Long Term Financial Plan aligns our community aspirations, strategic intent and organisational capacity and guides how we responsibly deliver infrastructure and services to the community, in a financially sustainable and affordable manner.

**Asset Management Plan 2015-2025**

The Asset Management Plan identifies responsibilities, maintenance standards and inspection regimes required to manage civil liability. It demonstrates that the City, as the asset infrastructure authority, is responsibly managing the assets under its control.

**Workforce Plan 2015-2019**

The Workforce Plan sets out workforce requirements and our resourcing strategies for current and future operations, for the life of the Corporate Plan. Effective management of our human resources is an imperative as the City’s staff plays an important role in achieving strategic/operational goals and objectives.

In recognition of this, the City has from a long term planning perspective, implemented strategic human resource projects (including implementation of Enterprise Bargaining Agreements, adherence to established occupational health and safety management practices and the conduct of employee surveys/lifestyle programs) to ensure that full advantage is derived from contemporary Human Resource practices.
**Departmental Business Plans**

These plans enable the implementation of operational strategies/goals and feature performance measurement and reporting criteria for the City’s directorate.

**Annual Budget and Annual Report**

This twelve-month budget provides a framework for the allocation of financial, physical and administrative resources required to pursue the City’s objectives.

Budget reviews are conducted every three months and reflect changing circumstances and priorities.

The Annual Report has its basis in legislation, but enables the City to monitor, control and report on the outcome of its activities over a particular financial year.

Both the Annual Budget and the Annual Report are strongly aligned with the City’s Strategic Plan.

**4.2 Customer Consultation and Engagement**

**Customer Service Charter**

The City has developed and implemented a Customer Service Charter, which outlines the level of service a customer can expect from the City; how information can be obtained; how to address matters if standards are not met; and, offers advice on how customers can help us to serve them better.

The Customer Service Charter reflects our commitment to the quality of service we provide.

The Charter promotes flexibility, innovation and responsiveness in the delivery of service, in an environment of openness, transparency and co-operation between the City and its customers, pivotal to the achievement of positive outcomes. The Charter establishes minimum standards by which City staff will attend to customer enquiries, complaints and information requests to support these outcomes.

The City is committed to reviewing the Charter in order to reaffirm its customer-focused culture.

The City has also undertaken to develop and implement internal/external customer satisfaction surveys to improve the effectiveness of organisational processes.

A Customer Action Request System (CARS) has been implemented. The City is continually seeking new and innovative methods of service delivery, to provide improved access to information and enhance our customer interactions.

**Communication and Consultation Strategy**

The City has developed and implemented a Communication and Consultation Strategy that establishes how the City builds and maintains relationships with stakeholders and communicates key communication objectives with residents and ratepayers.

As part of this process, the City undertakes regular community surveys and other consultative mechanisms to evaluate and measure performance and contribute to decision-making
processes.

4.3 Ethics and Values

Ethical and values-based behaviour is a vital component of good governance. It is built into our governance framework through Corporate Values and a Code of Conduct for members and officers. This establishes clear parameters and standards of conduct.

4.4 Statutory Compliance

The City recognises that matters involving deliberations of Council, the implementation of resolutions and any reporting of performance/outcomes must be fully compliant with all legislation and regulations applicable to local government and as reflected in the Statutory Compliance Return.

Compliance is pursued by maintaining the integrity of key financially-based planning and reporting mechanisms underpinning the City’s operations – notably, the Annual Budget and Annual Report, and supplemented by internally-based, performance measurement mechanisms such as Quarterly Reports.

Compliance with key financial and statutory requirements is assessed through the annual audit, conducted in accordance with the Act, by a professionally qualified external party appointed by the City.

4.5 Asset and Risk Management

The City actively pursues effective risk management and internal systems of control in the conduct of its business, to safeguard its assets, by implementing a number of specific and organisation wide initiatives.

These initiatives include:

- Policies and procedures relating to financial investments;
- Limits on the approval of operational and capital expenditure;
- A quality budget development and implementation program that entrenches sound financial management in the City’s operations;
- A proactive approach to meeting statutory compliance objectives;
- Preparation and monitoring of an infrastructure assets management plan;
- Appropriate procedural and technological controls to ensure a safe, reliable and secure approach to knowledge management;
- A coordinated plan of providing insurance cover for all the City’s operational risks;
- Responsible guidelines and practices established for Occupational Safety and Health, Equal Employment Opportunity and Sexual Harassment;
- Standardisation of corporate business practices by implementing the Australian Quality Council Business Excellence Framework; and
- Procedures that ensure quality, customer focused decision making while meeting the requirements of administrative law.

Activity 6.4.3 of the City’s Corporate Plan refers to the City’s Risk Management framework. This framework collates all the risk management initiatives so that a coordinated approach can be adopted, to minimise business, financial and physical risks to the City’s operations.

The City maintains a wide range of assets including:
Effective stewardship of all City assets is a key element in ensuring the City optimises the use of financial, physical and intellectual resources for the benefit of its residents and ratepayers.

Strategic initiatives including the five-year capital works program and an annual works program schedule provide the City with a basis upon which infrastructure assets are managed and developed.

**Audit, Indemnity and Liability Insurance Protection**

The City’s performance in implementing effective risk management strategies and adhering to sound business practice, is reinforced through access to independent legal advice, the completion of an annual statutory compliance audit and the annual financial audit undertaken by professional, external auditors as required by the Act.

These strategies are intended to enable maintenance of comprehensive professional indemnity and public liability insurances, which are supported by appropriate insurance policies to ensure that the City is more than adequately safeguarded against unforeseen risks.

**4.6 Performance Measurement and Review**

The City has implemented a range of mechanisms to ensure that performance is measured and reviewed so that remedial action can be taken, where necessary.

**Funding**

From a strategic perspective and through the agency of its Strategic Financial Plan, the City has ensured that its priorities are sustainable and can be appropriately funded.

The City’s primary aim is the maximisation of community benefit and value for money from expenditures and the use of assets.

The City is committed to identifying opportunities for introducing a ‘user pays’ fee charging model for appropriate functions and services, and developing strategies for implementing this philosophy while continuing to recognise community service obligations.

**Performance Monitoring/Reporting/Strategic Planning/Business Planning/ Quarterly Reporting**

The City is committed to developing appropriate sustainable financial policies and strategic plans to ensure long term financial viability.

The City’s level of ‘rate competitiveness’ is regularly benchmarked relative to other local governments. The level of dependence on rates, as the primary funding source for City programs, is monitored as part of the budget development process.

Financial performance of the City’s operations is monitored through internal systems and processes, with reporting occurring at the Executive Management Team and Council levels.

The City’s progress in implementing the Strategic Financial Plan, in terms of its effective
coordination between strategic and operational elements is monitored through quarterly reporting to Council. Departmental Business Plan outcomes are also reported to Council.

To further enhance existing strategic initiatives and broaden perspective, the City will develop and implement a corporate reporting performance management model, to outline the relationship between major stakeholders, corporate planning documents and processes.

The City will establish and implement a Business Planning Framework for major projects to ensure that all such projects are effectively planned, resourced and managed.

4.7 Business Excellence

The City is committed to pursuing business excellence as a basis for achieving best practice in customer service and quality in service delivery to its residents and ratepayers.

The City has adopted a Business Excellence Framework to promote improvement in quality of services, products and services.

The Council adopted the Australian Business Excellence Framework with the objective of good management practice and best practice in the provision of services to the community.

The City has also initiated self-assessment processes inherent in implementation of the Framework, with a view to achieving accreditation.

Through implementation of this framework, the City will facilitate continuous improvement.

The City is committed to ensuring the effectiveness and efficiency of its entire strategic framework, through review of ongoing programs and services. Central to achievement of these objectives is the preparation of an information technology and E-commerce strategy that identifies opportunities for the City to maximise use of technology.

Adoption of the Business Excellence Framework, has promoted continuous improvement in the City, supported by the implementation of self-assessment regimes and utilisation of nationally based criteria enabling benchmarking of operations/services.

Also important, is the involvement of internal/external stakeholders in various aspects of the strategic planning/development processes, to determine future priorities and the allocation of resources
5. CORPORATE VALUE AND STANDARDS

5.1 Values

In setting its governance and strategic frameworks, the City has committed to conduct its business according to four identified, organisational values, being:

- **Trust** - honesty and integrity
- **Respect** - acceptance and tolerance
- **Understanding** - caring and empathy
- **Teamwork** - leadership and commitment

As the City’s leaders, the Mayor, Members and Chief Executive Officer are committed to ensuring that these values are created and sustained through all parts of the City’s operations and functions and by demonstrating the values through their behaviour.

5.2 Code of Conduct

The City of South Perth has adopted a Code of Conduct in accordance with the legislative requirements of the Local Government Act. It is based on the City’s Values (as above) and is available for public inspection on the City’s website.

The Code establishes the minimum appropriate standards for the honest and ethical behaviour of members and employees.

The Code is not a replacement for any act, regulation or local law. If there is a conflict between the Code and the provisions of any act, regulation or local law, the latter provisions prevail.

Members and employees are required to familiarise themselves with the Code and ensure they observe its provisions.

The Mayor is to ensure that the Code is brought to the notice of all members. Members must observe the Code and behave in accordance with its provisions. Members, upon taking the oath or affirmation of allegiance, will declare that they will abide by the standards set out in the Code.

The Chief Executive Officer is to ensure that the Code is brought to the notice of all employees. Employees must observe the Code’s contents as part of the conditions of their contract of employment.

In view of the open and accountable environment within which Western Australian Local Government operates, the Code occupies an important role in promoting good governance.

A fundamental tenet of the Code is that it involves self-regulation and relies upon members and the Chief Executive Officer to ensure the City is accountable and transparent and that business of the Council is conducted in an environment of openness and honesty.

In developing its Code, the City has recognised the need to meet these objectives, which are reflected in the core values underpinning the City’s overall strategic approach and the focus of the Code, on good government for the residents and ratepayers.
5.3 Rules of Conduct Legislation

The Local Government (Rules of Conduct) Regulations 2007 were introduced to provide statewide principles to guide the behaviour of elected members and specific rules of conduct that must be adhered to. Regulations apply only to elected members and breaches of the Rules of Conduct can result in sanctions.

The Regulations list eight general principles to guide Council members’ behaviour.

A person in his or her capacity as a council member should;

a) Act with reasonable care and diligence;
b) Act with honesty and integrity;
c) Act lawfully;
d) Avoid damage to the reputation of the local government;
e) Be open and accountable to the public;
f) Base decisions on relevant and factually correct information;
g) Treat others with respect and fairness; and
h) Not be impaired by mind affecting substances.

The Regulations’ Rules of Conduct of Council members, as referred to in Section 5.104 of the Act, cover:

a) Use of Information
b) Securing personal advantage or disadvantaging others
c) Misuse of local government resources
d) Prohibition against involvement in administration
e) Relations with local government employees
f) Disclosure of interest
g) Gifts


5.4 Conflicts of Interest

The Act, Rules of Conduct Regulations and the City’s Code of Conduct all deal with financial and conflicts of interest and requires that:

a) Members and employees will ensure there is no actual or perceived conflict or incompatibility between their personal interests and the impartial fulfilment of their public and professional duties.
b) Where a member or employee has a conflict of interest referred to in (a) above, then that member or employee will openly and fully disclose the conflict of interest.
c) Discretionary employees will notify the Chief Executive Officer when dealing with a matter in which they have a direct or indirect conflict of interest and when dealing with relatives and closely associated persons. In such cases, discretionary employees will disqualify themselves from dealing with the matter.
d) Where a report on a matter is submitted to Council by an employee, a disclosure of interest by the discretionary employee will be made in the report, where it could be perceived that the discretionary employee has an influence in the City’s dealing with the matter.

e) Employees will not engage in private work with or for any persons or body with an interest in a proposed or current contract with the City without first making a disclosure to the Chief Executive Officer or Council. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.

f) Members and employees will lodge written notice with the Chief Executive Officer, describing an intention to undertake a dealing in land or otherwise take action within the district, which may be in conflict with the City’s function. This provision does not apply to dealings with the member’s or employee’s principal place of residence.

g) Members will make a disclosure before dealing with a matter that involves relatives or closely associated persons and will disqualify themselves from dealing with such a matter.

5.5 Disclosure of Conflict of Interest

a) Where disclosure of a conflict of interest is required by law, the Code, or otherwise seems appropriate, it should be made promptly, fully and preferably in writing.

b) In addition to disclosure of financial or non-financial interests, a member or employee:

   i) attending a Council meeting; or
   ii) giving advice to a Council meeting,

   will disclose any interest they have in a matter to be discussed at the meeting.

c) Where a conflict of interest is disclosed under (b) above, the disclosure will be made at the meeting immediately before the matter is discussed or at the time the advice is given, and will be recorded in the minutes of the meeting.

5.6 Financial Interests

Elected members must disclose certain financial interests.

- In matters before Council and Committee meetings
- In Primary and Annual Returns

Elected Members need to inform themselves about their obligation to disclose because there are a number of offences that can be committed. Fines of up to $10,000 or imprisonment of up to two years can be imposed.

Disclosures at meetings and in Primary and Annual returns are recorded in a register to which the public has access. This enhances the accountability of Elected Members to the public. At the same time, protection is given to Elected Members because it is an offence for a person to publish information from the register unless under specified circumstances.

The Financial Interests Handbook, detailing the financial interest provisions of the Local Government Act 1995, is available from the Department of Local Government.

It is a requirement that:

a) Members and employees will faithfully observe the principles of disclosure of financial interest, as contained within the Act and the Standing Orders Local Law.
b) Members and employees who have a direct or indirect financial interest in a matter, which is the subject of a report or advice, will disclose to the Chief Executive Officer or Council receiving the report, the fact that such an interest exists.

c) The onus is on members and employees to identify possible conflicts of interest or financial interest and to determine whether such interests, to which no exemption applies, exist.

5.7 Disclosure of Interests Affecting Impartiality

In addition to financial interests, Elected Members must declare any interest, which the community may perceive, would affect their ability to act with impartiality.

Interests that commonly fall within this definition are when an Elected Member is a member of a group, club or association and that organisation requires Council to make a decision on an application it has made. In addition, if a member’s parents, siblings or children (not living at home) have an item before Council, it would be wise for the member to disclose an interest affecting their impartiality.

It is important to note that if an Elected Member has an interest affecting impartiality, once they have declared their interest, they may still take part in debate and vote on the matter.

The Department has produced guidelines in relation to interests affecting impartiality.

5.8 The Declaration and Recording of Gifts

The Local Government Regulations characterize gifts as either ‘notifiable’ or ‘prohibited’.

A notifiable gift is valued between $50 - $300. That is, one or more gifts given by the same person within a period of 6 months that are in total valued between $50 - $300.

A prohibited gift is valued $300 or more. That is, one or more gifts given by the same person within a period of 6 months that have a total value of $300 or more.

All notifiable gifts must be declared and recorded in accordance with the Local Government Act 1995 and the Local Government (Rules of Conduct) Regulations 2007 (outlined in the City’s Code of Conduct).

The City’s Code of Conduct requires that:

(a) The Chief Executive Officer is to maintain a gifts register accessible to the public.

(b) The gifts register contains the name of the persons who gave and received each gift, the date of receipt of each gift, a description of each gift and the estimated value of each gift.

(c) The gifts register does not contain details of gifts that do not need to be disclosed under the provisions of the Code.

Section 5.82 of the Act requires Elected Members and City Officers with delegated authority to make decisions or act on behalf of the City, to:

- Notify the CEO in writing within 10 days, of any notifiable gift accepted with a value over $200
- Refuse to accept any gift valued at $300 or more.

6. MEETINGS AND REPORTING STRUCTURES
6.1 Agenda and Minutes

As required under the Act and associated regulations, the City prepares Agendas for Council meetings and ensures that the documentation is delivered to members on the Friday, prior to a scheduled Council meeting.

In keeping with the City’s commitment to openness and accountability and engaging with the community, agendas are made available for the public to view on the City’s website and in hard copy, on the Friday prior to a scheduled Council meeting.

Minutes of an Ordinary Council meeting are to be submitted to the next ordinary council meeting for confirmation. The Act provides scope for a Local Government to release Minutes in an unconfirmed form, in the interests of maintaining public information and accountability. Accordingly, the City endeavours to make unconfirmed Minutes of its Council meetings publicly available by the Friday following a meeting.

6.2 Council Meetings

The City of South Perth operates on a monthly Council meeting cycle as a basis for decision-making and management for its operations.

Ordinary Council Meetings are open to the public (except as otherwise prescribed under the Act) and are generally convened at 7.00 pm on the fourth Tuesday of each month.

The conduct of meetings is governed by the Standing Orders Local Law. Business at the City of South Perth Council meetings is based on an agenda prepared by the City’s administration; incorporated within are reports and recommendations relating to matters requiring consideration and resolution.

The Standing Orders incorporated within the Local Law are designed to:

a) provide the rules and guidelines, which apply to the conduct of meetings of Council and meetings of Electors.

b) ensure that all meetings of Council and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and the Standing Orders.

c) result in:

- Better decision making by Council;
- The orderly conduct of meetings dealing with Council business;
- Better understanding of the process of conducting meetings dealing with Council business; and
- The more efficient and effective use of time at meetings.

6.3 Agenda Briefing Meetings

Agenda Briefing Sessions are convened on a monthly basis and occur on the Tuesday prior to the Council meeting, to provide a forum for members to obtain further information from staff, in respect to any business listed on the agenda. Despite being informal, Briefing Sessions are subject to certain rules, which provide that:

- No decisions are made.
- Members shall not canvass for votes, discuss voting patterns or take straw polls. The focus of discussions is on the provision of information by staff on agenda items.
• Provides an opportunity for members to seek assistance where amendments to motions are proposed.
• Notes of the meeting are to be kept.
• Deputations by members of the public are to be heard.

6.4 **Councillor Briefing Sessions**

Councillor Briefing Sessions are held when required, to update elected members on some of the more important projects that the City is involved in and the progress that has been made on them.

Session outcomes are frequently a report for Council consideration, which enables elected members to have a greater level of knowledge and understanding of the topic.

No decisions are made at Councillor Briefing Sessions. Notes of the Councillor Briefing Session are made and included on the Agenda of the next Council Meeting as background and to serve as a record of the session.

6.5 **Advisory Committees and Advisory Groups**

The City operates advisory groups to provide recommendations on the management of key community assets and facilities. Advisory groups comprising community and stakeholder representatives and resourced by the City’s technical and administrative staff, have also been established to progress key strategic projects.

As part of the City’s aim of maintaining ongoing, effective community participation in decision making, consultative committees are also established on an ‘as needs’ basis, to provide input and feedback in the development of major proposals and initiatives.

6.6 **Qualified Privilege for Members in the Performance of their Duties**

Members, in the performance of their duties, are only protected by a qualified privilege in certain circumstances. This qualified privilege allows members to make public comment on issues under consideration, either at a Council meeting or Council briefing session. Qualified privilege provides members with a limited protection from actions in damages for defamatory statements.

The qualified privilege is available on occasions where a member has a moral, legal or social duty that is shared by the other members, as a result of their consideration of an issue in the performance of their duties. The exercise of their duty requires the member to make a communication to the Council to allow the other members to fulfil their duty.

This qualified privilege is limited to items under consideration by Council. Members can only claim it where they believe they are making a genuine and honest statement. Any maliciousness on behalf of the member claiming qualified privilege, may result in a finding that the member has misused the qualified privilege.

Members must be able to speak honestly, openly and frankly, taking into account all matters that are relevant to the items under consideration, when representing the interests of the community in Council decision making procedures, Qualified privilege allows members to honestly raise genuine concerns, in the fulfilment of their duty to provide good governance for the community, without fear of an action in defamation.

6.7 **Access to Information/and Decision Making**

The City is committed to fostering high levels of public awareness of its activities, by providing its
residents and ratepayers with the broadest possible access to information.

In addition to meeting the statewide and local public notice requirements prescribed by the Act in respect to particular proposals and activities, the City also ensures that information is available via traditional and electronic means. These include:

**City’s website:** [www.southperth.wa.gov.au](http://www.southperth.wa.gov.au): provides up to date information and service delivery to ratepayers and residents.

**City’s bi-monthly Peninsula Newsletter:** a primary mechanism for disseminating information and encouraging feedback on key strategies, projects and significant City events.

**City’s fortnightly Peninsula Snapshot:** provides timely information about what is happening in the City.

**Official notice board at City’s Administration Centre:** relevant information is regularly posted on the board.

**Local media:** local newspapers and other media are used to inform residents and ratepayers about important issues and Council activities.

**Social media:** Facebook, Twitter and Instagram are utilized by the City to inform a broader audience of Council related news.

Public consultation with the City’s residents and ratepayers occurs through a range of mechanisms such as direct information provision, consultation, public comment, Special Meetings and Annual General Meetings.

7. PLANNING AND DEVELOPMENT FUNCTIONS OF THE COUNCIL

7.1 Town Planning Schemes

A Local Government is required under the Town Planning and Development Act to have in place a Town Planning Scheme for the district. A Local Government Town Planning Scheme is required to be consistent with the Metropolitan Region Scheme, which is administered by the State Government. The Local Government Town Planning Scheme must also take into consideration State Government Town Planning Strategies, Plans and Policies.

A Town Planning Scheme provides a 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 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 a Town Planning Scheme are formulated through a collaborative and consultative
process involving the State Government, Local Government and the community.

The State Government, through the Minister for Planning and Infrastructure provides final approval to the contents of a Town Planning Scheme and once gazetted, a Scheme comes into operation and has the force of law. Authority to operate its Town Planning Scheme is delegated to the local government by the State government.

A Town Planning Scheme requires review every five years. This is to ensure that the Scheme continues to meet changing community needs and expectations. This review process is facilitated by the Local Government and involves community consultation.

At the present time the City operates under Town Planning Scheme 6, which was gazetted in April 2003 and is amended as the need arises.

Amendments can be made to an operative Town Planning Scheme, which vary the Scheme provisions. An amendment to a Scheme again involves a range of stakeholders including the Local Government, the State Government and the community. The Minister for Planning provides the final decision in relation to a Scheme Amendment.

A range of local planning policies is also used to support and guide the implementation of the Scheme. These planning policies include the City’s Local Housing and Local Commercial Strategies, as well as a Heritage List. Planning policies can be developed to also provide guidance, detail and consistency of treatment with respect to amenity and other relevant planning issues.

Importantly, Local Government Town Planning Schemes 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.

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

- Consideration of development applications
- Consideration of subdivision proposals
- Consideration of Town Planning Scheme Amendment proposals (whether suggested by the City or by a customer)
- Enforcement of Town Planning Scheme provisions
- Development of planning policies
- Review of existing Town Planning Scheme
- Formulation of new Town Planning Scheme

Council is provided with the professional advice from specialist planning officers in exercising its role in relation to each of these matters. This advice will provide Members with detailed information relating to the particular Town Planning issue 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 Members to gain a full understanding of the issues and follow proper process before reaching a decision.

While all decisions relating to development applications represent a ‘Council decision’, the City’s professional planning staff have ‘delegated authority’ to make various determinations.

Some development applications are also referred to the City’s Design Advisory Consultants for advice on the design and appearance of buildings.

Town Planning decisions involving land within the Swan River Park, must be consistent with, and have regard to, the requirements of the Swan River Trust, who have jurisdiction over land adjoining the Swan and Canning Rivers.
7.2 Consideration of Development Applications

When a Council considers a development or planning application, it undertakes a quasi-judicial role. It is required to consider the information the applicant has provided and test it against the provisions of the Town Planning Scheme and any other relevant planning instruments or policies. It is guided in its consideration by the professional advice of its technical officers. The Council has particular responsibilities under the Town Planning Legislation.

Councils are required to decide on planning matters in an unbiased manner that satisfies the principles of administrative law and natural justice/procedural fairness. While it is recognised that councils are composed of members of the community, 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 the information it needs to consider a development or planning application and the relevant law that is applicable.

When deciding on planning matters, Council must take reasonable care to ensure that the following principles are adhered to.

a) Councillors must read the officer’s report on the matter before voting at a council meeting. A Councillor who has not read the officer’s report and then 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) Councillors must ensure that when they debate a planning 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 officer’s 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) If Council resolves a planning matter contrary to the recommendation made by its technical officers, then the reason for resolving differently must be recorded in the resolution. The reasons must be based upon valid planning considerations.

d) Council has a responsibility to ensure neighbours who may be significantly adversely affected by the development have had an appropriate opportunity to be heard on the development proposal. The officer report will include details of any neighbour notification or consultation that has occurred. Council must ensure that neighbours that may be adversely affected by a proposed development have had an adequate opportunity to put their case, 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 significant, though an opportunity to make a submission in person to a relevant meeting may be appropriate, where it is requested by a person with a significant interest.

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

Generally, Council as a body, and each Councillor 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.
8. LOCAL LAWS, POLICIES, MANAGEMENT PRACTICE AND DELEGATIONS

The City has adopted a number of local laws, policies, delegations and management practices to guide the administration in the conduct of the City’s operations. The policy and delegation regimes are key components of the City’s governance framework.

8.1 Local Laws

The Local Government Act 1995 outlines the process by which the City may adopt local laws. This legislative role allows the City to adopt local laws 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 which the City has an obligation to enforce.

When a local law is proposed, the community has an opportunity to submit comments. After the purpose and effect of a local law is read out at a Council meeting, there is a six-week advertising and submission period. The local law is then presented once more to Council and any public submissions are considered. Upon final adoption, the local law is then considered by the Western Australian Parliamentary Committee on Delegated Legislation and listed in the Government Gazette. Local laws must also comply with the National Competition Policy principles adopted by agreement between local, state and federal governments.

Local Laws must be reviewed every eight years under the Local Government Act 1995. The City undertook a comprehensive review of its suite of local laws in 2011.

The City maintains the following local laws:

- Dog Local Law 2011;
- Parking Local Law 2011;
- Penalty Units Local Law 2003;
- Public Places and Local Government Property Local Law 2011
- Standing Orders Local Law 2007
- Health Local Law 2002
- Town Planning (Height of Obstructions at Corners) General By Laws

8.2 Policies and Management Practice

Policies provide the administration with guidance for the implementation of processes.

These policies focus on setting standards in compliance with legislation, adopting values or guiding processes. They have been drafted broadly, to encourage innovation by the administration, in the development of practices and processes to implement the policies.

Management practices and processes are descriptive of the functions and tasks that are required to achieve each policy objective. Management practices are developed by the Executive Management Team and approved by the Chief Executive Officer and must be consistent with its related policy.

8.3 Delegations

Delegations of authority are required, to provide officers of the City with the power to exercise duties and make determinations. It is essential that the City’s delegations are performed in a manner that is in accordance with the adopted governance framework and are compliant with the relevant legislation. The City is required to keep records on the exercise of its delegations.
Under the Local Government Act, both the Council and the Chief Executive Officer are given certain functions and duties to be discharged. In accordance with Section 5.42, Council may delegate authority to perform some of its functions and duties to the Chief Executive Officer.

The Chief Executive Officer may delegate to any other officer the authority to perform functions and duties that are exercisable by the Chief Executive Officer under the Act or that have been delegated to the Chief Executive Officer by the Council.

This accords with a governance framework whereby staff are responsible to the Chief Executive Officer and the Chief Executive Officer is responsible to Council. Similarly, the implementation of Council decisions and instructions is conducted by the Chief Executive Officer, who may delegate some of this responsibility to other officers of the City.

The judicious use of delegations, with appropriate policy and accountability frameworks, contributes to good governance by allowing the council to focus on strategic rather than operational issues.
PART 3 - KEY GOVERNANCE DOCUMENTS, POLICIES AND PROCEDURES

1. Integrated Planning Framework and Reporting
   - City’s Vision
   - Strategic Plan
   - Corporate Plan
   - Long Term Financial Plan
   - Workforce Plan
   - Asset Management Plan
   - Departmental Business Plans
   - Annual Budget and Annual Report
   - Departmental Quarterly Report
   - Financial Monthly Report

2. Ethics and Values
   - Member and Officer Code of Conduct
   - Rules of conduct Regulations
   - Communication/Consultation Strategy
   - Community Surveys

3. Statutory Compliance
   - Statutory Compliance Return
   - Annual Budget and Annual Report

4. Asset and Risk Management
   - Independence of Decision Makers
   - Policies, management practices and delegations
   - Sound budgetary framework
   - Procedural and technological safeguards
   - Legislative and regulatory compliance
   - Independent, external legal advice
   - Quality, customer-focused decision making
   - Assets register
   - Capital works programs
   - Audit, Indemnity and Liability Insurance Protection

5. Performance Measurement and Review
   - Strategic Financial Plan
   - Peer-based Benchmarking of Rate Competitiveness
   - Integrated Strategic Planning and Reporting Framework

6. Business Excellence
   - Business Excellence Framework
   - Self-Assessment Programs
   - Continuous Improvement

7. Customer Consultation
   - Customer Service Charter
   - Internal/External Customer Satisfaction Surveys
   - Communication and Consultation Strategy
Attachment One: Council Nomination Eligibility

There are no professional qualifications or pre-requisites for individuals to nominate for election to Council. A person is eligible provided that they are:

- At least 18 years of age;
- An elector of the district; and
- Not disqualified from being elected due to their incumbency as a representative of State or Federal parliament or due to insolvency, criminal convictions and membership of another council.

A person is unable to serve as a member of the Local Government of which he or she is an employee. However, they are able to stand as a candidate in any Council election and relinquish their employment in the event of their election to office.

Current Terms of Office of the Mayor and Councillors

As a consequence of the October 2015 elections, terms have been allocated to the Council as follows:

<table>
<thead>
<tr>
<th>Ward</th>
<th>Member(s)</th>
<th>Term Expiring</th>
<th>Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayoral</td>
<td></td>
<td>Term expiring</td>
<td>October 2019</td>
</tr>
<tr>
<td>Mill Point Ward</td>
<td>One member</td>
<td>Term expiring</td>
<td>October 2017</td>
</tr>
<tr>
<td></td>
<td>One member</td>
<td>Term expiring</td>
<td>October 2019</td>
</tr>
<tr>
<td>Moresby Ward</td>
<td>One member</td>
<td>Term expiring</td>
<td>October 2017</td>
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<tr>
<td></td>
<td>One member</td>
<td>Term expiring</td>
<td>October 2019</td>
</tr>
<tr>
<td>Como Ward</td>
<td>One member</td>
<td>Term expiring</td>
<td>October 2017</td>
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<tr>
<td></td>
<td>One member</td>
<td>Term expiring</td>
<td>October 2019</td>
</tr>
<tr>
<td>Manning Ward</td>
<td>One member</td>
<td>Term expiring</td>
<td>October 2017</td>
</tr>
<tr>
<td></td>
<td>One member</td>
<td>Term expiring</td>
<td>October 2019</td>
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</table>
Attachment Two: Limitation of Member Liability

The City of South Perth has the legal capacity of a natural person. Therefore, the City may instigate legal proceedings in its corporate name and have proceedings taken against it.

Section 9.56 of the Act provides that:

a) a member of the Council or of a Committee of the Council, of a local government; and
b) an employee of a local government; or a person appointed or engaged by a local government to perform functions of a prescribed office or functions of a prescribed class;

is a protected person.

Further to this, the Act specifies that:

"An action in tort does not lie against a protected person for anything that the person has, in good faith, done in the performance or purported performance of a function under the Act or under any written law". (2)

The Act also determines that [Section 9.56):

"It does not relieve the local government of any liability that it might have for the doing of anything by a protected person". (4)

It is important to also note that, under the Act:

a) a reference to the doing of anything includes a reference to the omission to do anything;
b) a reference to the doing of anything by a protected person in the performance or purported performance of a function under any written law other than this Act is limited to a reference to the doing of anything by that person in a capacity described in subsection (1) (a), (b) or (c) as the case may be.