

Governance Framework



City of Melville Governance Framework
Adopted at the 19 March 2024 OMC

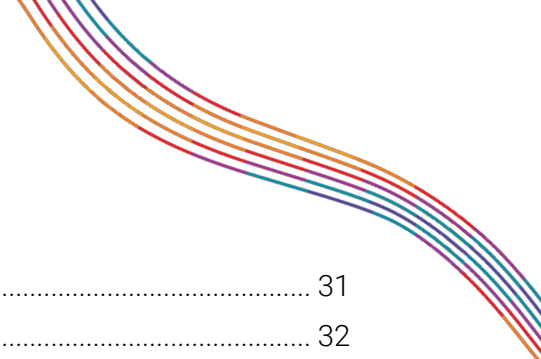


City of
Melville



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Acknowledgement of Country



The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.



EXECUTIVE SUMMARY

Local Government Governance is the structure of legislation and the development and management of policy that ensures the organisation is accountable for the ‘good government’ of the local district. Good governance is those high-level processes and behaviours that ensure an organisation performs by achieving its intended purpose, and conforms by complying with all relevant laws, codes, and directions while meeting community expectations of probity, accountability and transparency.

In local government, governance involves the ways in which the elected members and staff are accountable to the community.

Under section 3.1 of the *Local Government Act 1995*, local governments have the general power to provide for the good governance of people in their district, having regard for:

- “ ... (a) *the need –*
- (i) to promote the economic, social and environmental sustainability of the district; and*
 - (ii) to plan for, and to plan for mitigating, risks associated with climate change; and*
 - (iii) in making decisions, to consider potential long-term consequences and impacts on future generations;*
- (b) the need –*
- (i) to recognise the particular interests of Aboriginal people; and*
 - (ii) to involve Aboriginal people in decision making processes;*
- (c) the need to consider collaboration with other local governments.”*

This means that local governments can make decisions if the Act or any other written law does not prevent them from doing so. A local government can make local laws (legislative function) and provide services and facilities (executive function).

The City of Melville Governance Framework is an overview of the documents and processes of the City of Melville that guide its strategic decision making to:

- best respond to community needs;
- ensure public participation and accountability in local government processes; and
- respond to the growing demand for more efficient and effective local government.

The Elected Members and staff of the City of Melville consider good governance to be critical if the community is to have confidence in the City. This Governance Framework sets out guidelines and standards expected of Elected Members and employees to achieve good governance through concepts such as compliance, community participation, ethical conduct, transparency, accountability, and ongoing performance management.

It also sets out the roles of Elected Members, management and employees of the City of Melville and their relationships, along with financial, legal, and ethical responsibilities that impact individuals and the organisation.

1 THE CITY OF MELVILLE

1.1 About Melville

The City of Melville's foundations began in 1901 when the Melville Roads Board (the Board) was established. Today, the City of Melville is a metropolitan local government located approximately 8km south of Perth CBD.

Melville has a population in excess of 102,000 from diverse nationalities, comprises 18 suburbs and covers an area of 53km² with 18km of river foreshore.

It is a leading Local Government Authority employing approximately 720 full-time, part-time, and casual employees who deliver quality services to the community and stakeholders from a number of sites.

The City of Melville is a vibrant and interesting place with many unique features including the Swan and Canning Rivers and foreshore areas, Murdoch University, Fiona Stanley Hospital, Westfield Shopping Centre, Melville Glades Golf Course, Point Walter Golf Course, Wireless Hill Park, Piney Lakes Reserve, Kadidjiny and Carawatha Parks and several other bushland areas and reserves.



1.2 Corporate values

The City of Melville's values require Elected Members and staff to operate in an environment that in everything we do, we seek to adhere to our **EPIC** values that guide our behaviours:

- **Excellence** – Striving for the best possible outcomes
- **Participation** – Involving, collaborating and partnering
- **Integrity** – Acting with honesty, openness and with good intent
- **Caring** – Demonstrating empathy, kindness and genuine concern.

This ethos is further supported by our Corporate Business Plan Key Priorities:

- **Priority 1**
Ensure the improvement and sustainability of our environment
- **Priority 2**
Improve the approach for diverse and sustainable urban development and infrastructure.
- **Priority 3**
Empower the voices of our diverse community by strengthening engagement.
- **Priority 4**
Support healthy lifestyles and wellbeing
- **Priority 5**
Ensure long term financial sustainability
- **Priority 6**
Encourage local economic development.

1.3 Vision statement

"Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future."

1.4 Mission statement

"To provide good governance and quality services for the City of Melville community."

2 INTRODUCTION

2.1 Governance

Governance is the process of directing, controlling, and holding organisations to account in respect of all aspects of their function. It requires clear and effective operational systems to be both developed and complied with to ensure equity, transparency and accountability whilst also establishing a benchmark for continuous review and improvement.

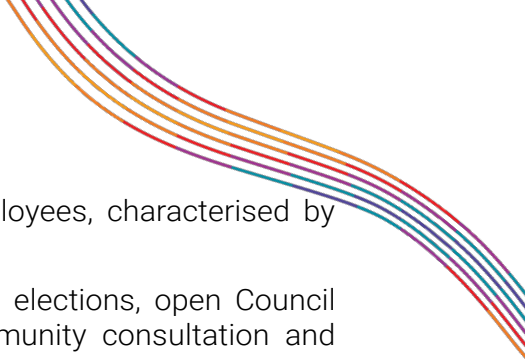
The Elected Members and staff of the City of Melville consider good governance to be critical if the community is to have confidence in the City. This Governance Framework sets out guidelines and standards expected of Elected Members and employees to achieve good governance by adhering to its obligations, including:

- compliance;
- community participation;
- ethical conduct;
- transparency;
- accountability; and
- ongoing performance management.

It also sets out the roles of Elected Members, management and employees of the City of Melville and their relationships, along with financial, legal, and ethical responsibilities that impact individuals and the organisation.

The City of Melville's good governance is achieved through various strategies explored in this Governance Framework, including as follows:

- Ensuring individual and organisational compliance with the Local Government Act, supporting regulations and additional relevant legislative instruments;
- Ensuring individual and organisational compliance with applicable Codes of Conduct, policies, procedures and management practices;
- Developing and publishing policies and procedures to ensure consistency and fairness in all decisions as well as transparency and accountability in respect of such decisions (both internally and to the members of the public);
- Implementing effective risk management processes, including ongoing identification, assessment, review and management of operational and strategic risks;
- Ensuring clear role definition and clarity for Elected Members and employees;
- Acting efficiently and effectively in its decision-making processes including:
 - obtaining, collating and reporting accurate, comprehensive and relevant information to the Council;
 - ensuring Elected Members have a sound understanding of matters prior to making critical decisions;

- 
- Ensuring ethical behaviour of Elected Members and employees, characterised by honesty and integrity;
 - Seeking equitable community participation (through open elections, open Council meetings and question time processes as well as community consultation and engagement processes);
 - Effectively managing staff and resources to ensure efficiency and effectiveness in implementing Council resolutions; and
 - Creating a positive culture to promote open communication, teamwork and accountability.

In employing these strategies, the City of Melville complies with the s1.3 of the *Local Government Act 1995* to achieve:

- Better decision-making;
- Greater community participation;
- Greater accountability; and
- More efficient and effective operations.

2.2 Governance Framework document

This Governance Framework document is divided into the following parts:

- **Part 1:** Legislative Basis
- **Part 2:** Strategic planning, financial and risk management
- **Part 3:** Organisational framework, decision making processes and role definitions
- **Part 4:** Standards of behaviour
- **Part 5:** Performance management and accountability

The City of Melville will undertake regular review of this document to ensure that the Governance Framework set out herein remains relevant and current, and that the City of Melville's functions are being performed in accordance with legislative and regulatory requirements and best practices.

3 LEGISLATIVE BASIS

3.1 Local Government Authority

Local governments are the third tier of government in Australia (in addition to Commonwealth and State governments) and have legislative responsibility for the functions and activities of a community.

The City of Melville is a local government authority established under the Local Government Act and is comprised of:

- **An elected Council:** currently consisting of twelve Councillors led by the Mayor; and
- **Administration:** consisting of the CEO and other employees.

As a local government, the City of Melville is regulated by the Department of Local Government Sport and Cultural Industries (DLGSCI) under the Local Government Act and various regulations.

The functions of the City of Melville include:

- Planning and development:
 - strategic planning including developing comprehensive management plans, budgets, financial controls and performance objectives; and
 - providing direction for the management of community activities including determining the type, range and scope of projects to be undertaken;
- Administering laws, law making and enforcement: developing and implementing local laws covering issues such as animal management and the use of public land and local government facilities;
- Meeting community needs: identifying community needs, representing constituents, assessing and prioritising competing needs and allocating resources;
- Developing policies and implementing policy decisions in the interest of the community;
- Advocating on behalf of the City of Melville at State and Commonwealth levels; and
- Executive functions: delivering essential services to the City including building and planning services, waste management, and provision and management of community infrastructure and resources.

3.2 Elections and formation of Council

Part 4 of the *Local Government Act 1995* "deals with elections of mayors and presidents by electors, elections of councillors, and polls and referendums, and with related matters."

Local government elections, including for the City of Melville, are held every two years. Currently the Council is comprised of twelve members, plus the Mayor. This is unlikely to change under the current *Local Government Act* reform.

The ordinary election cycle requires Councillors to be elected for overlapping four-year terms, with half of the Council members elected every two years. The Mayor is elected every four years.

This overlapping system ensures good governance, as following an election the 50% of Councillors who remain in their seats provide continuity for residents and ratepayers, reduce the risk of loss of knowledge with outgoing Councillors and provide leadership for the incoming Councillors.

The Council is charged with the responsibility for the good governance of the City of Melville and is subject to various requirements of the *Local Government Act* and various regulations. Having been elected by the local community, the Council and individual Elected Members are also accountable to the electorate for their decisions.

3.3 Management and decision-making structure

3.3.1 Separation of power

There is a clear legislative distinction between the role of the Council, and the roles of the CEO and administration. This is to ensure there is a separation of powers between the two components of the City of Melville: it prevents the concentration of power and establishes accountability mechanisms to achieve responsible governance.

3.3.2 Role of Council

Section 2.7 of the *Local Government Act 1995* "Role of council"

The Council, as the overall decision-making body, is responsible under the Local Government Act for:

- Governing the City of Melville's (strategic planning for continued sustainability and monitoring of such strategies);

- Performing the City of Melville’s functions (including developing mechanisms such as delegated authority and overseeing executive functions such as providing services and facilities (and regularly reviewing the same));
- Overseeing the allocation of the City of Melville’s finances and resources; and
- Determining the City of Melville’s policies.

The Council receives reports, advice and recommendations from the CEO and administrative staff regarding decisions needing to be made. The Council may resolve to adopt, amend, reject, or defer a recommendation put to them by the CEO and administrative staff. Where the Council makes a decision that differs from any recommendations or advice provided by the CEO and/or administrative staff, the minutes from the relevant meeting must set out in appropriate detail the reasons that the Council resolved not to follow such recommendations or advice.

Decisions are voted on by the Elected Members in accordance with legislative or regulatory requirements and if passed, a decision is made in the form of a resolution. The Local Government Act as well as the Meeting Procedures Local Law, set out requirements that must be followed including as to quorum, motions, voting rights, and the type of majority required for a decision to be made.

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

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

The decisions made by the Council are then implemented by the CEO and relevant directorate(s) of the City of Melville’s Administration Team.

3.3.3 Quasi-Judicial Decisions

In particular, when dealing with issues surrounding quasi-judicial decisions, Elected Members must remain objective and deal impartially with applicants or affected persons when quasi-judicial decisions are involved.

Determinations are to be based on sound legislative rationale and on available evidence. Where decisions involve development applications the decision is made under the provisions of the local planning schemes and any discretions allowed under the schemes. If other decisions are required, then the relevant laws are applied. Elected Members will consider existing laws and policies and to avoid prejudicing the eventual decisions, Elected Members cannot 'prejudge' a matter by deciding or telling others how they will vote before evaluating the officer report and listening to the debate at the meeting.

The Council has adopted [CP-052 Quasi-Judicial Role](#) to clarify and provide guidance in the principles that apply to the performance of quasi-judicial functions.

3.3.4 Role of the Council, CEO and administration


Section 2.7 of the *Local Government Act 1995* – Role of council.

The Council:

- governs the local government's affairs; and
- is responsible for the performance of the local government's functions, and
- oversees the allocation of the local government's finances and resources; and
- determines the local government's policies.

The CEO is employed by the Council and is responsible for the employment of all other staff members. The CEO and/or other employees undertake administrative responsibilities including:

- Preparing reports and providing advice and recommendations to the Council regarding the nature of decisions that are required for the affairs of the City of Melville;
- Implementing policies and resolutions of the Council;
- Delivering services to the community including managing resources and facilities;
- Administering local laws and performing other local government regulatory functions; and
- Managing day-to-day operations of the organisation.



The City is committed to always maintaining the highest level of ethical standards and expects those doing business with us to do the same. What the community can expect from the City and what the City expects from its community is outlined in our [Statement of Business Ethics](#).

3.4 Key roles

3.4.1 Mayor

Section 2.8 of the *Local Government Act 1995* – Role of the mayor or president.

The Mayor of the City of Melville is elected by the community in a City-wide popular vote, for a four year term.

The Local Government Act provides that the Mayor's role is to (in addition to all of the obligations and duties of a Elected Member set out below):

- Preside at Council meetings;
- Provide leadership and guidance to the community;
- Carry out civic and ceremonial duties on behalf of the City of Melville;
- Speak on behalf of the City of Melville;
- Perform such other functions as are given to the Mayor by the *Local Government Act* or any other written law; and
- Liaise with the CEO on City of Melville affairs and the performance of its functions.

The Mayor must support good governance by:

- Ensuring decision making processes including the conduct of Council meetings, are fair, equitable and inclusive;
- Modelling good behaviour and ethics;
- Complying with legislation, the Code of Conduct Elected Members, Committee Members and Candidates and other policies and procedures;
- Managing Council meetings and ensuring compliance with the *Meeting Procedures Local Law 2022*, and
- Providing strong leadership.

3.4.2 Deputy Mayor

Section 2.9 of the *Local Government Act 1995* – “The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so ...”.

Section 2.15 of the *Local Government Act 1995* – “The deputy mayor or deputy president is to be elected by the council.”

The Deputy Mayor is elected by the Council for a two year term.

The Local Government Act provides the deputy mayor’s role is to perform the functions of the Mayor if:

- The Mayor’s role is vacant; or
- The Mayor is not available or is unable or unwilling to perform the functions of the Mayor.

As with the Mayor, the Deputy Mayor must support good governance by:

- Ensuring decision making processes are fair, equitable and inclusive;
- Modelling good behaviour and ethics;
- Complying with legislation, the Code of Conduct Elected Members, Committee Members and Candidates and other policies and procedures; and
- Providing strong leadership.

3.4.3 Councillors

Section 2.10 of the *Local Government Act 1995* – Role of councillors.

As individuals, Elected Members do not have any decision-making authority and cannot make representations on behalf of the City of Melville.

The Local Government Act provides that Elected Members (including the Mayor) are to:

- Represent the interests of electors, ratepayers and residents of the City of Melville;
- Provide leadership and guidance to the community in the district;
- Facilitate communication between the community and the City of Melville;
- Participate in the City of Melville’s decision-making processes at Council and Committee meetings; and
- Perform such other functions as are given to a Councillor by the Local Government Act or any other written law.




Elected Members should develop the following skills, abilities, and knowledge:

- Understanding of the role and structure of local government as prescribed by the Local Government Act and associated regulations;
- Understanding of the town planning role of local government as prescribed by the *Planning and Development Act 2005*;
- Understanding of integrated planning and reporting, including strategic plans for the future of the local government, the processes involved, and the strategic role of a Councillor;
- Understanding of CEO performance management processes;
- Ability to read and understand financial statements and reports;
- Basic understanding of legal processes;
- Understanding of the separation of powers between the Council and administration (the difference between governing and managing);
- Understanding of meeting processes, including Meeting Procedures;
- Awareness of risk management strategies;
- Understanding of the accountability framework prescribed by the Local Government Act, the *Corruption, Crime and Misconduct Act 2003*, and other legislation;
- Ability to communicate, debate, and actively participate in meetings;
- Ability to develop and maintain effective working relationships and to manage interpersonal conflicts; and
- Ability to exercise independent judgement.

To support good governance, Elected Members should focus on outcomes, policy, and strategy. Elected Members are expected (under the Local Government Act, Regulations, the Code of Conduct Councillors, Committee Members and Candidates and best practices) to:

- Avoid damage to the reputation of the City of Melville;
- Debate issues in an informed, open and honest manner;
- Work cooperatively with others and respect diversity;
- Act in good faith and not for improper or ulterior motives;
- Undertake their role with reasonable care and diligence;
- At all times act in accordance with the Local Government Act and regulations, including in respect of obligations such as submitting returns, disclosing gifts, completing training and disclosing conflicts of interest;
- At all times act within the law generally;
- Keep the entire community in mind when considering issues and making decisions;
- Model leadership and good governance;
- Actively seek out and engage in training and development opportunities to improve the performance of their role;

- 
- Attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role; and
 - Raise community or policy issues without becoming involved in the administrative or operational aspects of the issue.

3.4.4 CEO

Section 5.41 of the *Local Government Act 1995* – Functions of CEO


The CEO is the head of staff and leadership at the City of Melville and provides overall strategic direction, leadership and co-ordination of the performance of the City of Melville.

The Local Government Act provides that the role of the CEO is to:

- Advise the Council in relation to functions of a local government under the *Local Government Act* and other written laws;
- Ensure that the 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 City of Melville;
- Liaise with the Mayor on the City of Melville’s affairs and the performance of the City of Melville’s functions;
- Speak on behalf of the City of Melville if the Mayor agrees;
- Be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- Ensure that records and documents of the City of Melville are properly kept for the purposes of the Act and any other written law; and
- Perform any other function specified or delegated by the City of Melville or imposed under the Act or any other written law as a function to be performed by the CEO.

The CEO liaises with the Mayor and works with the Council by providing reports and making recommendations based on advice prepared or received by the administration.

The CEO works closely with the Executive Leadership Team to ensure the management of operations of the City of Melville, including implementation of Council resolutions, are completed to a high standard and in a way that promotes good organisational governance.



This good governance is fostered by the CEO:

- Ensuring accountability and transparency through implementing and managing good organisational record keeping processes and publishing of relevant information to the public;
- Ensuring Councillors are provided accurate, comprehensive information to make sound decisions;
- Communicating with the Mayor, Councillors and administrative staff in a courteous, open and direct manner;
- Managing administrative staff so as to have a clear understanding of the operations of the organisation;
- Managing compliance with legislative and regulatory obligations;
- Undertaking reviews, performance management and internal assessments to ensure continual improvement; and
- Demonstrating strong ethics and providing leadership to Council and administrative staff.

3.5 Key functions

3.5.1 Council meetings

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

- Ordinary Council Meetings (held monthly)
- Special Meetings of Council (held as required)
- Committee Meetings (held as established by the Council)
- Audit Committee Meetings (mandatory)
- General Meetings of Electors (mandatory)
- Special Meetings of Electors (by request)

Meetings are open to the public, however in certain circumstances, controlled by legislation, a meeting or part of a meeting can be closed to the public.

3.5.1.1 Ordinary Council Meetings

Section 5.3 of the *Local Government Act 1995* – Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.*
- (2) Ordinary meetings are to be held not more than 3 months apart.*
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure."*

Ordinary Council Meetings are generally held on the third Tuesday of each month in the Council Chambers located on the top floor at the City of Melville Civic Centre.

The Council is in recess during the month of January each year and formal meetings are not scheduled, however should an urgent matter arise a Special Meeting of the Council may be called. The December Ordinary Meeting of Council is brought forward one week to the second Tuesday of the month to allow for business to be concluded prior to the festive period closures.


In an Election year, the October meeting may be scheduled a week earlier depending on Election Day. This allows for any matters to be concluded by the outgoing Council.

Members of the public are invited to attend and participate (by following the public question time/deputation/written submission processes) in the majority of Ordinary Council Meetings. On occasion, it may be necessary for a meeting, or part of a meeting, to remain closed to the public.

Section 5.23(2) of the Local Government Act, provides the reasons why a meeting may be closed to the public, including:

- Relating to employee(s);
- Relating to personal affairs of a person;
- About which legal advice has been obtained; and
- Which would involve the revelation of trade secrets or commercial interests of a person.

Council meetings follow a formal agenda which sets out the order and details of business requiring discussion. Items on the agenda will be discussed and debated by the Council, and resolutions will be passed by the Council in relation to those items. This formalised process promotes good governance as it facilitates orderly discussion and adherence to a formal meeting process to ensure effective debate and decision making.



Good governance is also facilitated by having good record keeping processes and therefore the section 5.22 of the Local Government Act requires that minutes must document:

- who was in attendance,
- whether anyone was not in attendance for any time during the meeting,
- any impartiality or financial interests that have been declared,
- copies of all reports provided to the Council,
- what motions were moved and seconded (and by whom),
- what decisions were made and if a resolution differs to that which is recommended to the Council, appropriate details regarding the reasons for that difference.

Where a meeting or any part of it is closed to the public, the minutes will reflect the reason for the closing, and related reports may not be made available to the public.

To ensure accountability and transparency to the community, and therefore foster the community's trust in the Council, the agenda and minutes of a meeting (and related reports) are prepared by the administration team and are published on the City of Melville's website (except for confidential or sensitive material).

3.5.1.2 Special Meetings

Section 5.4 of the Local Government Act – Calling Council Meetings

Section 5.5 of the Local Government Act requires that Special meetings can be called by notice from the Mayor or at least one third Elected Members to the CEO, or by Council resolution to call a special meeting.

Special meetings are held by the Council as and when required to consider urgent business.

As with Ordinary Meetings of Council, the agenda and minutes of a Special Meeting of Council (and related reports) are prepared by the administration team and are published on the City of Melville's website (except for confidential or sensitive material).

3.5.1.3 Voting

Section 5.21 of the *Local Government Act 1995*- Voting

Each Elected Member must vote if they are present at a Council meeting, and it is not permitted to abstain from voting (unless it is a matter which a financial or proximity interest has been declared and the member has the permission of the Council to remain in the Chamber). Votes cannot be secret.

Councillors generally vote by way of a “simple majority” which means a resolution is passed when at least 50% of Councillors in attendance at a meeting vote in favour of it.

There are some matters about which the Local Government Act requires an “absolute majority” vote. An absolute majority means more than 50% of the total number of Council offices (irrespective of the number in attendance at the given meeting and whether any seats are vacant).

3.5.1.4 City of Melville Local Government (Meeting Procedures) Local Law 2022

The *City of Melville Local Government (Meeting Procedures) Local Law 2022* provides the rules and guidelines for the conduct of all meetings that deal with the business of the Council and its committees. In particular, it sets out the criteria regarding:

- Calling meetings;
- Business of the meeting;
- Public access to agenda material;
- Disclosure of interests;
- Quorum;
- Keeping minutes;
- Conduct of persons at committee meetings, conduct of Councillors during debate and procedure;
- Procedural motions;
- Effect of procedural motions;
- Making decisions, implementing decisions, preserving order; and
- Applying the Common Seal.

3.5.1.5 Agenda Briefing Forum

The Agenda Briefing Forum is a non-statutory meeting held by the Council to maximise the opportunity for Elected Members to seek additional information on an agenda item, ask questions, or seek clarification on officer reports that are on the Ordinary Meeting of Council agenda, prior to that meeting. No debate takes place at these meetings, and no decisions are made. This process promotes good governance as it ensures that Elected Members are well informed regarding matters about which they must make decisions.

Agenda Briefing Forums are open to the public to attend (however confidential items as prescribed in the *Local Government Act 1995* will be discussed in a closed forum).

3.5.1.6 Elected Member Engagement Sessions

Engagement sessions and workshops are meetings of the Council where Elected Members discuss upcoming matters, and the CEO or other staff members provide presentations to the Elected Members. This process promotes good governance as it ensures that Elected Members are well informed regarding matters about which they may be required to make decisions.

These meetings are closed to the general public.

3.5.2 Committees

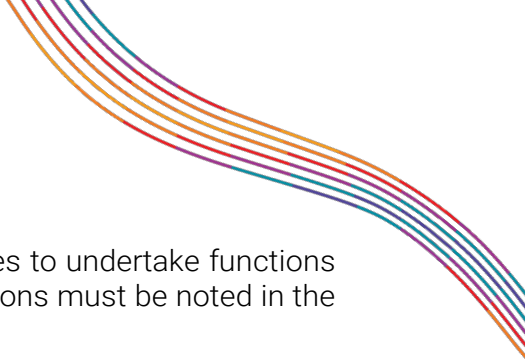
Section 5.8 of the *Local Government Act 1995 – Establishment of committees*

“A local government may establish (by absolute majority) committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.”

3.5.2.1 Formation of committees

Under the Local Government Act, Council may establish committees to assist Council to exercise its powers and discharge its duties. Committees assist to:

- Inquire into matters and provide feedback and recommendations to Council;
- Oversee a project on behalf of Council; and/or
- Exercise, perform or discharge delegated powers, functions or duties on behalf of Council.



Any resolution by the Council to delegate authority to Committees to undertake functions on its behalf must be made by absolute majority and the delegations must be noted in the City of Melville's Delegations Register.

The Council must determine the reporting and other accountability requirements that will apply. These determinations are called the "Terms of Reference" and are made by resolution of the Council. It is good practice to review the Terms of Reference regularly to ensure each Committee is achieving its purposes and the needs of the Council and the community.

The Committees report to the Council and must comply with all relevant legislation and regulations. Unless the Committee has been given delegated authority, it does not have any power to make decisions so the Council must make resolutions based on the recommendations the Committee makes to the Council.

Each election cycle, the membership of the committees becomes vacant, with new and existing Councillors then electing which committee they wish to participate on. Each Committee has Councillors as members and may also include representatives from outside of the Council (although the majority must be formed by Elected Members).

To achieve good governance, external members of the Committee should be entirely independent from the Council and Elected Members, and free of any interests which may impact their impartiality. This requires careful consideration at the point of a Committee being formed to ensure that there are no conflicts of interest which may affect the performance of the Committee, and the principles of "6Rs" outlined above in paragraph 6.1.5 should be applied. The involvement of independent people in Council Committees promotes accountability and transparency and provides a means of oversight regarding the Committee's affairs.

3.5.2.2 Current Committees

The City of Melville Council has established the following committees to assist with its various functions:

- Financial Management, Audit, Risk and Compliance Committee;
- Governance Committee;
- Conduct Committee
- Policy and Legislation Committee (TBC)

All current committees are listed in the Council Committee and Working Group Handbook* which includes a list of all members and the Terms of Reference for each Committee.

* *(Supporting Document in Draft format)*

3.5.2.3 Working Groups

In addition to the formal Committees, Council members and external members may also form Working Groups from time to time to assist the Administration with the development of projects.

All current Working and Reference Groups are listed in the Council Committee and Working Group Handbook* which includes a list of all members and the Terms of Reference for each Working Group.

* *(Supporting Document in Draft format)*

This handbook will be updated at least every two years to coincide with Ordinary Local Government Elections.

3.5.2.4 Standards for Conduct of Committee and Working Group Members

Section 5.103(1) of the Local Government Act – Model Code of Conduct for council members, committee members and candidates.

Local Government (Model Code of Conduct) Regulation 2021

The Elected Members Code of Conduct applies to all members of City of Melville Committees and Working Groups including those members who are not Councillors.

Committee and Working and Reference Group members must also comply with all relevant legislative and regulatory requirements.

4 STRATEGIC PLANNING AND FINANCIAL AND RISK MANAGEMENT

It is a component of good governance that the City of Melville undertakes regular, comprehensive strategic planning and risk management reviews to ensure that its Elected Members and employees have a sound knowledge of critical components of the City's operations and have benchmarks against which it can review and measure its performance.

This part sets out the processes of strategic planning, financial planning, and risk management that are implemented to ensure knowledge is shared across the organisation, assist the City to develop short term and long-term policies and projects and provide mechanisms for accountability and oversight of its operations and functions.

4.1 Strategic planning

Section 5.56 of the *Local Government Act – Planning for the future*

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district."

Regulation 19C *Local Government (Administration) Regulations 1996– Strategic community plans, requirements for*


Regulation 19DA *Local Government (Administration) Regulations 1996 – Corporate business plans, requirements for*

4.1.1 Integrated Planning and Reporting

The *Local Government Act 1995* requires all local governments to plan for the future of the district. The Strategic Community Plan and Corporate Business Plan form the City's plan for the future, supported by the Long Term Financial Plan, Asset Management Plan, Diversity, Equity, Inclusion and Belonging Plan, Informing Strategies and Annual Budget. These have all been prepared to achieve compliance with the *Local Government (Administration) Regulations 1996*. Development of these plans also aligns with the Department of Local Government, Sport and Cultural Industries' Integrated Planning and Reporting Framework and Guidelines.

The Integrated Planning and Reporting Framework (IPFR) aims to ensure integration of community priorities with strategic planning for the City of Melville, as well as the implementation of the objects that have been set from these priorities.

The Council, Community and Administration each has a unique role and responsibilities for the development of effective and sustainable integrated plans for the local area and reporting on the progress of those plans.



A successful integrated planning and reporting process will deliver a:

- Strategic Community Plan that clearly links the community's aspirations with the council's vision and long term strategy
- Corporate Business Plan that integrates resourcing plans and specific council plans with the strategic community plan
- clearly stated vision for the future viability of the local area.

The Integrated Planning and Reporting Framework:

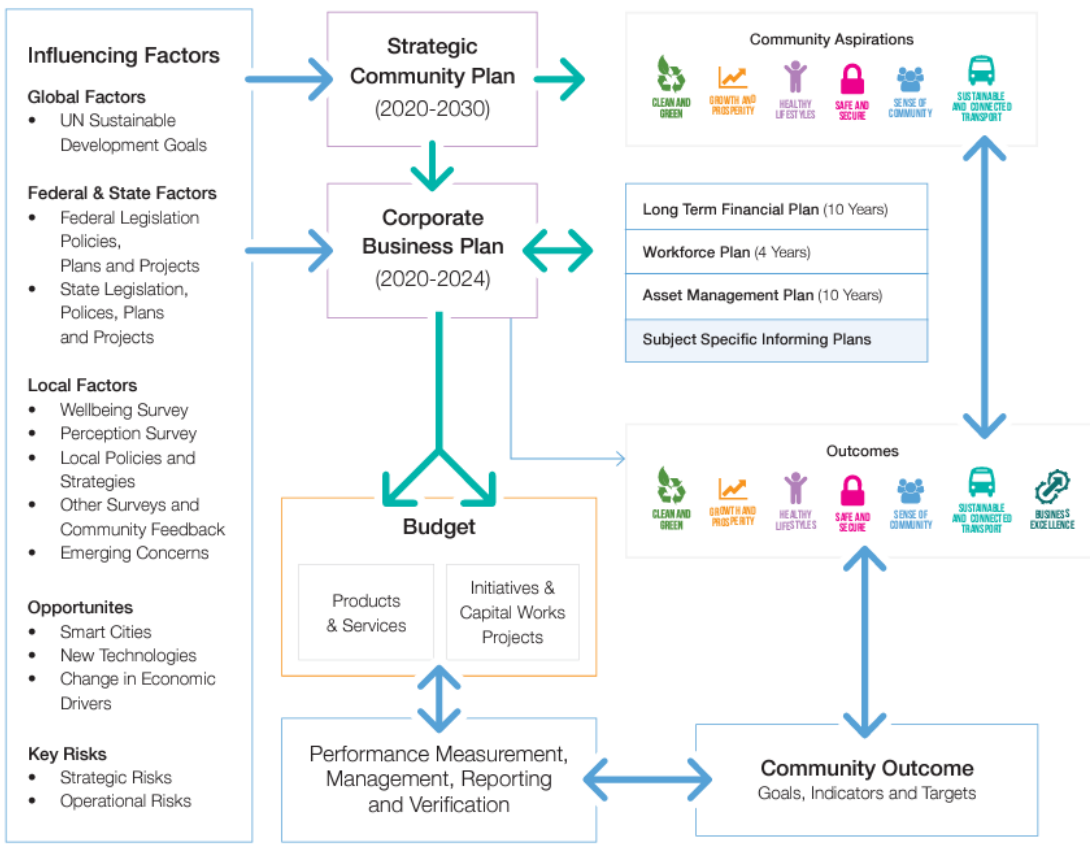
- recognises that planning for a local government is holistic in nature and driven by the community
- builds organisational and resource capability to meet community need
- optimises success by understanding the integration and interdependencies between the components
- emphasises performance monitoring so that local governments can adapt and respond to changes in community needs and the business environment.

The Integrated Planning and Reporting Guidelines provide a process that aims to:

- ensure community input is explicitly and reliably generated
- provide the capacity for location-specific planning where appropriate
- update long term objectives with these inputs
- identify the resourcing required to deliver long-term objectives, and
- clearly convey long term financial implications and strategies.

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

The Diagram below shows how all the elements of the framework fit together to deliver council priorities which are informed by the community vision and aspirations. The IPR provides a framework for establishing local priorities that are linked to operational functions.



4.1.2 Strategic Community Plan

The [City of Melville's Strategic Community Plan 2020-2030](#) was adopted by absolute majority at the 15 September 2020 Ordinary Meeting of Council.

The Plan takes into account current and expected changes in community demographics, social issues and local, national and global influences. It is the primary strategic planning document and must be reviewed every four years but can also be reviewed at a strategic level every two years.

The Strategic Community Plan shapes the service delivery policy of the City of Melville for a 10-year period. The plan focuses on six Community Aspirations:

- Clean and Green: Clean and well-maintained parks, reserves, natural areas and public open spaces where everyone can socialize, be active and be safe;
- Growth and Prosperity: Encourage development of small businesses in our suburbs and local communities;
- Healthy Lifestyles: Opportunities for healthy activities both indoors and out and about in local parks and suburbs walking, running, cycling and exercising individually or in groups;
- Safe and Secure: People feel safe and secure at all times wherever they are and whatever they are doing.
- Sense of Community: A range of local community services, events and cultural activities throughout the year for people to get to know one another and do things together; and
- Sustainable and Connected Transport: Better public transport cycling and walking infrastructure and responsive traffic management.

4.1.3 Corporate Business Plan

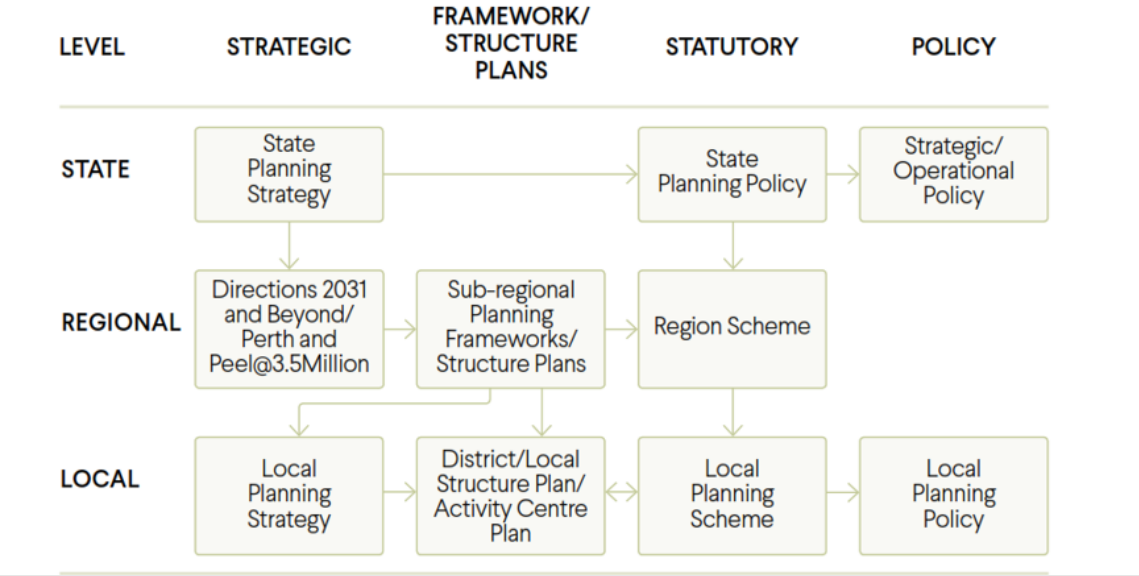
The [City of Melville Corporate Business Plan 2020-2024](#) outlines the City's key priorities over a four year period. It provides a clear line of sight to the delivery of the Strategic Community Plan's strategic objectives. The updated Corporate Business Plan 2020-2024 was adopted by absolute majority at the September 2020 Ordinary Meeting of Council.

Relevant information from the Long Term Financial Plan, Asset Management Plans, Workforce Plan and key informing plans has been incorporated into the Corporate Business Plan.

4.1.4 Land Use Planning and Building Controls

When is a Council not a Council? When it is a planning authority. The Council will act as a planning authority when they are undertaking responsibilities under state planning legislation. Under legislation, the City of Melville is responsible for the developing planning schemes, proposing amendments to planning schemes, supporting, or rejecting changes proposed by others and making decisions on certain developments in accordance with the planning scheme.

The City administers its land use planning and building controls through a highly regulated planning framework to ensure land use and development is effectively controlled to facilitate appropriate social, economic and environmental outcomes for the community.



Principal services provided include but are not limited to:

- 1) Development applications for various land uses
- 2) Amendments to the City’s Local Planning Scheme
- 3) Subdivision application referrals to the Western Australian Planning Commission.
- 4) Development and review of Local Planning Policies
- 5) Building permits for various land uses
- 6) Compliance Services - Planning and Building



Key planning and building statutes include but are not limited to:

- 1) Planning and Development Act 2005
- 2) Planning and development (Local Planning Schemes) Regulations 2015
- 3) [Metropolitan Region Scheme](#)
- 4) [Local Planning Scheme No 6](#)
- 5) [Local Planning Strategy 2016](#)
- 6) Building Act 2011
- 7) Building Regulations 2012
- 8) Residential Design Codes
- 9) Local and State Planning Policies and Local Laws

4.1.5 Small Business Friendly Local Government

The City of Melville was one of the first three local governments to take part in the State Government funded Small Business Friendly Approvals Program, led by the Small Business Development Corporation (SBDC).

The Small Business Friendly Approvals program aims to streamline the process of obtaining business licences and trading permits from local government authorities and is part of a package of State Government initiatives to accelerate regulatory reform to support economic recovery from the impact of COVID-19.


Working with the SBDC, the City of Melville has identified 25 reform opportunities which have been identified in the Small Business Friendly Approvals Program Action Plan.

The City's aim is to create real change for our small business community.

4.1.6 Disability Access and Inclusion Plan

Part 5 *Disability Services Act 1993* – Disability access and inclusions plans by public authorities.
Council Policy – [CP-084 Disability Access and Inclusion Policy](#)

The City of Melville believes that a community that recognises and promotes its diversity and supports the participation and inclusion of all its members, makes for a richer community life and positive contribution to social justice.



The City's Access Advisory Panel (AAP) advocates for the access requirements for people with disabilities, older people and promotes universal access across our City. The main function of the panel is to provide insights into built environments and event plans within our City that comment on accessibility factors.

There are statutory requirements for the City of Melville to achieve disability inclusivity, and the aim of the [Disability Access and Inclusion Plan](#) is to ensure services and facilities can be made more open, inclusive and accessible for people with a disability.

The City is committed to both compliance with its legislative requirements and community engagement and will continue to pursue improvement in relation to these issues.

4.1.7 Reconciliation Action Plan

Australian Aboriginal and Torres Strait Islander cultures are the oldest continuous living cultures in the history of the world – they go back at least 50,000 years. There are many Aboriginal and Torres Strait Islander cultures in Australia, made up of people from a rich diversity of tribal groups throughout Australia which each speak their own language and have distinctive cultural beliefs and traditions.

The Aboriginal Bidi (paths) have become today's highways and roads. When the Southwest was explored by the Europeans, they commented on the existence of well cleared paths and tracks between major campsites and places where favourite food and other resources could be collected. Early colonial roads frequently followed the line of Whadjuk tracks as many of these tracks passed water resources.

The development of the City of Melville's third [Reconciliation Action Plan \(RAP\)](#) marks an important milestone and will guide the way our organisation listens to, empowers and works with First Nations peoples to achieve better community outcomes for all. The City has been on a 10 year journey from our first Reconciliation Plan in 2013 to now developing our second stretch RAP which reflects considerable leadership, engagement and commitment by First Nations peoples, community, staff and Elected Members.

By publicly declaring its commitment to reconciliation, the City of Melville creates a just, equitable and reconciled future for our community. The RAP is championed by the City of Melville leadership teams with stewardship, guidance, and direction from the RAP Working Group. The Group comprises of, First Nations representatives, Traditional Owners, appointed Elected Members, community members and staff to ensure the strengthening of relationships, respect, and trust in delivering meaningful change.

4.1.8 Directions from Young People – Youth Strategy 2022 - 2025

The [Directions from Young People – Youth Strategy 2022-2025](#) (DFYP) guides how the City of Melville will deliver initiatives and plans in partnership with young people that support their health, wellbeing and connection to community. The DFYP is the result of a youth-led approach to develop the strategy by engaging eight youth peer researchers to help us talk with more than 550 young people during 2021/2022.

The DFYP provides a snapshot of who our young people are and the priority actions for City of Melville to undertake to address the needs and gaps identified in the Strategy. The following four Priority Actions have been identified:

- Explore the development of more dedicated youth spaces in the City;
- Establish a youth-focused communication channel;
- Appoint a Youth Steering Group or similar, comprised of local young people to over the delivery of the Strategy;
- Develop a whole of City Youth Engagement Toolkit.

4.1.9 Climate Action

The City of Melville is committed to being carbon neutral across our organisation by 2030 and net zero carbon emissions across our local government geographical area by December 2050.

The City's [Climate Action Plan](#) brings together the actions to tackle climate change, build resilience, and minimize the vulnerability of our organisation.

The Climate Action Reference Group (CARG) consists of 24 community members who develop ideas and voice priorities for community engagement on climate action, focusing on ways to reduce CO2 emissions and climate change-induced risks as well as contribute towards the City's Climate Action Plan.

4.2 Financial planning

4.2.1 Financial management

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* set out stringent requirements for local governments and in addition, the City of Melville's financial management strategies employ relevant accounting principles and standards.

The Council is ultimately responsible for the financial management of the City of Melville. This requires the Council to develop and oversee:

- Annual budgets;
- Long term financial planning;
- Policies for matters such as infrastructure renewals/replacement, asset acquisition, resource allocation, and efficiency and effectiveness of resource delivery;
- Risk management in relation to debt, assets and liabilities; and
- Performance management including obtaining reports and monitoring the administration of financial affairs.

The Council has also established the Financial Management, Audit, Risk and Compliance Committee to oversee the financial operations of the City of Melville.

4.2.2 CEO and administration's role in financial management

The CEO is accountable to the Council for the financial management of the City of Melville.

The CEO ensures that financial management practices are established and maintained at the highest standard, including:

- Implementing appropriate systems in place for sound financial management;
- Developing and managing an organisational structure supported by experienced staff, relevant policies and procedures and adequate resources;
- Ensuring suitable controls are in place to manage financial systems and resources;
- Developing suitable internal review mechanisms;
- Ensuring compliance with legislative and regulatory requirements;
- Regular internal auditing of systems and procedures;
- Annual auditing by the Office of the Auditor General.

The CEO must review the appropriateness and effectiveness of the City of Melville's:

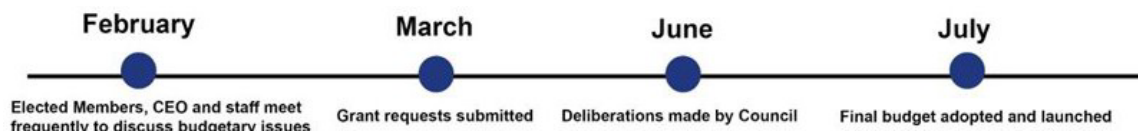
- Financial management systems and procedures; and
- Risk management systems and procedures.

4.2.3 Budget

The annual budget is developed in accordance with the Strategic Community Plan objectives, the Corporate Business Plan and the Long Term Financial Plan to set out the Council's priorities and the allocation of resources to those priorities for the upcoming financial year. The budget contains:

- A statement of comprehensive income by nature or type;
- A statement of comprehensive income by program;
- A statement of cash flows;
- Rate setting statement; and
- Notes to and forming part of the budget.

Budget adoption process



During the annual budget adoption process, Elected Members, the CEO and staff meet frequently to discuss budgetary issues such as:

- Corporate Business Plan and Council Priorities;
- New projects;
- Ongoing projects;
- Rates;
- Grants; and
- Services provided.

This process begins in February, when the Council reviews the Corporate Business Plan priorities, service plans, project plans and budget requirements of all directorates which are compiled over a few months.

When adopting the budget, the Council must take into account all of its expenditure, revenue and income. The final adoption and public launch of the annual budget takes place in June.

4.2.4 Long Term Financial Plan

The Long Term Financial Plan is a ten year financial projection taking into consideration income, operational and capital expenditure. The financial estimates of projects and initiatives outlined in the Corporate Business Plan has been included in the financial projection. This pivotal document is one of the informing strategic documents that assists in prioritisation of projects and ensures clarity in relation to the City of Melville to securing its financial sustainability.

In developing the Long Term Financial Plan, the City of Melville follows standard financial planning principles including identifying potential future revenue sources and undertaking risk management strategies in relation to debt, assets and liabilities.

4.2.5 Procurement processes

The City seeks to ensure all procurement activities:

- demonstrate best value for money is attained by the City;
- are compliant with relevant legislation;
- are recorded in compliance with the State Records Act 2000 and the records management practices and procedures of the City;
- promote openness, transparency, fairness and equity to all suppliers;
- contribute to sustainable environmental and social outcomes and encourage local economic activity;
- preference carbon neutral and low carbon options aimed at reducing the City's carbon footprint;
- are conducted in a consistent, ethical and efficient manner across the City

Where a contract for goods or services is valued between \$0 and \$249,999 (depending on the complexity of the purchase) the City of Melville follows a process of requesting quotes from the public in accordance with the [City of Melville's Procurement Policy](#).

4.3 Tender processes

Section 3.57 *Local Government Act – Tenders for providing goods and services*
Part 4 *Local Government (Function and General) Regulations 1996 – Provision of goods and services*

The Local Government Act and the *Local Government (Function and General) Regulations 1996* requires the City of Melville to determine the criteria that will be applied to a tender process prior to advertising its tender invitation to the public. There are some requirements regarding advertising, such as times when it must be State-wide advertising, which the City of Melville must comply with.

The City of Melville has obligations under the Local Government Act and *Local Government (Function and General) Regulations 1996* in relation to the tenders for projects, and in particular Regulation 11 requires that the City must invite tenders before it enters into a contract for the supply of goods or services where the consideration is or is expected to be more than \$250,000 (unless excluded under the regulations).

When developing a project which will be opened to tender, the City of Melville must:

- Develop a relevant scope of works with sufficient detail to enable a tenderer to have a clear understanding of the nature of the project, relevant timeframes, deliverables and other critical details;
- Develop evaluation criteria for the tender project giving consider to:
 - Quality;
 - Capacity to deliver;
 - Regional capacity and experience;
 - Sustainability/lifecycle;
 - Relevant experience;
 - Methodology/demonstrated understanding;
 - Key personnel;
 - Tenderer's resources; and
 - Price/schedule of rates.
- Where it varies information provided, ensure that all tenderers are given notice of the variation.

Regulation 12 of *Local Government (Function and General) Regulations 1996* prevents a project from being broken down into smaller contracts for consideration less than \$250,000 in order to avoid the tender process requirements.

The CEO must keep a [Tender Register](#), and must make the Register information available for public inspection including by publishing the on the City of Melville's website

4.3.1 Grants, Scholarship and Sponsorship Opportunities

The City offers a range of Grants, Scholarships and Sponsorship opportunities, with information available on the City's website, these include:

- The My Community Grants Program. This program has a number of streams with applications open from July to April.
- Project Robin Hood. This program happens every two years and offers grants for community ideas, project and events to bring people together.

4.4 Infrastructure management

The CEO has responsibility for developing and overseeing an asset management strategy that includes short, medium and long term financial management and allocation of appropriate organisational resources to ensure the City of Melville is able to maintain and provide appropriate Council facilities and services to meet Council's Strategic and long term objectives.

The City's economic vibrancy, community well-being and environmental values are sustained and enhanced by financially, socially and environmentally responsible infrastructure investment and management.

The City of Melville has developed an [Infrastructure Strategy 2016-2036](#) to establish a framework for its long term, sustainable management of its infrastructure and other assets to be accountable and employ best practices across all areas of the organisation.

The Infrastructure Strategy seeks to:

- Provide the City and the Community with a clear view of the state of the City's core infrastructure and priorities for investment.
- Identify significant issues and possible solutions for infrastructure assets and provide a strategic direction that reflects current and future expectations.
- Provide the basis for long-term financial plans and budgets for infrastructure.

4.5 Business Management

4.5.1 Business plans for major trading undertakings

Section 3.59 of the *Local Government Act – Commercial enterprises by local governments* requires that the City of Melville prepare a business plan for any major trading or land undertaking. This means that where:

- the City of Melville completed or will complete a trading undertaking where its expenditure is in excess of \$5,000,000; or
- the total value of consideration being paid for land plus anything being done by the City of Melville to achieve that transaction exceeds \$10,000,000 or 10% of the operating expenditure for the last financial year (whichever is the lesser),

the City of Melville must:

- prepare a business plan setting out, amongst other matters, the impacts of the undertaking on the provision of facilities and services and those who provide them, the financial position of the City of Melville and the ability of the City of Melville to manage the undertaking;
- give State-wide notice of the proposed transaction;
- allow inspection of the business plan and publish it on its website; and
- accept submissions in relation to the business plan.

Currently, the City of Melville's threshold for a business plan is \$8,000,000 or 10% of operating revenue, whichever is greater.

An absolute majority of the Council is needed in order to proceed with any major land or trading undertaking.

4.5.2 Disposal of property

When the City of Melville disposes of property by sale, lease or otherwise (unless it does so by public auction or tender) it is required to give public notice of its proposed disposal and allow at least two weeks for submissions from the public regarding that proposal. The notice must include the names of the relevant parties, what consideration (eg. purchase price or annual rent) will be received by the City of Melville and the market value (current within six months).

4.6 Risk Management

4.6.1 Risk Management Framework

The City of Melville has developed its Risk Management Framework and Risk Management Policy in accordance with AS/NZS ISO-31000:2018 Risk Management Principles and Guidelines. The Risk Management Framework supports good governance by the City of Melville by providing an effective structure to assess, review and manage risks, as well as ensuring role clarity and transparency in respect of these processes.

The City of Melville maintains internal operational and strategic risk registers which are contributed to by staff (through appropriate reporting channels) in the event a risk is identified.

The City of Melville is committed to ensuring that risks are identified, assessed, and registered and subsequently reviewed regularly by the CEO and Executive and Management Leadership Teams and the Financial Management Audit, Risk and Compliance Committee.

4.7 Insurance

The City of Melville has comprehensive insurance through the Local Government Insurance Scheme.

4.8 Governance

4.8.1 Development and review of policies and procedures

The Council is responsible under the *Local Government Act* for determining a variety of local government policies to provide the Council and employees with the detail and framework needed to make decisions and provide services in a way that is consistent, fair and proper.

Policy development, on behalf of the community, is one of the most important roles for Elected Members to participate in. An essential element of policy development is identifying community needs, setting objectives to meet those needs, establishing priorities between competing needs and allocating appropriate resources.



There are three types of policies developed by the City:

- **Council Policies:** these are strategic policies which guide the management and development of the City of Melville's resources, facilities, assets and services, as well as the financial management systems. These policies are a decision of the Council and sets out agreed views and direction with respect to a particular area of responsibility.
- **Local Planning Policies:** provide a consistent approach to the way in which certain types of planning applications and forms of development are assessed and determined by the City. These policies are endorsed by the City.
- **Operational policies:** administrative and operational policies for internal purposes that guide officers in administrative matters. These policies are endorsed by the Executive Leadership Team.

4.8.2 Legislative compliance

An important element of governance is compliance with all legislative and regulatory requirements. This is important because it:

- Demonstrates the City of Melville's commitment to the democratic principles that underlie the Council's formation and function;
- Ensures consistency, fairness, transparency and accountability in the functions of the Council and the administration;
- Ensures the City of Melville meets the expectations of the community;
- Ensures the City of Melville acts within but does not exceed the scope of its authority; and
- Demonstrates leadership and models the expectations it has for the community.

The City of Melville is committed to ensuring regular review of its policies, procedures and mechanisms to ensure that it is compliant across all levels of the organisation.

In addition to the Local Government Act, the City of Melville must comply with (without limitation):

- *Public Interest Disclosure Act 2003;*
- *Corruption, Crime and Misconduct Act 2003;*
- *Equal Opportunity Act 1984;*
- *Parliamentary Commission Act 1971;* and
- *Freedom of Information Act 1992*
- *Industrial Relations Act 1979*
- *Work Health and Safety Act 2020 (for WA)*
- *State Records Act 2000*

4.8.3 Local laws

Section 3.5 of the Local Government Act provides the City of Melville the ability to make local laws it considers necessary for the good governance of the community, in accordance with the community's expectations and standards.

The local laws provide rules and guidelines which enable the City of Melville to deliver good services and amenities for the community and govern activities on private and public land. Local laws have the status of legislation and are enforceable by the City of Melville. The City of Melville may authorise officers to enforce the local laws on its behalf, which may include financial penalties.

The Local Government Act sets out a process that must be followed by the City of Melville to adopt local laws. The City of Melville works closely with the DLGSCI when considering and amending local laws to ensure compliance with legislative requirements. Public comment is sought through a six week advertising period and considered before any proposed laws are accepted and adopted. The final stage of enacting local laws are for them to be gazette and considered by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

The City of Melville is required under the section 3.16 of the *Local Government Act* to review all of its local laws every eight years from the date they came into operation or from the date they were last reviewed. This process also allows for community consultation and feedback.

The current City of Melville local laws are:

- *Parking Local Law (2023);*
- *Dog Local Law (2021);*
- *Fences Local Law (1983);*
- *Local Government Property Local Law (2010);*
- *Health Local Law (1997);*
- *Street Numbering Local Law (1997);*
- *Activities in Thoroughfares, Public Places and Trading Local Law (2014);* and
- *Local Government (Meeting Procedures) Local Law 2022*

4.8.4 Mandatory registers

Part of the transparency and accountability of the City of Melville is achieved through the public availability of statutory registers including:

- Electoral gift register;
- Gift register (including travel contributions);
- Complaint register;
- Councillor training register;
- CEO delegated authority register; and
- Other authorised person delegated authority register.

These registers are updated in a timely manner and published on the City of Melville's website in accordance with the requirements of the Local Government Act.

The current Local Government Reform process seeks to provide increased transparency and accountability to the community and has highlighted that it will be mandatory to provide further information to the community in easily accessible formats such as registers. Where the City does not already provide this information it will seek to do so in a timely manner.

4.9 Local Government Reform

The Department of Local Government is reforming the *Local Government Act 1995*. The proposed reforms are based on 6 themes:

1. Earlier intervention, effective regulation and stronger penalties.
2. Reducing red tape, increasing consistency and simplicity.
3. Greater transparency and accountability.
4. Stronger local democracy and community engagement.
5. Clearer roles and responsibilities.
6. Improved financial management and reporting.

Information and updates on the progress on the Reform of the Local Government Act can be found on the Department of Local Government [website](#).

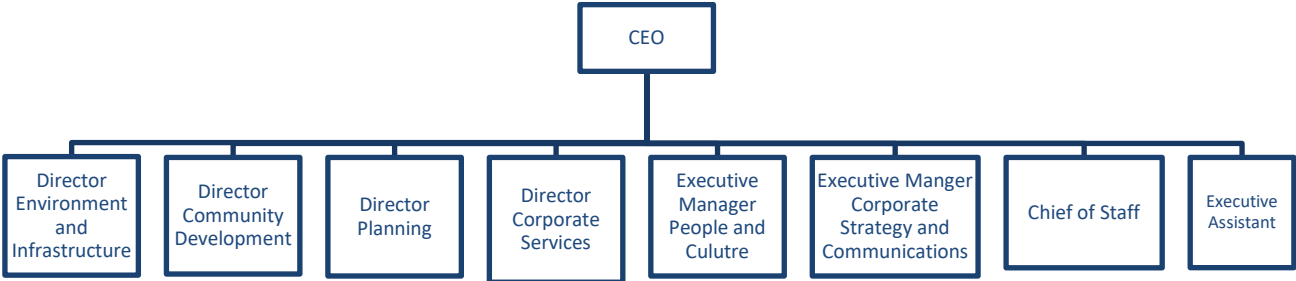
The Council will be provided with quarterly reporting on the City's progress in implementing the outcomes of the Local Government Reform process.

5 ORGANISATIONAL FRAMEWORK, DECISION MAKING PROCESSES AND ROLE DEFINITIONS

The City of Melville relies on teamwork to achieve its goals, and therefore it requires all Elected Members and employees to engage in open and honest communication and show respect for each other and others at all times. In addition to enabling a collaborative environment, good governance of the City of Melville requires all members of the organisation to understand their own role and responsibilities as well as the roles and responsibilities of others.

This section of this Governance Framework sets out the roles of key figures in the local government organisation and the principles that the City of Melville considers critical to effective working relationships between those key figures to exercise decision-making obligations and administrative functions.

In 2022/2023, a realignment of the organisation structure was undertaken to ensure appropriate separation and provide clarity in reporting arrangements. In developing the organisational structure, consideration was given to improvements in governance, planning and building functions and organisational culture. Each of these areas were identified as priority focus areas through a recent cultural review.



5.1 Executive Leadership Team and Areas of Responsibility

The Executive Leadership Team is comprised of the Chief Executive Officer, four Directors, two Executive Managers and support staff.

5.1.1 Executive Leadership Team

- Director Corporate: including finance, procurement, information technology, governance, information management and risk.
- Director Environment and Infrastructure: including waste management, sustainability, fleet management, civil maintenance and construction, parks and natural areas, and engineering design.
- Director Community Development: including responsibility for community safety, ranger services, arts and culture services, community development, engagement, events and customer service;
- Director Planning: including planning services, environmental health services, building services
- Executive Manager People and Culture: including human resources, payroll, occupational safety and health, learning and development.
- Executive Manager Corporate Strategy and Communications: including small business development, strategy, marketing and communications.

5.1.2 Employees

Employees are engaged to fulfill roles and complete tasks in the interest of the City of Melville and the community.

Employees promote and reflect good governance when they:

- Uphold the City of Melville's standards and values;
- Make decisions within the confines of their relevant delegated authorities and keeping records of such decisions;
- Comply with the Code of Conduct – Employees, and policies and procedures for matters including disclosure of gifts, record keeping, confidentiality, professionalism in the workplace and management of conflicts of interest;
- Use resources effectively and without waste; and
- Perform duties capably and professionally.

5.2 Working relationships

5.2.1 Effective working relationships

Good governance of the City of Melville requires effective relationships for decisions to be made and outcomes successfully delivered for the benefit of the community. Conversely, poor working relationships can result in delays or failure to make effective decisions and can result in the erosion of public confidence in the Council and the City of Melville.

Effective relationships require:

- Role clarity;
- Understanding of and respect for individual roles;
- Inclusivity and encouragement for all views to be expressed and respected; and
- Open and respectful communication.

5.2.2 Relationships between Mayor and Councillors

As leader of the Council, the Mayor must encourage and facilitate all Councillors to express views, ensure Councillors are respectful in their dealings with and about each other and facilitate open communication between all Councillors.


The Mayor is the first point of contact in the event of there being disputes between Councillors and provides assistance to Councillors in relation to their roles and responsibilities. This advisory and support role is an important aspect of the Mayor's functions as it is a critical aspect of the efficacy of the Council and good governance of the City of Melville.

The Councillors must show respect for the Mayor's role (both in Council and the community).

5.2.3 Relationship between Mayor and CEO

The Mayor and CEO must communicate openly, honestly, and frankly about all matters concerning the City of Melville.

It is critical that they keep each other informed about all important issues or information about which they should each know to properly do their job and avoid "surprises" at events. To achieve this, the Mayor and CEO should liaise and meet regularly and consistently (subject to the need to ensure a clear separation of powers as to their respective roles).



Role clarity is also critical to the effective relationship between the Mayor and the CEO. In particular, understanding is required by each of them as to:

- The Mayor has status and leadership capacity but no direct authority in their own right;
- The CEO has direct authority under the Local Government Act; and
- Whilst under the Local Government Act, the Mayor has the authority to speak on behalf of the City of Melville, on occasion it is more appropriate for the CEO to do so, with the agreement of the Mayor.

5.2.4 Relationships amongst Councillors

The Local Government Act and the Code of Conduct Elected Members, Committee Members and Candidates set out matters relating to the relationship of Councillors, and community standards also set expectations for the conduct of Councillors.

Elected Members are members of a team and therefore to deliver successful outcomes to and for the benefit of the community through respectful collaboration and compromise. Elected Members should promote constructive working relationships by:

- Communicating directly and openly with each other;
- Treating each other with respect, courtesy and fairness;
- Resolving disputes or conflict respectfully;
- Recognising that the manner of their behaviour can either generate or erode their credibility and community trust in them and the Council as a whole;
- Not airing grievances publicly, in a personal attack or in a way that undermines another Councillor;
- Fostering goodwill amongst each other;
- Recognising that Councillors may advocate for matters of concern or interest to them or their constituents;
- Not using offensive or derogatory language when referring to another person;
- Not disparaging the character of another Elected Member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- An Elected Member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

5.2.5 Relationships between CEO and Elected Members

There must be a clear understanding between the CEO and Elected Members as to their respective roles for them to have good working relationships. Councillors must understand the CEO's legislative and delegated authority and its role in implementing the City of Melville's goals and strategies as well as supporting and advising the Council. In addition, open and frank communication, and clear structures and protocols, are critical.

5.2.6 Relationships between Elected Members and employees

Employees are employed by, and accountable to, the CEO (not the Council or any individual Councillors). Elected Members must not give direction to employees.

For there to be good working relationships between Elected Members and employees, there should be:

- Structures and protocols for appropriate communication and information exchange (in particular, advice should be sought from the CEO and senior staff rather than from employees directly);
- Clear understanding of the roles that they each perform; and
- Clear understanding of the legislative and regulatory requirements, policies and procedures that each person is required to comply with.

Elected Members should not seek to foster special relationships with employees for the purpose of seeking information that may not otherwise be available to Councillors, attempt to influence an employee or act in a threatening or abusive manner towards an employee. This includes unauthorised access to the City's administration areas.

5.3 Council's Delegation of its Decision-Making Authority

5.3.1 Delegation to CEO

Section 5.42 of the Local Government Act enables the Council to delegate its capacity to exercise any of its powers or duties to the CEO, except for those listed in section 5.43:

- Any power or duty that requires a decision of an absolute majority of Council;
- Accepting a tender which exceeds an amount determined by the City of Melville;
- Appointing an auditor;
- Acquiring or purchasing any property valued at or above the limit determined by the City of Melville;
- Determining fees, allowances and expenses of Elected Members and committee members;
- Borrowing money on behalf of the City;
- Hearing or determining an objection of a kind referred to in section 9.5 of the Local Government Act;
- The power to authorise a person to sign documents on behalf of the City of Melville;
- Any power or duty that requires the approval of the Minister or Governor; and
- Such other powers or duties as may be prescribed.

Where the Council delegates authority to the CEO, it must do so in writing and by absolute majority. The Council may revoke or amend a delegation, also by absolute majority resolution. The CEO must keep records of each time they exercise a delegation.

Authority can also be delegated to the CEO under other legislative instruments such as the *Public Health Act 2016 (WA)*.

These delegations enable the CEO to undertake functions within the authority of any given delegation, without needing to first obtain a Council resolution. This process facilitates good governance as it ensures efficiency and enables the Council to focus on policy development, representation, strategic planning, and community leadership.

5.3.2 Delegation to Employees

The Council or the CEO can delegate authority to employees to perform particular functions of the Council. This delegation of authority provides employees with the power to exercise duties and make determinations (in accordance with the scope of the relevant authority).

The CEO's delegation to an employee must be in writing, each employee must keep records of each time they exercise a delegation, and the delegations are to be reviewed on an annual basis.

This process facilitates good governance as it ensures efficiency and enables the CEO to focus on organisational management and working with the Council.

5.3.3 Delegation to Committees

Section 5.16 of the Local Government Act provides that the Council may delegate authority to committees and if so, will clearly set out the conditions of such authority and review those delegations annually.

The Council's committees do not presently have delegated authority.

5.3.4 Delegated Authority Registers

Section 5.46 of the Local Government Act requires that the City of Melville keep a register of all CEO delegations and a register of all other delegations to Committees and employees, which are published on its website.

The registers are reviewed and updated at least once every financial year in accordance with the Local Government Act.

The City of Melville reviews its Delegations of Authority on an annual basis and the City of [Melville Statutory Delegation and Authorisation Manual](#) is available on the City's website.

5.3.5 Authorised Persons

Section 9.10 of the Local Government Act, the CEO can appoint a person or class of persons to perform particular functions under legislation or local laws.

An appointment is made in writing by the CEO or is otherwise detailed in legislation. An authorised person must have a certificate confirming their appointment or some other form of identification to confirm that and to demonstrate their ability to perform that function.

Authorised persons are not necessarily persons with delegated authority.

Information on Authorised Persons is included in the [Melville Statutory Delegation and Authorisation Manual](#) available on the City's website.

5.4 Community and stakeholder engagement

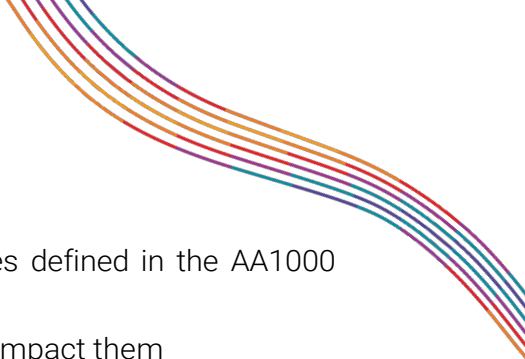
5.4.1 Consultation

Community consultation is used to ascertain the needs and wishes of the community and other stakeholders as they relate to a certain project or development. The public may be consulted through surveys, workshops, community forums and other processes. The City of Melville administration consults the community in this manner as directed by the Council and collates information to report back to the Council.

In some instances, the City of Melville is required by the Local Government Act or Regulations to either give public notice of its intention to take a certain course of action or provide a period of public consultation prior to taking that course of action.

The City of Melville is committed to the International Association of Public Participation (IAP2) Core Values of Public Participation and utilizes these principles during stakeholder and community engagement activities:

- Recognising that those who are affected by a decision have a right to be involved in the decision-making process.
- Acknowledging how the public's contribution influences the decision.
- Recognising and communicating the needs and interests of all participants, including decision makers.
- Seeking out and facilitating the involvement of those potentially affected by or interested in a decision.
- Seeking input from participants in designing how they participate
- Providing participants with the information they need to participate in a meaningful way
- Communicating to participants how their input affected the decision.



The City of Melville also commits to the Accountability Principles defined in the AA1000 Stakeholder Engagement Standard 2015:

- Inclusivity – people should have a say in the decisions that impact them
- Materiality – decision makers should identify and be clear about the issues that matter. A material issue is an issue that will influence the decisions, actions and performance of an organisation or its stakeholders.
- Responsiveness – organisation should act transparently on material issues.

Consultation processes are critical to good governance – they enable the City of Melville to gain an understanding of the multi-faceted community it represents and leads, and therefore ensure that its decisions reflect the expectations of the community.

5.4.2 Notices and advertising

Section 1.7 of the Local Government Act – Local Public Notice
Section 1.8 of the Local Government Act – Statewide Public Notice

In many instances, the City of Melville is required by the *Local Government Act* to provide notice of its intention to take a particular course of action or decision. In other instances, the City of Melville will advertise certain proposed courses of action or decisions to provide the community with an opportunity to comment or object.

Notices are available in not less than three of the following locations:

- on the City of Melville website;
- on the City of Melville Facebook page;
- in the local newspapers;
- on the notice boards outside the Council Administration Building (10 Almondbury Road, Booragoon) and at City of Melville Libraries; and
- in the case of state-wide notices, in the West Australian newspaper.

5.4.3 Public Participation at Council Meetings

5.4.3.1 Public Question Time

Section 5.24 *Local Government Act – Question time for public*

Regulation 5 *Local Government (Administration) Regulations 1996 – Question time for public, meetings that require prescribed.*

Regulation 6 *Local Government (Administration) Regulations 1996 – Question time for public, minimum time for.*

Regulation 7 *Local Government (Administration) Regulations 1996 – Question time for public procedure.*

Clause 6.3 *City of Melville Local Government (Meeting Procedures) Local Law 2022 – Question time for the public.*

Clause 6.4 *City of Melville Local Government (Meeting Procedures) Local Law 2022 – Duration of question time for the public.*

Clause 6.5 *City of Melville Local Government (Meeting Procedures) Local Law 2022 – General Procedures for question time for the public.*

Members of the public present at Ordinary Council Meetings, Special Meetings are welcome to participate in Public Question Time, which is held at the start of proceedings.

Questions can be submitted in writing prior to the meeting, using the Public Question Time submission form available on the City of Melville’s website, or alternatively, a hard copy form can be completed at the meeting. Where possible, responses will be provided at the meeting.

Public questions at Special Meetings of Council can only relate to the matter/s on the agenda for that meeting.

5.4.3.2 Deputations

Clause 6.12 *City of Melville Local Government (Meeting Procedures) Local Law 2022 – Deputations.*

The Council welcomes deputations on Reports being presented to the Council. Deputations are made at the Agenda Briefing Forum, held one week prior to the Council meeting, unless the matter is a late report. Requests to make a Deputation are made by completing the form available on the City of Melville’s website and provide that to the CEO by no later than 12noon the day before the Agenda Briefing Forum.

Council Policy [CP-108 Deputations to the Council](#) provides information and guidance on making a deputation to a meeting of the Council.

5.4.3.3 Written Submissions

Clause 6.13 *City of Melville Local Government (Meeting Procedures) Local Law 2022* – Written submissions.

Members of the community are able to make a written submission instead of making a deputation on a matter that is before the Council for decision. A written submission is document up to four pages in length, including attachments and is circulated to Elected Members for reading and consideration prior to the relevant Agenda Briefing Forum. A written submission will be included as an attachment to the minutes of the Meeting as it is considered a public record.

5.4.3.4 Petitions

Clause 6.11 *City of Melville Local Government (Meeting Procedures) Local Law 2022* – Petitions.

Members of the community can submit petitions to the Council on any matter that concerns local government. The Council will receive the petitions at a formal meeting of Council and, in accordance with the *City of Melville Local Government (Meeting Procedures) Local Law 2022*, it shall acknowledge the petition and do one of the following:

- (a) give due consideration to the petition when deliberating on the relevant matter listed on the same agenda; or
- (b) refer it to a committee for consideration and report; or
- (c) direct that a report on the matters raised be prepared by a date determined by Council; or
- (d) take no further action.

5.5 Leave of absence by Councillors

Section 2.25 Local Government Act – Disqualification for failure to attend meetings

It is a critical aspect of both good governance and the success of a Councillor in their role that Elected Members attend and participate in decision-making processes. For this reason, there are stringent rules in place regarding the absence of an Elected Member.

An Elected Member who is going to be absent from a meeting must submit an apology.

Where an Elected Member requires an extended leave of absence, they should apply to the Council to grant leave of absence for that extended period. A leave of absence should not be granted in respect of more than six consecutive Ordinary Meetings, unless all such meetings fall within a three month period.

An Elected Member who is absent, without first obtaining leave of the Council, throughout three consecutive ordinary meetings at the Council is disqualified unless all the meetings are within a two month period.

5.6 General Meeting of Electors

Section 5.27 *Local Government Act 1995* – Electors' general meetings

Section 5.33 *Local Government Act 1995* – Decisions made at electors' meetings

Regulation 15 *Local Government (Administration) Regulations 1996* – Matters to be discussed at general meeting

A general meeting of the electors of the City of Melville is to be held once every financial year. The Annual Electors Meeting date is set when the Annual Report is adopted by the Council. The Annual Electors Meeting agenda includes:

- Presentation of Annual Report for the previous financial year; and
- General business.

Questions or motions from Electors are invited and can be presented at the meeting. All decisions made at an electors' meeting are to be considered at the next Ordinary Council Meeting.

6 STANDARDS OF BEHAVIOUR

For the community to have confidence in the City of Melville each Elected Member and employee must behave with the highest standards of personal integrity and honesty. These principles underpin good governance of the City of Melville because of the potential for a community's perception of the organisation as a whole to be determined, positively or negatively, by the conduct of an individual or subset.

Codes of Conduct have been established by the City of Melville in the forms required by the Local Government Act to ensure that Elected Members and employees understand and meet behavioural standards. These are reviewed regularly to ensure they conform with community expectations, organisational standards, and regulatory requirements.

This part of this Governance Framework sets out the ethical and behavioural standards expected of all Elected Members and employees of the City of Melville. In setting out these expectations, this document (along with relevant Codes of Conduct) promotes good governance by providing guidance to individuals when they are making personal decisions regarding ethical matters. This ensures that such decisions are made in accordance with the high standards of integrity and honesty as are expected of them.

6.1 Ethics standards for Elected Members and employees

6.1.1 Actual, potential and perceived conflicts of interest

A conflict of interest is where an Elected Member or employee has interests outside of their role that could improperly influence, or be seen to influence, their decisions or actions in the performance of their public duties. A conflict of interest may be:


- Actual;
- Potential; or
- Perceived or apparent.

An *actual conflict* is one which does exist.

A *potential conflict* is one which may exist in the future.

A *perceived or apparent conflict* is one where, when viewed objectively and reasonably by an independent person such a member of the community, it appears that there is a conflict of interest (even if there is not).

It is essential for good governance that proper processes are in place to identify and consider conflicts of interest to ensure that all decisions are made and implemented fairly,



independently and in the best interests of the community. It is critical to the community's trust in the City of Melville that both Councillors and employees carefully consider in their dealings whether there is an actual, potential or perceived conflict of interest. It is also critical to that trust that they comply with their obligations under the Local Government Act and relevant Code of Conduct honestly and diligently.

The appearance of a conflict of interest can be as damaging to the community's trust in the City of Melville as an actual conflict. It is therefore particularly important for Councillors and employees to consider the risk of perceived or apparent conflicts of interest to both the public's confidence in the City of Melville as well as their individual reputation and integrity.

Councillors and employees should be mindful of conflicts of interest from relationships they form with, and when accepting gifts from, a person or company if they are (for example):

- Involved in a current or potential future tender process;
- A current or potential future grant applicant;
- Lobbying the Council in relation to any interests;
- An applicant or objector in relation to development proposal; or
- Likely to directly or indirectly benefit or be advantaged by a decision before the Council.

6.1.2 Disclosure of financial interests

Section 5.60 *Local Government Act 1995* – When a person has an interest

Section 5.60A *Local Government Act 1995* – Financial interest

Section 5.61 *Local Government Act 1995* – Indirect financial interests

Section 5.62 *Local Government Act 1995* – Closely associated persons

Section 5.63 *Local Government Act 1995* – Some interests need not be disclosed

Section 5.65 *Local Government Act 1995* – Members interests in matter to be discussed at meetings to be disclosed.

Section 5.66 *Local Government Act 1995* – Meeting to be information of disclosures

Elected Members should carefully consider, when reviewing an agenda, whether there are any financial interests that must be disclosed by them. Employees should also consider financial interests when given a task such as report writing or providing advice.

Elected Members, Committee Members and employees providing reports and advice or who have delegated authority have an obligation to disclose if they, or a person close to them, has a financial interest, whether direct or indirect, in a matter being discussed at Council.

A financial interest will arise in circumstances where it is reasonable to expect that there may be an actual or potential, direct or indirect, financial gain, loss, benefit or detriment to the Elected Member as a result of the decision of the Council or person with delegated authority.



A person “close to an Elected Member” includes:

- The Elected Member’s employer;
- A body corporate of which the Elected Member is a director, secretary or executive officer;
- The spouse, de facto partner or child of the Elected member who is living with them;
- A person who was a client or advisor of the Elected Member within the previous 12 months;
- a person who has given a gift to an Elected Member under prescribed circumstances.

A “direct financial interest” is one where there is a matter to be dealt with and it is reasonable to expect that if dealt with in a particular way, it will result in a financial gain, loss, benefit or detriment, to the person.


Whether or not there is a “reasonable expectation” must be determined objectively, with the question to be addressed at the time the matter is dealt with – mere speculation as to future events may not be a reasonable expectation unless it is probable that those future events will occur and therefore that the financial gain, loss, benefit or detriment will follow.

An “indirect financial interest” includes:

- A reference to a financial relationship between the Elected Member or employee, and another person who is affected by a local government decision in relation to a matter;
- A matter where the Elected Member or employee reasonably expects to have a financial gain, loss, benefit or detriment if the matter is dealt with in a particular way; and
- There is no need for a financial gain, loss, benefit or detriment to be established if there is a financial relationship between the Council Member or employee (or a person they are close with) and a person who will be affected by a local government decision.

A disclosure is required to be made at each point the matter will be dealt with. For example:

- If the matter is to be dealt with by a Committee with delegated authority, it needs to be disclosed at the Committee but not at the Council, as Council will not be dealing with the matter; or
- If the matter is the subject of Committee recommendations and Council decision making, it must be disclosed at both meetings; and
- Financial interests can exist for Elected Members and be disclosable even though the matter is being dealt with by employees under delegated authority;
- Under the Local Government Act, an employee must disclose a financial interest and the extent of that prior to giving an oral report or advice at a meeting but is not required to leave the meeting. Further, they are not required under the Act to disclose that interest if they are not providing that report or advice directly to the meeting; and
- An employee with delegated authority cannot exercise that power or discharge their duty in relation to any matter in which they have an interest and must notify the CEO of a financial interest so that the CEO or another employee can act.



An Elected Member must disclose a financial interest either in writing to the CEO prior to a meeting or at the commencement of a meeting, immediately before the matter is discussed (even if it was disclosed at the commencement of the meeting). The minutes must reflect that disclosure has been made.

The disclosure should be made with specificity as to the value of the financial interest - in its Operational Guidelines “Disclosure of Interests” document, the DLGSCI offers suggestions for how a disclosure should be made, such as the following examples:

“I have shares in the company making the application, the value of which may be affected as the value of shares I have is \$XX and that value may increase by XX% if the application is approved.”

“The application may affect the valuation of land I owned as the effect of the application being approved may be a XX% increase in the valuation of the land I own, which equates to \$XX.”

The Elected Member may request to be allowed to stay in the meeting and be involved in the decision-making process but must leave the room while other members determine that request.

Elected Members can determine to allow the person to stay in the room during discussions, and can also determine the extent of the involvement of the Elected Member in speaking and voting on the matter. If they decide the interest is trivial or insignificant to not influence the elected Member’s conduct in relation to the matter, or the interest is not unique to that Elected Member, the Elected Member may be allowed to return to the meeting (and the Elected Members can decide whether or not they can speak and/or vote).

An application can also be made to the Minister for a decision as to an Elected Member’s involvement in a matter once an interest has been declared.

The Local Government Act allows for prosecution of offences against these requirements of financial disclosure and imposes severe penalties for breaches, including a maximum penalty of \$10,000 or two years imprisonment. In addition, an Elected Member may be disqualified from holding office if convicted of a local government offence.

The DLGSCI has published an Operational Guidelines document “Disclosure of Interests” which should be reviewed by Elected Members and employees.

6.1.3 Disclosure of proximity interests

Section 5.60B *Local Government Act 1995* – Proximity interest

Elected Members and Committee Members have an obligation to disclose interests around Council matters that are near that person's land. An Elected Member must declare a proximity interest prior to the relevant agenda item being discussed and must not preside or participate in discussion on the matter unless allowed by the Council, Committee or the Minister (which may be permitted only in certain circumstances).

The Local Government Act provides that a person has a proximity interest in a matter if it concerns:

- A proposed change to a planning scheme affecting land that adjoins the person's land;
- A proposed change to zoning or use of land that adjoins a person's land;
- A proposed development of land (as defined by section 5.63(5) of the Local Government Act as being the development, maintenance or management of the land or of services or facilities on the land) that adjoins that person's lands.

Land (the proposed land) adjoins a person's land if:

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

The Local Government Act allows for prosecution of offences against these requirements of proximity disclosure and imposes severe penalties for breaches, including a maximum penalty of \$10,000 or two years imprisonment²⁸. In addition, an Elected Member may be disqualified from holding office if convicted of a local government offence.

The DLGSC has published an Operational Guidelines document "[Disclosure of Interests](#)" which should be reviewed by Elected Members and employees.

6.1.4 Disclosure of impartiality interests

Regulation 22 *Local Government (Model Code of Conduct) Regulations 2021 – Disclosure of Interest*

Clause 22 *City of Melville Code of Conduct for Elected Members, Committee Members and Candidates*

An impartiality interest is one which could, or could reasonably be perceived to, adversely affect the impartiality of a person having the interest. This includes an interest arising from kinship, friendship, being a member of a sporting, social or cultural association, volunteer activities, other work or engagement with the community, or otherwise.

Perceived impartiality is just as important as actual impartiality - when considering whether an interest should be disclosed, Elected Members and employees must carefully consider whether another person, acting reasonably, would believe there was an impartiality interest (even if there was not actually one). Two questions should be answered when considering this:

- If you were to participate in assessment or decision making without disclosing, would you be comfortable if the public or your colleagues became aware of your association or connection with an individual or organisation?
- Do you think there would be a later criticism of perceived undisclosed partiality if you were not to disclose?


Perceived impartiality often arises from associations with people or organisations and a disclosure will be warranted if the relevant matter involves:

- A person's spouse, de facto spouse, sibling, parents, spouse's parents, children, employer or business partner; or
- A person has an affiliation with a group or association the subject of the relevant matter,

and a disclosure may be warranted if the relevant matter involves:

- A friend or adversary, depending on the circumstances and nature of the particular relationship and the Council member or employee's answers to the two questions stated above.

Disclosure is warranted on any matters which require applications for approval, consent or a licence (eg. development applications, extensions or construction of facilities, requests for financial assistance, tenders, staff recruitment etc).



An Elected Member must disclose an impartiality interest immediately before the matter is discussed at a Council meeting, or by written notice to the CEO prior to the meeting. In its Operational Guidelines document "[Disclosure of Interests Affecting Impartiality](#)", the DLGSCI suggests the disclosure should be made as follows:

"With regard to the matter in item XX, I disclose that I have an association with XXX. This association is ... (nature of the interest). As a consequence, there may be a perception that my impartiality on the matter may be affected, I declare that I will consider this matter on its merits and vote accordingly."

The impartiality disclosure must be noted in the minutes of the relevant meeting. The disclosure of an impartiality interest does not affect the right of the Elected Member to discuss or vote on a matter and the person can remain involved in the Council debate. However, the disclosure allows the Council to better manage the risk of any bias that could be perceived as a result of the interest than if no disclosure was made.

Employees must disclose an impartiality interest when providing advice or reports to be discussed at a Council or Committee meeting. Employees should do so prior to undertaking any work on the relevant matter by either notice to the CEO in the event of written work, or at the commencement of a meeting if discussions are to be held regarding the matter³⁴. It may also be disclosed in writing in the body of the report. In its Operational Guidelines document "Disclosure of Interests Affecting Impartiality", the DLGSCI suggests the disclosure should be made as follows:

"With regard to the matter in item XX, I disclose that I have an association with XXX. This association is ... (nature of the interest). As a consequence, there may be a perception that my impartiality on the matter may be affected, I declare that I will consider this matter on its merits and provide advice accordingly."

Failure by an Elected Member to disclose an impartiality interest is a minor breach which will be referred to the Local Government Standards Panel for determination. Failure by an employee to disclose will be a breach of the Employee's Code of Conduct and dealt with by the CEO.

The DLGSC has published an Operational Guidelines document "Disclosure of Interests Affecting Impartiality" which should be reviewed by Elected Members and employees.

6.1.5 Managing conflicts of interest

Regulation *19AD Local Government (Administration) Regulations 1996 – Conflicts of interest*

It is critical to the good governance of the City of Melville that Elected Members disclose an interest of any kind referred to above in order for the City of Melville to manage any risk to its impartiality or reputation that may result.

The Council may manage a conflict of interest by employing the “6R” strategies of:

- Recording the interest in a register;
- Restricting the relevant Elected Member from involvement in the matter in which he or she has an interest (for example, restricting that person participating in debate and accessing information about the issue);
- Recruiting independent third parties to assist, oversee or review the integrity of the Council’s decision-making process in relation to an issue;
- Removing that conflicted person from any involvement in the matter whatsoever; and/or
- Relinquishing the personal or private interests to remove the interest – such as relinquishing membership of an association.

Decisions made by the Council in relation to how an interest is managed (for example, whether an Elected Member is able to participate, vote, remain present for discussions) should be reflected in the minutes of that meeting.

6.1.6 Related party disclosures

In accordance with Council Policy [CP-104 Related Party Disclosure Policy](#), Elected Members and identified employees need to complete a Related Party Disclosure Declaration form every six months (at the end of each financial and calendar year), setting out related party relationships (where a person or entity has significant influence over the City of Melville, or the relevant Elected Member or employee).

This enables the City of Melville to assess all transactions made with those persons or entities (including fines, rates payments, application fees, disposal of property and contracts for consultancy, goods or services) to ensure that there were made on an “arm’s length” basis.

6.1.7 Primary Returns and Annual Returns

Section 5.75 *Local Government Act 1995 – Primary returns*

Section 5.76 *Local Government Act 1995 – Annual Returns*

To assist in identifying actual or potential conflicts of interest, the *Local Government Act* requires Elected Members and certain employees to complete a Primary Return within three months of commencing office or employment. The Primary Return is a summary of a person's financial interests and other relevant personal information at that time it is submitted. It includes:

- Any interest in any real property in the City of Melville;
- Sources of income for the relevant financial year;
- Beneficial interests in any trust;
- Corporate interests;
- Certain debts; and
- Disposition of real property.

By no later than 31 August each year, Elected Members and certain employees (including those designated as a senior employee and those with delegated authority) must complete an Annual Return to disclose any changes to information submitted in the Primary Return or last Annual Return, including the disclosure of any new interests. The CEO will give written notice to each person to acknowledge having received the return.

Elected Members and employees should keep records throughout the year so that when the annual return is prepared and lodged by the deadline, no interests disclosed during a meeting or other matters are missed from the annual return.

The CEO will keep a register of financial interests contained in the returns and will remove any details from that register once a person ceases to be required to lodge a return (eg. ceases to hold a delegation or ceases to be an Elected Member or employee) but will retain such records for at least five years.

6.1.8 Gifts to Elected Members and employees

Section 5.87A *Local Government Act 1995 – Council members to disclose gifts*

Section 5.87B *Local Government Act 1995 – CEO to disclose gifts*

Section 5.62(1B)(b) *Local Government Act 1995 – Closely associated persons*

Regulation 19AB *Local Government (Administration) Regulations 1996 – Prohibited gifts*

Regulation 19AC *Local Government (Administration) Regulations 1996 – Recording, storing, disclosure and use of information relating to gifts*

Regulation 20B *Local Government (Administration) Regulations 1996 – Excluded gifts prescribed*

A gift is a conferral of a financial benefit (including the transfer of property) made by one person in favour of another, unless adequate monetary (or equivalent) consideration is provided.

Acceptance of a gift that is connected with a person's role as an Elected Member or employee may create a real or apparent conflict of interest, and could be seen as a bribe.

Elected Members and the CEO are required to disclose gifts, received in their official capacity, valued over \$300 or are two or more gifts with a cumulative value over \$300 where the gifts are received from the same donor in a 12-month period.

Employees are required to disclose gifts valued at less than \$300 or where two or more gifts with a cumulative value of less than \$300. An employee is not to accept a gift that is valued at more than \$300.

The City of Melville maintains gift registers in accordance with the Local Government Act and associated Regulations, which are available online or at the Civic Centre.

6.1.8.1 Attendance at Events

Section 5.90A *Local Government Act 1995 – Policy for attendance at events*

Certain gifts received by Elected Members and CEOs are specifically excluded from the conflict of interest provisions (section 5.62(1B)), including a gift that is received in accordance with an Attendance at Events policy. The Council has adopted [CP-113 Attendance at Events](#), to provide guidance for appropriate disclosures and management of invitations to events or functions or other hospitality occasions where Elected Members and the CEO represent the City.

6.1.9 Electoral gift register

In accordance with Regulation 30G of *Local Government (Elections) Regulations 1997*, the City of Melville maintains an Electoral Gifts Register and must publish that on its website.

Both candidates and donors must disclose information about any election-related gift with a value of \$300 or more that was given or promised within the six-month period prior to the election day.

Electoral gifts need to be disclosed either:

- Within 3 days of nomination if the gift is received, made or promised prior to the candidates' nomination, or
- Within 3 days of the gift being received, made or promised once the candidate has been nominated.

Electoral gift donors are closely associated persons under the *Local Government Act*. Prior to accepting any electoral gifts, candidates should consider how the acceptance may affect their ability to participate in future decision-making processes.

The CEO arrange for the removal from the register any gifts disclosed by a candidate who was not successful in being elected to the Council but retain those records for at least two years following the election.

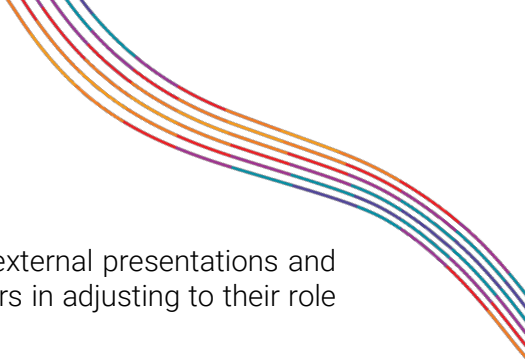
6.1.10 Training of Elected Members

Section 5.126 *Local Government Act 1995 – Training for council members*

Candidates are required to complete a compulsory online induction program, hosted by the DLGSI, prior to nominating as candidate for election to Council. This program provides candidates with a clearer understanding of the role of an Elected Member within a local government.

The *Local Government Act* provides that Elected Members must undertake a further, mandatory training course within 12 months from their election to Council. Again, this course provides further education to Councillors about their role in Council and the associated responsibilities. This mandatory training includes five modules:

1. Understanding Local Government
2. Conflicts of Interest
3. Serving on Council
4. Meeting Procedures
5. Understanding Financial Reports and Budget,



In addition to this, the City will provide a program of in-house and external presentations and workshop style learning opportunities to assist new Elected Members in adjusting to their role in local government.

External professional development opportunities will also be offered to supplement and support the mandatory training requirements along with the opportunity to gain formal qualifications related to the local government environment.

Ongoing Professional Develop

Section 5.128 *Local Government Act 1995 - Policy for continuing professional development.*

The Council must develop and pass by absolute majority a policy in relation to continuing professional development of Elected Members – [CP-092 Elected Members Professional Development](#). This must be published on the City of Melville’s website along with a report on the training completed by the Councillors in the relevant financial year.

6.1.11 Confidentiality

Regulation 21 *Local Government (Model Code of Conduct) Regulations 2021 – Disclosure of information.*

Clause 21 *City of Melville Code of Conduct for Elected Members, Committee Members and Candidates – Disclosure of Information.*

Clause 5.1 *City of Melville Code of Conduct Employees – Use of Confidential Information*

Clause 6.2 *City of Melville Code of Conduct Employees – Security of Information*

Elected Members and employees commonly have access to or use confidential or sensitive material in the course of fulfilling their respective roles.

The City of Melville considers the preservation of such confidential material to be critical and Elected Members and employees are subject to the provisions of relevant Codes of Conduct that address the use of such confidential material. This includes a prohibition against Elected Members and employees using confidential material:

- To gain improper advantage for themselves or another person or entity in a way which is inconsistent with their obligation to act impartially in the public’s interest; or
- To improperly cause harm, detriment or impairment to any person, body, the Council or the City of Melville.

6.2 Behavioural Standards for Elected Members

Elected Members are required to comply with the Local Government Act, relevant Regulations and the Elected Members, Committee Members and Candidates Code of Conduct (as well as all other written laws).

6.2.1 Elected Members, Committee Members and Candidates Code of Conduct

The City of Melville is required under section 5.104 of the Local Government Act to adopt a code of conduct for Elected Members from the Local Government (Model Code of Conduct) Regulations 2021. This Code of Conduct is to apply to Elected Members, Committee Members and Candidates. The City of Melville will also extend this to apply to members of Working Groups.

As is set out in the relevant Regulations, the Elected Members Code of Conduct includes the following requirements (amongst other matters):

A duty for Elected Members, Committee Members and Candidates to:

- (a) act with reasonable care and diligence;
- (b) act with honesty and integrity;
- (c) act lawfully;
- (d) identify and appropriately manage any conflict of interest;
- (e) avoid damage to the reputation of the local government.

A further duty for Elected Members and Committee Members to:

- (a) act in accordance with the trust placed in them; and
- (b) participate in decision making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

and to be accountable by:

- (a) basing decisions on relevant and factually correct information;
- (b) making decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) reading all agenda papers given to them in relation to council or committee meetings; and
- (d) being open and accountable to, and represent, the community in the district,

A current version of the [Code of Conduct for Elected Members, Committee Members and Candidates](#) is published on the City of Melville's website.

6.3 Complaints and Breaches by an Elected Member

6.3.1 Breach of the Elected Member Code of Conduct

Section 5.104 *Local Government Act 1995 – Adoption of model code of conduct*

The Council adopted the [Code of Conduct for Elected Members, Committee Members and Candidates](#) in May 2021. This Code outlines the expected behaviours and legislative responsibilities for appointed and prospective Elected Members.

Elected Members are required to abide by the Rules of Behaviour (Division 3) and Rules of Conduct (Division 4) outlined in the Code of Conduct

Behavioral Breaches

A person may make a complaint alleging a breach of a requirement set out in Division 3 of the Elected Member's Code of Conduct (which sets out behavioural requirements for Elected Members). A complaint must be made in writing, on the approved form, to the authorised person within one month after the occurrence of the alleged breach.

[Council Policy CP-118 Code of Conduct Policy](#) sets out the process of handling a complaint alleging a breach of Division 3 of the Elected Members Code of Conduct and includes the option for Alternative Dispute Resolution.

There are two authorised Conduct Complaints Officers for the City of Melville who are responsible for receiving Conduct Complaints and the administration of them, in accordance with policy, through to the Conduct Committee.

The Conduct Committee is established by resolution of the Council along with its terms of reference. The Conduct Committee does not have delegated authority and the Committee refers its recommendations to the Council for final determination.

A complainant may withdraw the complaint in writing at any time.

Details of complaints are confidential.

6.3.2 Breach of Rules of Conduct (minor breach)

Section 5.105 *Local Government Act 1995 – Breaches by council members*

Section 5.121 *Local Government Act 1995 – Register for certain complaints of minor breaches*

Section 5.122 *Local Government Act 1995 – Standard panels*

If an Elected Member breaches Division 4 of the Elected Members Code of Conduct, which sets out the Rules of Conduct, it will be considered a minor breach and be referred to the Local Government Standards Panel (“Panel”).

The Panel is a body established under the *Local Government Act*, whose function is to objectively and impartially determine allegations of a minor breach.

A person must make a complaint within six months of the alleged breach occurring and must follow the process outlined in Part 5 Division 9 of the Local Government Act. Once a complaint is received, a report is prepared for the Panel to consider and make a determination based on the information available to it (it cannot investigate the complaint).

The Panel has the ability to make binding decision about whether or not the breach was committed, and whether to issue sanctions against the Elected Member.

Sanction options include:

- Public censure;
- Public apology;
- Participating in training; and
- Requiring the Council member to pay the Council’s legal costs incurred in relation to the complaint.

All minor breach complaints are confidential. Details of a minor breach allegation are only released if the Panel determines a breach has occurred and releases their findings and decision.

The City of Melville is required to maintain a Register of Complaints (Minor Breaches) which provides details of breaches where the Local Government Standards Panel has found that a breach has occurred, and the actions taken.

6.3.3 Breach of Local Government Act (serious breach)

Section 5.114 *Local Government Act 1995 – Making complaint of serious breach*

Section 5.11 *Local Government Act 1995 – Complaints officer to send complaint of serious breach to Departmental CEO*

If an Elected Member, while acting in their capacity as an Elected Member commits a breach of a written law it is considered a serious breach. This includes (without limitation) when an Elected Member:

- Fails to declare an interest;
- Fails to submit an annual return;
- Fails to declare a gift;
- Fails to vote; or
- Breaches confidentiality regarding a complaint.

A complaint can be made by a person to the CEO of the DLGSCI (Department CEO) within two years of the alleged breach taking place (unless it is a financial based complaint in which case there is no deadline).

The Department CEO or person authorised by the Department CEO will investigate the complaint and if it is found that the breach has been committed, sanctions under the *Local Government Act* apply (e.g. suspension, penalties of up to \$10,000 fine or two years imprisonment).

Complaints of serious misconduct such as corruption by an Elected Member are to be made to the Corruption and Crime Commission.

6.4 Behavioural Standards for Employees

Section 5.51A *Local Government Act 1995 – Code of conduct for employees*

Part 4A *Local Government (Administration) Regulations 1996 – Codes of conduct for local government employees*

6.4.1 Employees' Code of Conduct

The Employees' Code of Conduct sets the standard for all the City's employees for behaviour and conduct and as is required by the Local Government Act, addresses matters prescribed in *Part 4A of the Local Government (Administration) Regulations 2021*. This includes the following (amongst other matters):

- Behavioural standards including honesty and integrity requirements;
- Performance standards including appropriate communications and compliance with directions;
- Receiving gifts and keeping of records in relation to such gifts;
- Conflicts of interest;
- Use and disclosure of information;
- Record keeping requirements; and
- Use of resources and finances.

The Employee's Code of Conduct is reviewed regularly to ensure it meets community expectations, organisational standard and regulatory requirements. The current version of the [Employee's Code of Conduct](#) must be published on the City of Melville's website.

6.4.2 Policies and procedures

The City of Melville develops a wide range of policies and procedures for staff to follow in the course of their employment.

6.4.3 Breach of Code of Conduct

The Employees' Code of Conduct sets out a process for reporting a breach of the Code of Conduct. This involves first discussing a suspected breach with the CEO or the Executive Manager of People and Culture to determine the appropriate reporting mechanism.

The complaint must be made in writing with the prescribed information and it will then be investigated by the CEO or a person with authority delegated to them by the CEO (or the Mayor, if the complaint is about the CEO). The investigation process requires both the complainant and employee alleged to have breached the Code being interviewed, as well as anyone else who may be able to assist, and records must be kept of the investigation.

The CEO can determine that there has been no breach or alternatively, refer to the matter to an external independent advisor for determination. If the matter is one of misconduct, the CEO must notify the appropriate authority (Corruption and Crime Commission in the event of serious misconduct or the Public Sector Commission in the case of minor misconduct).

7 PERFORMANCE MANAGEMENT AND ACCOUNTABILITY

The Local Government Act requires the City of Melville to comply with a number of requirements regarding reporting, financial management, strategic planning and audit processes. Compliance with the *Local Government Act* and further, the adoption of best practices in long term planning and financial management enables the City of Melville to achieve good financial governance. It facilitates accountability and transparency, ensures Elected Members are well-informed and aids effective and efficient decision-making against established short, medium and long term objectives.

This part set outs the processes undertaken by the City of Melville to optimise its planning, management and review strategies.

7.1 Performance management

7.1.1 Quarterly reports

Each quarter, the CEO and administration team prepare detailed reports and provide financial records for review by the Financial Management Audit, Risk and Compliance Committee. This process ensures comprehensive information is provided to the Council by the administration and allows accountability and transparency in relation to these matters.

Commencing in 2024, quarterly reports will be prepared for the Governance Committee on organisational performance and will include reports against the CEO Key Performance Indicators and legislative compliance.

7.1.2 Annual report

The City of Melville produces an annual report for each financial year as a statutory requirement.

The report reflects the major activities undertaken in the preceding year. As well as providing an overview of the City of Melville's operational and financial activities, the annual report also includes an Independent Auditor report.

7.1.3 Performance review of employees

Section 5.38 *Local Government Act 1995 – Annual review of employee’s performance*

The City of Melville is committed to continuous improvement and provides annual staff performance and development reviews to ensure that all staff understand their roles, the expectations around their performance and behaviour, are given objective feedback and have an opportunity to develop and access support.

The Personal Development Plan (PDP) is designed to support conversations on:

- What is going well;
- What can be improved;
- How skills knowledge and experience can continue to be developed and strengthened; and
- An opportunity to raise anything else either party wants/needs to discuss.

The People and Culture team, provides support to equip managers and supervisors who undertake performance management meetings so that these meetings are effective, fair, and consistent.

7.2 Audit processes

7.2.1 Internal audit

Section 7.1A of the Local Government Act requires the City of Melville to establish an audit committee, which is known as the Financial Management, Audit, Risk and Compliance Committee. See further information about this committee below under the heading “Financial Management, Audit, Risk and Compliance Committee”.

The City of Melville is committed to continuous improvement of its internal audit mechanisms and recognises the importance of independent and objective review processes to ensure that best practices and accountability mechanisms are developed and implemented across the organisation.

The CEO is to undertake a review of the appropriateness and effectiveness of the financial management system and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

7.2.2 External audit

The Office of the Auditor General appoints an auditor to conduct an annual audit of financial statements and prepare an audit report for the Council.

Part 7 of the Local Government Act and the *Local Government (Audit) Regulations 1996* require the City of Melville to:

- Do everything in its power to assist the auditor to conduct an audit and carry out other duties under the Act;
- Ensure that audits are conducted successfully and expeditiously;
- Meet with its auditor at least once a year;
- Examine the report of the auditor and determine if any matters raised require action, and therefore ensure such action is taken;
- Prepare a report of any actions taken based on the auditor's report and forward a copy of that report to the Minister within the prescribed timeframe.

The City of Melville must submit to its auditor the balanced accounts and annual financial report by no later than 30 September each year.

7.2.3 Annual Compliance Audit Return

It is a requirement under the Local Government Act and Regulation 14 of the *Local Government (Audit) Regulations 1996* that the City of Melville conducts an annual audit of compliance with the relevant statutory requirements in areas including local laws, tenders, meeting processes, disclosures and financial management.

A Compliance Audit Return is prepared and presented to the Financial Management Audit Risk and Compliance Committee for consideration and recommendation to the Council for adoption.

Once adopted by the Council the response to is submitted to the DLGSC. The annual Compliance Audit Return is submitted by the end of March each year.

7.3 Financial Management, Audit, Risk and Compliance Committee

7.3.1 Composition and Roles

Section 7.1A of the Local Government Act requires that a local government establishes an audit committee. The role of the audit committee is to oversee and advise the Council on matters of financial reporting, internal control structure, risk management systems, ethical accountability, and internal and external audit functions.

An absolute majority resolution of Council is required to establish the committee.

The City has established the Financial Management, Audit, Risk and Compliance Committee. This Committee does not have delegated authority and makes recommendations to the Council for final determination.


The Committee is comprised of seven Elected Members and one independent member. To ensure independence and meet good governance practices of transparency and accountability, the CEO and other administration staff are not members of the committee but may report to the committee.

The Objectives of the Financial Management, Audit, Risk and Compliance Committee are to provide guidance and assistance to the Council as to matters under Part 7 – Audit - of the *Local Government Act 1995* including:

- The composition, delegation and decision of an audit committee
- The appointment of auditors
- The conduct of an audit
- The duties of local Government with respect to audits

The auditor may make recommendations regarding matters such as:

- Assessment of accounting procedures;
- Assessment of internal controls;
- Assessment of risk;
- Compliance with the Local Government Act and Regulations;
- Performance assessments as to the efficiency and effectiveness of operations;
- Internal audit processes;
- Outcomes of the external audit prior to issue of management and audit reports; and
- Changes to accounting standards and legislation and impact of that on the City of Melville.



Where matters of significance are identified by the City of Melville’s auditor, the City of Melville must take appropriate action and must prepare a report outlining the action it intends to take and must provide a copy of that report to the Minister within three months of an auditor’s report being received and publish it on its website.

The DLGSCI has published Local Government Operational Guidelines document “[Audit in Local Government](#)”.

7.4 External Reporting Requirements

In addition to the DLGSCI, the City of Melville may have reporting obligations to external authorities including:

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

7.5 Complaint handling mechanisms

7.5.1 Handling misbehaviour of Councillors

As set out above in section 6.3, there are different processes in place in respect of complaints about Elected Members, depending on whether they have:

- Breached Division 3 of the Elected Members Code of Conduct, in which case the complaint will be dealt with by the Conduct Committee and appointed Conduct Complaints officers;
- Committed a breach of Division 4 of the Elected Members Code of Conduct which sets out rules of conduct (minor breach) in which case the matter will be referred to the Local Government Standards Panel for determination; or
- Committed a breach of the Local Government Act (serious breach), in which case the CEO of DLGSCI will investigate the complaint.



In addition:

- Complaints about decision-making can be made to the WA Ombudsman under the Parliamentary Commissioner Act 1971. The Ombudsman investigates complaint about Western Australian public authorities including local governments.

A complaint is an “expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required” (as defined by the *AS/NZS 10002-2014 Guidelines for Complaint Management in Organizations*).

Information on making a complaint to the Ombudsman can be found on their website – [Ombudsman Western Australian How to Make a Complaint](#).

- Complaints of serious misconduct by an Elected Member can be made to the Corruption and Crime Commission (the Commission).

The Commission assesses and investigates serious misconduct in the Western Australian public sector. When someone acts corruptly they tend to show a deliberate intent, an improper purpose or motivation, and may involve conduct such as:

- deliberately failing to perform the functions of office properly;
- exercising power or duty for an improper purpose;
- or dishonesty.

- Disclosures can be made under the *Public Interests Disclosure Act 2003 (WA)*, disclosures of this type are also known as “whistle blower”.

The City of Melville does not tolerate corrupt or other improper conduct and is committed to the aims and objectives of the Public Interest Disclosure Act 2003 (PID Act). The PID Act recognises the value and importance of reporting as a means to identify and address wrongdoing.

The PID Act promotes accountability within government agencies by facilitating the disclosure of public interest information involving misconduct, offences, misuse of public resources or risks to public health or safety. The PID Act is also a means to protect those who make disclosures to appropriate authorities, and those who are the subject of disclosures.

Those wishing to make a disclosure of public interest information under the Act are encouraged to do so in writing. The [Public Interest Disclosure Lodgement Form](#) is available to assist with providing the required details of a disclosure. Disclosures can be emailed to one of the PID Officers listed on the [PSC contact directory](#).

PID Officers for the City of Melville are:

- Ms Gail Bowman, Chief Executive Officer (Principle Executive Officer) (TBC)
- Mr Bruce Taylor, Chief of Staff
- Ms Corrine Newman, Head of Governance

7.5.2 Complaints about administrative functions or employees

To foster transparency and accountability, it is important for the City to have a framework that ensures complaints are managed efficiently, effectively and fairly from the time of receipt through to a satisfactory resolution or final determination.

The City of Melville has developed a [Complaints Management Policy](#) which recognises that effective complaint handling is integral to customer service excellence and encourages a customer focused and proactive approach to complaints management.

The City of Melville defines a complaint as being an expression of dissatisfaction about the products, services, staff or information provided by the City, or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

Complaints can be lodged via:

- website;
- email;
- written correspondence;
- in person; and/or
- via telephone.

In addition:

- allegations or complaints of minor misconduct of an employee can be made to the Public Sector Commission.

The Public Sector Commission has a role under the Corruption, Crime and Misconduct Act 2003 to ensure minor misconduct matters are dealt with in an appropriate way.

Minor misconduct by a public officer includes:

- behaviour that is not honest or impartial
- misuse of information they have access to in their role for personal benefit
- breaches of trust placed with an employee by their employer

Information of how to report suspected minor misconduct to the Public Sector Commission can be found on their website – [Misconduct by Public Officers](#)

- Complaints of serious misconduct by an employee can be made to the Corruption and Crime Commission.(the Commission).

The Commission assesses and investigates serious misconduct in the Western Australian public sector. When someone acts corruptly they tend to show a deliberate intent, an improper purpose or motivation, and may involve conduct such as:

- deliberately failing to perform the functions of office properly;
- exercising power or duty for an improper purpose;
- or dishonesty.

7.6 Scrutiny of Local Governments

Section 8.2 *Local Government Act 1995 – Minister or Departmental CEO may require information.*

Section 8.3 *Local Government Act 1995 – Inquiries by, or authorised by, Departmental CEO*

Section 8.4 *Local Government Act 1995 – Scope and duration of authorisation*

Section 8.5 *Local Government Act 1995 – Powers of authorised person*

Section 8.13 *Local Government Act 1995 – Authorised person’s report*

Section 8.14 *Local Government Act 1995 – Copies to be given to local government and suspended council members*

Part 8, Division 1A *Local Government Act 1995 – Intervention by the Minister in certain circumstances*

Part 8, Division 2 *Local Government Act 1995 – Inquiries by Inquiry Panels*

Part 8, Division 3 *Local Government Act 1995 – General provisions about suspension and dismissal of councils and council members*

The City of Melville is regulated by the DLGSC pursuant to the *Local Government Act*. This hierarchy of accountability and regulation provides good governance by ensuring accountability of the Council and the administration.

The Local Government Act provides investigatory and regulatory mechanisms for the DLGSC, including:

- The Minister or DLGSCI CEO (Departmental CEO) may in a written notice require information to be provided about the local government, its operations or affairs and failure to comply with that notice is an offence;
- The Departmental CEO has the authority to inquire (generally or into a specific matter) into local governments and their operations and affairs;
- A person may be directed to give or produce evidence under oath;
- The Authorised Person must prepare a report on the outcome of any inquiry and that may contain appropriate recommendations, which will be given to the local government (and any suspended Elected Member) unless otherwise directed by the Minister;

- The Minister may order the local government to give effect to the recommendations contained in a report;
- The Minister has the authority in certain circumstances to suspend an Elected Member or the Council or require the Elected Member or the Council to undertake remedial action or recommend that the Governor dismiss an Elected Member;
- The Minister may appoint an Inquiry Panel to inquire into and report on any aspect of a local government, its operations or affairs and may in certain circumstances suspend an Elected Member or the Council while the Inquiry is held; and
- If the Council is suspended, a person (or three or five people) must be appointed to perform the powers and duties of the Council during the suspension period.

7.7 Right to information

7.7.1 Record keeping and freedom of information

The City of Melville Record Keeping Plan ensures that all correspondence, reports and related information are filed, archived and disposed of in accordance with the *State Records Act 2000* and other relevant legislation by the State Records Office of WA.

Members of the public may retrieve certain kinds of information directly from the City of Melville. Other types of information require a member of the public to lodge a Freedom of Information Application with the City of Melville.


More detailed information about this is available in the [Information Statement: Freedom of Information](#) published on the City of Melville's website.

7.8 CEO Appointment and Review

7.8.1 Model CEO Standards

The Council is responsible for the management of the CEO's performance. As is required by section 5.39A of the Local Government Act, the City of Melville has adopted a policy of the Model CEO Standards outlined in the *Local Government (Administration) Amendment Regulations 2021*.

Council Policy [CP-117 Standards for CEO Recruitment, Performance and Termination](#) provide a framework for City to select a Chief Executive Officer in accordance with the principles of merit, probity, equity and transparency and include a recruitment and selection process based on principles of fairness, integrity and impartiality.



The model standards also cover performance review standards, and process of termination in a manner which conveys fairness and transparency.

7.8.2 CEO (and senior employee) recruitment

Section 5.37 *Local Government Act – Senior employees*

Section 5.39 *Local Government Act – Contracts for CEO and senior employees*

Section 5.39A *Local Government Act – Model standards for CEO recruitment, performance and termination*

The Council must develop and approve a process for the selection and appointment of a CEO prior to advertising the position. The City of Melville is required to advertise any positions for the CEO or senior employees and ensure that remuneration and other benefits paid to the CEO are the same as what were advertised.

If the CEO proposes to dismiss or employ a senior employee, it must inform Council which may accept or reject the CEO's recommendation (and provide reasons if it rejects the CEO's recommendation).

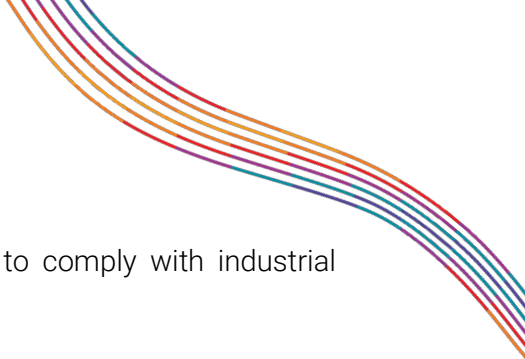
7.8.3 CEO Performance Review

Efficient and effective local government requires efficient and effective leadership. Under s5.38 and s5.39 of the Local Government Act a review of the performance of the CEO must be carried out in an impartial and transparent manner.

The CEO Performance review process is to be agreed between local government and CEO and the local government and the CEO must agree on:

- (a) the process by which the CEO's performance will be reviewed; and
- (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

The City of Melville Council led CEO Review Process supported by an adopted CEO Performance Review Framework. This Framework is based on the model standards, and establishes the process by which the Council measures and manages the annual CEO performance review, which includes the requirement for quarterly Performance Review Report for presentation to the Governance Committee.



In addition to the CEO Performance Review the CEO is required to comply with industrial relations legislation, including but not limited to:

- *Industrial Relations Legislation 1979*
- *Work Health and Safety Act 2020*

7.9 Continuous improvement of this document

The City of Melville is committed to continuous improvement of its governance functions which includes:

- Review of this Governance Framework in the event of changes to relevant legislation, regulations, codes of conduct, policies or procedures;
- Review of governance processes; and
- Training, education and awareness opportunities in governance for Elected Members and employees.

8 DEFINITIONS

- *CEO* means Chief Executive Officer of the City of Melville
- *Councillor* means a member elected to the Council, excluding a Mayor.
- *Departmental CEO* means the Chief Executive Officer of the Department of Local Government, Sport and Cultural Industries
- *DLGSC* means the Department of Local Government, Sport and Cultural Industries.
- *Elected Member* a member elected to Council including the Mayor.
- *Elected Members Code of Conduct* means the City of Melville’s Code of Conduct for Elected Members, Committee Members and Candidates.
- *Employees’ Code of Conduct* means the City of Melville Employees Code of Conduct
- *Local Government Act* means the *Local Government Act 1995 (WA)*.
- *Minister* means the Minister for Local Government, Sport and Cultural Industries.

9 RESOURCES

The following resources have been used in the development of this Governance Framework:

- Australian Public Service Commission – APS Values and Codes of Conduct in practice (Section 5: Conflict of Interest)
- City of Melville Code of Conduct Elected Members, Committee Members and Candidates
- City of Melville Code of Conduct Employees
- City of Melville Corporate Business Plan 2020-2024
- City of Melville Directions from Young People – Youth Strategy 2022-2025
- *City of Melville Local Government (Meeting Procedures) Local Law 2022*
- City of Melville Stakeholder Engagement Policy
- City of Melville Strategic Community Plan 2020-2030
- Department of Local Government, Sport and Cultural Industries website
- *Local Government Act 1995 (WA)*
- *Local Government (Administration) Regulations 1996 (WA)*
- *Local Government (Audit) Regulations 1996 (WA)*
- *Local Government (Elections) Regulations 1997 (WA)*
- *Local Government (Financial Management) Regulations 1996 (WA)*
- *Local Government (Functions and General) Regulations 1996 (WA)*
- *Local Government (Model Code of Conduct) Regulations 2021 (WA)*
- Local Government Operational Guidelines – Audit in Local Government
- Local Government Operational Guidelines – Disclosures of Interest
- Local Government Operational Guidelines – Disclosures of Interest Affecting Impartiality
- *State Records Act 2000*
- Western Australia State Government “Conflict of Interest: Guidelines for the WA Public Sector”

The following Governance Frameworks were reviewed to assist in the development of the City of Melville Governance Framework:

- City of Bayswater Governance Framework
- City of Joondalup Governance Framework 2021
- City of Perth Governance Framework
- City of Wanneroo Corporate Governance Framework
- Shire of Kalgoorlie Boulder Governance Framework
- Townsville City Council Governance Framework