

12.4 GOVERNANCE FRAMEWORK - PROPOSED UPDATES AND PROPOSED REPEAL OF COUNCIL MEMBER AND EMPLOYEE BUSINESS DEALINGS POLICY

- Attachments:**
1. **Governance Framework 2020 - Tracked Changes**
 2. **Policy 4.2.10 - Council Members and Employee Business Dealings with the City**

RECOMMENDATION:

That Council:

1. **APPROVES** the amendments to the Governance Framework 2020, as at Attachment 1; and
2. **REPEALS** Policy 4.2.10 - Council Members and Employee Business Dealings with the City, as at Attachment 2.

PURPOSE OF REPORT:

To seek Council approval of the proposed amendments to the Governance Framework 2020 at **Attachment 1** and repeal of Policy 4.2.10 - Council Members and Employee Business Dealings with the City at **Attachment 2**.

BACKGROUND:

In June 2005, Council adopted Policy 4.2.10 - Council Members and Employee Business Dealings with the City (Policy 4.2.10). The development of Policy 4.2.10 was in response to public hearings by the Corruption and Crime Commission into the awarding of tenders and contracts at the City of Bayswater. The hearing highlighted a risk area being where Elected Members may have commercial dealings with the local government.

Administration reviewed Policy 4.2.10 in April 2021 and identified that there is no longer a demonstrated need for the policy since the following adequately apply requirements for Elected Members and employees wishing to undertake business dealings with the City:

- *Local Government Act 1995* (Act) and associated regulations, specifically *Local Government (Rules of Conduct) Regulations 2007* now the *Local Government (Model Code of Conduct) Regulations 2021*;
- the related party declaration requirements of the Australian Accounting Standard; and
- the conflict of interest requirements of the City's Code of Conduct.

Administration is recommending that Council repeal Policy 4.2.10 and amend the Governance Framework to include the City's commitment to disclosing conflicts of interest.

In addition, on 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* (Regulations) took effect requiring all local governments to adopt a Code of Conduct modelled on the Regulations Model Code.

At its 23 March 2021 meeting, Council approved a [Code of Conduct for Elected Members, Committee Members and Candidates](#) (Nominated Members Code) and noted that amendments to the Governance Framework were proposed to reflect the content previously contained within the City's [Code of Conduct 2017](#) and to support the adopted Nominated Members Code.

The following modifications to the Governance Framework were proposed:

- update to reflect the division of the codes of conduct between Nominated Members and Administration;
- update to reflect the procedural requirement for dealing with complaints about alleged breaches of the behaviour included in Division 3 of the Nominated Members Code;
- update and clarify the gift and conflict of interest provisions in line with the new regulations;
- include the City's position on fraud and corruption; and
- include Elected Member accessibility requirements.

DETAILS:

The City proposes to make the following changes to the [Governance Framework](#):

Section	Action	Notes
Ethical Standards and Code of Conduct.	Updated to reflect the division of the codes of conduct between Nominated Members and Administration	This section currently references the superseded Code of Conduct for Elected Members, the CEO and Employees (superseded Code). Updates are required to demonstrate the division of the codes of conduct between Nominated Members and Administration.
Rules of Conduct Regulations and the Standards Panel	The header has been updated to read 'Model Code Regulations' and 3 new subsections have been added as follows: 1. Nominated Member; 2. Behavioural breach; and 3. CEO Standards.	<u>Nominated Member</u> This section has been added to reinforce the requirement for Nominated Members to comply with Council policies, procedures and resolutions (Clause 8(2)(b) of the Regulations and Nominated Code). <u>Behavioural breach</u> This section has been added to reflect the requirement for submitting complaints about alleged breaches of the behaviour included in Division 3 of the Regulations and Nominated Code. <u>CEO Standards</u> This section has been added to reflect the key provisions of the Model Standards and the adopted CEO Standards .
Employees Code of Conduct	Updated to remove reference to Elected Members and to include contractors of the City.	This section currently references the superseded Code. Updates are required to reflect the new Regulations and the division of the codes.
Fraud and Corruption	New Fraud and Corruption section has been added.	Fraud and corruption were previously addressed in the superseded Code but have not been addressed in the Nominated Members Code. This section has been added to reinforce the City's commitment to preventing, deterring, monitoring and reporting fraudulent and corrupt behaviour. The City's Fraud and Corruption Prevention Policy will be linked within this section to facilitate its implementation.
Elected Member Accessibility	New Elected Member Accessibility section has been added.	Elected Member accessibility was previously addressed in the superseded Code but has not been included in the Nominated Members Code.
Appointment to external boards and committees	New Appointment to external boards and committees' section has been added.	Appointments to External Boards, Committees and Working Groups was previously addressed in the superseded Code but have not been included in the Nominated Members Code.
Relationship between Elected Members and Administration	Regulation 9 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> has been updated to read 'clause 19 and 20 of the Nominated Members Code and Regulations'.	Updated in accordance with the new legislation.
Conflict of interests	This section has been updated to include potential conflicts of interest that may arise from related parties and related entities.	Updated to reflect and strengthen the conflict of interest provisions contained in: <ul style="list-style-type: none"> • <i>Local Government Act 1995</i> (Act) and associated regulations; • related party declaration requirements of the Australian Accounting Standard; and • conflict of interest requirements of the City's Code of Conduct. <p>This addition has been included as part of Administration's recommendation to repeal Policy 4.2.10 at Attachment 2.</p>

Section	Action	Notes
Disclosure of interest affecting impartiality	Updated to reflect the new legislative provisions that govern disclosure requirements for Elected Members, Contractors and Administration. The following 2 subsections have been added: 1. Elected Members; and 2. Employees and contractors	This section currently references the <i>Local Government (Rules of Conduct) Regulations 2007</i> and superseded Code. Updates are required to reflect the new Regulations and Nominated Member Code.
Related Party Disclosures	New Related Party Disclosure section added.	This section has been added to reflect the City's commitment to comply with the requirements of the Australian Accounting Standards by identifying conflicts of interest that may arise from related parties. This addition also supports Administration's recommendation to repeal Policy 4.2.10 at Attachment 2.
Gifts	Updated to reflect the new legislative provisions that govern the disclosure of gifts and clarification of circumstances when refusal of a gift may be impossible or impractical. The following 2 subsections have been added: 1. Elected Members; and 2. Employees and contractors	The additional subsections have been added to reflect the new legislative provisions.

The proposed amendments to the Governance Framework have been prepared for Council's consideration and are tracked at **Attachment 1**.

The Governance Framework describes the principles and key roles that guide Council in its decision-making and demonstrates to the community the processes which the City uses to achieve its strategic priorities and undertake its service delivery. It is a live document and should be updated on a regular basis to reflect changes in legislation and practices.

The Governance Framework is also scheduled for review following the local government election in October this year. This will be conducted in consultation with Elected Members, ensuring new Elected Members have an opportunity to be involved.

CONSULTATION/ADVERTISING:

The Governance Framework is to be reviewed after each ordinary local government election in consultation with Elected Members. The outcome of the review and any proposed amendments will be presented to Council for adoption within 4 months of each election.

No community consultation is required for the proposed amendments.

LEGAL/POLICY:

The Governance Framework summarises key sections of the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and *Local Government (Model Code of Conduct) Regulations 2021*.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to approve the proposed amendments to the Governance Framework and repeal of Policy 4.2.10. These amendments highlight the City's commitment to providing good

governance by defining systems, policies, processes and a methodology for ensuring accountability, probity and openness in the conduct of City business.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

Our resources and assets are planned and managed in an efficient and sustainable manner.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

This report has no implications on the priority health outcomes of the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

Governance Framework 2020

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Introduction

This framework draws on the legislative requirements, strategic direction and organisational culture that the City of Vincent (**City**) operates in accordance with, to create standard principles of corporate governance. These standard principles of corporate governance guide Elected Members and staff in their decision making and service delivery.

This document functions as an overarching framework for good governance. The framework is endorsed by Council and reflects the practices and principles Elected Members and staff will adhere to when making decisions and delivery services. The framework reinforces and expands on legislative requirements, policy statements and established practices.

Local Government defined

Local government in Western Australia is established under the *Local Government Act 1995 (LGA)* and is the third sphere of government in Australia. Local government has legislative responsibility for many functions and activities that are relevant to a local community, including waste management, road maintenance and rates collection.

As the level of government often seen as the 'closest' to the community, local government activities relate to matters that are fundamental to people's lives and impact strongly on their quality of life. This includes organising local community events, providing community spaces and recreation areas and creating liveable neighbourhoods.

What is governance?

Local governments in Western Australia must carry out their functions in accordance with the LGA and associated regulations.

Governance provides the structure through which a local government's vision and objectives are achieved within a context of competing and changing social, economic and environmental issues.

Governance is the process by which decisions are taken and implemented, the process by which organisations go about achieving their goals and producing their outputs and the process by which organisations are directed, controlled and held to account.

Why is good governance important to the City?

Good governance principles deliver confidence to the Council, the Chief Executive Officer, employees and the community that the City is being run efficiently, is compliant, sustainable and is carrying out the objectives, policies and plans of Council.

Good governance ensures that the City is able to manage its many complex responsibilities effectively in the best interests of the community.

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The Governance Institute of Australia (GIA) notes that good governance has four key components:

Transparency: being clear and unambiguous about the organisation's structure, operations and performance, both externally and internally, and maintaining a genuine dialogue with, and providing insight to, legitimate stakeholders and the market generally.

Accountability: ensuring that there is clarity of decision-making within the organisation, with processes in place to ensure that the right people have the right authority for the organisation to make effective and efficient decisions, with appropriate consequences for failures to follow those processes.

Stewardship: developing and maintaining an enterprise-wide recognition that the organisation is managed for the benefit of its shareholders/members, taking reasonable account of the interests of other legitimate stakeholders.

Integrity: developing and maintaining a culture committed to ethical behaviour and compliance with the law.

Excellence in governance occurs when it is underpinned by accountability, integrity and openness. It involves a focus on clarity of roles and responsibilities, robust systems which support both internal and external accountability and public access to decision-making and information" (CPA 2005).

The LGA defines the roles and responsibilities of Elected Members and the Chief Executive Officer to ensure that a local government fulfils its obligations and exercises its powers and functions appropriately.

Section 3.1 (1) of the LGA prescribes that the general function of a local government is to provide for the good government of persons in its district.

Governance Principles

The CPA publication *Excellence in Governance in Local Government 2007* includes four principles that provide a clear foundation for good governance:

- Culture and vision,
- Roles and Relationships;
- Decision-making and management; and
- Accountability;

The City has developed this framework based on the above four principles and has included an additional principle - Commitment to Sustainability.

These five principles govern the City's decision-making. All decisions, policies, plans and strategies should be made with reference to the five principles. This should ensure legislative compliance, alignment with the City's strategic vision, transparency and accountability.

Adherence with the five principles is the responsibility of Council, individual Elected Members, the CEO and all staff. Every decision made should be in alignment with the five governance principles and reflect best practice in governance.

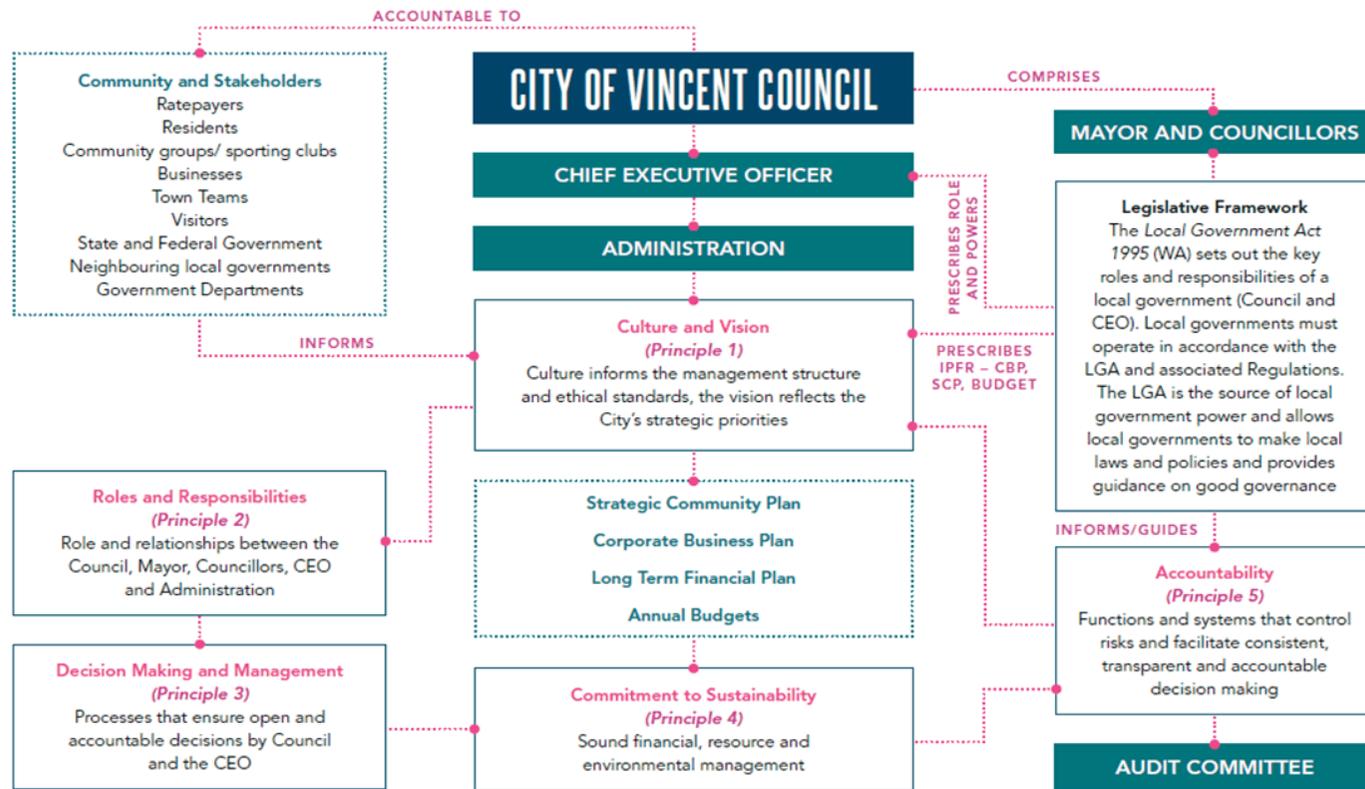
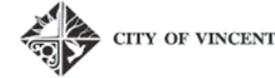
This Framework divides each principle into sub-categories. Each sub-category is defined in the context of good governance, and the sub-categories application to the City. The Governance Framework Overview below demonstrates the connection between the legislative framework all local governments must operate in accordance with, the role of the community in informing and holding the Council to account and the five governance principles.

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Governance Framework 2020



CITY OF VINCENT GOVERNANCE FRAMEWORK 2020 OVERVIEW



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Governance Framework 2020



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Principle 1 – Culture and Vision

A positive culture and a clear and owned vision and accompanying strategies.

1.1 Culture

In October 2018 Council adopted a new ten-year Strategic Community plan with a vision to:

“In 2028, the City of Vincent is a leafy and vibrant 24-hour city, which is synonymous with quality design and sustainability. Its diverse population is supported in their innovative endeavours by a Council that says YES!”

The community wants us to be a Council and an organisation that is clever, creative and courageous; that is in tune with community appetites and expectations; open-minded and willing to push the boundaries and willing to think and act as an enabler rather than a traditional local government regulator.

As part of the implementation of the Strategic Community Plan, in December 2018, the Chief Executive Officer (CEO) conducted a staff consultation to update the City’s organisational values reflecting the new Strategic Community Plan and a Team Vincent approach to building innovation and strategic thinking capabilities.

The corporate values chosen to guide a clever, creative and courageous organisation were: ‘Engaging’, ‘Accountable’, and ‘Making a Difference’.

Engaging

Listening, understanding and communicating is the key to our success

Accountable

We work openly and transparently to earn our community’s trust

Making a difference

Our work improves our community and the lives of our residents

Effective management structures and practices

The City’s policy ‘Organisational Structure and Designation of Senior Employees’ prescribes the organisational structure of the City’s Administration, including functional responsibilities and the allocation and management of resources.

The organisational objectives chart below sets out the key functions of the three directorates and the Office of the CEO.

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Organisational Structure and Objectives



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Ethical standards and the Code of Conduct

In February 2021, the *Local Government (Administration) Amendment Regulations 2021*, *Local Government (Model Code of Conduct) Regulations 2021 (Model Code Regulations)* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* came into operation. The effect of these Regulations was to prescribe:

- (a) model standards for the recruitment, selection, performance and termination of local government CEOs;
- (b) a model code of conduct for Elected Members, committee members and candidates that sets the overarching principles to guide behaviour, specifies the standards of behaviour which reflect the principles and provides the rules of conduct that relate to the principles and behaviours; and
- (c) requirements that the CEO must include in a code of conduct for employees.

Following the enacting of the Regulations, Council adopted the:

1. Elected Member, Committee Member and Candidates Code of Conduct; and
2. Model Standard for CEO Recruitment, Performance and Termination (CEO Standards).

The conduct of Elected Members, committee members, the CEO, employees and contractors was previously governed by the City's Code of Conduct 2017 (2017 Code). The effect of the new Regulations is to require separate codes of conduct for employees, contractors and the CEO on one hand and Elected Members, committee members and candidates on the other.

A new Employee and Contractor Code of Conduct is being developed by Administration and (in accordance with the Employee Code Regulations) will be approved and implemented by the CEO.

Until such time the 2017 Code will still apply to employees and contractors and has been renamed the Code of Conduct for City of Vincent Employees and Contractors. This must be observed by the CEO, employees and contractors.

Together, these documents provide Elected Members, committee members, candidates (together **Nominated Members**), the CEO and Employees in the City of Vincent with guidelines for an acceptable minimum standard of professional conduct and behaviour in carrying out their functions and responsibility.

Rules of Conduct Regulations and the Standards Panel Model Code Regulations

The Model Code Regulations *Local Government (Rules of Conduct) Regulations 2007* provide minimum standards for ethical and professional conduct by Elected Members in relation to:

- standards of general behaviour;
- use of confidential information;
- securing personal advantage or advantaging/disadvantaging others;
- misuse of local government resources;
- prohibition against involvement with the organisation;
- relations with Employees; and
- disclosing interests that may affect impartiality.

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Nominated Members

Clause 8(2)(b) of the Elected Member, Committee Member and Candidates Code of Conduct (Nominated Members Code) (which incorporates the Model Code Regulations) requires all Nominated Members to comply with the City's policies, procedures and resolutions. The Nominated Members Code should, therefore, be read in conjunction with the provisions of the City's relevant policies and procedures, including the following:

- Meeting Procedures Local Law 2008;
- Council Members – Requests/Contact with City Employees Policy;
- Council Members – Allowances, Fees and Reimbursement of Expenses Policy; and
- Council Members Contact with Developers Policy.
- Elected Members Continuing Professional Development Policy
- Fraud and Corruption Prevention Policy
- Risk Management Policy

Behavioural breach

Clause 11 of the Nominated Members Code provides that a person may register a complaint if they believe that an Elected Member has breached the Behaviours Division of the Nominated Members Code. The complaint must be made:

- in writing in the approved Complaint Form;
- to the nominated Complaints Officer (the CEO); and
- within one (1) month of the alleged breach occurring.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

The City will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Elected Members, employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

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CEO Standards

The purpose of the CEO Standards is to ensure that the City selects a CEO in accordance with the principles of equity and transparency. Pursuant to the CEO Standards and the LGA:

- Council is required to identify and agree on the necessary qualifications and selection criteria required by a candidate to undertake the role and duties of the CEO;
- a selection panel, including one independent person (who is not an Elected Member), must be established to conduct the recruitment and selection process;
- the CEO's performance is reviewed at least once a year in accordance with performance criteria set and agreed upon in writing by the CEO and the Council; and
- where an incumbent CEO has held the position for a period of 10 or more consecutive years, a recruitment and selection process must be conducted on the expiry of the CEO's contract.

Policy No. 4.2.16 – CEO Annual Performance Review sets out the manner in which the CEO's annual performance review is to be conducted.

Comprehensive induction programs

As a result of changes to the LGA introduced by the Amendment Act, Elected Members are required to undertake mandatory training following their election. The mandatory training covers the following topics:

- Understanding local government;
- Serving on council;
- Meeting procedures;
- Conflicts of interest; and
- Understanding of financial reports and budgets

Further to the mandatory training, Elected Members are encouraged to continually improve their knowledge and expertise to enhance the quality of representation and promote well-informed decision-making. This can be achieved by participating in conferences, programs and training courses specifically designed for professional development relating to their role and responsibilities in local government.

The [Elected Members Continuing Professional Development Policy](#) provides guidance on the professional development of Elected Members.

The City maintains a [register](#) of the training and professional development completed by Elected Members and this is available on the City's [website](#). The register is reported to Council annually in accordance with section 5.127 of the LGA.

Employee Code of Conduct

The City's Code of Conduct (Code) Code of Conduct for City of Vincent Employees and Contractors (Employees and Contractors Code) provides Elected Members, the CEO, and all employees and contractors ~~in~~ of the City of Vincent with guidelines for an acceptable minimum standard of professional conduct and behaviour in carrying out their functions and responsibility.

The Employees and Contractors Code addresses, in a concise manner, the broader issue of ethical responsibility and encourages greater transparency and accountability in the City. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective responsibilities may be based.

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The Code is complementary to the principles in the LGA, which incorporate the following four fundamental aims:

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

~~In October 2019, the Local Government Legislation Amendment Act 2019 (Amendment Act) amended the LGA to introduce the requirement for a mandatory code of conduct for Elected Members, committee members and candidates, and model standards for CEO selection and recruitment, performance and termination.~~

~~These amendments are intended to ensure that standards of behaviour are consistent between local governments.~~

~~Parliament is scheduled to consider the accompanying regulations this year.~~

~~In accordance with the Amendment Act, the City is preparing a separate Code of Conduct for staff. Following the proclamation of the regulations, the City will present the model Code of Conduct for Elected Members, committee members and candidates to Council for adoption.~~

Fraud and Corruption

The City expects all Elected Members, Committee Members, Candidates, Employees and Contractors of the City to act in accordance with the applicable Codes and behave ethically and honestly at all times when performing their functions at the City.

The City has zero tolerance for corrupt conduct or fraudulent activities. The City is committed to preventing, deterring, detecting and investigating fraudulent and corrupt behaviour in the delivery of City services. Elected Members and Administration must not engage in practices that may constitute fraud or corruption.

In December 2020 the City prepared a Fraud and Corruption Prevention Plan (Plan) which supports Council's Fraud and Corruption Prevention Policy to provide a structured framework and approach to fraud and corruption prevention, detection, monitoring and reporting.

The Plan aligns with the Australian Standards for Fraud and Corruption Control (AS8001-2008), has been endorsed by the Executive Management Committee and will be reviewed by the Audit Committee annually.

The Plan is communicated to all staff via annual training and is available on the City's internal Intranet site. All new staff are also made aware of the Plan as part of their induction

Governance Framework 2020



1.2 Vision

The City has identified the hierarchy of governing documents that drive the delivery of the community's long-term vision and sets the process by strategies, policies and action plans are developed and reviewed in consultation with the community.

The local government decision making hierarchy is on page 14 below.

Integrated planning and reporting framework

In October 2010, the LGA was amended to include a requirement for all local governments to follow an Integrated Planning and Reporting Framework (IPRF).

This IPRF aims to ensure integration of community priorities into strategic planning by local government Councils, as well as implementation of the objectives that have been set from these priorities.

The IPRF requires each local government to have three levels of integrated strategic planning, informed and supported by appropriate resourcing and asset management plans.

The key components of the IPRF are:

- Strategic Community Plan - Community vision, strategic direction, medium and longer term priorities and resourcing implications over 10+ years.
- Corporate Business Plan - Four-year delivery program, aligned to the SCP
- Long Term Financial Plan - Long term financial plan to deliver the SCP strategies and CBP actions.
- Asset Management Plans - Approach to managing assets to sustainably deliver chosen service levels.
- Workforce Plan - Shaping workforce to deliver organisational objectives now and in the future.
- Issue or Area Specific Plans & Strategies - Any other informing plans or strategies (eg ICT, recreation plans, youth plan, local area plans etc).
- Annual Budget - Financial statements, year 1 priorities and services.

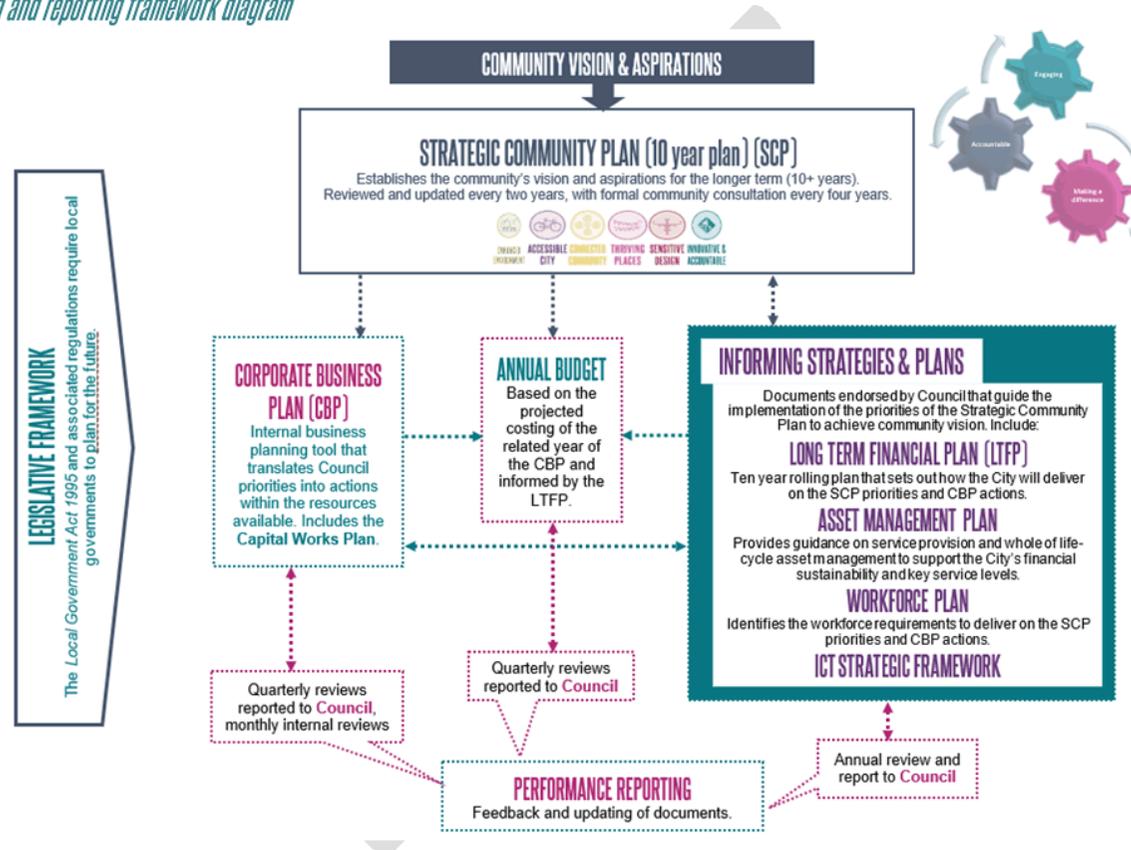
The Long Term Financial Plan, Asset Management Plans and Workforce Plan are referred to collectively as the "core" informing strategies. The diagram below shows the relationship between these information strategies, community input, the City's vision and reporting mechanisms.

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Integrated planning and reporting framework diagram



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Strategic Community Plan

Section 5.56 of the LGA requires every local government in Western Australia to 'plan for the future', which includes to develop a Strategic Community Plan (SCP).

Regulation 19C of the *Local Government (Administration) Regulations 1996* provides that the purpose of the SCP is to clearly define the local government's strategic priorities, actions and initiatives for the next ten years, with the SCP to be updated every four years following a review.

In October 2018, Council adopted a new SCP for 2018 - 2028, which established six priorities to guide the City in delivery a range of programs, project and services. The SCP drives the City's planning, budgeting, resource allocation and service delivery over the next decade, in order to focus efforts and align activities with the community's vision. The SCP is reviewed every two years by the City (desktop review followed by full review).

The SCP is the City's most significant guiding document and establishes the community's vision for Vincent's future.

The City's priority areas, as set out in the SCP, were determined through a robust community consultant process. The six priorities work in concert with each other and together guide the City to achieve the community's vision. The six areas are:

- **Enhanced Environment** - The natural environment contributes greatly to our inner-city community. We want to protect and enhance it, making best use of our natural resources for the benefit of current and future generations.
- **Accessible City** - We want to be a leader in making it safe, easy, environmentally friendly and enjoyable to get around Vincent.
- **Connected Community** - We are a diverse, welcoming and engaged community. We want to celebrate what makes us unique and connect with those around us to enhance our quality of life.
- **Thriving Places** - Our vibrant places and spaces are integral to our identity, economy and appeal. We want to create, enhance and promote great places and spaces for everyone to enjoy.
- **Sensitive Design** - Design that 'fits in' to our neighborhoods is important to us. We want to see unique, high quality developments that respect our character and identity and respond to specific local circumstances.
- **Innovative and Accountable** - The City of Vincent has a significant role to play in supporting our community to realise its vision. To achieve this, we will be an innovative, honest, engaged and responsible organisation that manages resources well, communicates effectively and takes our stewardship role seriously.

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Corporate Business Plan

The purpose of the City's Corporate Business Plan (CBP) is to determine internal operational activities (service delivery, programs and projects) over a four-year period, which are developed to achieve the priorities in the SCP. It is a rolling four-year plan, updated annually, and informs the Long-Term Financial Plan (LTFP) and annual budget. Quarterly updates on the CBP are provided to Council.

Long Term Financial Plan

The ten-year Long-Term Financial Plan is the high-level strategic document that helps align our community aspirations, strategic intent and organisational capacity. It guides our approach to delivering infrastructure and services to the community and demonstrates our commitment to managing our operations in a responsible and sustainable manner.

The plan achieves this objective by projecting our financial position over a ten-year time horizon using a series of realistic, conservative financial assumptions.

This financial modelling provides the City with appropriate information to assess our capacity to maintain overall financial sustainability into the long term and, most importantly, ensure that we have in place the necessary funding arrangements to support proposed capital replacement programs and new capital projects.

The Long-Term Financial Plan is underpinned by the following principles:

- alignment with strategic aspirations
- responsible stewardship of community assets
- financial sustainability
- financial accountability
- prudence
- transparency

Annual Budget

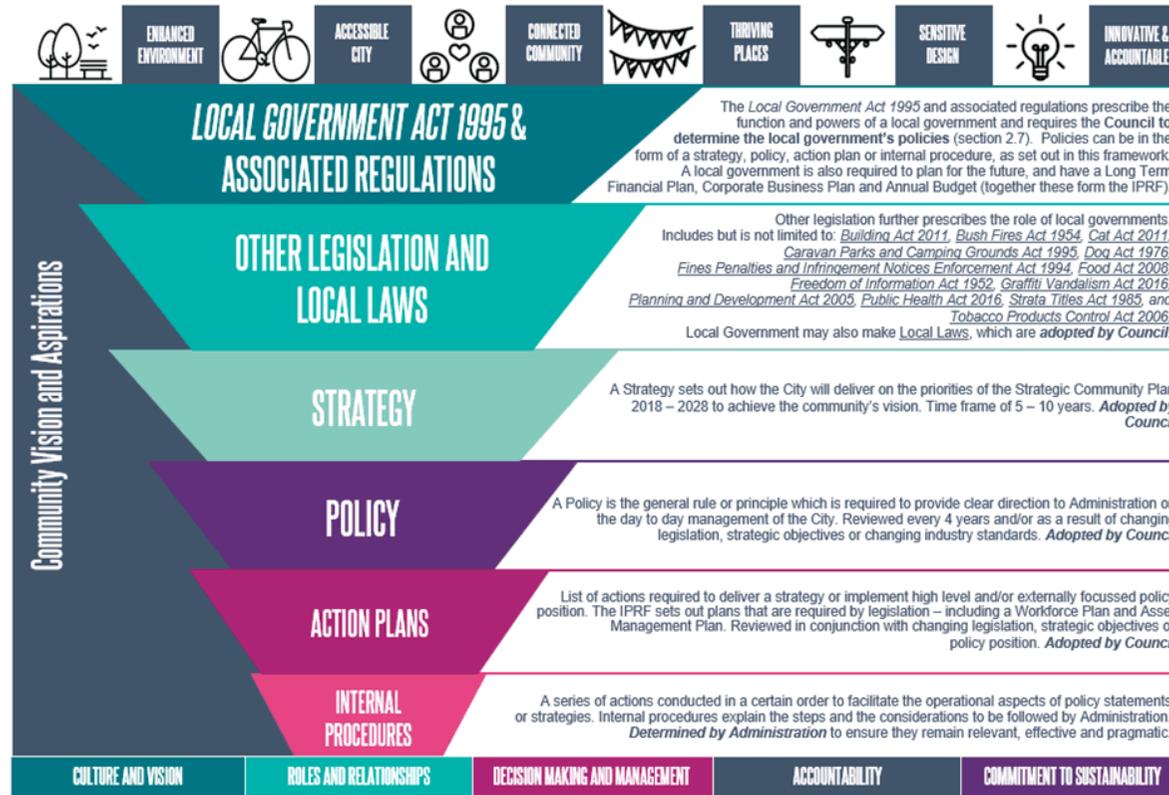
The City's Annual Budget must be adopted by Council each year and should focus on the City's actions to be achieved in line with the CBP and SCP.

The Budget outlines operating expenditure (the money required to operate and maintain works and services, such as wages, maintenance and consumables) and capital expenditure (the money required to make capital improvements to items such as roads, buildings and plant and equipment).

Governance Framework 2020



Local Government Decision Making Hierarchy



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Principle 2 – Roles and Relationships

An acceptance of the different roles of the various elements of a local government and positive working relationships between these elements

There are five key roles within a local government:

1. the Council;
2. Elected Members;
3. Mayor;
4. the CEO; and
5. Administration.

The City's Council comprises nine Elected Members:

- Mayor - represents the entire district, elected at large;
- Elected Members – North Ward (4); and
- Elected Members – South Ward (4).

Elected Members are elected for a four-year term at elections held every two years, unless elected for a shorter term due to a vacancy created by the resignation or disqualification of an Elected Member during their term. There are no limitations on the maximum terms of office for Elected Members.

Effective relationships between Elected Members, the Mayor, the Council as a whole, the CEO and Administration is critical to the achievement of excellence in governance.

Council is responsible for strategy and policy. This includes the strategic planning mechanisms to ensure the continued sustainability of the organisation, the setting of strategic goals for the organisation and the monitoring of the City's performance against these strategic goals.

Council is not responsible for the day-to-day operation of the local government. All operational matters are the responsibility of the CEO.

Elected Members and employees must understand their different roles and accept the role they play in achieving the City's corporate goals and implementation of the City's strategies. This understanding is essential for the City to operate effectively and underpins good governance at the City.

The LGA sets out the roles and responsibilities of the Council, the Mayor, the Elected Members, the CEO and Administration.

Role of Council

In accordance with section 2.7 of the LGA the role of Council is to:

- Govern the City's affairs;
- Be responsible for the performance of the City's functions;
- Oversee the allocation of the City's finances and resources; and
- Determine the City's policies.

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Role and responsibilities of the Mayor

In accordance with section 2.8 of the LGA the role of the Mayor is to:

- Preside at meetings in accordance with the LGA;
- Provide leadership and guidance to the community in the district;
- Carry out civic and ceremonial duties on behalf of the City;
- Speak on behalf of the City;
- Perform such other functions in accordance with the Act or any other written law; and
- Liaise with the CEO on the City's affairs and the performance of its functions.

The relationship between the Mayor and Elected Members

The CPA Australian publication 2007 sets out the relationship as follows:

"An effective relationship between the Mayor and other Elected Members (Councillors) will help to promote the successful delivery of the Council's strategic plan and create a credible local government. The relationship needs to be based on mutual respect and understanding by all Elected Members of the role of the Mayor and their own role and responsibilities as Councillors. The Mayor does not have any legal power to exert authority over the Councillors, apart from her role as presiding member at Council Meetings.

Some important aspects of the relationship between the Mayor and Councillors are as follows:

- *The Mayor is the leader of the Council;*
- *The Mayor should facilitate an inclusive approach to decision-making and involvement in Council activities;*
- *The Mayor can assist Elected Members to get their issues considered by the Council;*
- *The Mayor should take some responsibility for Elected Member training and development and should work with the CEO to ensure that Elected Members receive necessary training opportunities.*

The Mayor should be responsible for facilitating the resolution of any disputes between Elected Members"

The relationship between the Mayor and the CEO

The CPA Australian publication 2007 sets out the relationship as follows:

"This important relationship assists in the smooth running of the local government through good communication and anticipation of issues. It should be outward looking. That is, it should be focused on ways in which Elected Members and the organisation can be supported to best achieve the Council's goals.

Some features of an effective relationship are as follows:

- *Both parties work closely together and put energy into achieving a good working relationship;*
- *The relationship is characterised by consistency, openness and good communication;*
- *Each has the responsibility to keep the other informed about important and relevant issues; Open communication ensures that both parties understand what is important.*
- *Both parties understand that they have different roles and authorities. While the Mayor is the leader of the local government, this position has limited specific authority while the CEO has particular authorities under the Local Government Act;*

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- *The relationship between the Mayor and the CEO promotes involvement and inclusion amongst the councillors and the administration. It does not seek to concentrate power in the relationship.*
- *There is consistent communication and regular meetings.*"

Role and responsibilities of the Deputy Mayor

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so under section 5.34. This includes when the role of Mayor is vacant or when the Mayor is not available or unwilling or unable to perform her duties.

Roles and responsibilities of Elected Members

In accordance with section 2.10 of the LGA, the role of an Elected Member is to:

- Represent the interests of electors, ratepayers and residents of the district;
- Provide leadership and guidance to the community in the district;
- Facilitate communication between the community and the Council;
- Participate in the City's decision-making process; and
- Perform such other functions as prescribed in the Act or any other written law.

Elected Member accessibility

Elected Members must ensure that they make themselves accessible to the City's community through publication of a minimum set of contact details on the City's website as follows:

- postal address – personal or care of the City's address or a PO Box;
- telephone number – business, home or mobile number; and
- email address – personal, business or City email address.

Appointment to external boards, committees etc.

Elected Members representing the City at external organisations, boards, committees and working groups are to ensure that they clearly understand the basis of their appointment. They must:

- always act as a spokesperson for the City and in the City's best interests;
- provide regular reports on the activities of the organisation in accordance with the confidentiality requirements of that organisation; and
- represent the City's interests on all matters relating to that organisation while maintaining the confidentiality requirements of the City.

Relationship between Elected Members and Administration

Elected Members are entitled to be fully informed in order to carry out their role as a decision maker and may seek specific information on various issues before Council.

Elected Members can not undertake administrative tasks, as set out in regulation 9 of the Local Government (Rules of Conduct) Regulations 2007 clause 19 and 20 of the Nominated Members Code and Model Code Regulations.

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19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause — local government employee means a person —
- (a) employed by a local government under section 5.36(1) of the Act; or
(b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
(c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
- (a) make a statement that a local government employee is incompetent or dishonest;
or
(b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

The procedure for Elected Member requests for information from Administration is addressed in the City's [Policy 4.2.5 'Council Members – Requests/Contact with City employees'](#).

Role and responsibilities of the Chief Executive Officer

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

- Advise the Council in relation to the functions of a local government under the LGA and other written laws;
- Ensure that advice and information is available to the Council so that informed decisions can be made;
- Cause Council decisions to be implemented;
- Manage day to day operations of the local government;
- Liaise with the Mayor or president on the local government's affairs and the performance of the local government's functions;
- Speak on behalf of the local government if the Mayor or President agrees;

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- Be responsible for the employment, management supervision, direction and dismissal of other senior employees (subject to section 5.37(2));
- Ensure that records and documents of the local government are properly kept for the purposes of the Act and any other written law; and
- Perform any other function specified or delegated by the local government or imposed under the Act or any other written law as a function to be performed by the CEO.

Principle 3 – Decision-making and management

Effective decision-making and related management processes that reflect transparency and accountability

Decision making forums and processes

Decision-making is the most important activity undertaken by the City, both by Elected Members and by Administration. Effective decision-making processes increase the likelihood that the decisions themselves will be in the best interest of the entire community. Good processes will ensure confidence in decision making by all Elected Members as well as the public.

Part 5 of the LGA sets out the framework whereby Elected Members meet as the governing body (Council) for the purpose of decision-making on behalf of the local government.

It is an intention of the Act that Council conducts business and makes decisions:

- openly and transparently
- with a high level of accountability to their community
- efficiently and effectively
- with due probity and integrity
- acknowledging relevant community input
- with all available information and professional advice
- with the fullest possible participation of elected members

Decisions made at meetings are recorded in the form of resolutions, which are binding on the Council until they are formally amended or repealed. Resolutions, once recorded, take effect immediately.

To facilitate transparent and accountable decision-making Elected Members and Administration are encouraged to operate in the following manner:

- Administration will endeavour to respond to any queries or requests for information from Elected Members as a priority so that Elected Members have the required information to fulfil their role and make decisions.
- Elected Members will endeavour to provide complex questions or large requests for information to Administration in advance of a Committee or Council Meeting, particularly if a detailed response is required or if it relates to a possible amendment or alternative recommendation, so that Administration has sufficient time to provide a sufficiently detailed response.

This reciprocal arrangement assists Council in fulfilling its roles and responsibilities on behalf of the community.

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Council meeting schedule

The City has adopted a monthly meeting cycle which consists of a Council Briefing, which is an opportunity for questions to be asked by Elected Members, followed by a Council Meeting. The cycle is as follows:

- second Tuesday of the month: Council Briefing; and
- third Tuesday of the month: Ordinary Council Meeting.

The February Briefing and Meeting have been brought forward one week to reduce the extent of the December / January recess period. The April and July Briefings and Meetings have also been adjusted to avoid Briefings and Meetings being held during school holidays.

The full schedule is available on the [City's website](#).

Special Meetings can be called by the Mayor, three members of Council or the Council as a whole, as set out in section 5.3 of the Act. Special Meetings of Council can be convened if an urgent matter arises which requires decision prior to the next scheduled Meeting.

Council can also delegate additional powers to the CEO over the Council recess period (between the December and February Meetings), subject to section 5.43 of the LGA (which sets out restrictions on powers and duties that can be delegated) in order to ensure the essential operations of the City can continue.

Council Workshops

Council Workshops provide an opportunity for informal discussion between Elected Members and Administration. The purpose of Council Workshops is to engage and update Elected Members on:

- Corporate Business Plan and CEO KPI Items;
- Emerging Issues;
- Council Strategy and Policy Development; and
- Major Community Engagement Activities.

Council Workshops are not decision-making forums and are not governed by the LGA or the City's *Meeting Procedures Local Law 2008*.

Council Workshops will generally involve projects or matters that are in the early planning stages and not yet ready to be presented to Council for decision.

During Council Workshops:

- the Chief Executive Officer seeks input from Elected Members that are in the research and concept stage, to allow the drafting and formalisation of the concepts to progress;
- Elected Members are fully informed on matters to enable decisions to be made in the best interests of the community; and
- Elected Members represent the views of the community in matters.

The input of Elected Members through open and free-flowing exchange of ideas provides invaluable direction to the Chief Executive Officer for the research, planning and development of matters.

Elected Members must not indicate their voting intention at Council Workshops.

Council Workshops are not open to the public but where relevant and in consultation with Elected Members, external consultants, representatives of community organisations and community members may be invited to attend.

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Council Briefings

Council Briefings are held at 6pm in the Council Chamber on the Tuesday of the week prior to the Ordinary Council Meeting. Council Briefings provide the opportunity for Elected Members and members of the public to ask questions and clarify issues relevant to the specific agenda items due to be presented and discussed at the forthcoming Council Meeting.

No decisions are made at Council Briefings. Elected Members may request additional information or may request alternative wording for motions to be prepared for possible consideration at the forthcoming Council Meeting.

Council Briefing Agendas are published on the City's website on or before the Wednesday of the week before the Council Briefing.

Council Briefings are open to the members of the public and also live streamed, with the recording available on the City's website.

Council Meetings

The Council Meeting is Council's only debating and decision-making forum. Council Meetings are conducted in strict compliance with the requirements of the LGA, its regulations and the City's Meeting Procedures Local Law.

Good decision-making at a Council Meeting is achieved by:

- a clear and informative agenda,
- good chairing and facilitation by the Presiding Member;
- adherence to the meeting procedures; and
- adherence to statutory requirements.

Council Meeting Agendas are published on the City's website on or before the Friday of the week before the Council Meeting.

The City's Council Meetings are open to the public, which ensures that the community is fully informed and, where appropriate, involved in the decisions and affairs of Council. Elected Members, the CEO and Executive Directors attend all Council meetings. Council meetings are live streamed, with the recording available on the City's website.

Community participation in the decision-making process

The City's Policy 4.1.05 Community Consultation currently prescribes the community consultation process that is undertaken to engage the community in the City's decision making process. The policy guides how the City speaks with and listens to the community. The policy is proposed to be replaced with a Community Engagement Charter.

Community and expert advice is also sought in the following ways:

- Reconciliation Action Plan Working Group – this working group is a requirement of the City's Reconciliation Action Plan (RAP) and is a key stakeholder in the delivery of the City's RAP.
- Community members (panel) – comprises of a cross section of the City's community, their feedback was used to inform the City's SCP adopted in 2018 (Imagine Vincent campaign);
- Design Review Panel – comprises of paid independent experts who provide technical advice to Administration on development design, including the amenity, architecture, landscaping and sustainability. Administration can refer developments to the panel for comment, and the recommendations of the panel are considered by Administration or Council when making a determination on the development approval.

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- Advisory Groups – since 1995 the City has had a number of groups comprising of community members and Elected Members. The groups operate in accordance with the City's Policy - 'Advisory Groups' Policy No. 4.2.12.

Agenda and Minutes

Agenda

It is a requirement of the LGA that the CEO provides 72 hours' notice of the date, time and place of an Ordinary Meeting of Council, and provides an agenda for the meeting. The City circulates the agenda for the Council Briefing on the Wednesday prior to the Briefing, and on the Friday prior to the Meeting.

Well-structured agendas lead to efficient and effective Council Briefings and Meetings, and in turn result in good decision-making.

The City's agendas comprise of reports prepared by Administration, which aim to provide the Council with sufficient and relevant information to make a decision, including the SCP alignment and budget implications.

Reports include the following information:

- Recommendation – Clearly states the action that Administration is proposing.
- Purpose of Report - Explains why the report is being prepared and what is requested from Council.
- Background – Provides the necessary background information for Council to understand the context / reason for the report.
- Details –Provides sufficient context and detail to enable a full understanding of the issue and why the recommendation is being proposed.
- Consultation/Advertising- Specifically identifies future consultation, engagement or advertising requirements. If consultation has occurred previously this should be included in the Details section and should identify who has been consulted including dates, methods, and number of responses.
- Legal/Policy – Specifies any Acts, Regulations, Local Laws and Policies that are relevant to the decision.
- Risk Management Implications –A low, medium or high-risk rating is assigned to the proposed recommendation. The risk of not making the recommended decision can also be included.
- Strategic Implications – Shows that the proposed decision is aligned with one or more priorities in the SCP.
- Sustainability Implications – Shows that the proposed decision is aligned with objectives in the City's Sustainable Environment Strategy.
- Public Health Plan Implications – Identify whether the proposed decision is aligned with one of the priority health outcomes in the City's Public Health Plan.
- Financial/Budget implications –identifies the financial impacts of the proposed decision and alignment with or impact on the LTFP.
- Comments – Allows any further comments to be included, as required to provide Council with all the information necessary to make a decision.

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Late reports

Late reports are strongly discouraged however there may be occasions when additional items are required to be presented to Council following the publishing of the Briefing or Meeting agenda. In these instances, Administration will endeavour to publish these reports as soon as possible following the publishing of the agenda, to enable sufficient time for Elected Members and the community to consider the item.

The City's Meeting Procedures Policy prescribes the circumstances that may permit the publication of a late report and includes a requirement for justification and consideration of the impact that late publication may have on community engagement.

Minutes

Regulation 13 of the *Local Government Administration Regulations 1996* prescribes that unconfirmed minutes of each Council meeting are to be available to the public within 10 business days after the meeting.

The minutes of a Council Meeting comprise of all items considered at the meeting and include attendances, all motions, their movers, seconders, and the results of the motions.

In the interests of accountability and transparency, the City circulates the minutes on the Friday following the Meeting. If for any reason the Minutes are not available for circulation by the Friday, an explanation is provided on the website.

The minutes are confirmed at the first Council Meeting immediately thereafter.

Meeting procedures

Council have adopted a [Meeting Procedures Local Law](#) that sets out the conduct, process and protocols of Council meetings and Briefings. The Meeting Procedures Local Law is required to be reviewed every 8 years.

Council have also adopted a [Meeting Procedures Policy](#) which provides high level clarification on the conduct of Council Meetings and Briefings, where not addressed in the Meeting Procedures Local Law. The policy is supported by the [Council Briefings Guidelines](#) and [Electronic Council Proceedings Guidelines](#) which are publicly available and linked within the Policy.

Decisions on land use planning and development

Development and land use proposals on properties may be required to be assessed and approved via a Development Application pursuant to the City's Local Planning Scheme No. 2. Depending on the type and scale of the development, the development determination will be made by Council, Administration or the Metropolitan West Joint Development Assessment Panel (JDAP). The Town of Cambridge, Town of Claremont, Town of Cottesloe, Town of Mosman Park, City of Nedlands, Shire of Peppermint Grove and City of Subiaco are part of the JDAP.

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Conflict of interest

Elected Members, CEO's and employees must make decisions in the best interests of their community. To do this, they must consider each issue on its merits.

A conflict of interest occurs when a person's position within the City of Vincent, or their financial or other personal interests, affect, have the potential to affect, or could have the appearance of affecting, their judgement, objectivity or independence.

Decision-making could be influenced, or perceived to be influenced, in a number of ways, including through financial relationships, personal relationships and the receipt of gifts. Conflicts of interests may arise from a number of sources, including friends, relatives, close associates, financial investments, business interests or dealings or past employment.

The LGA and related party declaration requirements of the Australian Accounting Standard set out requirements for Elected Members, CEOs and local government employees to disclose interests to ensure transparency and accountability in decision-making.

Elected Members, the CEO and employees must declare any actual or perceived conflict of interest between their personal interests and the impartial fulfilment of their professional duties in accordance with the requirements outlined below.

Disclosure of interests affecting impartiality

An impartiality interest does not apply to an interest referred to in section 5.60 of the LGA – i.e. it does not include financial or proximity interests.

Elected Members

In accordance with clause 22 of the Nominated Members Code, an Elected Member who has an impartiality interest in any matter to be discussed at a council or committee meeting attended by the Elected Member must disclose the nature of the interest:

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

Employees and contractors

In accordance with the Employee Code of Conduct and the Administration Regulations, Employees who have an impartiality interest in a matter must disclose that interest:

1. where they are attending the council or committee meeting at which the matter is being discussed; or
2. if they have given, or will give, advice in respect to the matter at a council or committee meeting not attended by the Employee.

In the first instance, the interest must be disclosed in writing to the CEO before the meeting or at the meeting immediately before the matter is discussed. In the second instance, the interest must be disclosed in writing to the CEO before the meeting or at the time the advice is given by the Employee.

An impartiality interest is defined in Regulation 34C of the Local Government (Administration) Regulations 1996 and Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

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~~11—Disclosure of interest~~

- ~~1—In this regulation—interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.~~
- ~~2—A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest—

 - ~~a— in a written notice given to the CEO before the meeting; or~~
 - ~~b— at the meeting immediately before the matter is discussed.~~~~
- ~~3—Subregulation (2) does not apply to an interest referred to in section 5.60 of the Act.~~
- ~~4—Subregulation (2) does not apply if—

 - ~~a— a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or~~
 - ~~b— a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.~~~~

~~Elected Members and employees (including persons under contract) are required to disclose interests affecting impartiality and must disclose the nature of the interest in a written notice given to the CEO before the meeting, or at the meeting immediately before the meeting is discussed.~~

~~Disclosure of interests of employees~~

~~Similar to Elected Members it is a requirement of the LGA that employees disclose any interest in any matter when providing advice or reporting directly to Council.~~

~~In accordance with section 5.70 of the LGA;~~

~~“An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.”~~

~~Such interest is to be disclosed in writing to the CEO before the meeting.~~

~~The City's Code of Conduct also requires an employee to disclose any interests, where the interest could, or could reasonably be perceived to, affect the impartiality of the employee having the interests and includes an interests arising from kinship, friendship or membership of an association. In some situations, this may require the employee to disqualify themselves from dealing with a particular matter.~~

~~The City maintains a register of staff conflicts of interest, and any staff disclosing a conflict of interest that cannot be appropriately managed will be removed from the decision-making process.~~

Financial and Proximity Interests

Elected Members and employees must comply with the laws governing financial interests, including the disclosure of financial interests, set out in the LGA. Sections 5.59-5.90 of the LGA establish the requirements for disclosure by Elected Members and employees and contractors of financial interests (including proximity interests).

The onus is on Elected Members, employees and contractors to identify possible financial interests (including proximity interests and non-financial interests), to determine whether an interest exists and whether any statutory exemption applies.

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The statutory definition of a financial interest is set out in section 5.60A of the *Local Government Act 1995* as follows:

5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

Proximity

The LGA requires you to disclose a proximity interest that you, or a person with whom you are closely associated, has in a matter before Council or a Committee.

A proximity interest arises if:

- a proposed change to a planning scheme affects land that adjoins your land;
- a proposed change to the zoning or use of land that adjoins your land; or
- a proposed development of land that adjoins your land (development refers to the development, maintenance or management of the land or of services or facilities on the land).

The existence of a proximity interest is established purely by the location of land. A financial effect on the valuation of your land or on the profitability of your business does not have to be established. It is therefore important that you fully understand when a proximity interest exists.

The person's land referred to is both land in which you, or a person with whom you are closely associated, has any estate or interest.

Land that adjoins a person's land is defined by the LGA as land that:

- not being a thoroughfare, has a common boundary with the person's land;
- is directly across a thoroughfare from the person's land; or
- is that part of a thoroughfare that has a common boundary with the person's land.

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The statutory definition of a proximity interest is set out in section 5.60B of the *Local Government Act 1995* as follows:

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (the proposal land) adjoins a person's land if —
 - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; or
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

Related Party Disclosures

In July 2016 the scope of the Australian Accounting Standard (AASB) 124 Related Party Disclosures (Standard) was extended to local governments. The Standard requires key management personnel (Elected Members and Directors) to disclose information about transactions that have occurred between the local government and its key management personnel or their related parties.

At the end of each respective financial year, key management personnel must disclose information about transactions that have occurred between themselves, or their related parties, and the City. Examples of "related parties" include close family members (typically spouse and any dependents), companies and trusts under their control.

The City is committed to complying with the disclosure requirements for related party transactions under the Australian Accounting Standards. Disclosure of relevant related party information provides greater transparency and identifies potential conflicts of interest.

Primary and Annual Returns

Elected Members and 'designated employees' are required to complete primary and annual returns in accordance with the requirements of Division 6 of Part 5 of the LGA. Primary and Annual outline financial interests, including property ownership. These interests could give rise to a conflict of interest.

Section 5.75 of the LGA requires Elected Members and 'designated employees' to complete a Primary Return within three months of commencing in their role.

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A primary return is a snapshot of personal financial information as it exists at the time of commencement.

At the end of each respective financial year, Elected Members and 'designated employees' must complete an Annual Return, which discloses any changes to the information previously disclosed in their Primary Return or new interests that have accumulated since completing their Primary Return or last Annual Return.

Primary Returns and Annual Returns assist with the decision-making process as they highlight an individual's interests at a particular point in time, thereby clarifying whether a conflict of interest may arise.

A relevant person is defined under section 5.74 of the *Local Government Act 1995* as a person who is a:

- Mayor or president
- Council member, and
- designated employee.

Designated employees include:

- CEO,
- employees with delegated powers and duties under Part 5, Division 4 of the Act,
- employees who are members of committees comprising elected members and employees, and
- other employees nominated by the local government.

Gifts

It is the City's position that Elected Members, the CEO and employees should not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the City.

However, it is acknowledged that there may be instances when receiving a gift is unavoidable or when refusal of a gift may be inappropriate-impossible or impractical. These circumstances will depend on the cultural context of the giving of a gift, the nature of the gift (perishable food or beverages or of no monetary value) and the relationship with the person giving the gift. In such a circumstance the gift may be accepted on behalf of the City but should be disclosed in accordance with the requirements outlined below.

Elected Member gifts

It is the City's position that any gift received (and not able to be returned) by an Elected Member and **valued above \$50** is to be disclosed and included in the City's [Register of Gifts](#). This requirement goes beyond the legislative requirement, which requires disclosure of gifts above \$300 only.

The Department of Local Government, Sport and Cultural Industries has prepared the frameworks shown at attachments A, B, and C to assist Elected Members and CEO's in disclosing gifts.

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In accordance with the LGA, Elected Members (section 5.87A) and CEOs (section 5.87B) are required to disclose gifts that are received in their capacity as an Elected Member or CEO and:

- are valued over \$300; or
- are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12-month period.

Additionally, a gift given by two or more related bodies corporate (as defined by section 50 of the *Corporations Act 2001* (Cth)) is considered to have been given by a single corporation.

The City current and previous register of gifts are publicly available on the City's [website](#).

These provisions recognise that a relationship is created between the donor and a recipient of a gift that could be perceived to affect decision-making. The reason for the receipt of the gift is irrelevant. This means that if the gift is received in an Elected Member or CEO's personal capacity it still needs to be disclosed in accordance with the LGA requirements (there are a number of exemptions, which relate to gifts from family members.)

The primary consideration is whether there is a matter before Council that the donor could benefit or suffer detriment as a result of.

Elected Members should not participate in any part of the Meeting that involves the donor (section 5.67). Elected Members must disclose the interest, in accordance with section 5.65, in writing to the CEO before the Meeting or immediately before the matter is discussed.

The CEO is also bound by these requirements and must not be involved in the preparation of the report to Council, either directly or indirectly (section 5.71A).

The statutory definition of a gift is set out in section 5.57 of the *Local Government Act 1995* as follows:

5.57. Terms used

In this Division, unless the contrary intention appears —
gift means —

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution; *travel* includes accommodation incidental to a journey; *travel contribution* means a financial or other contribution made by 1 person to travel undertaken by another person.

Employee gifts

Employees are prohibited from accepting certain gifts as follows:

- a gift from a contractor, supplier, developer or applicant;
- a gift with a value of \$300 or more; or
- a number of gifts from the same person/company equating to a value of \$300 or more over a 6-month period.

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It is the City's position that any gift received (that is not a prohibited gift as outlined above and is not able to be returned) it must be disclosed using the City's Gift Disclosure Form within 10 days of acceptance. The reason for the acceptance of the gift needs to be noted in the gift disclosure form.

Gifts accepted will be recorded on the City's internal Gift Register. Gifts with a value over \$50 will also be included in a public version of the register which is accessible on the City's website.

CEO gifts

It is the City's position that any gift received (and not able to be returned) by the CEO is to be disclosed and using the City's Gift Disclosure Form within 10 days of acceptance. The reason for the acceptance of the gift needs to be noted in the gift disclosure form.

Gifts accepted will be recorded on the City's internal Gift Register. Gifts with a value over \$50 will also be included in a public version of the register which is accessible on the City's website.

The CEO must not be involved in the preparation of a report to Council, either directly or indirectly, if in receipt of a gift in relation to that advice or report (s 5.71A of the LGA):

5.71 CEOs to disclose interests relating to gifts in connection with advice or reports

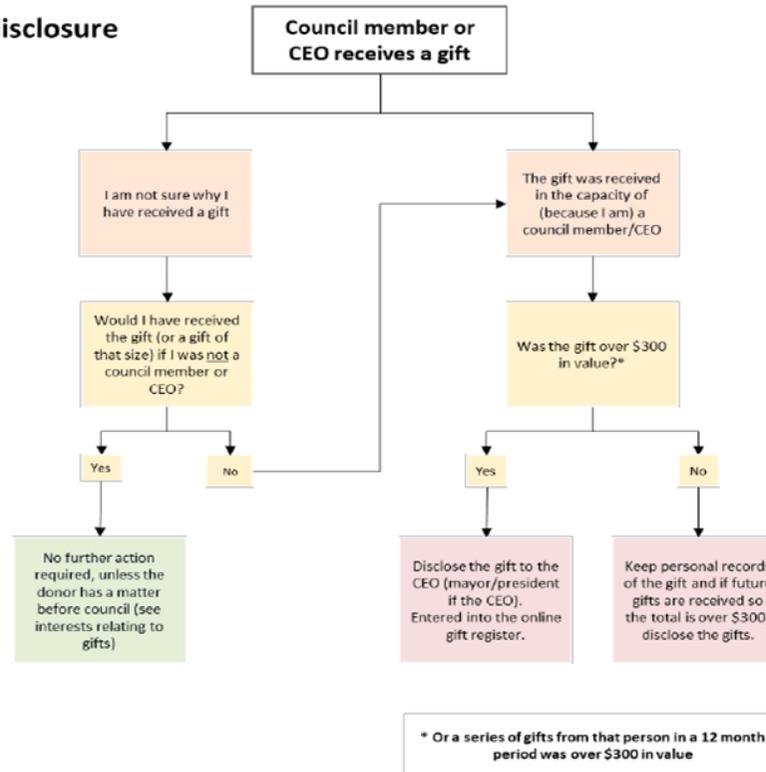
- (1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.
- (2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).
- (3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

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Attachment A - Gift reporting framework under the Local Government Act 1995.

Gift framework - disclosure

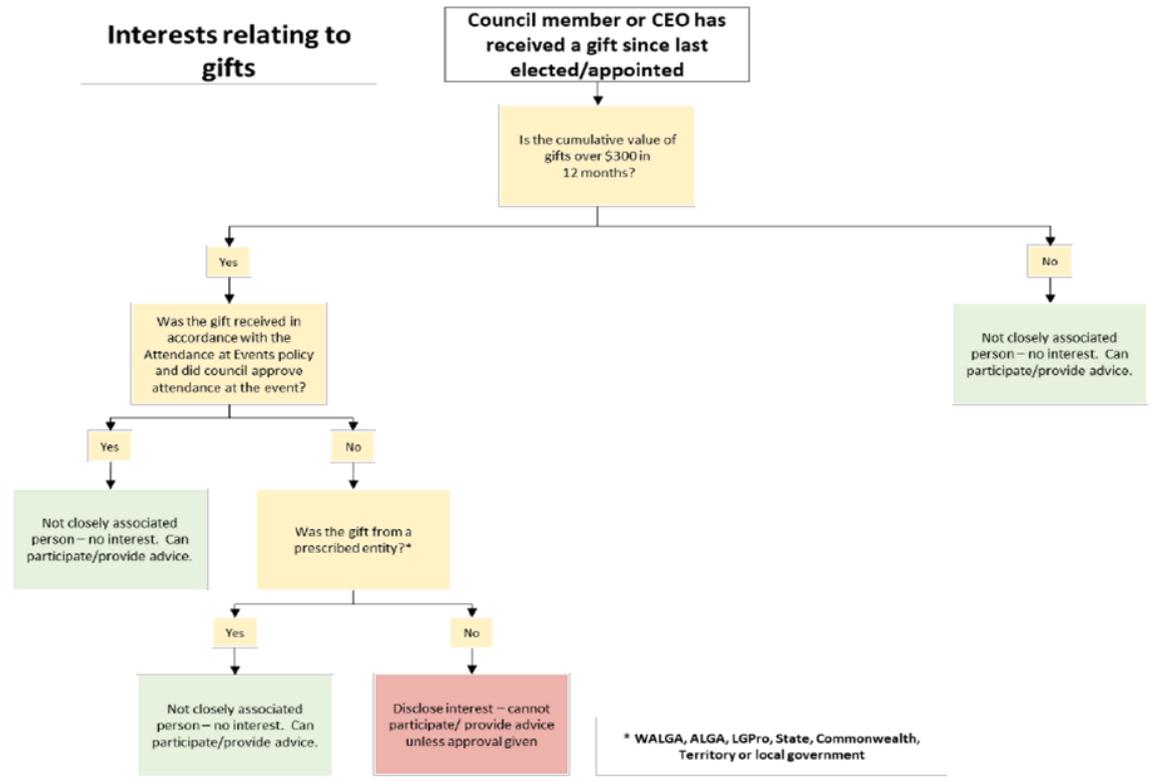


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Attachment B - Interests relating to gifts under the Local Government Act 1995.

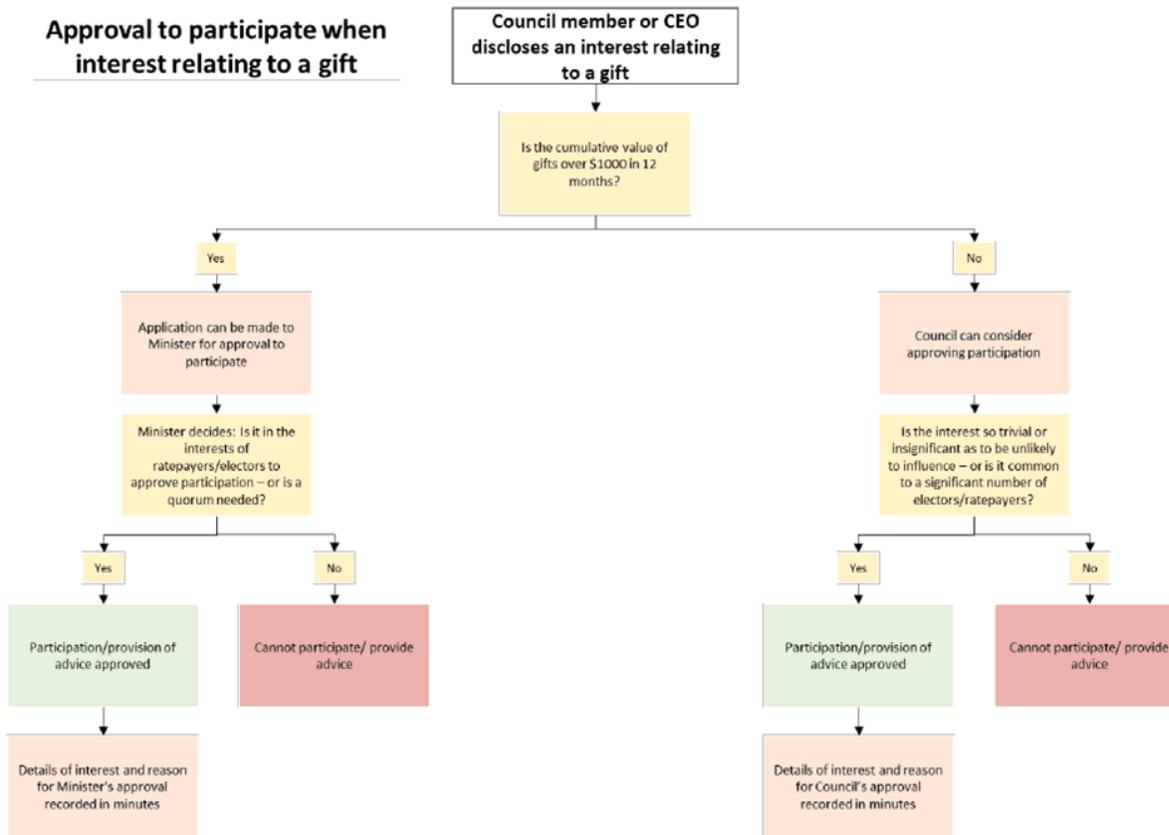


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Attachment C - Approval to participate when there is an interest under the Local Government Act 1995.



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Contact with developers

Contact with developers is a normal and necessary function of the role of an Elected Member. However, the nature and frequency of that contact can sometimes lead to allegations or perceptions of bias, influence or even corruption being made towards Elected Members. Ensuring that decision-making processes are open and transparent reduces the opportunities for such allegations or perceptions to be raised.

Elected Members are to record any prescribed contact they have with developers on the City's "Contact with Developers Register" in accordance with the City's [Council Member Contact with Developers Policy](#).

The [Council Member Contact with Developers Register](#) is maintained by the CEO and published on the City's website.

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Delegations

Some legislation confers powers on local governments to allow Council to delegate power to a committee of the local government, the local governments CEO or in limited circumstances other persons or employees.

The purpose of delegating a power is to allow matters that are routine, may have a time constraint or can change rapidly to be dealt with efficiently.

The extent of delegation, conditions that may be applied, records that must be kept and the review and amendment processes depend on the various heads of power in the Acts themselves. Western Australian legislation may be accessed online at the State Law Publisher's website at <https://www.legislation.wa.gov.au>

Delegates exercise the delegated decision-making function in their own right, in other words they have discretionary decision-making powers. The use of delegated authority means that a large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

In situations where an employee has been delegated a power or duty by the CEO, and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and must either disclose the nature of the interest to the CEO (or should the employee be the CEO, disclose the nature of the interest to the Mayor).

The City's '[Register of Delegation, Authorisations and Appointments](#)' is reviewed by Council on an annual basis and is available on the City's website.

This register includes:

- Delegations from Council to the CEO;
- Sub delegations from CEO to other employees;
- Appointments of authorised persons; and
- Appointments of other employees.

The provisions of the LGA which provide for delegations by a local government or its CEO are as follows:

- Section 5.16(1), states: 'Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation.'
- Section 5.42(1), states: 'A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.'
- Section 5.44(1), states: 'A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.'

The Act has been framed in a way that determines whether powers and duties can be delegated or not. If the term 'council' is used then it is the council itself which must carry out that function. If the term 'local government' is used then it may be possible to use delegation, subject to any other express powers against delegation or the desirability in using 'acting through' where it may be a better way of carrying out the power or duty.

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Concept of acting through

Employees do not always need delegations or sub delegations to carry out their tasks and functions on behalf of the local government. Basically, a function may be undertaken through the “acting through” concept where a person has no discretion in carrying out that function – the outcome will not be substantially different regardless of the circumstances or who exercised the power.

The key difference between a delegation and acting through is that a delegate exercises a decision-making function in his or her own right. For example, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to “act through” another employee.

Authorised persons

Authorised persons are given powers to do certain things under an Act, Regulation or local law; usually to issue an infringement, make inquiries, enter on to property, issue a notice or to enforce a provision.

The CEO has been delegated the authority to appoint authorised persons for the purpose of fulfilling prescribed functions within the LGA and its subsidiary legislation, including LGA Regulations, the *Local Government (Miscellaneous Provisions) Act 1960* and Local Laws made under the LGA.

An authorised person, once appointed, is responsible for fulfilling the powers and duties assigned under law to an authorised person, which may be specified or limited in an Act or Regulation, or the certificate of authorisation.

Local laws

The Council is responsible for adopting a set of local laws under section 3.5 of the LGA.

Council, when making local laws, must be aware of their legislative effect and the process as outlined in the LGA.

The City's Local Laws reflect community standards and provide for the good governance of the City.

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

The City is required to review all its local laws every eight years from the date they came into operation or from the date, they were last reviewed. This review process also allows for community consultation and feedback.

The City has the following local laws:

- [Dogs Local Law 2007](#);
- [Fencing Local Law 2008](#);
- [Health Local Law 2004](#);
- [Local Government Property Local Law 2008](#);
- [Parking & Parking Facilities Local Law 2007](#);
- [Meeting Procedures Local Law 2008](#); and
- [Trading in Public Places Local Law 2008](#)

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Policies

Section 2.7(2)(b) of the LGA states that the Council is to “determine the local government’s policies”.

Policies guide decision making by Council and Administration. Policy provisions are at the discretion of the Council, provided they are in accordance with relevant legislation and align with the City’s SCP.

Council is responsible for making, amending and revoking policies as required to ensure policies remain relevant and reflect community views and current practices.

In addition, policies may also be prepared under statutory instruments (e.g., local planning policies prepared under the City’s Local Planning Scheme No. 2 (LPS2)). In such cases, the legal effect of the policy will be documented in the relevant statutory instrument.

Policies are to be reviewed in accordance with [Policy 4.1.1 - Policy Manual – Adoption and Review of Policies](#)

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Principle 4 – Commitment to Sustainability

The City recognises the importance of not only addressing the current needs of the community, but also the needs of future generations. To do this, the City must operate in a manner, which considers the long term environmental, financial and resource implications.

Environmental

The City's commitment to environmental sustainability is reflected in its Sustainable Environment Strategy 2019-2024 (SES). The SES sets out achievable actions for the City to implement over the next five years, to:

- ensure that the City acts in an environmentally sustainable manner in all of its operations, and
- encourages, empowers and supports the City's community to live in an environmentally sustainable manner.

The SES includes a number of positive actions for delivering a sustainable natural and built environment for the community.

The SES sets out actions to be undertaken across four areas:

- [Air & Emissions](#)
- [Water Quality & Consumption](#)
- [Greening Vincent](#)
- [Reduce, Reuse, Recycle](#)

Financial Management

Role of the CEO,

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

- appropriate financial systems, plans, strategies and protocols
- adequate resources to support the City's activities and financial monitoring and performance
- suitable internal review and audit mechanisms
- an organisational culture where responsibility and accountability are clearly delineated and understood
- adherence to and compliance with legislative provisions.

Asset management

In accordance with section 5.56(1) of the LGA, local governments are required to plan for the future, which includes the management of assets. The asset management plan and strategy will inform the annual budget and LTFP.

The Department of Local Government, Sport and Cultural Industries (DLGSCI) guidelines state that:

"Asset management is critical to meeting local government strategic goals within an Integrated Planning and Reporting approach. Asset Management Policies, Asset Management Strategies and Asset Management Plans (AMP) are informed by, and in turn inform, the community aspirations and service requirements in the Strategic Community Plan.

The City's current Asset Strategy (2010-2020) is due to be reviewed this year.

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The main objective of the Asset Management Strategy is to outline how the City will meet its commitment to asset management over the coming ten years.

An Asset Management Strategy recognises the need to manage assets effectively as part of the City's service delivery, where the service areas delivering the service should be responsible for managing assets that are associated with that (service) area. Failure to adequately plan for the renewal of existing assets, and the development of new assets, will invariably result in the accepted "levels of service" declining.

The City has historically prepared a 12 month capital works program for incorporation into the annual budget. The City is developing a 4 year capital works program which is aligned to the LTFP.

The City is continuing to develop processes to improve the robustness of the capital works program, informed by a comprehensive Asset Maintenance Framework.

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Principle 5 – Accountability

The need for local governments to account for their activities and have systems in place, which support and reinforce this accountability

Excellence in governance is based on the premise that those who are involved in governance, both Elected Members and Administration are held to account for what they do.

Accountability means holding Elected Members, the CEO and employees of a local government responsible for its performance. The public trust placed in the public sector and in its Elected Members to act in the public interest can be justified in the manner in which their duties have been performed.

Compliance Audit

Section 7.13(1)(i) of the LGA requires local governments to undertake an audit of compliance “in the prescribed manner and in a form approved by the Minister”. In accordance with section 7.13(1)(i), the Department of Local Government, Sport and Cultural Industries (Department) requires that all local governments complete a CAR by 31 March of the following year.

In accordance with Regulation 14(3a) of the *Local Government (Audit) Regulations 1996*, the Audit Committee is to review the CAR prior to the CAR being presented to Council for approval.

Audit Committee

The City’s Audit committee is responsible for the reviewing and making recommendations to Council regarding financial management, risk management, internal controls, legislative compliance, internal and external audit planning and reporting.

The primary objectives of the Audit Committee are to:

- Accept responsibility for the annual external audit; and
- Liaise with the local government’s internal and external auditors so that Council can be satisfied with the performance of the local government in managing its affairs.

Reports from the Committee assist Council in discharging its legislative responsibility of controlling the local government’s affairs, determining the local government’s policies and overseeing the allocation of the local government’s finances and resources. The committee ensures openness in the local government’s financial reporting and liaises with the CEO to ensure the effective and efficient management of the local government’s financial accounting systems and compliance with legislation.

The Committee facilitates:

- The enhancement of the credibility and objectivity of internal and external financial reporting;
- Effective management of financial and other risks and the protection of Council assets;
- Compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
- The coordination of the internal audit function with the external audit; and
- The provision of an effective means of communication between the external auditor, internal auditor, the CEO and the Council.

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Customer Service and Complaints Management

The City has adopted a [Customer Service Charter](#), which reflects the City's commitment to providing quality service and outlines what the community can expect from the City.

Customer service requests or complaints are processed in accordance with the [City's Customer Service Complaints Management Policy 4.1.3](#) and the City's comprehensive Customer Service Complaints Management Procedure.

The City strives to provide a friendly, professional and efficient service which meets the needs of the community.

Access to information

Section 5.94 of the LGA sets out certain Local Government information that members of the public can inspect with limits on those rights detailed in Section 5.95.

The Western Australian *Freedom of Information Act 1992* gives people a right to access documents of an agency, subject to the sensitivity of the document and the exemptions applied pursuant to the Act. The Act is designed to make State and local government more open and accountable to the public by creating a general right of access.

The City is committed to transparency and accountability and seeks to provide members of the public with access to information in the most time efficient and low-cost methods, while ensuring the privacy of staff and the public is protected.

This position has been formalised in the following documents:

- [Freedom of Information Statement 2019](#);
- [Freedom of Information Access Arrangements](#); and
- [Freedom of Information Policy 4.1.4](#)

Performance management and reporting

The Council is accountable for monitoring performance in the achievement of the City's strategic direction, goals and financial outcomes.

The management of the City's performance and the reporting of that performance to the community is achieved in several ways.

Annual Financial Report

The *Local Government Act 1995* (the Act) requires local governments to prepare an Annual Financial Report (Report) on its operations for the preceding financial year. The annual report provides information about the City's financial activities, income and expenditure.

The City's Annual Financial Report is to be audited by an external auditor and is to be considered by the City's Audit Committee before being submitted to Council for adoption.

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Annual Report

In accordance with section 5.53 of the LGA the City prepares an Annual Report each financial year.

The City's Annual Report is the City's key reporting document that details a summary of the City's activities throughout each year, and outlines progress made towards strategic objectives set out in the City's guiding strategic documents.

CEO performance review

Section 5.38 of the LGA requires Council to review the performance of the CEO at least once each year. Conducting this review is an important function of Council because the CEO is Council's only employee and it is through this review process that Council can also review the performance of the organisation.

[Council's Policy No. 4.2.16 – CEO Annual Performance Review](#) sets out the manner in which this annual review is to be conducted.

Employee performance review

In accordance with the Act, the performance of all employees is to be reviewed at least once in relation to every year of their employment.

The City's performance and development procedure ensures the consistent review of employee performance and development and encourages open and honest communication between employees and leaders.

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Revisions

Office use only			
Review	Council Item	CM Ref	Details
18/08/2020	OMC - 12.5 Minutes	D20/148041	Adoption
20/10/2020	OMC – 9.4 Minutes	D20/195873	Updated to include priority health outcome consideration from the Public Health Plan 2020 – 2025 in Council reports.

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POLICY NO. 4.2.10**COUNCIL MEMBERS AND EMPLOYEES
BUSINESS DEALINGS WITH THE CITY****OBJECTIVE**

To provide an open, transparent and accountable procedure for entering into any contracts with business entities that has a relationship with any serving Council Member or Employee.

POLICY STATEMENT

1. All commercial/ business dealings (including the awarding of contracts) with the City of Vincent by Council Members and Employees (and their closely associated persons) shall at all times be open, transparent and accountable.
2. All Council Members and Employees (and their closely associated persons) wishing to carry out any business activities with the City shall only do so in strict accordance with this Policy.
3. Where a Council Member or an Employee owns or is closely associated to a business from which the City purchases, or intends to purchase, goods and services, the Council/City will strictly follow this policy.
4. Any Council Member or Employee who wishes to do business with the City of Vincent must register their interest in writing to the Chief Executive Officer, by the 1st July of each year, or in the case of a newly elected Council Member or new Employee, or one who decides to do business with the City because of their purchase of a new business entity, register as the matter arises or must register as soon as is practicable after being elected to the Council, or in the case of an Employee, after their appointment has been confirmed.
5. A "Council Member/Employee Business Dealings/Contracts Register" ("the Register") will be maintained by the Chief Executive Officer and will be available for public inspection.
6. The Register will contain the following details;
 - (i) Name of business entity/company/Trading Name;
 - (ii) Name and addresses of persons associated with the business entity;
 - (iii) the position and extent of authority of persons in the business;
 - (iv) the type/range of goods and services the business entity provides; and
 - (v) any other relevant business.
7. The Council Member and Employee shall at all times only deal with the Chief Executive Officer (or where delegated, with the relevant Executive Manager). Employees directly involved with the contract shall not be contacted or approached.
8. Where the City decides to conduct business with such an entity, it will disclose the extent of the funds paid to it by way of a separate note in the Annual Report - financial accounts.
9. Where tenders, expressions of interest (EOI) or quotations are publicly advertised, any business entities that have a closely associated person with any serving Council Member or Employee of the Council, are required to state the nature of the association and to advise/declare in writing to the Chief Executive Officer that they wish to perform business with the City. This requirement will be included in the tender/quotation documentation.

10. Quotations, and/or expressions of interest that are not publicly advertised, shall also include the declaration requirement in the same manner as tenders and expressions of interest.
11. That all tenders/quotations under this policy shall have a written scope of works or services being sought and an Evaluation Criteria. Employees assessing the awarding of such contracts shall prepare a report assessing all tenders/quotations against the Evaluation Criteria. In these cases, an Evaluation Panel comprising of the Employee directly responsible for the tender/quotation and at least one other employee not directly associated with the matter. The Evaluation Panel report is to be independently reviewed by the relevant Director and/or Director Corporate Services. Prior to any contract being awarded, it is to be approved by the Chief Executive Officer, who will advise the Mayor and/or Council in writing of the matter. If the Mayor is involved in the contract, the Deputy Mayor shall be advised.
12. The Chief Executive Officer (or their closely associated persons) shall not conduct any business/ commercial dealings with the City of Vincent.
13. The Chief Executive Officer shall accurately maintain the Register of any Council Member or Employee (or their closely associated persons) submission details of tenders/quotations being considered under this policy and this shall also be reported to the Council on a quarterly basis (if a contract has been considered).
14. When reporting to Council on a tender, expression of interest or quotation in which there is Council Member interest, this should be done under separate and confidential cover with the item not being distributed to the Council Member who has the interest. This information shall not be made available to the Council Member tendering, lodging an expression of interest or quoting.
15. All enquires and any complaints pertaining to the tender, expression of interest or quotation must be in writing and addressed to the Chief Executive Officer, who has the discretion to resolve any issue or refer the matter to the Council.
16. "Closely associated person" shall have the same meaning as defined in Section 5.62 of the Local Government Act 1995 and in summary, includes as follows:
 - (a) the person is in business partnership or Body Corporate with the relevant person;
 - (b) the person is the spouse (or de facto spouse) or child of the relevant person and is living with the relevant person.

(Note: This policy will also be included by reference in the Council's Code of Conduct.)

Date Adopted:	28 June 2005
Date Amended:	-
Date Reviewed:	1 February 2010
Date of Next Review:	February 2015