



CORPORATE

GOVERNANCE

CHARTER

Adopted by Council on 11 October 2011

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A. Background

The Town of Bassendean adopted a Governance Charter in September 2004 following a comprehensive review of governance. In addition to an internal review, the Town completed a Governance Review with the Department of Local Government. Councillors at the time also completed the “Business of Local Government” training course conducted by WALGA and the Australian Institute of Company Directors. The development of the Corporate Governance Charter was one planned outcome of the Review, with the aim of establishing a documented Best Practice standard in corporate governance. The Charter was subsequently updated in April 2005 and was revised again as part of a further Governance Review in October 2006.

The Corporate Governance Charter is a written policy that clearly defines the respective roles, responsibilities and authorities of the Council and the Chief Executive Officer in setting the direction, management and control of the Town of Bassendean.

The Charter supports the Council by:

- assisting Councillors in partnership the CEO and executive management in delivering good governance on behalf of the community;
- providing clear guidelines for Councillors and executive management in relation to their roles and responsibilities, and what is expected of them in relation to performance;
- acting as a point of reference for disputes; and
- acting as an induction tool for new Councillors and executive managers.

The Council of the Town of Bassendean is responsible for providing good government for the persons of the local government district. Council plays a vital role in setting the strategic and policy direction for the Town of Bassendean. It is ultimately responsible for all matters relating to the governance of the Town of Bassendean.

The development and adoption of an effective corporate governance charter is a tool to assist Council in discharging the ever increasing and onerous responsibilities and expectations upon Council at best practice standards.

This document is based on the Western Australian Local Government Association’s Governance Charter and the assistance of the Association is gratefully acknowledged.

B. What is Corporate Governance?

Corporate Governance for the Town of Bassendean can broadly be described as the structures, mechanisms and processes used by Council to represent the interests of community members in the core activities of the organisation, including the way in which decisions are made on policies and strategies, and how these are actioned to obtain the optimal benefits for the community. (WALGA 2003)

A further definition from the Australian Stock Exchange Guidelines states:

“Corporate Governance is the system by which companies are directed and managed. It influences how the objectives of the company are set and achieved, how risk is monitored and assessed, and how performance is optimised. Good corporate governance structures encourage companies to create value (through entrepreneurship, innovation, development and exploration) and provide accountability and control systems commensurate with the risks involved.” (ASE 2003)

A further definition from the Victorian Good Governance Guide states:

“Good governance is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and law-abiding.”

C. What is a Corporate Governance Charter?

A Corporate Governance Charter is the tool or instrument used by boards to implement good governance. The Charter can best be described as:

“a written policy document that clearly defines the respective roles, responsibilities and authorities of the board of Councillors (individually and collectively) and management in setting the direction, management and control of the organisation”. (WALGA 2003)

D. What are the benefits of a Corporate Governance Charter?

There are a range of benefits that the Council can derive from the development and implementation of an effective corporate governance charter. These include:

- increasing the value-adding capability of the Council and administration;
- providing clear guidelines for the roles of Council and executive management;
- ensuring that all responsibilities are properly allocated and performance expectations are well understood;
- enshrining best practice in relation to Council processes;
- assisting Council and executive management in delivering good governance for the Town;
- reinforcing the highest levels of ethical conduct;
- ensuring legal compliance;

- influencing processes throughout the organisation by setting guidelines for strategic planning at all levels;
- acting as a point of reference for disputes; and
- assisting as an induction tool for new Councillors and executive managers.

E. The Corporate Governance Charter

(1) Community Ownership

The Town of Bassendean, as a local government, is a body corporate with perpetual succession and a common seal. The Local Government Act 1995 and regulations provide the legislative framework for the local government's operations.

The owners and occupiers of rateable property including the residents and business operators within the Town of Bassendean are the "owners or shareholders" of the Town and Councillors remain accountable to these "owners or shareholders" for their performance and for that of the Town of Bassendean. This community ownership entitles persons on the Town's electoral roll, namely residents over the age of 18, property owners and occupiers of rateable property, to vote in the biennial elections to elect Councillors to govern the Town and manage the Town's affairs.

(2) Corporate Values

Our values guide our behaviour and decision-making as an organisation and how we strive to lead and serve our community. These values are the cornerstone of the Town's corporate governance and have been adopted by Council in the Strategic Community Plan.

People

Councillor, staff and volunteer contributions are vital in striving to meet our diverse community's aspirations and to foster community well-being. We will actively listen to, and engage our community, seek their participation and keep them informed of Council decisions that may impact on their lives.

Excellence

We strive to achieve excellence in ethical governance and to consistently provide consultative, innovative and responsive services of the highest quality standards.

Heritage

A deep respect for our shared history and heritage increases our capacity and confirms our fundamental responsibility to balance today's needs with the long-term interests of future generations.

Partnerships

Collaborative partnerships and regional cooperation increase value to our community and the East Metropolitan Region.

Sense of Place

We recognise our natural environment as a significant asset that is critical to our future. We acknowledge that our community has entrusted Council to protect and enhance our streetscapes, built and natural environment and especially our greatest natural asset - the Swan River.

(3) Roles and Functions of Council

The Council is the governing body of a local government and consists of elected members. Under Section 2.7 of the Local Government Act 1995 Council has four main roles:

1. to govern the local government's affairs;
2. to be responsible for the performance of the local government's functions;
3. to oversee the allocation of the local government's finances and resources, and
4. to determine the local government's policies.

Incorporating these broad powers with the established principles of effective corporate governance, Council's primary role is to govern the successful operation of the Town of Bassendean, which is enacted through the Chief Executive Officer.

While these powers include responsibility for defining the policy and setting the overall strategic direction of the Town, it does not incorporate responsibility for the day-to-day running of the business of the local government. For this reason, all operational matters remain the responsibility of the Chief Executive Officer.

Without intending to limit the general role of Council, the broad functions and responsibilities include:

- (i) applying and modelling the values of the Town of Bassendean;
- (ii) providing the overall strategic direction of the Town of Bassendean;
- (iii) acting as an interface between the Town of Bassendean and the community;
- (iv) determining policies governing the operation of the Town;
- (v) appointing and approving the terms and conditions of the Chief Executive Officer;
- (vi) monitoring and evaluating Chief Executive Officer performance;
- (vii) establishing and determining the powers, functions and membership of committees;
- (viii) approving major operating plans, including the strategic community plan;
- (ix) approving the annual budget and long-term strategic financial plans;
- (x) approving all variations to the budget and operational expenditures outside the budget;
- (xi) ensuring compliance of the Town of Bassendean with the law;

- (xii) reviewing the annual progress and performance of the local government in meeting its objectives, including reporting the outcome of such reviews, and
- (xiii) setting a structure for the effective management of the Town's operations.

The relationship between the Mayor and the Chief Executive Officer is integral to the effective leadership of the Town. In discharging their respective leadership roles, the Mayor and Chief Executive Officer will often require Council to act as a sounding board for ideas and challenges.

In recognition that the relationship between Council and the Mayor and Chief Executive Officer is critical to effective corporate governance, Councillors should provide frank and honest advice when requested. Similarly, all advice should be constructive, factual in nature and provided in a positive manner.

Under the Local Government Act (Part 3) a Local Government has three main functions. Firstly, Council has a general function under Section 3.1 of the Local Government Act to “provide good government for the persons in its district” and this is the overarching principle that should guide Council’s functions under the range of legislation that it operates.

Secondly, Council has a Legislative Power to make Local Laws under Section 3.5 of the Act, and thirdly it has executive functions under Section 3.18 of the Act to administer the Local Laws and may also provide services and facilities.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity. (Section 1.3 of the Local Government Act)

(4) Composition of Council

The Council of the Town of Bassendean consists of six Councillors, elected by all electors of the whole of the district of the Town of Bassendean.

50% of Councillors’ terms expire at each biennial election.

The Mayor is elected by the 6 Councillors from amongst themselves by secret ballot at the first Special Council Meeting on the first Tuesday following the biennial local government elections held on the third Saturday in October in 2011, 2013, 2015, etc.

The Deputy Mayor is elected by the 6 Councillors immediately following the election of the Mayor.

The principal officer of the Council is the Chief Executive Officer, who is appointed by Council on behalf of the employing body, the Town of Bassendean. All other staff are employed by the CEO on behalf of the Town of Bassendean.

The Chief Executive Officer will be responsible for the provision of services and facilitating the effective and efficient operation of the Council's corporate governance processes.

(5) Tenure of Councillors

Councillors 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 a Councillor mid-term. There are no limitations on the maximum terms of office for Councillors.

Pursuant to the Local Government Act 1995, Sections 2.20 to 2.27, a person shall cease, or be disqualified, from being a Councillor if that person:

- becomes a member of State or Federal Parliament;
- is insolvent under corporations law;
- is convicted of a criminal offence and is serving a prison sentence or has been convicted of a serious local government offence;
- is a member of another Council;
- is guilty of misapplication of funds or property (section 8.43);
- is absent from 3 consecutive ordinary meetings without first obtaining leave, unless those meetings are within a 2 month period (section 2.25(4));
- becomes an employee of the local government;
- resigns the position by notice in writing to the CEO; or
- is dismissed as a member of a Council dismissed by the Governor (section 8.25).

(6) Election and Tenure of the Mayor

Council is responsible for electing the Mayor of the Town every two years. The Mayor is elected from among the Councillors to Council for a two-year term, commencing from the first Special Council meeting held after the election and concluding on the date of the election of the next Mayor. Voting is by secret ballot on a first past the post basis by ticking the candidate of choice as in a Local Government Election and the CEO, as returning officer, shall declare the number of votes received by each candidate.

(7) Election and Tenure of the Deputy Mayor

Council is responsible for electing the Deputy Mayor of the Town every two years. As with the Mayor, the Deputy Mayor is elected from among the Councillors for a two-year term, commencing from the first Special Council meeting held after the election and concluding on the date of the next local government elections. As with the Mayoral election, voting is by secret ballot on a first past the post basis by ticking the ballot paper for the candidate of choice.

(8) The Role of Councillors

(a) General roles and responsibilities

Councillors have ultimate responsibility for the overall successful operations of the Town. The principal role of Councillors enshrined in the Local Government Act (2.10) are:

A councillor:

- represents the interests of electors, ratepayers and residents of the district;
- provides leadership and guidance to the community in the district;
- facilitates communication between the community and the council,
- participates in the local government's decision-making processes at council and committee meetings; and
- performs such other functions as are given to a councillor by the *Local Government Act* or any other written law.

Implied in the Act, and as outlined in the *Local Government (Rules of Conduct) Regulations 2007*, the general principles to guide the behaviour of council members include that a person in his or her capacity as a council member should:

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) avoid damage to the reputation of the local government; and
- (e) be open and accountable to the public; and
- (f) base decisions on relevant and factually correct information; and
- (g) treat others with respect and fairness; and
- (h) not be impaired by mind affecting substances.

Councillors, as directors of a Board, are required to consistently act in the "best interests of the community as a whole" and "provide good government for the persons of the district". This effectively means that the duties of a Councillor are owed to all ratepayers and residents of the Town not just to individuals or special interest groups - the interests of the whole Town and its community must always come first.

Individual Councillors have no individual authority to participate in the day-to-day management of the Town, including making any representations or agreements with other local governments, suppliers, customers, employees or other parties or organisations.

Councillors are not authorised to speak on behalf of the Town, only the Mayor or Deputy Mayor in the Mayor's absence, or the CEO if delegated by the Mayor.

(b) Code of Conduct

In accordance with legal requirements and agreed ethical standards, Councillors will abide with the Council's Code of Conduct. On having been elected to the office of Councillor of the Town of Bassendean, Councillors are required to declare that they will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to their best judgment and ability, and that they will observe the Code of Conduct adopted by the Town of Bassendean under section 5.103 of the Local Government Act 1995.

The Town's Code of Conduct is required under the Act to be reviewed within 12 months of each ordinary election.

(c) Expectations of Councillors in Council meetings

A Councillor shall, in good faith, behave in a manner that is consistent with generally accepted procedures for the conduct of meetings at all Council meetings. Standards of behaviour are outlined in the Town's Standing Orders Local Law 2011. In some instances penalties may apply for breaches of the Standing Orders which operate as a Local Law within the Town of Bassendean

This will include, but not be limited to:

- behaving in a business-like manner;
- acting in accordance with the policy resolutions of the Council;
- abiding by the provisions of the Town's Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*;
- fully and frankly disclosing any financial and proximity interests and leaving the chamber;
- disclosing interests affecting impartiality and determining whether this can be set aside in objectively determining issues on merit;
- addressing issues in a confident and firm, yet courteous manner;
- using judgement, common sense and tact when discussing issues;
- minimising side comments, chatter and irrelevant remarks;
- respecting the professionalism of staff and refrain from imposing excessive workloads on busy staff;
- ensuring that others are afforded a reasonable opportunity to put forward their views (ie, refraining from interruption or interjection when a speaker has the floor); and
- being particularly sensitive in interpreting any request or indication from the Mayor that aims to ensure the orderly and good-spirited conduct of the meeting.

Councillors are expected to be forthright in Council meetings and have a duty to question, request information, raise any issue, fully canvass all aspects of any issue confronting the Town and cast their vote on any resolution according to their own judgement.

Wherever possible Councillors should clarify issues with staff in advance of the meetings rather than during meetings as this will give staff the opportunity to research any matters and provide the most considered and accurate response. Staff should provide information equitably to all Councillors and not afford any one Councillor a beneficial advantage.

However, outside the Council Chamber, Councillors will support the spirit of all Council decisions in discussions with other local governments, external committees, staff and other parties when acting in their capacity as a Councillor.

(d) Emergency contact procedures

As there is the occasional need for urgent decisions, Councillors should leave with the CEO any contact details, either for themselves or for a person who knows their location, so that all Councillors can be contacted within 24 hours in case of urgent business including the calling of a Special Council Meeting.

(e) Attributes of an Effective Councillor

Ideally, any governing Council incorporates the breadth of expertise required to address the challenges facing it from time-to-time with an appropriate representation of community interests.

For individual Councillors to be effective, the following attributes are desirable:

- (i) a willingness to operate within and model the values of the organisation;
- (ii) the capacity to devote sufficient time to responsibilities;
- (iii) legitimacy and confidence in the eyes of the community;
- (iv) the ability to exercise objective judgement on corporate affairs independent from executive management;
- (v) a willingness to access accurate, relevant and timely information;
- (vi) the capacity to retain a holistic focus on Local Government issues; and
- (vii) a willingness to support Council's decisions to the community.

(9) The Role of the Mayor

The Mayor's role is a key one within the Town. The Mayor is considered the "lead" Councillor or Chief Governance Officer and utilises experience, skills and leadership abilities to facilitate governance processes. The Mayor has the key leadership role in the application of the Town's values both internally and externally of Council. The Mayor is to communicate and strongly advocate the resolutions of Council.

The role of the Mayor is enshrined in the *Local Government Act 1995*, section 2.8, as follows:

The Mayor:

- presides at meetings in accordance with the Act;
- provides leadership and guidance to the community in the district;
- carries out civic and ceremonial duties on behalf of the Town;
- speaks on behalf of the Town;
- performs such other functions as are given to the Mayor by the Act or any other written law;
- liaises with the CEO on the Town's affairs and the performance of its functions; and
- otherwise fulfils the role of a Councillor.

In common with the Chairman of most companies, the Mayor will:

- work with the CEO in establishing the agenda for Committee and Council meetings;
- act as spokesperson on such matters as are required, in consultation with the Chief Executive Officer of the Town;
- be the spokesperson for the Town at the General Meeting of Electors and Special Meeting of Electors of the Town and in the reporting of performance and financial information;
- be the major point of contact between the Council and the Chief Executive Officer;
- be kept fully informed on current events by the Chief Executive Officer on all matters which may be of interest to Councillors;
- regularly review with the Chief Executive Officer and such other executive officers as the CEO recommends, progress of important initiatives and significant issues facing the Town;
- provide mentoring to the Chief Executive Officer;
- unless determined by resolution of Council, authorise all appointments of Councillors to external functions on the basis of expertise, merit and/or interest;
- liaise with the CEO in keeping with Council Policy to determine Councillor eligibility for attendance at training courses which due to time constraints are not able to be approved by Council; and
- coordinate the performance review process for the Chief Executive Officer in consultation with Councillors in accordance with the methodology adopted by Council.

Emergency Decision Making

Under the Local Government Act 1995 the Mayor has the authority to purchase goods and services if the supply of goods and services is authorised as an emergency under Section 6.8 of the Act. The expenditure is to be reported to the next ordinary Council meeting.

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so when the Mayor is unavailable or unwilling to perform the functions of Mayor. (LGA Section 5.34)

Section 5.35 of the Local Government provides for a Councillor to be appointed if it be known that the Mayor and Deputy Mayor are likely to be unable to perform official duties. In the absence of an appointment by Council, the CEO is required to perform the duties on the agreement of 2 Councillors of the CEO's choice. It is preferable for an elected member to perform ceremonial duties and other Mayoral duties if possible by convening a meeting of Council to make the appointment.

(10) The Role of the Chief Executive Officer

The Chief Executive Officer is appointed by and accountable to the Council and is responsible for the ongoing management of the Town in accordance with the strategies, policies and programs approved by the Council.

Within the Council meeting, the Chief Executive Officer will provide information and seek to clarify any issues raised, but will not enter into debate or deliberations of the Council.

The Chief Executive Officer's responsibilities include:

- advising the Council in relation to its functions under the Local Government Act and other written laws;
- ensuring that advice and information is available to Council so that informed decisions can be made;
- causing Council decisions to be implemented;
- managing the day-to-day operations of the Town in accordance with the strategies, policies and programs determined by the Council;
- liaising with the Mayor on the affairs and performance of the Town's functions;
- speaking on behalf of the Town if the mayor agrees;
- be responsible for the employment, management supervision, direction and dismissal of other employees;
- ensuring that records and documents of the Town are properly kept for the purpose of the Act or any other written law; and
- performing any other function specified or delegated by the Town of Bassendean or imposed under the Act or any other written law as a function to be performed by the Chief Executive Officer.

Council is charged with responsibility for the oversight of the allocation of the local government's finances and resources. The Chief Executive Officer is formally delegated by the Council to authorise all expenditures as approved in the budget and in accordance with the Town's Purchasing & Procurement Manual.

(11) Council Meetings and Briefing Sessions/Information Workshops

The Council meeting is the formal debating and decision-making forum of the Council. The decision-making process of Council is fundamental to the corporate governance process of the Town. The decision-making process of Council is outlined in the Local Government Act and in the Town's Standing Orders Local Law.

En bloc voting has been adopted by Council policy for Council meetings. Motions arising at the Council meeting are decided by a majority of votes (simple, absolute or special majority). In the event of an equality of votes, the Mayor or the Presiding Member of Council committees must cast a second vote.

Meeting Frequency

Unless otherwise agreed, an Ordinary Meeting of the Council will be held on the fourth Tuesday of the month.

When necessary, a special meeting of Council can be convened pursuant to the Local Government Act by the Chief Executive Officer upon the written request of the Mayor or at least three Councillors or if decided by Council and stating the date and purpose of the meeting. (Section 5.4 & 5.5)

A schedule of upcoming Council meetings for a twelve-month period will be approved annually by Council and advertised to the wider community.

(b) Meeting Times and Locations

Council meetings will normally occur in the Council Chamber at the Council Administration Centre, 48 Old Perth Road, Bassendean. Meetings will generally commence at 7.00pm. Council meetings may be convened at alternative times and locations when it is so determined by the Council.

(c) Attendees

Attendees should include all Councillors, CEO, Directors, Manager Development Services, and any other Manager or Officer as required by the Chief Executive Officer.

The Mayor or a majority of Councillors may request the attendance at any meeting of the Council any external person who, in their opinion, may be able to assist the Council in any matter under consideration. The CEO shall initiate action to invite the person to attend.

Generally speaking, all Council and Committee meetings are open to the public. However, where confidential or sensitive matters are to be considered, the Council may resolve to conduct the proceedings behind closed doors for any of the reasons outlined in section 5.23 of the Act.

(d) Quorum

In order for a decision of the Council to be valid, a quorum of Councillors must be present. There must be a minimum of 3 Councillors present at any Council meeting to form a quorum. If there is no quorum then the meeting shall be abandoned (counted out) after 30 minutes has elapsed.

(e) Briefing Sessions/Information Workshops

In 2009, Council resolved to hold Councillor briefing sessions at 5.00pm on the same day prior to each Council meeting. The purpose of Councillor briefing sessions/information workshops is to provide a forum for two-way communication between elected members and staff on strategic or complex issues.

It is essential that information workshops do not become de facto meetings. There must be no implication of debate or collective or collaborative decisions being made or implied. Council has established protocols and guidelines for the conduct of these workshops to ensure compliance with the Local Government Act.

Notice of briefing sessions/information workshops will be given in the Councillors' Bulletin and by separate notice and will include a list of topics or program with any accompanying information or discussion papers. Workshops will generally be held in the Council Chamber, Committee Room or other venue outside of the Council Chamber to facilitate informal discussion.

(12) Meeting Cycle

The meeting cycle will be as follows:

<i>Deadline</i>	<i>Action</i>
<i>Friday before meeting</i>	<i>CEO gives final approval for the OCM agenda or briefing session/information workshop notes to be distribution</i>
<i>4th Tuesday of month</i>	<i>Briefing Session/Ordinary Council Meeting</i>

Note: The Statutory timeframe for unconfirmed minutes is 5 working days for Committees and 10 working days for Council meetings.

(13) Council Meeting Agenda

An agenda will be prepared for each Council meeting. The Council meeting agenda will generally follow the format below, as listed in the Standing Orders Local Law.

- (1) Declaration of opening/announcement of Visitors
- (2) Public question time and Address by Members of the Public
- (3) Attendances, apologies and applications for leave of absence
- (4) Deputations
- (5) Confirmation of minutes
- (6) Announcements by the presiding person without discussion
- (7) Petitions
- (8) Declarations of interest
- (9) Business deferred from previous meeting
- (10) Reports
- (11) Motions of which previous notice has been given
- (12) Announcements of notices of motion for the next meeting
- (13) Confidential business
- (14) Closure

The agenda for Council committees is slightly different to an OCM and is outlined in the Standing Orders Local Law.

It is essential for effective decision-making that Councillors read and are familiar with the contents of the agenda and the relevant issues of the matters for consideration. Councillors should contact staff wherever possible in advance of the meetings to avail themselves of the relevant information and to clarify points for discussion.

(a) Agenda Preparation

The Chief Executive Officer will oversee the preparation of the agenda. The Directors will be responsible for the proof-reading and authorisation of the items of officers from within their Directorates, whilst the CEO will give overall approval for the release of the agenda.

The agenda will then be distributed to Councillors at least seventy-two hours prior to the Ordinary Council meeting. Unless in exceptional circumstances, agendas will be distributed on the Friday prior to the scheduled meeting. It will also be posted in electronic format to the Town's website. Councillors are required to read the agenda and any attachments prior to the meeting and seek clarification from staff in order to make informed decisions.

(b) Council Information Papers

The Chief Executive Officer is responsible for the preparation and distribution of Council information papers. No papers requiring consideration or decision can be tabled at the Council meeting, except with the approval of the Mayor and/or the Chief Executive Officer.

(c) Council Minutes

All Councillors will receive a copy of the minutes in their Council papers or in electronic form by email. The minutes of the meeting will be certified by the Mayor upon adoption by Council and bound in the official minute book.

All decisions will be recorded in the minutes by means of a formal resolution, with the names of all Councillors present being recorded as being either for or against the motion.

Once the draft minutes have been adopted by the Council, they cannot be amended unless required by the CEO to correct a factual error or to meet statutory requirements. In these cases the CEO is to bring the matter before Council for information.

The Chief Executive Officer will maintain a complete set of Council agenda papers at the Town's office, including a copy of the minutes of all meetings.

All Council resolutions are recorded on the Intranet under Customer Requests/Council Resolutions. All items recommended for deletion are reported to Council on a monthly basis, whilst all resolutions in the process of being implemented are reported monthly through the Councillors' Bulletin. Maintaining this database is the responsibility of the Chief Executive Officer.

(e) Report on the Common Seal

The Chief Executive Officer will submit a monthly report to Council outlining all use of the Common Seal since the last meeting. This report will be included within the agenda, with items brought to the attention of Council. The report on the Common Seal will be submitted 'for authorisation'. However, any Councillor can ask for any use of the Common Seal to be discussed.

(g) Confidential Documents

Confidential documents shall be circulated on Friday afternoon on orange paper marked confidential. In some cases, such as the provision of legal advice, the CEO may require the documents to be handed in at the Tuesday meeting. All confidential information received by a Councillor in the course of the exercise of their official duties remains the property of the Town.

It is prohibited to disclose information obtained as a Councillor or staff member under confidential cover to unauthorised parties, or allow information to be disclosed to unauthorised parties.

(14) Conduct of Council Meetings

Councillors will abide by the Standing Orders Local Law developed and adopted by Council for all meetings. Within the parameters of the Standing Orders, the Mayor will determine the degree of formality required at each meeting while maintaining the decorum of such meetings. As such, the Mayor will:

- ensure that all Councillors are heard;
- retain sufficient control to ensure that the authority of the Chair is recognised. This may require a degree of formality to be reintroduced when it is required to make progress;
- take care that all decisions are properly understood and well recorded; and
- ensure that the decisions and debate are completed with a formal resolution recording the conclusions reached.

Except for matters requiring an absolute or special majority resolution, as defined in the Local Government Act 1995, questions arising at any meeting of the Council will be decided by a simple majority resolution.

(15) Annual Meeting Calendar

In order to provide an even distribution of work over the year, the Council will adopt a rolling twelve-month meeting calendar annually. Included will be all scheduled Council and committee meetings, as well as major corporate and Council activities to be carried out in the month in question.

(16) Committees

From time to time, the Council may establish and delegate powers or duties to committees for the purposes of undertaking a specific function. Limits on delegations of power and duties to certain committees are included in section 5.17 of the *Local Government Act*.

(17) Information Provision Protocols

Councillors are entitled to be fully informed in order to carry out their role as a decision maker and from time-to-time will seek specific information on various issues before Council. The protocols for seeking email advice are set down in the Councillor email policy. Councillors are to direct their enquiries through the CEO. The CEO in responding is to provide equity of information to all Councillors of any advice or information provided. Return emails to Councillors providing information and advice are required to be provided to all Councillors, unless there is a confidential matter with respect to the private affairs of an individual Councillor, or there is a statutory requirement for not providing the information to anyone other than the Councillor involved.

In addition to a right of access to previous agendas and minutes of all meetings, Councillors are also entitled, within the parameters of the law, to view all records of the Town relevant to the performance of his or her functions as a Councillor.

Councillors will adhere to the following protocol when seeking information:

- approach the Chief Executive Officer to request the required data;
- if the data is not forthcoming, approach the Mayor; and
- if a resolution is still not forthcoming, write a letter to all Councillors and the Chief Executive Officer detailing the information required, purpose of the information and whom the Councillor intends to approach in order to obtain the information.

(18) Strategy Development

A critically important function of the Council is to set the strategic direction of the Town and determine its priorities. The strategic direction of the Town will be articulated in the Strategic Community Plan, the Corporate Business Plan for the district, and the Annual Budget.

(a) Community Consultation

The intent of the Local Government Act is to result in greater community participation in the decisions and affairs of local government and greater accountability of local governments to their communities. In reviewing the strategic direction of the Town, the community's aspirations, needs and expectations will drive the development of strategy.

Community participation will be facilitated through strategic planning workshops, community mapping, needs analysis, focus groups workshops, public meetings and community survey. The Corporate Business Plan will be formally advertised bi-annually for community feedback, which will be formally considered by Council before the adoption of the Corporate Business Plan and the annual budget.

(b) Strategy Development Framework

The following strategy development framework summarises the key inputs and outputs of the strategic planning process:

Strategic Analysis	Strategic Planning	Operational Planning
<ul style="list-style-type: none"> * Annual community workshops, focus groups and needs assessment; * Biennial community satisfaction survey, Annual Council Strategic Planning Workshop; * Biennial Employee Opinion Survey; * Collective Workplace Agreement outcomes 	<ul style="list-style-type: none"> * Major review of Corporate Business Plan every two years; * Annual update of Corporate Business Plan; * Identification of strategic partnerships and alliances; * Staff strategic directions information sessions. 	<ul style="list-style-type: none"> * Annual Budget: <ul style="list-style-type: none"> • -Capital • -Non Recurrent • -Recurrent * Annual work plans; * Performance monitoring and reporting; * Annual reporting

(c) Strategic Community Plan

The Strategic Community Plan will be the Town's plan for the future and the principal overarching strategic document of the Town and will be the subject of a major review at least every two years. The strategies and action plans underpinning the Strategic Community Plan will be reviewed bi-annually as part of the Strategic Planning Cycle. The Strategic Community Plan framework has four key result areas reflecting a triple bottom-line approach underpinned by an organisational development stream, eg, Environmental Enhancement, Economic Vitality, Community Wellbeing and Leadership in Business Excellence.

(e) Annual Planning Cycle

Council has adopted the following timeframe for delivery of the Annual Report, Strategic Community Plan, General Meeting of Electors and the annual budget:

Month	Milestone
August-October	<ul style="list-style-type: none"> • Information gathering • Strategic Analysis (Surveys, Consultation etc) • Councillor Strategic Planning Worksop
November	<ul style="list-style-type: none"> • Managers' Strategic Direction Workshop • Development of draft Corporate Business Plan • Adoption of Strategic Community Plan for public advertising
December	<ul style="list-style-type: none"> • Councillor Corporate Business Plan Workshop • Adoption of Annual Report • Adoption of Corporate Business Plan • General Meeting of Electors
January	<ul style="list-style-type: none"> • Public advertising of the Strategic Community Plan
February	<ul style="list-style-type: none"> • Budget review • Commence operational budgets preparation with Managers • Close submissions for Strategic Community Plan
March	<ul style="list-style-type: none"> • Consideration of Strategic Community Plan submissions and adoption • Managers present budget bids to CMT • Capital budget bids close
April	<ul style="list-style-type: none"> • Councillor Workshop: Budget framework and general budget setting requirements. Key budget items prioritised by Council • Further development of budgets by staff
May	<ul style="list-style-type: none"> • Completion of capital & non-recurrent budgets • Sign off by Corporate Management Team
June	<ul style="list-style-type: none"> • Councillor Budget workshops
July	<ul style="list-style-type: none"> • Adoption of annual budget

(19) Policy Development

Determining the local government's policies is one of four main roles for Council listed under Section 2.7 of the *Local Government Act 1995*. The key higher level policies determined by Council are the purpose or mission of the Town, its vision and its values. These higher level policies articulate the Town's commitment to the protection of the natural environment, the enhancement of the built environment and the fostering of the community's well-being by fostering a clean, safe, fair and prosperous society.

Policies are an important component of governance by which responsibilities to stakeholders are identified and effective systems of leadership, authority, accountability and control are implemented. A system of policies enable the Town's functions to be carried out and services and facilities to be provided to the community in an ethical, innovative and responsive manner.

Council is to conduct progressive reviews of policies on an annual basis in the September quarter and to initiate policy development as and when required.

(20) Structure

Under the Local Government Act Section 5.2, the Council of a local government is to ensure that there is an appropriate structure for administering the local government.

In the Town of Bassendean the structure of the organisation will be reviewed and determined as required by Council as the best fit to deliver the services and programs in keeping with the Town's strategic direction and priority goals. This will be facilitated after considering a report prepared by the CEO or from a formal review commissioned by Council from an external consultant.

Any positional changes to the Corporate Structure at the Director and Manager level must be approved by Council before implementation and additional staff items that will impact on the budget require the prior approval of Council.

(21) Performance Monitoring and Reporting

A fundamental function of the Council is to monitor the performance and compliance of the Town. With this general principle in mind, the Council is charged with monitoring both financial and non-financial Key Performance Indicators.

(a) Quarterly Reports

It is through these reports that Councillors are kept apprised of the Town's activities and relevant issues, particularly those that have arisen during the quarter and of emerging trends and opportunities.

The report also serves as major documentary evidence of the extent to which Councillors are kept informed of the Town's activities. Reports will be provided in the key result areas outlined in the Strategic Community Plan and presented to Council on a quarterly basis.

(b) Annual Reports

The community and Council stakeholders will be provided with an Annual Report of the Town's activities. The annual report will be presented at the General Meeting of Electors and to the Department of Local Government. The Annual Report will contain audited annual financial statements as well as achievements by the individual service areas throughout the year of review. The Report will also contain an assessment of the Town's performance against the Key Result Areas and Objectives of the Strategic Community Plan, as well as other statutory compliance returns required by legislation, such as the Disability Services Plan, Record Keeping Plan and the National Competition Policy.

(c) Financial KPIs

The Council will closely follow:

- monthly financial reports;
- Balance Sheet and Statement of change of equity;
- cash flow statements;
- investment report;
- trust and reserve fund statements;
- debtors' aged trial balance;
- creditor's aged trial balance; and
- Capital Works Program.

(d) Non-Financial KPIs

In addition to financial reporting, the Council will observe non-financial KPIs which will be developed through the strategic review process by the Town. These Key Performance Indicators will, where possible, be benchmarked for industry comparison of the Town's performance.

(e) Community Survey

A comprehensive community satisfaction survey will be conducted as a rule every second year (2011, 2013, etc) to gauge community satisfaction with Council services and overall performance. The findings will be used to improve Council services and to reallocate resources to meet community needs and expectations.

(22) Financial Management

Council is charged with responsibility for overseeing the allocation of the local government's finances and resources. The CEO has a duty (6.5) to ensure that proper accounts and records of the transactions and affairs of the local government are kept in an up-to-date, accountable and auditable condition. The Town's purchasing and financial management is to be conducted strictly in accordance with the Local Government Act and Financial Management Regulations and Council's adopted Purchasing & Procurement Manual.

Under the Financial Management Regulations of the Local Government Act (Section 6.10) efficient systems and procedures are to be established by the CEO for the Town of Bassendean:

- (a) for the proper collection of all money owing to the local government;
- (b) for the safe custody and security of all money collected or held by the local government;
- (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);
- (d) to ensure proper accounting for municipal or trust —
 - (i) revenue received or receivable;
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities;
- (e) to ensure proper authorisation for the incurring of liabilities and the making of payments;
- (f) for the maintenance of payroll, stock control and costing records; and
- (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or the Financial Management Regulations.

The CEO is to also:

- (a) ensure that the resources of the local government are effectively and efficiently managed;
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
- (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews. *(Note: This is known as the Internal Audit function at the Town of Bassendean.)*

(23) Statement of Compliance Philosophy

The Town is an organisation of integrity, and as such, will at all times be managed in compliance with the law (or particular laws) and will demonstrate ethical behaviour. It will provide a leadership role to the industry.

Every Elected Member, officer, contractor or agent of the Town is required to comply with all aspects of the law and to act ethically at all times. No person who wilfully breaches the law and is prosecuted will receive support from the Town.

(24) Legal Compliance

The Council is charged with implementing appropriate compliance systems within the Town. Aspects of this process may be delegated to the Chief Executive Officer (CEO) whilst other compliance functions are specifically designated as the CEO's role, eg, Records Management. The CEO will work in conjunction with relevant Directors to ensure all areas of compliance are covered within the Town.

The CEO's quarterly report to Council will contain a section for reporting compliance exceptions. The CEO may be required to elaborate on any relevant aspects of this report. In addition, the CEO and Director Corporate Services will prepare the Statutory Compliance Return required by the Department of Local Government for Council adoption at the February/March Ordinary Council meeting.

The Statutory Compliance Report will contain statements that the Town is meeting its requirements under the various laws or the legal responsibility of Councillors. It will specifically notify Council of any issue or concern.

(25) Risk Management

The framework for risk management in the Town will consist of the following elements:

- Risk Management Policy;
- Risk Management Guidelines;
- Risk Management Plans, eg Emergency Evacuation Plans, Safety Plans, Asset Management Plans etc;
- The Audit and Risk Management Committee;
- Asset management Working Group; and
- Internal staff committees with a risk management focus.

The Council has established a committee under Section 5.8 and Section 7.1A of the Local Government Act 1995, Local Government Amendment Act 2004 and Audit Regulations, known as the Audit and Risk Management Committee. The Committee advises Council in accordance with the provisions of the Local Government Act 1995, the Local Government Amendment Act 2004 and the Local Government (Audit) Amendment Regulations 2005.

The objectives of the Committee are:

1. To provide guidance and assistance to the Council in:

- a) carrying out its audit functions under Part 7 of the Local Government Act;
- b) the development of a process to be used to select and appoint an auditor;
- c) determining the scope and content of the external and internal audit and advising on the general financial management of the Town;
- d) overseeing the audit process and meeting with the external auditor after each visit to discuss management issues and monitoring administration's actions on, and responses to , any significant matters raised by the auditor;
- d) evaluating and making recommendations to Council on internal and external audit reports prior to them being presented to Council; and
- e) requiring the verification of the annual Local Government Statutory Compliance Return.

(Ref: Functions of Audit Committees [Audit Regs])

2. To advise Council on significant risk management issues related to the Town of Bassendean, including issues involving:

- * The community and the workforce
- * Vehicles and plant
- * Buildings and similar property
- * Revenue streams
- * Legal liability
- * Electronically stored information
- * Environmental impact
- * Fraud and Reputation

The Audit & Risk Management Committee consists of four Councillors. External independent persons can be contracted by Council decision as non-committee members to provide advice to the Committee.

The independent advisors should have senior business, legal or financial management/reporting knowledge and experience, and be conversant with the financial and other reporting requirements. No member of staff, including the CEO, is to be a member of the Committee, but may participate as observers, unless expressly excluded by resolution of the Committee. The Mayor of the Town of Bassendean can be an ex-officio member of the committee under section 5.10(4) if he or she indicates his/her intention to be a member at a meeting where committee members are appointed.

The Committee meets at least quarterly in accordance with a schedule of meetings developed and agreed to by the members. Where possible, meetings should be arranged to coincide with relevant Council reporting deadlines such as the Statutory Compliance Return, the annual audit program, and the annual report.

The Council shall review all major strategies for their impact on the risk facing the Town and take appropriate actions. Similarly, the Chief Executive Officer shall review all aspects of its operation for changes to the risk profile on an annual basis. This will generally occur at the annual strategic planning meeting. Aspects of this review can be delegated to appropriate committees, working parties or employees. Council has a staff Safety Committee which will refer any OSH risk issues beyond its capacity to the Audit and Risk Management Committee.

(26) Chief Executive Officer Evaluation

The Chief Executive Officer is the key employee of the Town in general and the Council in particular. As such, a special relationship exists between the Chief Executive Officer and the Council. Council, acting on behalf of the Town as an employing body, is required to review the performance of the CEO annually. The evaluation should be seen as a positive opportunity to support and develop the CEO as effective governance is enhanced by the CEO achieving the strategic goals and objectives set by Council.

The Chief Executive Officer's evaluation is undertaken by the Council, with deliberative input from individual Councillors, and facilitated by an external consultant with relevant Human Resource Management experience. The evaluation is to be conducted strictly in accordance with contemporary best practice standards in HR Managements and Workplace Relations. The evaluation will utilise both quantitative and qualitative measures. Evaluation will occur annually on the anniversary of the CEO's appointment, with the results tabled and discussed at a subsequent Council meeting.

Following the evaluation, the Council and the Chief Executive Officer will discuss and agree on goals (both quantitative and qualitative) for the next year.

The following table outlines the methodology to be utilised in the CEO Review.

Date	PA Task	Data
Oct OCM	Adopt Performance Agreement instrument	Consultant's report CEO Report Draft PA & CEO PD
July	Appoint or confirm consultant	Council meeting
Aug	CEO provides self evaluation /progress report to Councillors	CEO self-evaluation
Sept	Councillors prepare own notes against Performance Agreement and submit to consultant with copy. Consultant interview CMT members with interview questions to be relevant to the PA.	Cr feedback
Sept	Consultant prepares summary of Councillors comments and other relevant information and speaks to individual Councillors unless denied. Consultant prepares recommendations and supplies copy of summary and recommendations to CEO & invites comment from CEO.	Consultants' summary and recommendations

Sept	Councillors meet with Consultant to receive and discuss recommendations. Councillors formulate a recommendation to be adopted by Council at November OCM. Recommendation and any supporting report to be supplied to CEO for his comment (should he wish) before the November OCM.	Consultant's report
Oct OCM	Adoption of resolution relating to CEO Performance Agreement	Council agenda

The performance development of all other staff is the responsibility of the CEO.

(27) General Delegations

Pursuant to the Local Government Act, the Council has the power to delegate to the CEO (5.42) or to a committee (5.16) of Council as long as that committee is not exclusively comprised of community members.

Council can delegate, by an absolute majority resolution of Council, to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties from time-to-time and in such manner as the Council determines, excepting certain limitations as outlined below. The CEO has the power to on-delegate to other staff members.

In addition, the Council may, from time-to-time as it may deem necessary or expedient, delegate to a committee comprising Councillors/and or staff by an absolute majority decision any of its powers, duties and functions as it thinks fit excepting certain limitations.

Where a committee has Councillor and/or staff and community members the delegation is limited to the management of local government property or an event, eg, Seniors' Week Coordinating Committee.

Delegations are to be in writing and a register of delegations is to be kept by the CEO.

Limitations to delegation to the CEO

- Any power requiring an absolute or special majority
- Accepting tender exceeding an amount determined by the Council
- Appointing an auditor
- Acquiring and dispose of property exceeding an amount determined by the Council
- Borrowing money;
- Set Councillor, Mayoral and Deputy Mayoral fees; and
- Hearing objections under 9.5 and any power or duty requiring Ministerial or Governor approval.

Limitations to delegation to a Committee

- Any power requiring an absolute or special majority
- Any powers that are prescribed in the Act.
- Any powers to a committee comprised only of community members

Delegations are to be reviewed annually in accordance with the Act and this will be carried out in the December quarter.

(28) Councillor Protection

As a general rule, a Councillor has two key areas of protection – Councillor and Officers’ insurance cover, and the reimbursement of legal expenses. Therefore, as a matter of policy, the following measures of Councillor protection will apply:

(a) Councillors’ and Officers’ Liability Insurance Cover

The Town shall maintain insurance policies providing Councillors’ and Officers’ liability cover on behalf of each Councillor. This policy indemnifies each Councillor against any reasonable loss or liability incurred, including, without limiting the generality of this indemnity:

- Any costs incurred by the Councillor arising out of any legal proceedings whether civil or criminal; and
- Any liability at law which may attach to the Councillor in respect of any negligence, default, breach of duty, breach of trust or breach of any other law which may exist from time-to-time, which loss or liability arises as a result of carrying out their capacity as a Councillor or purporting to do so EXCEPT that no indemnity is granted for wilful breach of duty, dishonesty or lack of good faith.

(b) Reimbursement of legal expenses

Where a Council member or employee (including past members and former employees) become involved in civil legal proceedings because of their official functions, the Town may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

The Town, by way of a resolution of Council, may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, in breach of the Town’s Code of Conduct, or otherwise in bad faith.

(29) Councillor Allowances/Entitlements

By serving on the Council, Councillors assume significant responsibility. The Local Government Act provides fees, expenses and entitlements for Councillors. These will be reviewed annually and adopted as part of the Budget adoption process.

Expenses that are to be reimbursed on the production of receipts in accordance with Section 5.98(2) of the *Local Government Act* are expenses such as child care costs. Council has delegated the authority to the CEO to reimburse Councillor parking fees and the cost of taxi fares to and from Council functions where alcohol is served.

Other expenses incurred by a Councillor in carrying out a local government function, or a person accompanying that Councillor, may be reimbursed by the Local Government. Application will need to be made to Council on the production of receipts or other sufficient information unless this responsibility is delegated to the CEO.

(30) Councillor Development

In order to continually improve the performance of Council, all Councillors are encouraged to undergo continuous professional development. Specifically, where skills gaps are identified, Councillors will be provided with resources and training to address them.

Councillors are also encouraged to undertake self-development, where appropriate. The CEO will bring to Council's attention relevant training opportunities, and in the event that there is insufficient time to gain Council endorsement for those who wish to undertake a development activity at the expenses to the Town, the CEO will approach the Mayor for approval in accordance with Council policy.

(31) Induction of New Councillors

Following the Local Government elections, new Councillors will undergo a full induction into their role on the Council based on the checklist and guidelines provided by the Department of Local Government. The CEO will coordinate an in-house induction program.

Information conveyed to new members will include:

- details of the roles and responsibilities with an outline of the qualities required to be a successful Councillor;
- official documents including:
 - Town's Strategic Community Plan and Corporate Business Plan;
 - Standing Orders Local Law 2011;
 - Official policies of the Town;
 - Council's Code of Conduct;

- Local Government (Rules of Conduct) Regulations 2007.
- details of all relevant legal requirements including:
 - Local Government Act 1995; and
 - other major statutory bodies.
- a copy of this Corporate Governance Charter;
- guidelines on how the Council processes function;
- background information on and contact information for key people in the Town, including an outline of their roles and capabilities;
- Minutes of the previous 3 Council meetings;
- copies of recent publications and circulars; and
- schedule of monthly meeting dates.

A tour of Town facilities and services will form part of the induction program. Follow-up WALGA training courses will be offered to Councillors who are strongly encouraged to participate.

(32) Review of the Corporate Governance Charter

The Corporate Governance Charter for Council will be formally reviewed by the Council (or a committee or working group of Council) on a biennial basis in the non-election year as part of a governance review. The next review is due in 2012.

(33) Planning and Development Functions of the Council

Quasi-Judicial Role

The Council of a local government has particular responsibilities under the Town Planning Legislation. Council has a quasi-judicial role in determining development applications in accordance with Town Planning law as enshrined in the Local Planning Scheme of the District.

In other words to act as a judge would in carefully weighing up the facts of the matter and applying the Town Planning law that is relevant to the case under consideration.

In this role, Council is required to decide on planning matters in an unbiased manner that satisfies the principles of administrative law and natural justice and procedural fairness. Whilst it is recognised that Councils are constituted by members of the community, they must exercise their discretion over planning matters in a way that is mindful of this quasi-judicial role.

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

Council, in considering the matter at a Council meeting, should restrict itself to those Town Planning issues raised in the report, as these will be the relevant considerations.

Council, in deciding on planning matters must take care to ensure that the following principles are adhered to:

- (a) Councillors must read the officer's report on the matter before voting at a council meeting. A Councillor who has not read the officer's report who participates in the decision making process without a full understanding of the issues at hand may jeopardise the validity of the decision making process.
- (b) Councillors must ensure when they debate a planning matter under consideration that they restrict themselves to the relevant matters of fact and law. These relevant matters will be contained and addressed in the officer's report. Where council conducts a debate on a matter that is based on irrelevant considerations, or fails to take into account relevant considerations, this may jeopardise the decision making process.
- (c) Council must be careful when making a resolution that is different to the officer recommendation. In resolving differently from the recommendation the council is required to include reasons for the variation from the recommendation. These reasons must take into account the relevant considerations of fact and law and must not be based on irrelevant considerations.
- (d) Council has a duty to ensure neighbours who may be significantly adversely affected by the development have had an appropriate opportunity to be heard on the development proposal. The officer report will include details of any neighbour notification or consultation that has occurred. Council must ensure that neighbours that may be adversely affected by a proposed development have had an adequate opportunity to put their case, and that any relevant matters that they raise have been considered in the decision making process. An opportunity to make a written submission is generally sufficient, though an opportunity to make a submission in person to a relevant meeting may be appropriate where a person with a significant interest requests it.

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

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

Local Planning Schemes

The Town of Bassendean is required under the Planning and Development Act 2005 to have in place a Local Planning Scheme for the district. A Local Planning Scheme is required to be consistent with the Metropolitan Region Scheme, which is administered by the State Government. The Local Government Local Planning Scheme must also take into consideration State Government Local Planning Strategies, Plans and Policies.

A Local Planning Scheme provides a legal framework for a range of functions, including:

- * Providing land use and development controls;
- * Supporting housing choice, variety and amenity;
- * Providing the mechanism for the development of convenient and attractive retail centres;
- * Assisting economic development through facilitation of commercial, industrial and business development to maximise job opportunities;
- * Establishing high quality open space areas and protecting areas of environmental significance;
- * Assisting in the provision of a transport network, which serves the needs of the community by providing a range of alternative networks catering for different transport modes, which are closely integrated with land use considerations.

The provisions of a Local Planning Scheme are formulated through a collaborative and consultative process involving the State Government, Local Government and the community.

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

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

A range of local planning policies are also used to support and guide the implementation of the Scheme. These planning policies include the Town's Local Planning Strategy.

Planning policies can be developed to also provide guidance, detail and consistency of treatment with respect to amenity and other relevant planning issues.

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

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

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

While all decisions relating to development applications represent a 'Council decision', most determinations are made by the Manager Development Services under 'delegated authority'.

Town Planning decisions must be consistent with, and have regard to, the requirements of the Swan River Trust, who have jurisdiction over land adjoining the Swan and Canning Rivers.

Appendix 1 Executive Limitations

As outlined in the Carver Model of Policy Governance, Council as a board is concerned with the ends or strategic goals and outcomes whilst the CEO and staff are concerned with the means or day-to-day methods and activities used to achieve the strategic goals or ends established by Council. In establishing the ends or strategic goals of the Town the Council determines the vision, mission, the desired community outcomes and benefits, executive limitations and the cost involved in achieving the outcomes. The CEO is responsible for achieving the ends by the most expeditious means without allowing any practice to occur which is illegal, imprudent or in violation of commonly accepted business or professional ethics.

Council empowers and holds the CEO accountable to achieve the strategic goals and outcomes determined by Council subject to the following executive limitations enshrined in the Local Government Act, other relevant legislation or as determined by Council.

Human Resource Management

With responsibility for the employment and supervision of staff the CEO shall ensure that employees, and prospective employees, are:

- (a) Selected and promoted in accordance with the principles of merit and equity, treated fairly and consistently and that no power is exercised on the basis of nepotism or patronage;
- (b) Not subjected to unlawful discrimination by the Town on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground;
- (c) Remunerated in accordance with industry standards and comparable positions in local governments of a similar size.
- (d) Evaluated on their performance at least annually.
- (e) Not terminated or suspended prior to advice being sought from WALGA's Workplace Relations Service and in the case of an executive officer that Councillors are informed in advance of the implementation of the CEO's decision.
- (f) Are treated with dignity and respect when affected by the implementation of any restructuring proposal that involves possible redundancies, and that change management principles of natural justice, planning and communication, consultation, redeployment and appropriate support are followed.

Financial Management

In the role of managing the day-to-day operations of the Town and in causing Council decisions to be implemented the CEO shall be delegated the power to make payments from the Municipal Fund, the Trust Fund, the Reserve Fund and any other fund which the Council may operate from time to time. The CEO shall responsibly manage the Town's finances subject to:

- (a) Compliance with the Local Government Act (Functions & General) Regulations 1996, when tendering for the purchases of goods and services and ensuring that other purchases are made in accordance with the Act and Council's adopted Purchasing and Procurement Manual.
- (b) Council receiving a monthly report, in a format determined to Council, on the Town's financial position including a report on variances to the Council adopted budget.
- (c) Ensuring that surplus Council funds are invested in accordance with Council's adopted Investment Policy.

Service Delivery

In the role of managing the day-to-day operations of the Town and in causing Council decisions to be implemented the CEO shall ensure that the recipients of services are:

- (a) Not prevented from accessing Council services and programs through disability and are treated with dignity and respect and in a fair and equitable manner such that there is no unlawful discrimination on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground.
- (b) Provided with services that comply with national accreditation and accepted industry standards where applicable.
- (c) Informed of their rights and processes in a user friendly manner including the right and processes involved to lodge a complaint about a Council service or to access other avenues of appeal against Council decisions.
- (d) Consulted in accordance with Council policy where there is a possibility of a decision of Council or the Town's administration positively or negatively affecting their lifestyle and amenity or their property.
- (e) Provided with information in advance of the implementation of decisions, municipal works and programs that may positively or negatively affect their lifestyle and amenity or their property.

Risk Management

In the role of managing the day-to-day operations of the Town and in causing Council decisions to be implemented the CEO shall ensure that:

- (a) Employees are provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984 and associated regulations* and the Town's Safety Management Plan.
- (b) Contractors supplying goods and services to Council comply with all Council policies and legislation including the *Occupational Safety and Health Act 1984* and associated Regulations and the Town's Safety Management Plan.
- (c) Work sites in public places are managed in accordance with Worksafe standards and the Town's Safety Management Plan to ensure the safety of staff and community members.
- (d) The Town has at all times a sufficient range and value of current insurance policies to meet potential liabilities as recommended in writing annually by the Local Government Insurance Services (LGIS).
- (e) Procedures are to be implemented and enforced to ensure that assets including buildings vehicles, plant and equipment are operated to manufacturer's specifications and for the purpose they are designed for and not inadequately maintained, unnecessarily risked or unprotected within the budgetary constraints provided by Council.
- (f) Procedures are implemented and enforced to ensure that Council's revenue streams are maintained without interruption.
- (g) Procedures are implemented and enforced to ensure that there are no significant unacceptable environmental impacts of Council decisions and operations as required by legislation.
- (h) Procedures are implemented and monitored to ensure that the risk of fraudulent activity and larceny is minimized.
- (i) Procedures are implemented and monitored to ensure that the Town's reputation is protected including the taking of injunctive legal action in consultation with the Mayor.
- (j) Processes are in place and monitored to ensure that electronically stored information is backed-up daily and that the Town's Records are safeguarded in compliance with the *State Records Act 2000*.

- (k) That the Mayor and Councillors are informed of any identified risks with potential exposure of a value greater than \$20,000, including possible litigation or unforeseen statewide adverse publicity with which the Town is likely to be exposed within 24 hours of the CEO confirming the potential risk.

- (l) Procedures are implemented and monitored to ensure that there are no significant incidents of statutory non-compliance.