6.1 REVIEW OF CITY OF SWAN GOVERNANCE STATEMENT

Ward: (No Wards) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

KEY ISSUES

- At its Ordinary Meeting on 28 September 2005, Council adopted the City’s Governance Statement - Principles of Good Governance at the City of Swan.

- As per the City's Strategic Audit Plan 2009-2014, an internal audit of the City's corporate governance was undertaken by consultants Paxon Group.

- The overall report for the City was very good with the only improvement identified being to update the City’s Governance Statement.

- The reviewed and updated Governance Statement was submitted to the Governance Committee on 29 May 2012 where it was resolved to defer the matter pending further changes.

- An further amended Governance Statement was presented to the Governance Committee on 30 April 2013 where it resolved to endorse the amended Governance Statement and submit to Council for adoption.

It is recommended that the Council adopt the revised Governance Statement attached.

BACKGROUND

At its Ordinary Meeting on 28 September 2005, Council adopted the City’s Governance Statement - Principles of Good Governance at the City of Swan.

As part of Council's adoption of the Governance Statement, it also endorsed the following principles designed to sustain community democracy and encourage active citizenship within the community:

1. Diversity of lifestyles are respected and diverse views sought.

2. Residents and other stakeholders will be kept well informed of the City decisions and processes and encouraged to contribute to the decision making processes.
Ordinary Meeting of Council
22 May 2013

3. Councillors are responsible for articulating the interests of their constituents and for ensuring all decisions are made in the best long term interests of the whole of the City of Swan. Consultation will be appropriately balanced with the need for leadership and decision making.

4. Councillors are accountable for the development of policy and determination of the strategic direction of the City and are driven by the aspirations and needs of residents and other stakeholders.

5. Council decision making will exhibit transparency, honesty and probity.

6. The Council will ensure that city services, programs and processes are consistent with its vision, mission and values and are accessible to all.

7. The Chief Executive Officer and administration are accountable for the implementation of policy in a professional and efficient manner.

At its meeting of 29 May 2012, the Governance Committee resolved to:

Defer consideration of this matter to the next Governance Committee meeting to enable staff to add a new clause 2.1.3 entitled 'Deputy Mayor' under the heading '2.1 - Roles and Responsibilities'; investigate better training options and amend associated wording in clause '2.4 - Councillor Induction, Training and Support' and reword clause '4.3- Consulting with Indigenous Community'.

DETAILS

Further changes have now been made to the Governance Statement as per the Governance Committee's resolution of 29 May 2012. In summary they are:

Addition of new clause 2.1.3 - Deputy Mayor to acknowledge their role in supporting the Mayor in their leadership role and also their specific role at civic functions/events.

Changes to wording of clause 2.4 to acknowledge other work commitments of Councillors and the necessity to source alternate options for training delivery such as online and inhouse training.

Changes to wording of clause 4.3 to reflect current consultation practices at the City.

At the Governance Meeting of 30 April 2013, it was resolved to amend the number of Wards in clause 2.1.1 to reflect the recent Ward boundary review changes. As the result of a query from a Councillor at the meeting as to the correct wording, the word 'indigenous' has been replaced by the word 'aboriginal' in clause 4.3.

CONSULTATION

Nil
Ordinary Meeting of Council  
22 May 2013

ATTACHMENTS

Governance Statement - Principles of Good Governance at the City of Swan June 2012.

STRATEGIC IMPLICATIONS

Consistent with the City's Strategic Community Plan 2012-2022 - Governance specifically  
G1 Outcome - City of Swan is seen as a place to live, work and visit; G1.1 Objective - provide accountable and transparent leadership; G1.1.1 Strategy - Continue to develop policy framework that guides decision making.

STATUTORY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Council resolve to:

1) Adopt the attached revised Governance Statement - Principles of Good Governance at the City of Swan dated June 2012.

CARRIED
Governance Statement

Principles of Good Governance at the City of Swan

June 2012
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1. LOCAL GOVERNMENT IN WESTERN AUSTRALIA

1.1 Overview

The City of Swan can trace its lineage directly to the Guildford Town Trust founded in 1840, the Swan Districts Road Committee established in 1868 and the municipality of Helena Vale established in 1885.

Currently, there are 140 local governments in Western Australia. The "Shire of Swan" was established with effect from 1 April 1970. The Shire covered most of the district now covered by the City of Swan which was proclaimed a "city" with effect from 1 April 2000.

1.2 Local Government Act and its Regulations

The legislative basis for the present structure of local government was laid down in 1871 with the proclamation of the Municipalities Act and the Road Districts Act. These Acts allowed local governments to expand their role, moving from the maintenance of roads and bridges to the regulation of a whole range of activities and the provision of selected services. After changes and amendments, these and subsequent Acts were replaced by the Local Government Act 1960.

Following several years of consultation and review, the Local Government Act 1960 was replaced by the Local Government Act 1995. The 1960 Act was constructed on the basis of a principle referred to as "ultra vires" legislation, which in very general terms means that only functions that are specified in the legislation can be undertaken. The 1995 Act is referred to as having "general competence powers". Under the 1995 (current) Act local governments have been given wider powers, greater autonomy and more flexibility. In addition to the 1995 Act specifically relating to local government, duties and responsibilities for local governments are also included in other legislation. Examples include the Health Act 1911, the Western Australian Planning Commission Act 1985, the Town Planning and Development Act 1928 and many others.

The Local Government Act 1995 provides that:

*S3.1(1)The general function of a local government is to provide for the good government of persons in the district.*

The "good government" of a local government is measured by the quality of:

- Its decision making
- Community participation in its decisions and affairs
- Its accountability to the community, and
- Its efficiency and effectiveness
1.3 What is Governance?

Governance means management using power or authority. It refers to the rules, processes and behaviour that affect the way in which powers are exercised. Good governance is about being:

- Accountable
- Participatory
- Transparent
- Effective and efficient
- Following the rule of the law

Corporate governance concerns the processes by which organisations are directed, controlled and held to account.

Effective corporate governance involves many of the requirements of the Local Government Act, including the development of:

- Corporate and operational plans
- A budget
- Appropriate delegations
- A Code of Conduct
- Systems for monitoring and reporting
- Internal and external reporting and monitoring (not just financial reporting)
- A reliable information system
- A risk management system

These management tools are part of a control environment that makes the Council reliable in achieving its objectives within an acceptable degree of risk.

1.4 Principles of Good Governance at the City of Swan

The City of Swan has adopted the following principles in order to sustain community democracy and encourage active citizenship within the City:

a. Diversity of lifestyles is respected and diverse views are sought
b. Residents and other stakeholders will be kept well informed of City decisions and processes and encouraged to contribute to the decision making process
c. Councillors are responsible for articulating the interests of their constituents and for ensuring all decisions are made in the best long term interests of the whole of the City of Swan. Consultation will be appropriately balanced with the need for leadership and decision making
Councillors are accountable for the development of policy and determination of the strategic direction of the City and are driven by the aspirations and needs of residents and other stakeholders. Council decision making will exhibit transparency, honesty and probity. The Council will ensure that City services, programs and processes are consistent with its vision, mission and values and are accessible to all. The Chief Executive Officer and administration are accountable for the implementation of policy in a professional and efficient manner.

The Council will use these principles to:

- Develop and review governance activities;
- Help resolve governance dilemmas; and
- Assess the performance of the City.

### 2. ROLES, RESPONSIBILITIES AND RELATIONSHIPS

#### 2.1 Roles and Responsibilities

##### 2.1.1 Council and Councillors

The "City of Swan" is constituted as a body corporate under the Local Government Act with continuing succession.

The Council of the City of Swan comprises 15 members representing the six Wards of the City.

City elections are conducted biennially on the third Saturday in October. Councillors are elected for four year terms.

There are no professional qualifications or other pre-requisites for individuals to nominate for election to the Council. A person is eligible to nominate as a candidate in an election provided that they are:

- At least 18 years of age;
- An elector of the district; and
- Not disqualified from being elected as a member of Council arising from an incumbency as a representative of state or federal parliament or their disqualification as a result of insolvency, criminal convictions or membership of another Council.
Councillors sitting formally as the Council, either make, or are accountable for all decisions that are to be taken at the Council level. Decisions are made through a formal Council meeting process or through the formal delegation of powers to Committees or City staff through the CEO. Individual Councillors do not have any powers to make decisions; only the Council can make decisions when it is sitting as the Council.

Council and Councillors focus on outcomes, policy and strategy. Although important for Councillors to ensure the views and opinions of their wards are relayed to the Council, ultimately, decisions are made ensuring the needs of the community as a whole are met.

In essence, the Council directs and controls the City's affairs and is responsible for the performance of the City's functions. These responsibilities include:

- Overseeing the allocation of the City's finances and resources; and
- Determining the City's policies

The Council is also responsible for the appointment and performance appraisal of the City's Chief Executive Officer.

Council and Councillors set the standard in demonstrating accountability to the community. The commitment of Councillors to consulting and communicating with - and reporting to - the community is critical to the City's overall approach to accountability.

2.1.2 Mayor

The Mayor is elected from amongst Councillors and by Councillors at the first special Council meeting after the City biennial elections in October. The Mayor has a general leadership role with the City. The Mayor is in a position to facilitate good relationships between Councillors, between Councillors and the administration, and between the Mayor and the CEO.

The Mayor is able to facilitate good decision making through skilful chairing of the Council meeting.

The Mayor has an important role similar to the facilitator of a group. Concepts such as participation, communication, involvement, consensus, mutual respect and listening are important. The Mayor's skills in facilitation play a key role in ensuring the Council operates successfully.

The Mayor can also support good governance by modelling good behaviour and ethics in fulfilling Council and community leadership roles.
Therefore, specific responsibilities include:

- Providing leadership and guidance to the community in the district
- Presiding at Council meetings
- Carrying out civic and ceremonial duties on behalf of the City
- Speaking on behalf of the City
- Liaising with the CEO about City affairs and the performance of its functions

The Mayor also has a pivotal role in assisting Councillors to balance their accountability to their constituents and their accountability to the City as a whole and hence to the community at large.

2.1.3 Deputy Mayor

The Deputy Mayor is elected from amongst Councillors and by Councillors at the first special Council meeting after the City biennial elections in October. The Deputy Mayor performs the functions of the Mayor when authorised to do so under section 5.34 of the Local Government Act 1995.

Although no specific responsibilities are stipulated in the Act, the Deputy Mayor as a general rule provides support to the Mayor in their leadership role and performs MC duties at civic functions.

2.1.4 Chief Executive Officer

The CEO is responsible for managing the City to achieve the goals and strategies adopted by the Council. Clearly, the delivery of appropriate and effective services and programs contributes significantly to good governance.

Specific duties include:

- Advising the Council in relation to the functions of the City under the Local Government Act and other written laws
- Ensuring that advice and information is available to the Council so that informed decisions can be made
- Causing Council decisions to be implemented
- Managing the day to day operations of the City
- Liaising with the Mayor about City affairs and the performance of City functions
- Speaking on behalf of the City (under delegated authority from the Mayor)
- Responsibility for the employment, management, supervision, direction and dismissal of employees
- Ensuring that records and documents of the City are properly kept for the purposes of the Local Government Act and any other written law
2.2 Working Relationships

2.2.1 Mayor/Councillors

The relationship between the Mayor and Councillors is critical to good governance. The Mayor is the leader of the Council and this leadership role includes significant elements of facilitation, negotiation, support and advice.

The Mayor can play an influential role - both within and outside the Council Chamber - by facilitating and encouraging all points of views to be expressed and respected. The Mayor can manage conflict and differing opinions in a constructive way. The complexity and diversity of opinion in the community - and therefore of Councillors - can be made to work in the broader interest of the city as a whole.

By advising, supporting and facilitating negotiations, the Mayor can assist to bring many diverse and sometimes conflicting goals together in the interests of the City and the community as a whole.

2.2.2 Councillors/Councillors

All Councillors have issues of particular concern and interest to them. Given the open nature of the local government system and the absence of many of the structures which exist at the State and Federal levels of government, Councillors need to work together to achieve satisfactory outcomes.

Given this interdependency, Councillor relationships should be characterised by mutual respect and an acknowledgement that, while they may not agree on fundamental issues, they are all doing important, and often difficult, work.

The 'small group' nature of a Council ideally features an environment where good relationships, respect and an appreciation of constructive diversity lead to good decision making and an opportunity for each Councillor to deliver on their individual interests and concerns.

Councillors should model good constructive relationships and show personal respect for one another in the Council Chamber in the manner outlined in the Local Government (Rules of Conduct) Regulations 2007, the City's Code of Conduct and the City's Standing Orders.
2.2.3 Mayor/Chief Executive Officer

This important relationship assists with the smooth running of the City through good communication and anticipation of issues. It is focused on ways in which Councillors and the administration can be supported to best achieve the City's goals and objectives.

Some features of an effective Mayor/CEO relationship include:

- Working closely together in developing and achieving a good working relationship. This involves consistent communication and regular meetings
- A relationship which is characterised with consistency, openness and good communication
- A clear understanding of their different roles, responsibilities and authority

2.2.4 Councillors/Chief Executive Officer

The Chief Executive officer has a formal accountability to Councillors sitting as Council. The Councillors sitting as the Council are responsible for the performance management of the CEO. Quite apart from this formal requirement, it is important that Councillors and the CEO have a good working relationship.

The CEO and Councillors are likely to be in regular contact about issues, problems and information. As with the Mayor/CEO relationship, a level of trust needs to be developed which, in turn, is based on good communication and understanding of each other's role and functions.

An important aspect of the CEO's role is to assist Councillors in addressing particular issues that arise in their wards, and more generally, in the various roles they undertake, by providing appropriate advice, assistance and support.

2.2.5 Councillors/City Staff

While one of the most complex issues in local government, the relationship between Council and City staff is critical to achieving good governance.

The focus of the Council and Councillors should be on strategy, policy and outcomes. That is, they should focus on who is to benefit from the City's activities and in what way. The role of City staff is to focus on advice, implementation and operations.

A number of factors contribute to a good relationship between Councillors and City staff. These include goodwill, a clear understanding of each other’s roles, good communication, agreed structures and protocols, an appreciation of legislative requirements and clear delegations.
City staff are accountable to the Council through the CEO. In this manner, City staff are responsible through the management structure to the whole Council. They are not accountable to individual Councillors and are not required to take direction from them.

2.3 Statutory Responsibilities

The City recognises the importance of ensuring that matters involving deliberations of the Council, the implementation of resolutions and reporting of performance and outcomes are fully compliant with legislation applicable to local government. The City lodges an annual statutory Compliance Audit Return with the Department of Local Government confirming compliance or otherwise with a range of statutory responsibilities that are considered high risk.

Compliance with key financial and other statutory requirements is assessed through an annual audit conducted in accordance with the Act by a professionally qualified external person or organisation appointed by the City.

In addition, the City has established an internal audit function which is an independent, objective assurance and consulting activity designed to add value and improve the City's operations. It helps the City accomplish objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, internal controls and corporate governance.

2.3.1 Returns

1. Primary and Annual Returns

Primary returns are required to be lodged by all Councillors within three months of the date of their election; all designated employees must lodge a primary return within three months of the date of which they commence employment with the City.

Each year Councillors and designated employees are required to complete an annual return in a similar format to primary returns. These must be lodged by 31 August each year and contain certain information about financial interests and related matters.
2. **Interests Disclosures**

Councillors with an interest in a matter to be considered at a Council or Committee meeting are required to complete and lodge an interest - either a financial interest or interest affecting impartiality - disclosure document.

Similarly, City staff are required to complete and lodge an interest disclosure document when a conflict of interest arises in the workplace.

Council and Committee Agendas identify interest disclosures within individual reports.

2.3.2 **Registers**

Councillors and City staff are required to lodge a range of other returns on a regular basis and maintain a number of registers. These include:

1. **Register of Delegations to Committees**

   A register of the delegations made to Committees is maintained. Each of these delegations should be reviewed at least once every financial year.

2. **Register of Delegations to CEO and City Staff**

   A register of the delegations made to the CEO and City staff is maintained. Again, each of these delegations should be reviewed at least once every financial year.

3. **Register of Financial Interests**

   A register is maintained of primary and annual returns lodged by all Councillors and those persons who are specified as 'designated employees' under the Local Government Act.

4. **Register of Disclosed Interests**

   A register is maintained of disclosures made by Councillors and City staff with interests in matters to be considered at Council or Committee meetings.

5. **Gift Register**

   A register is maintained of disclosed gifts received by Councillors and City staff as prescribed in the Local Government Act and set out in the City's Codes of Conduct.
6. **Register of Complaints**

A register is maintained of complaints that result in action under s.5.110(6)(b) or (c) of the Local Government Act.

2.4 **Councillor Induction, Training and Support**

Prior to the biennial Council elections, the City hosts a regional Prospective Councillors' Workshop to assist prospective candidates assess the demands and identify the responsibilities of being a Councillor. Upon election, new Councillors are provided with relevant corporate documentation to assist them to become familiar with the required protocols and procedures and current issues of the City. Councillor induction culminates in the Elected Member Professional Development Program at Local Government Week held in August each year.

Of course, Councillor training is an ongoing commitment by the City and entails workshops, seminars and conferences. It is also acknowledged that Councillors often have a full time job as well as their Councillor role and that alternative forms of training delivery may be appropriate. This could be in the form of either online or inhouse training.

The City recognises that Councillors are faced with increasingly complex roles and responsibilities. In order to assist Councillors in this role, a Council Support Unit has been established to specifically provide advice, support and assistance to individual Councillors. The Unit helps to provide an effective interface between City staff and individual Councillors.

2.5 **Staff Induction and Training**

The City recognises the importance of structured induction. Our corporate induction and orientation program ensures that newly recruited staff are given the chance to learn about the organisation and their own work team, meet key colleagues, access relevant information such as City policies and procedures and resources and attend essential compliance training. During the first three months of employment, new staff members will follow the City's staff probation procedure which ensures that performance is formally assessed and appropriate support provided, where necessary, to address areas that need improvement or development. During the probation period, opportunities for development of essential skills specific to the staff member's role are also offered.

The City recognises the importance of relevant training and development in achieving its key objectives, therefore the Human Resources Unit have a dedicated Workforce Capability Coordinator and an Occupational Safety, Health & Injury Management Coordinator who play a key role in the development, delivery and monitoring of induction training.
Ongoing training and development opportunities, identified as a part of the performance management process, are offered to staff following completion of probation period.

2.6 Complaints and Disputes

The City has adopted a complaints policy, the purpose of which is to establish a City position about complaints received and the approach to be taken in their resolution.

The City endeavours to ensure that it is easy for any person who feels aggrieved to make a complaint. The City wishes to treat complaints positively, to learn from complaints received and where possible provide complainants with a positive experience.

For the purpose of this policy, a complaint means an expression of dissatisfaction about:

- A decision of the Council or City staff;
- The standard or quality of a City service, action or lack of action; or
- The behaviour of City representatives

In the first instance, complainants are encouraged to raise the matter with the person most able to resolve the complaint. This may be the person originally involved in the matters complained of, or their line manager.

If not satisfied with the response, the policy provides for escalation to senior levels of management within the City. If not ultimately satisfied with the City response, complainants are advised that the matter can be raised with the Western Australian Ombudsman, the Department of Local Government or other relevant agencies.

Where the complaint involves a Councillor, the matter is referred in the first instance to the Mayor for appropriate directions and/or action. Where considered appropriate, the City's CEO may authorise referral of a particular complaint to an external arbitrator or mediator.

The Local Government (Official Conduct) Amendment Act (2007) provides a disciplinary framework to deal with individual misconduct by local government elected members.

Under this Act a Local Government Standards Panel was established in October 2007. The key functions of the Standards Panel are to:

- Deal with complaints of alleged minor breaches of conduct against local government council members,
- Administer justice and
- Resolve complaints relatively quickly.

The operation of the Standards Panel and its supporting legislation is currently under review.
Certain serious matters may be referred to the Crime and Corruption Commission.

In certain situations, appeals against City decisions are managed by a Magistrate's Court or other divisions of the State Administrative Tribunal, depending on the subject of the appeal.

"Whistleblower" protection is extended in a range of situations to those making public interest disclosures in the manner prescribed by the Public Interest Disclosure Act (2003). In those circumstances, the Act provides immunity from criminal and disciplinary offences, civil actions and protection against reprisal action and victimisation.

3. CULTURAL FRAMEWORK

Through its strategic planning processes, Council has formally adopted position statements concerning the overall strategic direction for the City. These position statements outline the strategic objectives that need to be delivered to achieve our vision.

3.1 Vision of the City

"One City - Diverse Places" is our vision. Our aim is to build sustainable local communities to improve the quality of life within our City. The City aspires to:

- Be a connected and cohesive community
- Value and celebrate the diversity of our people and places
- Be a recognised and significant gateway to Perth
- Building organisational capability to meet community expectations

3.2 Values and Behaviours

The City recognises the importance of developing values to influence how we work and interact with others to achieve our strategic objectives. Our Council and staff continually display, through their behaviours and actions, their commitment to our values of:

**Respect** - we will work co-operatively with our City colleagues, community and stakeholders. We will respect the individual, with an understanding of our diverse roles, whilst working and living in One City.

**Excellence** - we commit to providing excellent customer services with a 'can do' approach. It is our 'can do' approach that is built into our actions and behaviours, and allows us to be responsive to our changing environment.

**Accountability** - we will take responsibility for our actions and behaviour. We will be ethical and act with integrity. Our professional behaviour will be reflected in our open and transparent decision making. We will provide good governance that addresses legislative and organisational compliance.
Leadership - we will lead by example, with a professional pride in our City. We will set direction, provide guidance and held people to be the best they can be.

3.3 Business Excellence

Our City is committed to striving towards excellence. This means our management and leadership processes are continually reviewed and improved so that we can provide excellent service to our customers.

We use the Australian Business Excellence Framework (ABEF) to guide the development of our management and leadership processes. The principles of the ABEF that drive our system design and implementation are:

- Planning - clear direction and mutually agreed plans enable organisational alignment and a focus on the achievement of goals.
- Customers - Understanding what customers and other stakeholders value, now and in the future, enables organisational design, strategy and action.
- Systems Thinking - all people work in a system. Outcomes are improved when people work on the system and its associated processes.
- People - engaging people's enthusiasm, resourcefulness and participation improves organisational performance.
- Continuous Improvement - innovation and learning influence the agility and responsiveness of the organisation.
- Information and Knowledge - effective use of facts, data and knowledge leads to improved decisions.
- Managing Variation - variation impacts predictability, profitability and performance.
- Corporate and Social Responsibility - sustainable performance is determined by an organisation's ability to deliver value for all stakeholders in an ethically, socially and environmentally responsible manner.
- Leadership - leaders determine the culture and value system of the organisation through their decisions and behaviour.

To assist us in measuring our performance, every two years we undertake an assessment against the ABEF. The results highlight the areas where improvement has occurred as well as areas of our business that we need to improve. This is formulated into a Capability Plan that integrates with our annual business planning process.
3.4 Customer First Approach

The purpose of all organisations is to serve the customer. Customer Service is the pulse of the organisation and as such plays a critical role in meeting customer expectations.

The City of Swan Customer Service Improvement Strategy 2011 – 2013 is the City's roadmap for our customer service journey.

The central principle behind the Customer Service Improvement Strategy is the integration of services around the customer. To realise this, the City has an ambitious vision to achieve the following:

'One City' focussed on our customers, making it simple and empowering our employees.

In line with this Vision, City of Swan employees are expected to provide efficient, professional, high-quality service to the residents, businesses, and visitors to the City of Swan. To achieve this, the workforce must be well trained, customer service and performance standards must be established, and new ways to use technology must be introduced to increase our accessibility to our customers. The major focus is on developing the organisation to constantly and consistently exceed the needs of all customers.

The City of Swan’s Customer Service Charter was reviewed in 2012. This document identifies the City's strong commitment to providing a high standard of service for its customers and outlines how this will be achieved.

The City’s commitment to customer service is genuine. The Customer Service Improvement Strategy provides a map for the organisation. However, it is simply a guide to assist us to improve what we do. Success lies in how well we do it.

3.5 Conflicts of Interest

The subject of conflict of interest has two broad aspects:

- Conflicts involving financial interest, which are the subject of strict statutory controls and penalties in the Local Government Act; and
- Other conflicts of interest which have no penal consequences, but may impact upon reputations, and on the public perception and response to the City's performance of its local government functions, and in some cases impact on the validity of Council decisions.
Conflicts involving financial interests are covered in detail in the Local Government Act. However, concern for:

- The good reputation of the City of Swan;
- The good reputation of the Council and Councillors;
- The public perception of the Council's performance of its local government functions; and
- The validity of Council decisions

Require careful attention to non-financial conflicts of interest.

Public perceptions are of critical importance. If the Council is regularly perceived by the public as not performing its functions in a fair and unbiased way then the task of government will be made incalculably more difficult, even if it could be demonstrated on a thorough analysis of all the facts that Council's decisions were not ultimately affected by an improper conflict of interest.

The concern is with public perceptions and the test for a relevant conflict ought to consider what a member of the public with a full knowledge of the facts, but with no knowledge of the character, honesty and astuteness of affected Councillors, would reasonably perceive as being the possible effect of the conflict of interest on the affected Councillors and the Council generally.

The City's Codes of Conduct for Council members, Committee members and staff contains detailed provisions to address these concerns.

### 3.6 Codes of Conduct

Council has adopted separate Codes of Conduct for Councillors and City staff. These Codes of Conduct provide everyone with consistent guidelines for an acceptable standard of professional behaviour.

The Codes provides a guide and a basis of expectations for Councillors and City staff. They encourage a commitment to ethical and professional behaviour and outline principles in which individual and collective local government responsibilities may be based.
3.7 Standing Orders

The City's Standing Orders relate to the conduct of meetings and other proceedings of the Council and Committees. They are intended to result in:

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

4. CONSULTING AND ENGAGING WITH COMMUNITIES AND STAKEHOLDERS

The City of Swan is committed to engaging with the community to better understand its needs and aspirations and to assist stakeholders to constructively participate in decision making.

Through the adoption and deployment of a Community Engagement Framework and Policy (Pol-C-153) the City aims to:

- Enhance its reputation as open, accountable and willing to listen;
- Create opportunities to engage with difficult to reach sections of the community;
- Build community capacity for self reliance and contributions to the greater good;
- Foster a sense of belonging in the community;
- Make services to the community more effective and efficient;
- Ensure the outcomes of community engagement are considered and duly influence policy, strategy and partnership development;
- Assist in the resolution of conflict and tensions; and
- Provide an early sign of emerging issues, allowing the City of Swan to deal with them proactively.
4.1 Community Engagement

Community engagement is a comprehensive and well planned process for the participation of communities in policy development, planning and service delivery. It also promotes active citizenship and social responsibility.

Community engagement is a fundamental aspect of Council’s role and is an essential element in the planning and delivery of community-focused services. The City of Swan believes quality consultation and participation are essential foundations of good governance.

The City’s approach to community and stakeholder engagement includes:

- Utilising its community engagement framework to guide all community engagement activity;
- Adhering to policy (Pol-C-153) which outlines the City’s commitment to engagement with community;
- Increasing levels of 'citizen participation' in decision making;
- Building a 'culture of community engagement' in the organisation;
- Developing a comprehensive, place-based approach to consultation and participation recognising different community 'styles' and issues; and
- Developing and piloting innovative consultation methods particularly utilising opportunities provided by new technological developments - eg. on-line forums, social media etc.

4.2 Community Engagement principles and goals

The City’s community engagement approach is informed by the principles of the International Association of Public Participation (IAP2):

- **Integrity** – openness and honesty about the scope and purpose;
- **Inclusion** – opportunities for a diverse range of values and perspectives to be considered;
- **Deliberation** – sufficient and credible information, space to weigh options, develop common understandings and appreciate roles and responsibilities; and
- **Influence** – people have input in designing how they participate and when policies and services reflect their input
The City’s engagement framework includes the IAP2 five key goals for public participation as outlined in the table below.

<table>
<thead>
<tr>
<th>Inform</th>
<th>Consult</th>
<th>Involve</th>
<th>Collaborate</th>
<th>Empower</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal</td>
<td>Goal</td>
<td>Goal</td>
<td>Goal</td>
<td>Goal</td>
</tr>
<tr>
<td>To provide the community with balanced and objective information to assist them in understanding issues, options and opportunities</td>
<td>To obtain community feedback on analysis, alternatives or decisions</td>
<td>To work directly with the community to ensure that its concerns, values and aspirations are consistently understood and considered</td>
<td>To work alongside the community in each aspect of the decision including the development of alternatives and the identification of the preferred solution</td>
<td>To support the development of the community, its programme and partnership capacity, and the acquisition of resources for self reliance, innovation &amp; sustainability</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Promise to the Community</th>
<th>Promise to the Community</th>
<th>Promise to the Community</th>
<th>Promise to the Community</th>
<th>Promise to the Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>We will keep you informed</td>
<td>We will listen to you and provide feedback</td>
<td>We will invite your involvement to help identify and understand your concerns and aspirations</td>
<td>We will work with you to identify issues and work out options and preferred solutions</td>
<td>We will support you to be part of local solutions and in your capacity to be decision makers in your own lives</td>
</tr>
</tbody>
</table>

Whilst the City confirms the right of the community and stakeholders to be consulted, it accepts the responsibility that it is elected to govern, to provide leadership and to make decisions. These decisions will be made for the entire community, conscious of its diversity and mindful of the needs and rights of future generations as much as those of the present.

### 4.3 Consulting with the Aboriginal Community

The engagement of a full range of community stakeholders is considered to be important with the community engagement framework designed to facilitate community engagement strategies for geographic communities and functional communities.

*Geographic communities* are communities of a given location whilst *functional communities* are defined by the commonality of interests or identity. One important functional community within the City of Swan is the Aboriginal community.

The City recognises the importance of Aboriginal culture and the need to respect and take account of the views of Aboriginal people on matters affecting their cultural heritage and values. Where possible, the City engages in various forms of formal and informal consultation with local Aboriginal groups on matters affecting Aboriginal cultural heritage.
The City of Swan meets with Traditional Owner families to discuss particular projects of relevance and acknowledges there are specific obligations to consult with the Aboriginal and indigenous community in circumstances prescribed by the Aboriginal Heritage Act 1972 and Native Titles (State Provisions) Act 1999.

*Toolkit 3, Access and Inclusion,* of the Community Engagement Framework provides checklists for engaging with hard to reach groups with particular requirements or needs. It provides suggestions and tips for effectively engaging with Indigenous communities.

### 4.4 Access to Information

Members of the public have extensive rights to access City documentary and other information. These rights are detailed in both the Local Government Act and Freedom of Information Act 1992.

The City has published an Information Statement in accordance with the requirements of the Freedom of Information Act. The Statement outlines the various ways in which members of the public are able to request and access information.

The City has published a Record Keeping Plan and developed a Records Management policy in accordance with the provisions of the State Records Act 2000. The Plan details record keeping requirements for Councillors and the City.

### 5. LONG TERM PLANNING AND STRATEGY FORMULATION

#### 5.1 Integrated Business Planning

In order to meet the needs of our Community and achieve sustainable development, the City has developed a strategic and integrated approach to planning and delivery of services.

Integrated business planning aims to ensure sustainability by understanding the external environment and what our community aspires to; setting direction within our resource capability; and allowing Council to make informed decisions on behalf of Community.
The City's Integrated Planning Model is the approach to setting strategic direction (where
the City has come from, where it is going and how it will get there) and translating that
into services that are delivered to the Community.

5.2 Plan for the Future

The Local Government Act (1995) and supporting regulations set out the requirements of
a Plan for the Future. From July 2013 all local governments must have in place the
following documents:

- Strategic Community Plan
- Corporate Business Plan
- Informing Plans - long term finance plan, asset management plan and workforce
  plan

The Strategic Community Plan will become Council's principal strategy and planning
document that will guide the development of all other plans and activity that the City
undertakes. It is a long term plan (10 years) that outlines the vision, aspirations and
priorities, based on research and considering community input.

The Corporate Business Plan is a 4-5 year integrated business plan outlining what the City
will deliver to achieve the strategic objectives set out in the Strategic Community Plan. It
contains all service delivery, capital works, strategic priorities and projects. It is set within
the financial, asset and workforce capability of the City.
The Corporate Business Plan is reviewed and updated on an annual basis. The first year of the Corporate Business Plan is an annual plan of work that drives the development of the Annual Budget.

Until the endorsement of the Strategic Community Plan, the City is currently working under the direction set out in the current Strategic Plan (2008 - 2012). This plan identified four priority areas of focus - Connected Communities, Planning for Land Use & Infrastructure, Environment and Organisational Capability.

<table>
<thead>
<tr>
<th>Priority Area</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connected Communities</td>
<td>Community service requirements are met</td>
</tr>
<tr>
<td></td>
<td>People participate and have pride in their community within Place and across Once City</td>
</tr>
<tr>
<td>Planning for Land use and Infrastructure</td>
<td>Sustainable communities through planned development and growth</td>
</tr>
<tr>
<td></td>
<td>Responsibly managed assets for current and future generations</td>
</tr>
<tr>
<td></td>
<td>Place diversity is recognised in Planning for the future</td>
</tr>
<tr>
<td>Environment</td>
<td>The diversity and quality of our environment is presented for the future</td>
</tr>
<tr>
<td></td>
<td>Places are visually appealing and safe, where people choose to live, work and do business</td>
</tr>
<tr>
<td>Organisational Capability</td>
<td>Organisational excellence</td>
</tr>
<tr>
<td></td>
<td>Decision making is in accordance with good governance principles</td>
</tr>
</tbody>
</table>

### 5.3 Strategic Financial Plan

This Plan forms part of the Plan for the Future, and as such is prepared each year, covering at least 10 financial years. The Strategic Financial Plan is essential in ensuring the City achieves ongoing financial sustainability in order to provide the appropriate services and infrastructure for the community as outlined in the Corporate Plan. The Plan addresses the operating and capital needs placed on the City over the next 10 years, shows the linkages between specific plans and strategies and enhances the transparency and accountability of the City to the community. The Plan is a 10 year rolling plan which is continuously reviewed to reflect prevailing economic conditions and changing community needs placed on the City, it enables early identification of financial issues and their longer term impacts.
5.4 Performance Management Framework

The City has developed a performance measurement system that is linked to strategy and stakeholders (of the current Strategic Plan 2008 - 2012 and the Annual Business Plans). It comprises of linked and cascaded Key Performance Indicators (KPIs) for the City. The City's performance against these KPIs is tracked in the Corporate Information Database (CID) and provides the basis for the annual and quarterly reporting against targets.

5.5 Annual Budget and Annual Report

The Annual Budget is adopted at the start of each financial year and is a representation of "Year 1" of the Strategic Financial Plan. The form of the budget is in accordance with statutory requirements. The budget provides a fiscal management tool for the carrying out of the City's programs in the ensuing year. It provides the means by which the Council is accountable to the community for the rates to be levied, and provides the basis for the setting of rates.

The timing, content and format of the annual report are prescribed by legislation. The annual report is primarily aimed at external users for the purpose of accountability to the community for its operations and financial management. The community and other interested parties are given access to information about the City's current financial status and its operational performance for the period reviewed. The report compares actual results to targets.

5.6 Policies

The City has a series of policy statements on a number of issues. Policy statements reflect the Council's position or philosophy in respect of a particular matter. Policy statements are consistent with the Council's strategic directions as outlined in the City's Strategic Plan and associated documentation.

Policies are used as a guide to making decisions which are consistent, legal, open and accountable.

5.7 Place Management

The City is a geographically large area made up of a diverse range of locations and people. It encompasses rural and agricultural areas, industrial and commercial interests, innovative new residential suburbs as well as significant historic and heritage areas. Communities within these locations may have specific needs and differing visions and aspirations for their futures.
Recognising that a 'one size fits all' approach does not effectively meet the challenges in giving the attention necessary to service these communities, the City has implemented a Place Management approach. This approach manages the City's jurisdiction by 'Place' (geographically defined communities and communities of common interest). There are five Place Management areas - Altona, Ballajura, Ellenbrook, Midland and Rural Place.

The primary objective of Place Management is to ensure that the organisation is working in a cross-functional integrated manner in its planning and delivery of services, programmes and infrastructure unique to Place. It shifts the focus from organisational outputs to community outcomes, challenging siloed approaches to working.

Place Management enables Place knowledge to be brought back to the table. It encourages the creation of closer relationships with business units and the people and stakeholders who live, work and recreate within the Place. It aims to create local support and to build a sense of ownership for its residents, business owners, service providers, special interest groups etc..

The approach incorporates Place Planning, Place Managers, Place Teams and Place Service Hubs.

For focused community planning purposes, each of the five Place Management areas are further divided into a number of smaller statistical areas across the City and these are referred to as Place Planning areas.

**Place Planning** at the City of Swan is a broad bottom up community planning concept that produces Place Plans to identify and gain stakeholder consensus to priorities to further enhance the quality of life in Place areas. The process has quite specific objectives:

- Create a shared understanding of the complex nature of Places and inter-related issues, opportunities, assets and constraints;
- Integrate social, economic and environmental principles of sustainability;
- Provide direction for the City and other stakeholders in decision making;
- Create partnerships and collaboration;
- Give stakeholders a sense of place and contribution to the future direction of their local area; and
- Provide responsive, adaptive and resilient solutions for unique and changing community needs.

Place Planning at the City has been endorsed by the Council and forms a part of the City's Integrated Planning Process ensuring that Place priorities are recognised in the Annual Business Plan and budget.
5.8 Self-Help

The City recognises the significance of applying the principle of self-help within its community. The concept of self-help in a City of Swan context has two separate but interrelated aspects:

5.8.1 For the Individual - Independence and Self Reliance

People are best served when their capacity to help themselves is acknowledged and developed. Ensuring individuals in our local communities are assisted to meet their own diverse needs and aspirations can result in a better fit between what the community needs or expects and what they receive.

A culture of independence and self reliance is reliant on:
- Spirited people, contributing in the way that is most important to them;
- Strong and healthy relationships between community members and between different and diverse communities; and
- A community that has both resilience and hope.

The City of Swan acknowledges this involves:
- Building personal capacity through empowerment and leadership development;
- Building community connections; and
- Building resource capacity.

5.8.2 Within the Community - a Strong and Inclusive Community

When people assume responsibility for their own well being, they build independence and become part of the solution for various community issues. Community involvement will result in higher degrees of local ownership and increase the power of people and groups within their communities.

Through community development, the City aims to assist community networks and groups to be more effective and to achieve self sufficiency and resilience.

The City of Swan appreciates that building community capacity and developing a strong and inclusive community requires:
- Support and assistance to establish and maintain community groups and networks;
- Identification of funding, sponsorship and partnership opportunities to improve community resourcing;
- Provision of training and advice to support the effective operation of community groups;
• A comprehensive and well planned process for the participation of all communities in policy development, planning and service delivery;
• Advocacy on behalf of those who are considered to be at-risk or marginalised; and
• Planning and promotion of activities that connect and strengthen communities and provide opportunities to celebrate.

5.9 Asset Management

Asset management is a structured approach to getting best value from the City’s assets. It includes minimising whole-of-life costs, setting levels of service for assets, developing and implementing best practice maintenance programs, planning for disposal and replacement of assets and assessing risks associated with assets.

Asset management plans are being prepared for all City infrastructure assets.

5.10 Risk Management

The City is committed to making decisions and conducting its operations within a risk management framework. The City has adopted a policy statement which embraces the methodology provided in the Australian/New Zealand International Standard for Risk Management - Principles and Guidelines (AS/NZS ISO 31000:2009). The corporate approach outlines how the policy is implemented into everyday business.

Risk Management is closely linked with our business planning to ensure objectives are achieved and unnecessary exposure to risk is minimised. It is crucial that the City focuses on the management of business risk within the constantly changing environment that local government operates in to provide reasonable assurance to stakeholders that there is:

• Efficient and effective use of resources
• Compliance with policy and process
• A management control system to manage risk
• A reduced likelihood of investigation or litigation
• Protection of officers from possible inadvertent actions
• An operating environment resistant to potential corruption
6. **DECISION MAKING**

6.1 **Meetings of the Council**

The City's decision making function is critical.

Decisions can only be made at formally constituted Council meetings or through formal delegations. Neither the Mayor nor Councillors have any executive authority as individuals.

The Council has three distinct decision-making powers and functions - legislative, judicial and executive:

- Legislative powers include the power to make local laws and town planning schemes
- The Council has judicial powers. Of particular significance is the Council's decision making responsibility in a quasi-judicial role in deciding certain types of planning development applications and related matters. The Council is required to consider such matters in an unbiased manner that satisfies relevant principles of administrative law - particularly natural justice and procedural fairness
- An executive power in relation to administrative and like matters

Council meetings are formal meetings of Council and are required to be open to the public. The Council can meet behind closed doors in certain circumstances as prescribed in the Act and including legal or commercial-in-confidence reasons, or because a personnel or privacy matter is being considered.

Members of the public have an opportunity to be involved in the decision making process by asking questions relating to items on the Council meeting agenda as well as other matters affecting the City. Members of the public are also able to make a statement about matters affecting the City.

6.2 **Delegated Authority**

6.2.1 **Committees with Delegated Authority**

Under the Local Government Act, the Council may delegate some of its powers and duties to Committees.

Currently, the City has one Committee with delegated authority:

- Tender Review Committee
6.2.2 Staff with Delegated Authority

The Local Government Act provides for the Council to delegate certain powers and functions to the Chief Executive Officer. The CEO may in turn sub-delegate these powers and functions to individual staff positions within the City administration.

6.3 Providing Advice to Councillors

The provision of advice is a major element of the administration's role. Most items on a Council agenda are accompanied by a report and recommendations from the administration.

The Council report is the formal means for providing advice to Councillors, giving them relevant data, issues, options and advice that will enable them to consider the matter at hand and make an informed decision.

It is important that advice is well researched, accurate and unbiased. Its content should provide factual information and covers a range of policy, financial, strategic and statutory implications, as well as identifying the consultative processes which have occurred, or are intended to occur.

The Chief Executive Officer is ultimately accountable for all Council meeting agenda reports and "signs off" on the complete agenda document. However, other staff with relevant expertise within the City administration can author the reports.

Care needs to be taken in the wording of Council resolutions. Ambiguity will often mean Councillors, City staff and the community may have a different concept of what is intended in order to implement the decision concerned.

6.4 Briefing Sessions

Usually held on the Wednesdays not occupied by a Council meeting, briefing sessions are a forum to enable Councillors to be fully informed or 'briefed' on complex issues which will be coming before Council some time in the future. Briefing sessions are not decision making sessions. They have been designed to lead to better informed Councillors and enable Council meetings to focus on the decision-making needs of the local government.

Briefing sessions are usually held behind closed doors and conducted in a relatively informal manner.

A record of attendance and the matters discussed, in a very general manner are uploaded to the Councillors' Only website.
6.5 **Other Committees**

The Council may establish other Committees to consider particular matters. However, in the absence of delegated authority, these Committees do not have a decision-making role or responsibility. Such Committees can make recommendations to the Council about particular matters or subjects.

6.6 **Access to Information by Councillors**

A Councillor can have access to any information held by the City that is relevant to the performance by the Councillor of any of his/her functions under the Local Government Act or under any other written law. This includes all written contracts entered into by the City and associated documentation.

7. **SOME KEY POINTS**

Local government is a unique sector within the Australian system of government. Although a number of formal structures and systems are prescribed by legislation, these need to be significantly complemented by additional structures and systems which can address and accommodate the particular circumstances of the City of Swan in order to achieve good governance.

A number of key points emerge when considering the introduction and application of good governance principles at the City of Swan.

7.1 **Protocols, Processes and Goodwill**

The City has developed its own approach to the introduction and application of good governance principles in order to complement legislative requirements. These include practices concerning such areas as decision making, working relationships, access to information, and roles and responsibilities of the Mayor and Councillors.

These practices need to be formalised in an appropriate manner in order to strengthen accountability and transparency. It is preferable that these be achieved by agreement and followed voluntarily because many of them are protocols and conventions, rather than enforceable rules. They depend on cooperation, communication and respect.
7.2 Roles and Relationships

An understanding of roles and good relationships is critical to achieving good governance. Role differentiation is important, but should be addressed in a flexible and perceptive manner. The legitimate interests of particular groups should be respected and appropriately balanced with the need for leadership and a holistic approach.

Good relationships are about how groups work together, communicate, respect each other and understand the issues and pressures which exist. Good relationships mean good communication and a willingness to address and solve issues and problems. There are very few problems which cannot be resolved if good relationships and goodwill exist.

7.3 Evaluation

Governance concepts are dynamic. They should not be static and should be revisited regularly to ensure their ongoing relevance and applicability. The City has systems and processes in place for evaluating good governance, and this should be a regular part of the governance cycle.

GLOSSARY OF TERMS, CITY DOCUMENTS AND ACKNOWLEDGEMENTS

7.4 Glossary of Terms

The following words and expressions have the following meanings in this document:

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Council&quot;</td>
<td>The collective body comprising elected members (Councillors) of the City of Swan</td>
</tr>
<tr>
<td>&quot;Councillor&quot;</td>
<td>Individual elected member of the Council</td>
</tr>
<tr>
<td>&quot;City&quot; or &quot;City of Swan&quot;</td>
<td>Body corporate constituted under the Local Government Act 1995 with continuous succession</td>
</tr>
<tr>
<td>&quot;City staff&quot; or &quot;staff&quot;</td>
<td>Employees of the City</td>
</tr>
<tr>
<td>&quot;Administration&quot;</td>
<td>Collective term used to describe city staff together with the administrative mechanisms and structure of the City</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
</tr>
<tr>
<td>&quot;CEO&quot; or &quot;Chief Executive Officer&quot;</td>
<td>Chief Executive Officer of the City of Swan or person acting in this position</td>
</tr>
<tr>
<td>&quot;Community&quot;</td>
<td>Includes all the residents of the City, ratepayers and other stakeholders</td>
</tr>
<tr>
<td>&quot;LGA&quot; or &quot;the Act&quot;</td>
<td>Local Government Act 1995 and its amendments</td>
</tr>
<tr>
<td>&quot;District&quot;</td>
<td>Total land area comprising the City of Swan</td>
</tr>
</tbody>
</table>

### 7.5 City of Swan Documents and Publications

The following City documents have been referred to in the Governance Statement. They contain detailed information of the strategic governance framework adopted by the City.

- Register of Delegations to Committees
- Register of Delegations to CEO and City Staff
- Register of Financial Interests
- Register of Disclosed Interests
- Gift Register
- Complaints Register
- Councillors' Code of Conduct 2009
- Councillor Handbook
- Local Law relating to Standing Orders 2010
- Register of Policy Statements
- Staff Code of Conduct 2011
- Consolidated Local Laws (January 2005)
- Strategic Plan 2008-2012
- Strategic Community Plan
- Strategic Financial Plan
- Annual Business Plan
- Annual Report
- Annual Budget
- Place Planning
7.6 Acknowledgements

The City has referred to a number of publications and other sources in the preparation of this Governance Statement. In particular, the City wishes to acknowledge the following publications:

'The Australian Business Excellence Framework', SAI Global, November 2011

'Good Governance Guide', Good Governance Advisory Group, March 2004

'Governance Framework and Statement', City of South Perth, October 2011