

Shire of Broome Governance Framework

Foreword

This framework sets out the governance principles and the standards of accountability that is expected from Elected Members and all staff of the Shire of Broome (Shire). It aims to provide a comprehensive but high-level account of how the Shire applies governance principles to achieve good governance.

Elected Members and all Shire employees must demonstrate commitment to applying governance principles in undertaking the duties of their role. Effective governance arrangements, ethical leadership and decision-making, accountability and role clarity underpin our governance controls.

This framework will help us to continually improve governance practices within the Shire and will ensure our Community can be confident in the integrity and good governance of the Shire and the quality of our services.



Sam Mastrolembo
Chief Executive Officer



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1. Introduction

Never has it been more important for a local government to have a well documented and referred to Governance Framework.

Recent media surrounding the City of Perth inquiry, the sacking of the Town of Port Hedland Council and numerous reports of community disenchantment, elected member in-fighting and corruption have all negatively impacted on the reputation of local government.

The **Shire of Broome Governance Framework** documents the major processes, systems, roles and relationships that are involved in governance at the Shire. It underpins the confidence the community can have in the way the Council leads the Shire and can be used for a variety of purposes such as:

- To raise and maintain awareness of the principles of governance;
- For review of the performance of the Council and/or administration;
- As an induction resource for incoming Councillors and staff;
- As a basis to explore and prioritise improvements in governance; and
- To provides the community with an insight into the complexities of local government and the role of an elected member.

"The City of Perth has been poorly led, badly governed and was grossly dysfunctional. **The community deserved better.** It should have been service to the community before self-entitlement, not the other way around."

Commissioner Tony Power 30 June 2020.

"Ratepayers and residents of the Town of Port Hedland are entitled to expect that their elected members will provide leadership for the community and effectively manage and control operations in the town."

Local Government Minister David Templeman 9 July 2019

"I welcome the findings of the inquiry into the Shire of Perenjori. Local governments have a responsibility to abide by the Local Government Act and its associated regulations. Recordkeeping, the role of the CEO, and tendering processes are all important activities and councils have to be aware of their obligations and responsibilities. I believe that the recent appointment of a Commissioner to run the Shire of Perenjori will help restore stability to the local government. Following the election in May 2020, incoming councillors will be better prepared to lead their communities thanks to the WA Government's recently introduced changes to the Local Government Act, which include universal training for council members. Communities should have confidence in their elected members to provide good governance and services."

Local Government Minister David Templeman 6 August 2019

2. Governance Definition

Governance is defined as the framework by which organisations:

- Plan their direction;
- Implement their strategies; and
- Provide oversight to ensure achievement of their objectives

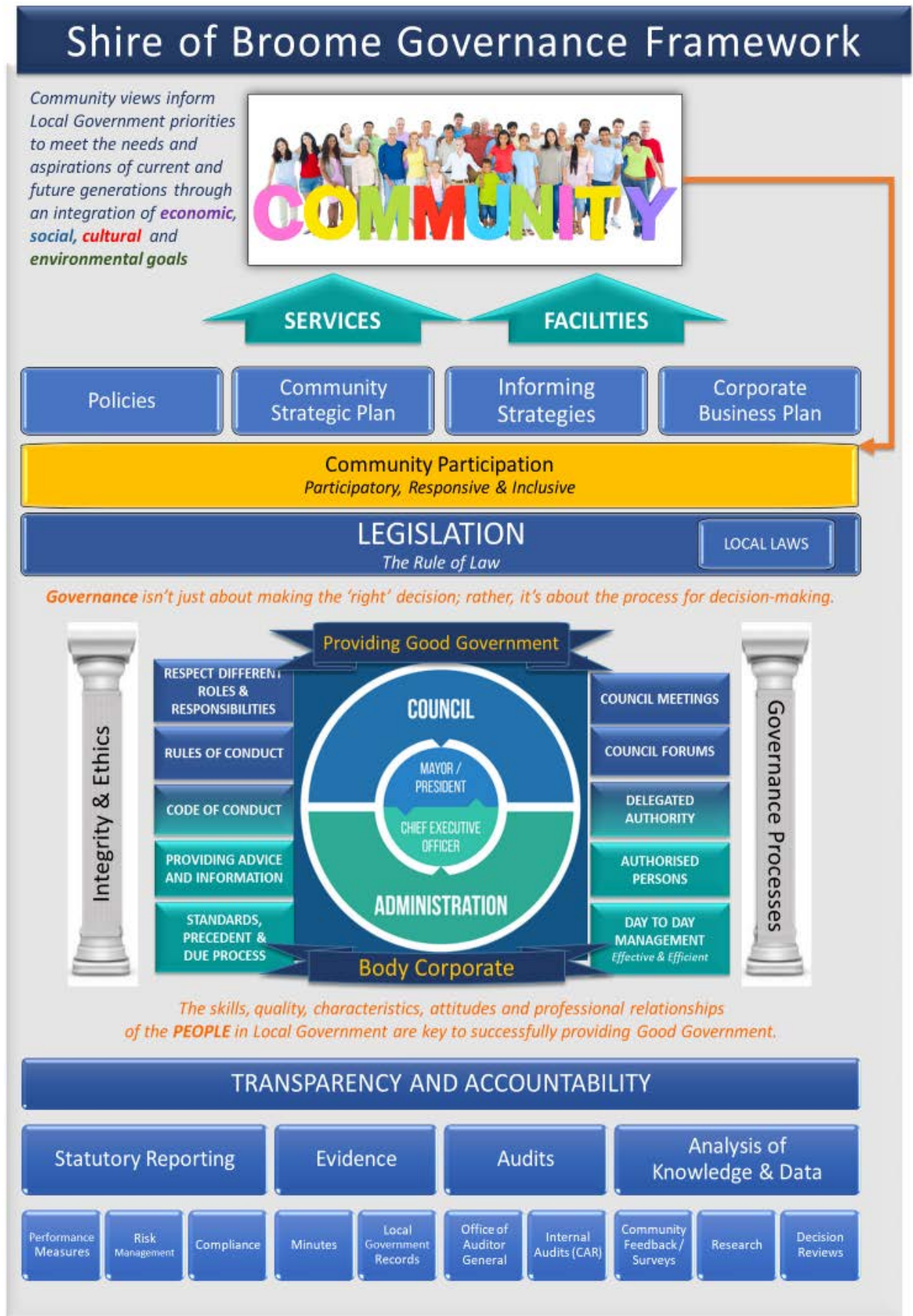
whilst at the same time minimising risk and remaining compliant with all obligations with the specific purpose of meeting the expectations of all stakeholders.

In the case of Local Government, the main stakeholder is the **COMMUNITY** in which we live, work and recreate.

The interrelationships between the Community, the legislation that governs Local Government and the operations of the Council and Administration are detailed in the following Governance Framework.



3. Governance Framework



4. Community Participation

4.1 Community Defined

An appreciation of the term “**COMMUNITY**” is integral to an understanding of what constitutes good governance at a local government level. When discussed in connection with good governance the term is often used as though it is a homogenous entity and presupposes that there is a single community interest, community demand or community need.

The population within the Shire of Broome consists of a large number of communities, for example, the business community, the visitor community and the resident community. These can be further broken down into subsets, which include the retail community, the developer community and the tenant community. Additionally, local communities can be defined by geographical area and include the Aboriginal communities within the Shire.

Often such diverse communities do not share the same aspirations, goals and interests. One of the challenges for all levels of government but particularly local government which defines itself as being closest to the Community is how to govern so that different, and often competing, interests are recognised, addressed and managed.

When “**COMMUNITY**” is referred to in this framework, it means the many groups, individuals and interests represented within the Shire of Broome.

4.2 Integrated Planning and Reporting (IPR)

Integrated planning and reporting give local governments a framework for establishing local community priorities and to link this information to operational functions in the course of delivering services and facilities.

The Shire has a maturing [Integrated Planning and Reporting Framework \(IPRF\)](#) that aligns with the requirements of the Department of Local Government Sport and Cultural Industries (DLGSC) guidelines.

The DLGSC Advisory Standard outlines “**Achieving**”, “**Intermediate**” and “**Advanced**” Standards of IPR performance. The DLGSC expects local governments to be moving through the Standards, on a pathway of continuous improvement.

In essence, IPR is a process designed to:

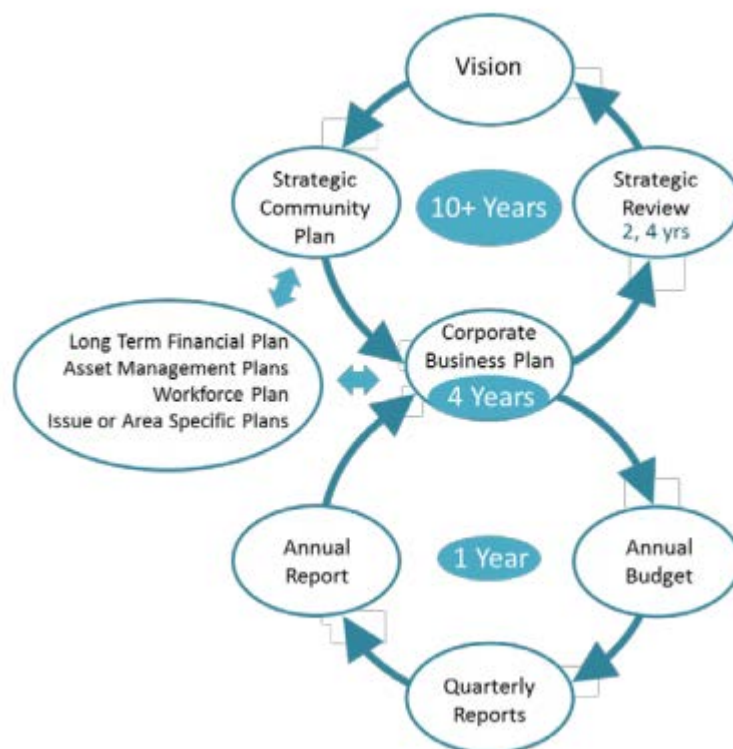
- Ensure community input is explicitly and reliably generated;
- Articulate the community’s vision, outcomes and priorities;
- Allocate resources to achieve the vision, striking a considered balance between aspirations and affordability;
- Monitor and report progress.



The Local Government Act Review Panel Report released on 6 August 2020 has made significant IPR recommendations including that:

- IPR be given greater prominence in the new Act as the centrepiece of ‘smart’ planning and service delivery and
- All IPR plans be reviewed every four years (to align with the new election cycle), two years or one year depending on the plan.

The key components of the **Integrated Planning and Reporting Framework** are shown in the diagram below:



References:

[Local Government Act 1995 Section 5.56 - Planning for the Future](#)
[DLGSC - Integrated Planning and Reporting: Advisory Standard](#)

4.2.1 Strategic Community Plan

The Strategic Community Plan (SCP) outlines the Shire's long term (10+ years) vision, values, aspirations and priorities, with reference to other Shire plans, information and resourcing capabilities.

The Strategic Community Plan has a minor desktop review 2 years after Council adoption and a full review every 4 years.

[Shire of Broome Strategic Community Plan 2019 - 2029](#)

References

[Local Government \(Administration\) Regulations 1996 Reg 19C - Strategic community plans, requirements for \(Act s.5.56\)](#)
[DLGSC - Strategic Community Plan Homepage](#)



The Local Government Act Review Panel Report released on 6 August 2020 has recommended replacing the current requirement for a Strategic Community Plan with a more flexible framework for 'Community Strategies'.

4.2.2 Corporate Business Plan

The Corporate Business Plan (CBP) activates the Strategic Community Plan. It is an internal business planning tool that translates council priorities into operations within the resources available over the next 4 years.

The Corporate Business Plan is reviewed annually with Year 1 establishing the parameters for the Annual Budget.

[Shire of Broome Corporate Business Plan 2020 - 2024](#)

References

[Local Government \(Administration\) Regulations 1996 Reg 19DA - Corporate business plans, requirements for \(Act s.5.56\)](#)
[DLGSC - Corporate Business Plan Homepage](#)



The Local Government Act Review Panel Report released on 6 August 2020 has recommended reframing the Corporate Business Plan as a broader 'Council Plan' prepared by each incoming Council.

4.2.3 Informing Strategies

Informing strategies are used to determine community priorities and the Shire's resourcing capability in the delivery of services and assets required by the community over the short, medium and long term.

Core informing strategies under Admin Reg 19DA are:

- **Long Term Financial Plan**
- **Asset Management Plan**; and
- **Workforce Plan**.

Other issue or area specific council plans (e.g. Cable Beach Masterplan) that inform the Strategic Community Plan and Corporate Business Plan are developed and reviewed as required. The core Informing Strategies play a vital role in prioritisation and integration.

References

[Shire of Broome Informing Strategies and Plans](#)
[DLGSC - Informing Strategies Homepage](#)

4.3 Policies

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes that a **primary function** of the Council is determining the local government's policies.

Council has an adopted Policy Framework. The framework provides a structure and process for the initiation, development, adoption and review of Council and Internal policies and procedures.

Council approves Planning and Council Policies. The Chief Executive Officer approves Administration Policies and Business Operating Procedures as an important component of internal governance.

Policy and Procedures are reviewed on a risk-based approach outlined in the framework.

[Shire of Broome Policy Framework](#)

References

[Local Government Act 1995 Section 2.7 - Role of Council](#)

[Shire of Broome Council Policies](#)



Governance policies for future consideration:

- Attendance at Events (mandatory)
- Whistleblower
- Fraud, Misconduct Control and Resilience



Strategic Community Plan



5. Legislation and Local Laws

5.1 Local Government Act 1995

The Shire of Broome is constituted as a district under the Act. The general function of a local government is to provide for the good government of people living and working within its district and includes legislative and executive powers and responsibilities given through the Act.

Overall, the Act is intended to provide excellence in governance through:

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

The Act provides a number of ways of achieving the above through delegations, policies and local laws.

The Act is supported by Regulations that dictate how the provisions of the Act are applied.

References

[Local Government Act 1995](#)

[Local Government Review Panel final report - Recommendations for a new Local Government Act for Western Australia](#)



The Local Government Act Review Panel Report released on 6 August 2020 has recommended an Act that is considerably shorter, less prescriptive and minimises the use of regulations by establishing clear principles, robust processes, model charters, guidelines and templates.

5.2 Local Laws

In accordance with section 3.5 of the Act, Council may make local laws as a way of providing good governance to the community and which reflect current community standards.

The Act outlines the process by which Council may adopt local laws. This legislative role allows Council to adopt a regulatory regime that may be enforced through the courts, by issue of infringement notices or by performing other executive functions to enforce the local laws.

When adopting local laws Council must be aware that they operate with the force of legislation and the Shire has a duty to enforce all local laws. A review of each local law is to be completed within a period of 8 years. Section 3.16 of the Act details the periodic review requirements.

[Shire of Broome Local Laws](#)

References

[Local Government Act 1995 Section 3.12 - Procedure for making local laws](#)

[Local Government Act 1995 Section 3.16 - Periodic review of local laws](#)



The Local Government Act Review Panel Report released on 6 August 2020 has recommended:

- Increased harmonisation of local laws through the development of model local laws and deemed provisions
- Requirement to justify to the Joint Standing Committee on Delegated Legislation any variation from the model or deemed provisions

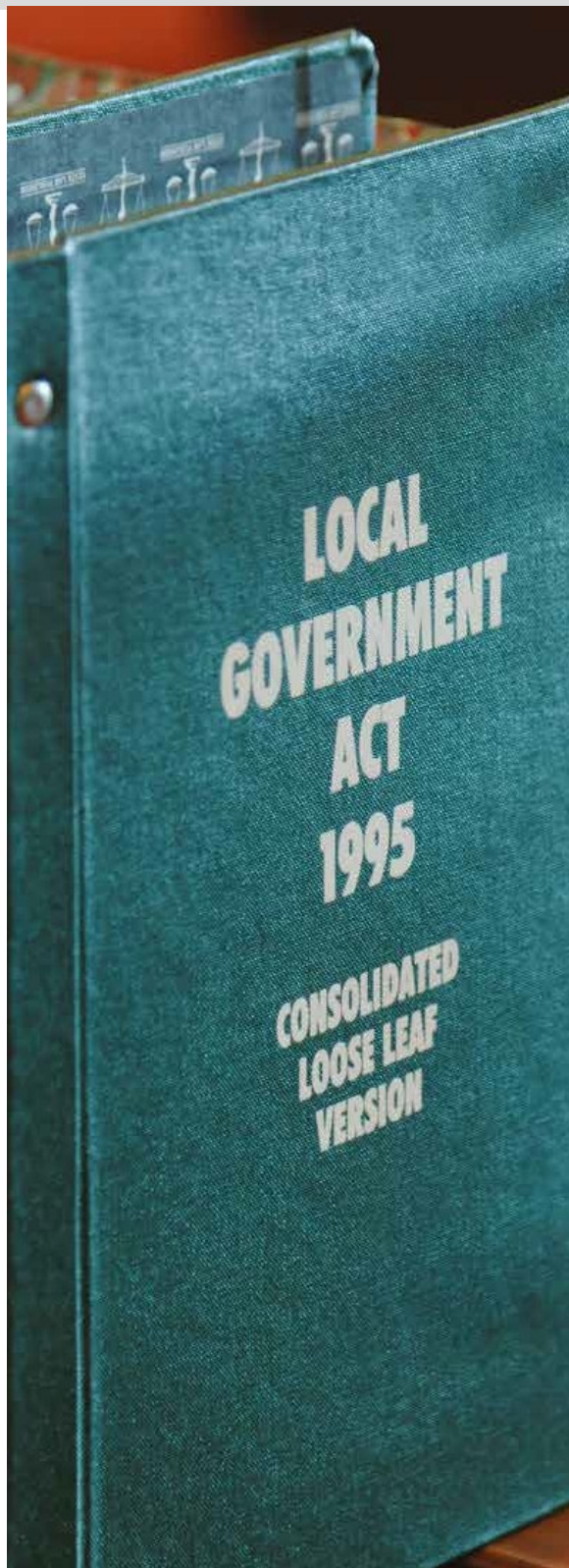


Local Government Review Panel

Final Report

Recommendations for a new Local Government Act
for Western Australia

May 2020



6. Providing Good Government



6.1 Council

A **Council** is the governing body of a Local Government and consists of Elected Members. Section 2.7(1) of the Act defines the role of the Council as:

- Governs the Local Government's affairs; and
- To be responsible for the performance of the Local Government's function.

The Council oversees the employment of the Chief Executive Officer, allocation of the finances and resources and determines the policies.

The Act provides for electoral terms of four years which is commonly referred to as the "four by two system". That is, each Elected Member has a four-year term with half of the members retiring every second year. This will mean an **ordinary election** will fall on the third Saturday in October every second year. Retiring Elected Members are eligible for re-election.

References

[Local Government Act 1995 Section 2.7 - Role of council](#)

[Local Government Act 1995 Section 5.36 - Local government employees](#)



The Local Government Act Review Panel Report released on 6 August 2020 has recommended:

- Elections are held once every four years (in between state elections)
- Mandatory postal voting
- Ward boundary reviews should be conducted every 4 years.

6.2 Shire President

The Shire President is the title given to the chief elected person of a Local Government. The Act allows the Shire President to be elected either by the electors of the district or by the Council from amongst the Councillors. The method of filling the position may be changed by the Local Government either initiated by the Council or as a result of a petition by electors.

The position of Shire President, elected by members of the Council, is to be filled following an ordinary election day every second year, whereas a Shire President elected by the electors of the district has a four-year term of office.

The Broome Shire President is currently elected by the Council by secret ballot immediately after each ordinary election.

6.3 Chief Executive Officer

The CEO is the only employee appointed by Council and is therefore ultimately accountable to Council.

As the head of the Shire's administration, the CEO is responsible for the implementation of Council policies, decisions and budgeted works, the provision of accurate and timely advice to Council and the efficient administration of the Council as detailed in section 5.41 of the Act.

References

[Local Government Act 1995 Section 5.41 - Function of CEO](#)

6.4 Administration

The CEO is responsible for the appointment of all other employees.

The following principles apply to a local government in respect of its employees:

- Employees are to be selected and promoted in accordance with the principles of merit and equity; and
- No power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- Employees are to be treated fairly and consistently; and
- There is to be no unlawful discrimination (*Equal Opportunities Act 1984*) or on any other grounds.



6.5 Performance Review

The Council is responsible for the annual review of the performance of the CEO, the setting of the CEO's key performance indicators for the following year and the subsequent monitoring of performance.

All other employees who are employed for a term of more than one year are to be reviewed as to their performance at least once every year.



Council is not currently required to formally review its own performance however best practice governance would recommend a regular review process be in place. In 2017 the Australian Institute of Company Directors (AICD) completed a Governance Review. This could be revisited in the development of a review process.

A Council performance review would be an opportunity to reflect on the collective performance of the Council, the individual performance of Councillors, the appropriateness of the governance framework in place, and the areas for improvement that Council may wish to consider.

Sample Council Performance Questionnaire has been included at Appendix 1 & 2.

References

[Local Government Act 1995 Section 5.38 - Annual review of employees' performance](#)



Shire of Broome Councillors – October 2019

Back L-R: Cr Desiree Male (Deputy Shire President), Cr Bruce Rudeforth, Cr Peter Taylor, Cr Harold Tracey (Shire President), Cr Chris Mitchell.
Front L-R: Cr Fiona West, Cr Elsta Foy, Cr Phillip Matsumoto, Cr Nik Wevers.

7. Governance Processes

7.1 Effective decision-making

Decision-making is the most important activity undertaken by Council. Effective decision-making processes increase the likelihood that the decisions themselves will be in the best interests of the entire community.

The Council can only make decisions by resolution, that is, a motion being considered at a properly convened meeting and passed by the required majority vote.

Council decisions may be subject to administrative law, and therefore subject to challenge or appeal. To mitigate risk in this area the following principles apply to all Councillors:

- To act in good faith
- To take into account only relevant considerations
- To act reasonably
- To provide procedural fairness

7.2 Council Meetings

Council Meetings are the formal meetings of Council and the processes, systems and relationships that contribute to successful meetings are found within the Act and local laws.

Council Meetings must be open to the public except in certain circumstances whereby the Council Meeting may be closed to the public in accordance with section 5.23(2) of the Act. In order to promote transparency and accountability required for good governance these provisions should be applied as infrequently as possible.

Good decision making at a Council meeting is enhanced when the meeting is conducted in accordance with the Shire's Meeting Procedures Local Law. This requires a clear, detailed and informative agenda, good chairing and facilitation, adherence to meeting procedures and adherence to statutory requirements.

References

[Local Government Act 1995 Section 5.23 - Meetings generally open to public](#)
[Shire of Broome - Standing Orders Local Law 2003](#)
[DLGSC - A Guide to Council and Committee Meetings](#)

7.2.1 Council meeting schedule

- Ordinary Council Meetings are held on the last Thursday of the month except for November – January. There is no meeting in January and the November and December meetings are brought forward to accommodate Christmas Public Holidays.
- Special Council Meetings are held as required.
- Annual Electors Meeting is typically held in early December subject to finalisation of the Annual Report for the previous financial year.

Council is required to adopt the Annual Ordinary Council Meeting Schedule for each year and provide local public notice of the dates.

References

[Shire of Broome - Ordinary Council Meeting Dates](#)

7.3 Committee Meetings

Section 5.8 of the Act permits a Council to establish Committees. The function of a Committee is dependant upon its establishment purpose as detailed within its Terms of Reference.

The Shire of Broome Committees have no decision-making delegation and are required to make recommendations to Council. Under the Act, delegated authority to Committees is an option available to Council.

References

[Shire of Broome - Audit and Risk Committee Terms of Reference](#)

[Shire of Broome - Bush Fire Advisory Committee Terms of Reference](#)

[Shire of Broome - Economic Development Advisory Committee Terms of Reference](#)

[Shire of Broome - Local Emergency Management Committee Terms of Reference](#)

7.3.1 Audit and Risk Committee

The only mandatory Committee of Council is the Audit and Risk Committee which is established in accordance with section 7.1A of the Act.

The Audit and Risk Committee is established to oversee and advise the Council on matters of internal or external audit, risk management, financial reporting and legislative compliance functions of the Shire. Such matters include developing and monitoring the Shire's internal audit activities as well as reviewing the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal controls and legislative compliance.

References

[Local Government Act 1995 Section 7.1A - Audit Committee](#)

[Local Government \(Audit\) Regulations 1996](#)



The Local Government Act Review Panel Report released on 6 August 2020 has recommended the roles of the audit committee be expanded to become Internal Audit, Risk and Improvement Committees and that the majority Committee members be independent of the local government.

7.4 Council Forums

7.4.1 Agenda Forums

Agenda Forums allow Councillors to ask questions or request further information from the Chief Executive Officer specifically in relation to an item on the Agenda of the next Ordinary Council Meeting.

Agenda Forums are held on the Tuesday preceding the Ordinary Council Meeting. No debate on agenda items is permitted.

Agenda Forums are held behind closed doors in accordance with Council Policy – [Forums of Council](#) and run with strict procedures to protect the integrity of the decision-making process.

7.4.2 Concept Forums

Concept Forums involve Elected members and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts. Such forums often involve projects that are in the early planning stage and are some time away from being presented to Council for decision.

In discussing such issues, staff are looking for guidance from the elected members as they research the matter and draft the report. Concept Forums also facilitate new ideas being tabled for future consideration.

Concept Forums are held behind closed doors in a relatively informal manner as many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.

7.4.3 Workshops

Council Workshops are held to 'workshop' matters prior to presentation to Council. They are not to be confused with Concept or Agenda Forums.

A workshop provides an opportunity for employees or engaged consultants to provide a detailed presentation on specific matters/projects.

References

[DLGSC - Operational Guidelines No5 - Council Forums](#)

7.5 Delegated Authority

Delegations form part of the Shire's decision-making approach. Delegations entrust certain types of decisions to the CEO, employees or committees.

Under the Act and other legislation both Council and the CEO are given certain functions and duties to be discharged. Council may delegate authority to the CEO to perform some of its functions and duties on its behalf. The use of delegated authority means that the large volume of routine work of Council can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

Delegated authority allows Council to concentrate on policy development, representation, strategic planning and community leadership as outlined in Section 4 of this framework.

Records of the exercising of a delegation are retained in accordance with legal requirements for document retention and record keeping by the delegate.

The delegation register is required to be reviewed annually by Council.

References

[Shire of Broome - Delegations of Authority Register](#)

[DLGSC - Operational Guideline No17 - Delegations](#)

7.6 Authorised Persons

Under delegation, Council or the CEO (with delegated authority) can 'appoint' persons or classes of persons to perform particular functions. These persons are generally termed 'authorised persons' or some other similar term. Legislation or local laws may specify that an 'authorised person' can perform a particular function and those functions or duties are normally specified in the applicable provision.

Authorised persons are not necessarily employees with delegated authority. Employees appointed as authorised persons are required to have a certificate of appointment or some other form of identification to confirm their appointment and to demonstrate their ability to perform that function.

An example of a local government authorised persons is a Ranger who requires authorisation to administer functions within the *Bush Fires Act 1995*, *Caravan Parks and Camping Grounds Act 1995*, *Cat Act 2011*, *Control of Vehicles (Off-Road Areas) Act 1978 (Western Australia)*, *Dog Act 1976*, *Emergency Management Act 2005*, *Local Government Act 1995*, *Local Government (Miscellaneous Provisions) Act* and *Litter Act 1979*

7.7 Day to Day Management – *Effective & Efficient*

7.7.1 Executive Functions

Council is responsible for overseeing the executive functions of the Shire under section 3.18 of the Act.

The executive functions of the Shire are the administration of local laws and the provision of services and facilities.

Council must satisfy itself that the services and facilities it provides:

- Integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- Do not duplicate, to an extent that the Council considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
- Are managed efficiently and effectively.



A framework for Service Delivery Review and Planning commenced in 2019.

As this matures it will provide the mechanism to ensure that resources are being allocated optimally.

It will also assist with meeting the ever-present challenge of cost shifting to local government from the other spheres of government.

References

[Local Government Act 1995 Section 3.18 - Performing executive functions](#)

7.7.2 Daily Operations

The CEO is responsible for the management of the day to day operations of the Shire in accordance with section 5.41 of the Act.

Regulations require the CEO is to ensure efficient systems and procedures are established for financial management and that reviews into the appropriateness and effectiveness of the financial management systems and procedures occur on a regular basis.

Additionally, the CEO is to review the appropriateness and effectiveness of the Shire's systems and procedures and report to the Audit Committee in relation to:

- Risk management;
- Internal controls; and
- Legislative compliance

References

[Local Government \(Financial Management\) Regulations 1996 Reg 5 - CEO's duties to financial management](#)
[Local Government \(Audit\) Regulations 1996 Reg 17 - CEO to review certain systems and procedures](#)

7.7.3 Purchasing Policy

The Shire of Broome [Purchasing Policy](#) details the standard methods and procedures for the Shire to purchase goods and services. Compliance with this policy is mandatory for all employees and meets the requirements of the *Local Government (Functions and General) Regulations 1996* – Reg 11A – Purchasing policies for local governments.

Council actively promotes a 'Buy Local' ethos which is supported by a [Regional Price Preference Policy](#) that allows a **Regional Business Preference** or **Regional Content Preference** of up to \$50,000 to be applied.

References

[Local Government \(Functions and General\) Regulations 1996 Reg 11A - Purchasing policies for local governments](#)
[Local Government \(Functions and General\) Regulations 1996 Reg 24C - Regional price preference may be given](#)



The Local Government Act Review Panel Report released on 6 August 2020 has recommended:

- That local government purchasing thresholds, rules and policies are, where applicable, aligned with the State Government;
- Model purchasing policy for all local governments. If a local government chooses to deviate from the policy, it should be required to explain its reasoning to the responsible State Government agency.

Statement of Business Ethics

Supporting the Purchasing Policy, Council has adopted a [Statement of Business Ethics](#) that provides guidance for all sectors of the community when conducting business with the Shire. It outlines the Shire's ethical standards and expectation that goods and service providers and contractors will comply with these standards in all their dealings with the Shire. The Statement also outlines what goods and service providers and contractors can expect from the Shire.

8.Integrity & Ethics

8.1 Respect Different Roles and Responsibilities

An appreciation and understanding of the different roles of Council (Refer Section 4), Shire President, Councillors, CEO and Employees, together with effective communication and cooperation between all parties, underpins good governance at the Shire. The relationship between Elected Members and the CEO must respect the diversity of opinion and the rights of all points of view to be heard with courtesy and respect.

8.1.1 Role and Responsibilities of Councillors

The formal 'job description' of a Councillor is set out in the Act – section 2.10 – Role of councillors.

This requires Councillors to provide leadership to the community, ensure that consultation links between the community and the Council are suitable, easy to follow and facilitate participation in Council and committee decisions.

Each Councillor brings a wealth of experience and commitment to the community. Councillors come from different backgrounds and all bring to Council a strong sense of purpose and commitment to the shared vision held for the Shire. Whilst there are differences in the characteristics of individual Councillors all are required to serve the community in good faith and with due diligence.

This service at the local level involves:

- Extensive reading and research in preparing for meetings;
- Planning for the needs of the community;
- Providing strategic direction through policy initiatives;
- Overseeing the financial stewardship of the Shire;
- Abiding by the provisions of the many Acts of Parliament and other legislation that Council must deal with;
- Completion of training requirements; and
- Keeping up to date with issues that may impact the Shire and its community.

Limitations on the position

It is important to remember neither the Shire President nor any Councillor can unilaterally require the CEO to carry out an action that has not been authorised by the Council as a whole or commit the Council to any action or decision that Council has not already approved by resolution.

Relationships between Councillors

Councillors need to achieve their individual and collective goals within a democratic system that stipulates that the majority vote prevails after debate. Given this, Councillors must respect the views of other Councillors and acknowledge that, while agreement may not be reached on all issues, the contribution of all Councillors to the debate is important and that the decision of Council is respected. This is part of a Councillor's legal duty of fidelity to act in the best interests of the Council and the Shire.

References

[Local Government Act 1995 Section 2.10 - Role of Councillors](#)

Relationships between Councillors and Employees

Local governments often grapple with the issue of direct contact between individual Councillors and employees versus contact through the CEO and Directors.

Individual Councillors should not seek to foster special relationships with Employees for the sole purpose of seeking information that may not otherwise be available to all Councillors. Councillors and Employees are entitled to privacy and protection from inappropriate behaviour. This includes unauthorised access to the Shire's administration area.

To assist with maintaining respectful, harmonious and effective working relationships between Councillors and Employees, Council has adopted the [Shire of Broome Formal Communication Policy - Elected Members and Staff](#).

The policy provides detailed information on communication protocols and processes established at the Shire to aid in the relationship between Councillors and Employees.

Mandatory Councillor Training

Each Councillor must complete training in accordance with regulation. Currently this requires the completion of the training course titled *Course Member Essentials* within 12 months of being elected. The course consists of the following modules:

- Understanding Local Government;
- Serving on Council;
- Meeting Procedures;
- Conflicts of Interest;
- Understanding Financial Reports and Budgets.

References

[Local Government Act 1995 Section 5.126 - Training for council members](#)

[Local Government \(Administration\) Regulations 1996 Reg 35 - Training for council members](#)

8.1.2 Role and Responsibilities of the Shire President

The position of Shire President has special significance in local government as the holder of this office performs the role of a Councillor and has additional civic and ceremonial duties. The Shire President has the responsibility for presiding at Council meetings and controlling debate. The position has authority at Council meetings to control behaviour of Councillors and also members of the public.

When speaking on behalf of the Shire the Shire President reflects the position taken by the Council rather than a personal view.

The Shire President has an important role in ensuring good governance and is a stabilising influence within the Shire by:

- Building good community and corporate relationships;
- Being a positive influence;
- Leading by motivating others;
- Promoting change when necessary; and
- Taking a thoughtful and well-informed approach in conflict situations.

Relationships between Shire President and Councillors

The important aspects of this relationship include:

- The relationship needs to be based on mutual trust and respect;
- The Shire President can should facilitate an inclusive approach to decision-making and involvement in Council activities, ensuring each elected member has access to the same information prior to making decisions;
- The Shire President should assist elected members to have their issues considered by Council;
- The Shire President should take some responsibility for Elected Member training and development and should work with the CEO to ensure that Elected Members receive necessary training opportunities; and
- The Shire President is a source of assistance for Councillors and also has the responsibility for facilitating resolution of any disputes between Councillors.

References

[Local Government Act 1995 Section 2.8 - Role of mayor or president](#)

[Local Government Act 1995 Section 2.9 - Role of deputy mayor or deputy president](#)

8.1.3 Role and Responsibilities of the CEO

The CEO is the principal advisor to the Council providing information and advice on the many and varied decisions the Council must make. The CEO is also responsible to the whole Council for the overall management and performance of the Administration.

The complementary but separate roles performed by the Council and the Administration are fundamental to the good governance processes and systems that the Council operates under. The Council adopts high level documents that articulate the strategies, aspirations, goals, plans and policies of the Council. These form the basis for a set of key performance indicators (KPI's) that are used to assess the performance of the CEO who is required to put the plans and policies into practice.

References

[Local Government Act 1995 Section 5.41 - Function of CEO](#)



Shire of Broome – Strategic Goals

Relationships between CEO and the Shire President.

The CEO and Shire President work closely together and the relationship should be characterised by openness with good communication, ensuring that each is kept informed about important and relevant issues.

Both the CEO and Shire President have a role to liaise with each other in respect of the Shire's affairs and the performance of the Shire's functions. They also have a crossover of responsibilities in relation to speaking on behalf of the Shire. It is acknowledged that the role of speaking on behalf of the Shire rests with the Shire President however there are occasions when it is considered prudent for this function to be undertaken by the CEO which can be determined between the Shire President and the CEO.

The Act is silent in respect of how the liaison is to occur and as such the CEO and Shire President are to adopt an approach that suits their circumstances.

Features of an effective relationship between the CEO and Shire President are:

- The need to work closely together and put energy into achieving a good working relationship;
- A relationship characterised by consistency, openness and clear communication;
- An understanding that each has different roles and authorities;
- The relationship should aim to facilitate teamwork and unity between the Elected Members and the organisation; and
- Consistent communication and regular fixed meeting.

Relationships between CEO and the Elected Members.

One of the most complex issues in local government that is critical to good governance is the working relationship between the CEO and Elected Members.

Elected Members need support to manage pressures in such a way that their constituents feel their issues or concerns are being heard, but also need to appreciate that their demands cannot always be met. Advice and support on consultation and engagement, good systems that refer requests and queries to the relevant area for advice, and responsive services and processes all assist in furthering good governance.

The table below sets out the **separation of roles** between the Council (directing and controlling the affairs of the local government) and the CEO (managing day-to-day operations):

COUNCIL	CEO
Sets direction and strategy	Provides professional and technical advice to the Council
Ultimate responsibility for the performance of the Shire's functions	Implements the decisions of Council
Decide on matters of policy and local laws	Liaises with the Shire President
Ensure that services are facilities are integrated with and do not unnecessarily duplicate other public services	Managed the day-to-day operations
Oversee the allocation of the Shire's finances and resources	Responsible for the employment and management of employees
Monitor performance through the CEO to ensure efficiency and effectiveness in service provision	Monitors the performance of employees to ensure efficiency and effectiveness in service provision

8.2 Rules of Conduct

The *Local Government (Rules of Conduct) Regulations 2007* provide a disciplinary framework to deal with individual misconduct by Elected Members. The Rules of Conduct provide a mechanism to take action against individual Elected Members where they do not comply with the 'rules' or they contravene particular laws applying to them in legislation.

The Rules of Conduct list **eight general principles to guide the behaviour of council members** as follows:

- ACT WITH REASONABLE CARE AND DILIGENCE;
- ACT WITH HONESTY AND INTEGRITY;
- ACT LAWFULLY;
- AVOID DAMAGE TO THE REPUTATION OF THE LOCAL GOVERNMENT;
- BE OPEN AND ACCOUNTABLE TO THE PUBLIC;
- BASE DECISIONS ON RELEVANT AND FACTUALLY CORRECT INFORMATION;
- TREAT OTHERS WITH RESPECT AND FAIRNESS; AND
- NOT BE IMPAIRED BY MIND AFFECTING SUBSTANCES.

References

[Local Government \(Rules of Conduct\) Regulations 2007 Reg 3 - General principles to guide the behaviour of council members](#)



Currently Rules of Conduct Breaches are reported to the Standards Panel.

The Local Government Act Review Panel Report released on 6 August 2020 has made a recommendation for the establishment of an Office of the Independent Assessor to be an independent body to receive, investigate and assess complaints against elected members and undertake inquiries. This would remove the CEO from being involved in processing and determining complaints.

In addition to the general behaviour principles, the Rules of Conduct prescribe uniform rules in relation to:

- USE OF INFORMATION
- SECURING PERSONAL ADVANTAGE OR DISADVANTAGING OTHERS
- MISUSE OF LOCAL GOVERNMENT RESOURCES
- PROHIBITION AGAINST INVOLVEMENT IN ADMINISTRATION
- RELATIONS WITH LOCAL GOVERNMENT EMPLOYEES
- DISCLOSURE OF INTEREST - (ADDITIONAL DETAIL BELOW)
- GIFTS- (ADDITIONAL DETAIL BELOW)

The Rules of Conduct do not limit the provisions within the Shire's *Code of Conduct*, however, the Rules of Conduct, the Regulations as well as the Shire's Meeting Procedures Local Law are enforceable and disciplinary action can be taken for any breach.

8.2.1 Disclosures of Interest

Councillors, committee members and employees have specific obligations if they have a financial, proximity or impartiality interest in an item before a meeting. These provisions support the principle that there should be no actual or perceived conflict of interest.

Financial, Indirect Financial and Proximity Interests in Matters Requiring a Decision

A person has a financial or indirect financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person or to a person who is **'closely associated'** with them (such as a spouse, partner or employer).

A person has a proximity interest if land adjoins theirs or a person 'closely associated' with them and a matter before Council or a Committee concerns a proposed change to a planning scheme, zoning, land use or development application.

Financial, and proximity interests generally require a Councillor, committee member or employee to leave the meeting room while the matter is debated.

Failure to disclose a financial, indirect financial or proximity interest is classified as serious misconduct and requires the CEO to report these breaches to the Corruption and Crime Commission (CCC)

Breaches come with a potential fine of \$10,000 or 2-years imprisonment under section 5.65 of the Act.

Primary and Annual Returns Disclosing Financial Interests

Elected Members and those employees who exercise delegated powers are required to lodge primary and annual returns that provide information on the person's interests.

A primary return is required to be completed within three months of initial election to Council or commencement of duties with the Shire.

An annual return is then completed at the end of each financial year disclosing any changes to the information previously disclosed. Annual returns are required to be lodged by the 31st August each year.

Failure to lodge a primary or annual return is classified as serious misconduct and requires the CEO to report these breaches to the Corruption and Crime Commission (CCC)

Breaches come with a potential fine of \$10,000 or 2-years imprisonment under section 5.65 of the Act.



The Local Government Act Review Panel Report released on 6 August 2020 has recommended that Primary and Annual Returns should include disclosure of membership of political parties and associations likely to be seen as exerting an influence on decision-making.

Impartiality Interests

An impartiality interest is an interest that could adversely affect, or could reasonably be perceived to adversely affect, the impartiality of the person having the interest. It arises from kinship, friendship or membership of an association.

A person who declares an impartiality can continue to participate in the debate after declaring that they will deal with the matter in an objective and unbiased manner.

8.2.2 Gifts

In accordance with the Act, Elected Members and the CEO are required to disclose gifts that are received in their capacity as a council member or CEO and:

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

All such gifts must be disclosed within 10 days of receipt: the CEO makes the disclosure to the Shire President; Elected Members make the disclosure to the CEO. The CEO must update the gift register within 10 days and an up-to-date version of the register is required to be published on the Shire's website.

The receipt of a declarable gift over \$300 typically prevents an Elected Member or CEO from participating in, or providing advice or report on, a matter before Council involving the donor.

Section 5.68 of the Act permits Council to allow an Elected Member or CEO to participate or provide advice/report where the gift is less than \$1,000 and it is determined that

- the interest is so trivial or insignificant that it is unlikely to influence; or
- the interest is common to a significant number of electors or ratepayers.

For an interest created by a gift(s) over \$1,000 in a twelve-month period, only the Minister can make a decision to allow participation or the provision of advice or a report.



References

- [Local Government \(Rules of Conduct\) Regulations 2007 Reg 6 - Use of information](#)
- [Local Government \(Rules of Conduct\) Regulations 2007 Reg 7 - Securing personal advantage or disadvantaging others](#)
- [Local Government \(Rules of Conduct\) Regulations 2007 Reg 8 - Misuse of local government resources](#)
- [Local Government \(Rules of Conduct\) Regulations 2007 Reg 9 - Prohibition against involvement in administration](#)
- [Local Government \(Rules of Conduct\) Regulations 2007 Reg 10 - Relations with local government employees](#)
- [Local Government \(Rules of Conduct\) Regulations 2007 Reg 11 - Disclosure of interest](#)
- [Local Government \(Rules of Conduct\) Regulations 2007 Reg 12 - Gifts](#)
- [Local Government Act 1995 Section 5.60A - Financial Interest](#)
- [Local Government Act 1995 Section 5.60B - Proximity interest](#)
- [Local Government Act 1995 Section 5.61 - Indirect financial interests](#)
- [Local Government Act 1995 Section 5.62 - Closely associated persons](#)
- [Local Government \(Administration\) Regulations 1996 Reg 34C - Codes of conduct about disclosing interests affecting impartiality](#)
- [Local Government Act 1995 Section 5.75 - Primary returns](#)
- [Local Government Act 1995 Section 5.76 - Annual returns](#)
- [Local Government Act 1995 Section 5.87A - Council members to disclose gifts](#)
- [Local Government Act 1995 Section 5.87B - CEO to disclose gifts](#)
- [DLGSC - Operational Guideline No 20 - Disclosure of Financial Interests at Meetings](#)
- [DLGSC - Operational Guideline 12-2019 - Disclosure of interests affecting impartiality](#)
- [DLGSC - Operational Guideline 12-2019 - Primary and annual returns](#)
- [DLGSC - Operational Guideline 05-2020 - Disclosure of gifts and disclosure of interests relating to gifts](#)

8.3 Code of Conduct

The [Shire of Broome Code of Conduct](#) has been adopted in accordance with the legislative requirements of the Act. The Code provides Elected Members, Committee & Working Group Members and employees with consistent guidelines that define an acceptable standard of professional conduct.

References

[Local Government Act 1995 Section 5.103 - Codes of conduct](#)



The Local Government Act review has identified legislating a standard mandatory code of conduct for elected members, committee members, election candidates and local government CEO's as a priority reform.

It is expected that this legislation will be passed by the end of 2020.

A separate Code of Conduct that applies to employees will need to be developed by the CEO when this comes into place.

8.4 Providing Advice and Information

The CEO has overall responsibility for ensuring that advice and information is available to the Council so that informed decisions can be made.

Employees are expected to uphold high standards of professionalism, accuracy and attention to detail when providing advice and information to Council. Performance in this area is managed via individual job descriptions, staff annual performance reviews and alignment with the expectations of the Code of Conduct.

8.5 Standards, Precedent & Due Process

The success or otherwise of the Governance Framework can be measured by whether processes and procedures have been developed and applied that achieve consistent outcomes that essentially pass the 'pub test'.

Due process requires that established rules and principles are followed in the decision-making process and that individuals be treated fairly.

The accepted notion of **natural justice** is that everyone is entitled to a decision by a disinterested and unbiased adjudicator and that decisions are **procedurally fair**.

The Governance Framework needs to be supported by appropriate review mechanisms as part of a continual improvement process designed to ensure that good governance is being continually practiced and that due process, natural justice and procedural fairness are complied with at all times.

8.5.1 Quasi Judicial Role

Quasi-judicial functions are those which involve the making of a decision by Council in the exercise of a discretionary power. (e.g. Development application) Elected members in these circumstances must act in a judicial manner. ("judge-like")

To act in a quasi-judicial manner, elected members must apply the principles of natural justice/procedural fairness and make decisions in a judicial manner based on the law, relevant Shire policies as they exist and the facts and merits of the case.

Applicants submitting applications for approval may attempt to persuade individual elected members in favour of their proposals.; however elected members must remain objective and deal impartially with applicants and affected persons.

Determining applications must be based on sound legislative rationale and not on specific public perception or personal opinion. The role of an elected member in the decision-making process is to determine the application on the information and recommendation provided by the Shire's employees who have specialist skills.



9. Transparency & Accountability

9.1 Statutory Reporting

9.1.1 Performance Measures

The Council is accountable for monitoring performance in the achievement of the Shire's strategic direction, goals and financial outcomes which are set through the Strategic Community Plan, the Corporate Business Plan, and the Annual Budget.

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

Monthly Corporate Business Plan Reporting

The Shire has developed a reporting system that provides Council with the necessary information to enable it to assess performance and progress on all actions within the CBP. This is distributed to Elected Members via the confidential Information Bulletin.

Monthly Financial Activity Statement

In accordance with the Act and the *Local Government (Financial Management) Regulations 1996*, a monthly statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget is presented to Council.

References

[*Local Government \(Financial Management\) Regulations 1996 Reg 34 - Financial activity statement required each month*](#)

List of Payments

Council has provided the CEO with delegated authority to process financial payments from the Shire's Municipal and Trust Fund. A list of accounts paid by the CEO is prepared each month for Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*.

References

[*Local Government \(Financial Management\) Regulations Reg 13 - Payments from municipal fund or trust fund by CEO*](#)

Annual Financial Report

The Act requires the Shire to prepare an Annual Financial Report each year. The Annual Financial Report is to be audited by the Office of the Auditor General (OAG) and is to be considered by the Shire's Audit and Risk Committee before being submitted to the Council for adoption.

References

[*Local Government \(Financial Management\) Regulations 1996 Reg 36 - Annual financial report, content of*](#)

Financial Ratios

Standard financial ratios are included in the notes to the annual financial report. Financial ratios are designed to provide users of the annual financial report with a clearer interpretation of the performance and financial results of the Shire and a comparison of trends over a number of years. They provide a succinct tool for measuring the financial sustainability of the Shire

References

[Local Government \(Financial Management\) Regulations 1996 Reg 50 - Financial ratios to be included in annual financial report](#)
[DLGSC - Operational Guideline No18 - Financial Ratios](#)

Annual Report

The Shire's Annual Report is the key reporting document required under the Act. In addition to the audited financial statements it details progress made against the initiatives in the Strategic Community Plan, an operational review for the year, and compliance information required by legislation.

The Electors of the Shire receive the Annual Report at the Annual General Electors Meeting held in December each year. At this meeting, the community is provided with the opportunity to ask questions of the Shire on any aspect of the Annual Report.

References

[Local Government Act 1995 Section 5.53 - Annual Report](#)
[Local Government Act 1995 Section 5.27 - Electors' general meetings](#)

9.1.2 Risk Management

The Shire is responsible for providing a wide and diverse range of services to its community. All of these activities involve some form of risk, which is managed to ensure that aims and objectives are achieved, services are delivered and that opportunities to deliver better and more cost-effective services are realised.

The Shire is committed to ensuring that effective risk management is central to all its operations. The management of risk is the responsibility of all employees and is an integral part of the Shire's organisational culture. Risk management philosophies are reflected in the various policies, protocols, systems and processes in place, that guide the Shire's operations.

The Shire has a *Risk Management Framework* which reflects good practice and sound governance principles, supported by a Council adopted *Risk Management Policy* which describes the Shire's commitment to ensuring that effective risk management remains central to all operations.

The CEO is required to review the appropriateness and effectiveness of systems and procedures in relation to risk management not less than once in every 3 financial years.



The Risk Management Framework and Risk Management Policy are currently under review.

An updated Risk Management Framework and Risk Management Policy to align with AS/NZS ISO 31000 2018 will be tabled later this year.

A 'cloud' based Risk Management System is also being implemented to deliver improvements in the management, control and reporting of risks across the Shire.

9.1.3 Legislative Compliance

Local Government operates within a complex regulatory framework. Whilst the focus is on compliance with the *Local Government Act 1995* and associated regulations there is estimated to be over 200 additional pieces of legislation and regulations that require some level of compliance or monitoring.

Council has recognised the importance of legislative compliance with the adoption of a [Shire of Broome - Legislative Compliance Policy](#) in 2016. A compliance system is being rolled out that will allow whole of organisation compliance to be monitored. This will continue to improve the level of assurance able to be provided to all stakeholders with respect to compliance.

The CEO is required to review the appropriateness and effectiveness of systems and procedures in relation to legislative compliance not less than once in every 3 financial years.

9.2 Evidence

9.2.1 Minutes

Under section 5.22(1) of the Act, the person presiding at any meeting of council or a committee has legal responsibility for ensuring that minutes of the proceedings are kept. This task is undertaken by, and through the direction of, the CEO in accordance with section 5.41(h) to ensure that records and documents are properly kept for the purposes of the Act and any other legislation. The presiding member is also required, at the meeting where the minutes are confirmed, to sign the minutes and certify the confirmation in accordance with section 5.22(3).



The Local Government Act Review Panel Report released on 6 August 2020 amongst many recommendations has made the following in relation to Meeting procedures and Minutes:

- Meeting procedures are standardised across all local governments, allowing for both a committee system and a public briefing system
- All votes should be recorded in the minutes on each motion with details of how each councillor voted;
- As a minimum, audio recording of public parts of council meetings should be available on the local government's website when the minutes become available, with live streaming to be encouraged.

References

[DLGSC - Operational Guideline Third Version 2019 - A Guide to the Preparation of Agendas and Minutes](#)

9.2.2 Local Government Records

Under the *State Records Act 2000*, local governments are included in the definition of 'government organisations' that must comply with that Act. The Shire has developed a record keeping plan in accordance with the principles and standards established under the Records Act to ensure that the records of the Shire, including meeting agendas and minutes, are retained, and only disposed of, in accordance with the approved disposal authority relevant to each kind of record.

9.3 Audits

9.3.1 Office of the Auditor General (OAG)

The OAG was given responsibility to audit Western Australia's 139 local governments and 9 regional councils in October 2017.

The legislated amendments see the OAG not only conducting the annual financial audits but a broad range of performance audits across local government entities. This is bringing a new level of scrutiny to local government operations and is identifying opportunities for governance improvements across the sector.

The performance audit recommendations are a valuable governance resource and will assist with the ethos of continual improvement at the Shire of Broome.

References

[OAG - Local Government Performance Audits and Better Practice Guides](#)

9.3.2 Internal Audits

Compliance Audit Return (CAR)

The DLGSC requires each local government to complete an annual audit of compliance with statutory obligations in areas such as local laws, tenders, meeting procedures, elections, financial management, disposal of property and disclosures of financial interests.

The CAR comprises approximately 100 obligations and responsibility for the audit assurance of these tasks is distributed to individual responsible officers, with the annual return being coordinated by the Governance team.

The completed CAR is considered by the Audit and Risk Committee and presented to Council for adoption. A certified copy (Shire President & CEO) must be submitted with the DLGSC not later than 31 March of each year.



It should be recognised that the CAR only provides assurance in relation to a small sample of obligations with the Act and has reduced significantly in recent years.

The Local Government Act Review Panel Report released on 6 August 2020 amongst many recommendations has made the following in relation to self-regulation and internal audits:

- The role of the audit committee be expanded to become Internal Audit, Risk and Improvement Committee
- The majority of the Committee members including the Chair, should be independent of the local government.
- Developing an audit plan which focuses on compliance, risk (including procurement) financial management, fraud control, governance and delivery of the Council Plans.
- Conducting mandatory internal audits as outlined in the audit plan.

9.4 Analysis of Knowledge & Data

9.4.1 Community Feedback / Surveys

The Shire recognises that consultation is a two-way interactive process that provides opportunities for the Shire and the community to clarify information, raise issues and discuss ideas and options. Consultation is an important dimension that informs and enhances the Shire's decision-making processes.

The Council has an adopted [Community Engagement Policy](#). The Policy objectives are to ensure that effective public participation is offered to appropriate stakeholders on Shire of Broome projects, strategy development and programs.

In addition, the Shire conducts regular community perception surveys and actively encourages public participation at Council meetings.



The Local Government Act Review Panel Report released on 6 August 2020 identifies community consultation and integrated planning as the centrepiece of a local government's operations under a new legislative framework.

Recommendations in relation to levels of service and community consultation include:

- As a minimum, local governments must seek to identify and provide, or offer, to all its citizens, a minimum level of services to meet statutory obligations; and
- Local governments conduct regular reviews of services and services levels including community consultation.

The Panel recommended a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making, and that a model charter be prepared to set parameters and provide guidance on mechanisms to be used.

9.4.2 Research

The CEO under the Act is to ensure that advice and information is available to the Council to make informed decisions.

Elected members have an obligation to act with reasonable care and diligence, and base decisions on relevant and factually correct information.

Therefore, there is an implied requirement for the CEO & Council to undertake sufficient research prior to a decision being made. This may involve engaging with external consultants where technical and legal advice is required beyond that which is available internally.

Best practice governance can be demonstrated when multiple options have been explored and a sound rationale articulated behind all recommendations put forward.

9.4.3 Decision Reviews

Despite best endeavours there will on occasions be decisions made that leave a person feeling aggrieved.

There are appeal and review provisions within the Act. Depending on the circumstances the matter may be considered by Council or the State Administrative Tribunal.

References

[Local Government Act 1995 Section 9.4 - Advice of objection and review rights](#)

[Local Government Act 1995 Section 9.6 - Dealing with objection](#)

[Local Government Act 1995 Section 9.7 - Review](#)

10. Review and Continuous Improvement

The processes that support continuous improvement of this Framework and the policies, procedures and processes that support this Framework include:

- Reviewing the Framework (and the supporting policies and procedures) in accordance with the adopted Policy Framework or following a significant change within the Shire or in underpinning legislation;
- Review of individual governance issues to identify any control weaknesses and lessons learned for policy and procedure improvement;
- Regular continuing professional development for Elected Members and Employees.

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Appendix 1. Council Performance Assessment Questionnaire

Please circle your responses as per the following scale:

1. Strongly Disagree 2. Disagree 3. Unsure 4. Agree 5. Strongly Agree

Question	Rating				
1. The Council has been effective in setting the overall direction of the Shire to achieve the objects and purpose of the Shire	1	2	3	4	5
2. The Council is effective in considering and determining all major policy issues	1	2	3	4	5
3. The Council monitors appropriate financial and non-financial performance indicators	1	2	3	4	5
4. The Council has a clear understanding of business risk	1	2	3	4	5
5. The Council does not become drawn into operational management matters	1	2	3	4	5
6. Roles of the Shire President, Councillors and the CEO are clearly defined and understood	1	2	3	4	5
7. The Council understands the Shire's vision, mission, values, philosophy and plans	1	2	3	4	5
8. The Council regularly inputs into strategy development and review	1	2	3	4	5
9. The CEO and employees have commitment, capacity and enthusiasm	1	2	3	4	5
10. The Shire has relevant and reliable internal reporting and compliance systems	1	2	3	4	5
11. Elected Members are aware of the Shire's responsibilities to regulators and external stakeholders	1	2	3	4	5
12. The Council communicates effectively with its community	1	2	3	4	5
13. Elected Members bring valuable experience and skills to the Council	1	2	3	4	5
14. The Council has legitimacy and retains confidence in the eyes of the community	1	2	3	4	5
15. The Shire President ensures that meetings are chaired and matters are discussed / debated in a structured and effective way	1	2	3	4	5
16. The Shire President makes sure that the Council addresses all of the appropriate strategic issues	1	2	3	4	5
17. The Shire President makes sure there is sufficient time to discuss the important issues on the agenda	1	2	3	4	5
18. The Shire President encourages contributions by Elected Members to get the best out of them	1	2	3	4	5
19. The Shire President liaises effectively with the CEO	1	2	3	4	5
20. The CEO is receptive to the Council's input	1	2	3	4	5
21. The CEO assists Elected Members in meeting their governance obligations	1	2	3	4	5
22. The Council is effective in monitoring and evaluating the performance of the CEO	1	2	3	4	5
23. The Council papers, including agenda, minutes and briefing notes are timely, accurate and	1	2	3	4	5
24. The Council meetings address the key issues facing the community	1	2	3	4	5
25. The duration of meetings of the Council are appropriate	1	2	3	4	5
26. Elected Members come to meetings well prepared and participate effectively in debate and	1	2	3	4	5
27. The Council adheres to effective governance practices	1	2	3	4	5
28. Appropriate records from Council meetings are documented in Minutes	1	2	3	4	5
29. The relationship between the Shire President and Elected Members is effective in enabling the Council to fulfil its duties and responsibilities	1	2	3	4	5
30. The relationship between the Council and the CEO is effective in enabling Council to fulfil its duties and responsibilities	1	2	3	4	5
Additional comments on the performance of the Council?					

Appendix 2 Elected Member Performance Assessment Questionnaire

Please circle your responses as per the following scale:

1. Strongly Disagree 2. Disagree 3. Unsure 4. Agree 5. Strongly Agree

Question	Rating				
1. I understand my roles, duties and responsibilities as an Elected Member of the Shire of Broome	1	2	3	4	5
2. I come to the Council meetings fully prepared	1	2	3	4	5
3. I understand the mission, vision, values, philosophy and strategy of the Shire	1	2	3	4	5
4. I participate in and enhance discussion and debate at the Council meetings	1	2	3	4	5
5. I have made a significant personal contribution to the Council achieving the objects for the Shire	1	2	3	4	5
6. I encourage openness and candour and ensure that others have a reasonable opportunity to put forward their views	1	2	3	4	5
7. I challenge those who sidetrack discussions or dwell on minutiae	1	2	3	4	5
8. I am a team player	1	2	3	4	5
11. I listen to and consider other people's views on issues	1	2	3	4	5
10. I am open and willing to change my views	1	2	3	4	5
11. I accept challenge from others without being defensive	1	2	3	4	5
12. I have the courage to say what is on my mind	1	2	3	4	5
13. I keep myself free from conflicts of interest and understand when a conflict may arise	1	2	3	4	5
14. I exercise independent judgement when considering or voting on any matter	1	2	3	4	5
15. I understand the difference between direction and managing and consistently practice the NIFO principle in discharging my role as an Elected Member (i.e. "nose in, fingers out")	1	2	3	4	5
16. I am responsive to requests from the Presiding Member that aim to ensure the orderly and good- spirited conduct of meetings	1	2	3	4	5
17. I understand and focus on the key issues of the Shire's business	1	2	3	4	5
18. I consider the viewpoints of all stakeholders in forming a position on an issue	1	2	3	4	5
19. I carry a fair workload when compared with my fellow Elected Members	1	2	3	4	5
20. I regularly liaise with the Shire President and other Elected Members of the Council outside of Council meetings	1	2	3	4	5
21. I regularly liaise with the CEO and senior employees outside Council meetings	1	2	3	4	5
22. I have adhered to all of the behavioural and ethical requirements of the Council <i>Code of Conduct</i>	1	2	3	4	5
23. Outside the Council meeting and when acting in my capacity as an Elected Member, I support Council decisions that have been made	1	2	3	4	5
<p>Are you satisfied with the level of support you are provided in undertaking your role as an Elected Member of the Shire of Broome? Are there any areas that can be improved?</p>					

Are there any specific areas in which you would like professional development to enhance your effectiveness as an Elected Member of the Shire of Broome?

Are you satisfied with the process of evaluating performance as an Elected Member of the Shire of Broome? Are there improvements you consider could be made?

Thank you for completing this questionnaire.

The information will be collated and provided to you in a combined document that will not identify your individual response. The information will be used to assist Council to develop an action plan for improvement.

Your individual responses can also be used to assist in the development of a customised training and development program to suit your specific needs and priorities. Individual questionnaires will be treated in the strictest of confidence and will be destroyed once the information has been aggregated.