

RESPONSES TO RECOMMENDATIONS CITY OF JOONDALUP GOVERNANCE REVIEW, 2003

The following List of Recommendations has been extracted from the City of Joondalup Governance Review 2003, (Governance Review) Final Report, dated May 2004. As the Governance Review was undertaken to address criteria agreed between the Council and Department of Local Government and Regional Development, it is seen as an opportunity to improve the governance of the City. Assessment of the recommendations has been approached in that spirit. However, it is also appreciated that the recommendations of the Governance Review are not binding on the Council and where considered that existing processes are better or achieve the most effective outcome for the community, then recommendations to make changes have not been supported.

Recommendation 1

The agenda briefing session process would be improved by –

- (a) *retaining public access to the sessions but removing public question time.*

Officer's Comment

In accordance with the resolution of the Joint Commissioners at their meeting held on 31 August 2004, this is no longer an option to progress.

As a way of background, the briefing sessions were originally introduced following the election of the new Council in December 1999 (of the 15 elected at the time, approximately 25% had served in a local government environment previously). Given the level of inexperience, it was believed that briefing sessions were a more modern approach to better educate and inform all elected members at the same time of the business of the City of Joondalup. It was the recommendation at the time that they be closed to the public, however, the Council resolved to open the sessions to the public and allow public question time. The reason for recommending the sessions be closed to the public was to allow for a more conducive environment for elected members and staff to interact, and to gather information freely in an effort to be better informed prior to making decisions in the best interests of the community.

Upon establishing the briefing sessions, protocols were agreed to, which included the following:

- Present draft Notice Paper reports on projects and issues before the Council;
- Allow elected members the opportunity to view plans and seek clarification on draft reports and to ask questions about those papers. No debate is intended on draft notice paper items;
- Promote effective communication between elected members and executive staff on projects and services to the Council;

- Provide a regular and consistent forum for elected members to be briefed on:
 - major City projects;
 - joint ventures with State Government or private enterprise;
 - new service initiatives
- ensure that the elected members are adequately briefed on matters affecting the Council from a 'strategic/long term' perspective;
- seek direction by the administration from the elected members on matters scheduled to come before the Council.

Subsequent to the establishment of the briefing sessions, the Council in 2001 agreed to open the briefing sessions to the public and also granted the ability of members of the public to ask questions.

Procedures in relation to public question time relevant to both briefing sessions and Council meetings have been prepared to assist both members of the Council and members of the public.

It is not considered that simply retaining Public Question Time at briefing sessions necessarily leads to a better understanding of the questions or provides them with an opportunity to explain the cause of their concerns or points they want to make.

It is suggested that a further report be presented to give consideration to a 'public statement' time at briefing sessions, while also reviewing the procedures relating to public question time, and deputation sessions.

- (b) *Members of the public who have a specific interest in a matter may be given an opportunity to address the Council if they submit a written request to the CEO at least 24 hours before the session.*

Officer's Comment

As indicated above, an alternative approach to better understand the concerns of the members of the public would be to consider the introduction of a 'public statement' time at Briefing sessions only which will allow members of the public to make statements on matters affecting the City. This may lead to more relevant information about matters on the agenda and more informed decisions being made and in a more harmonious atmosphere. The need to request the ability to make a public statement may not need to be subject of submitting a request prior to the meeting, but by establishing a register similar to procedures for public question time.

Public statement time may not replace public question time or deputations, but be introduced to compliment those.

- (c) *Advising elected members at the beginning of the session of the issues that will be subject to a formal presentation by a staff member during the session. Such issues will be determined by the CEO taking into account (d) below.*

Officer's Comment

Current practice is for staff to make presentations and further verbatim to the Council on matters listed on the briefing agenda. It is agreed that this practice be continued.

- (d) *Requiring elected members to advise at least 24 hours before the session of the issues they wish to have addressed. Staff would then make presentations on such requests.*

Officer's Comment

It is agreed in principle with the proposed recommendation, however, currently a more realistic time of 48 hours would be more appropriate. But it needs again to be acknowledged that where the elected Council and the administration are working together in the best interests of the community, the need to establish such stringent guidelines in procedural matters can work in a counter-active way and lead to the perception that the administration are attempting to stifle the process. Every effort needs to be made by the administration to adequately inform the elected members at these sessions to allow them to be adequately informed to make decisions in the best interests of the community.

- (e) *The chair making it very clear that no debate between members will be allowed.*

Officer's Comment

Briefing sessions are a time to exchange information, be that by presentations or questions on agenda matters with the objective of providing sufficient information to enable informed decisions to be made. A Council meeting which is held as per the requirements of the Local Government Act 1995 is the decision-making forum and where members debate should take place. This has been clearly advised to all elected members during induction forums.

- (f) *Being more liberal with the time made available for the sessions.*

Officer's Comment

The allocation of additional time at Briefing Sessions would be required to facilitate more presentations by staff or deputations by the public. Allowing additional time to the sessions will also require commitment from all elected members to commit to the process.

- (g) *Providing notes to members who do not attend of the issues that have been covered so that such members can seek answers to their queries from other elected members or staff prior to the matter being considered in the ordinary meeting.*

Officer's Comment

The practice of providing notes to members who are unable to attend has been operational since the introduction of the briefing sessions. The notes detail similar requirements as detailed by the legislation. This practice will continue.

Recommendation 2

If Council were to consider further amendments to the briefing session process or even trialling a committee system structure it should undertake a study of the strengths and weaknesses of each system by analysing the methods used by other Councils in the metropolitan area.

Officer's Comment

The Governance Review report contains comments from some elected members, that the briefing sessions were to be trialled for six months subject to a formal committee structure being trialled. There was never any decision of the Council committing to a trialling of a formal committee structure, and it was a decision of the Council as a whole on its structure of a decision-making process.

A number of reports have been presented to the Council on a number of occasions highlighting various options of a decision-making structure. This has also included a review and presentation by highly regarded local government consultant.

In the event that such a move to reconsider the current decision-making structure is supported by the Council, options will be presented.

Recommendation 3

Council take urgent action to adopt contemporary standing orders.

Officer's Comment

The existing Standing Orders Local Law was adopted by the former City of Wanneroo and as a result under the legislation became the Standing Orders Local Law of the City of Joondalup following the division.

There has been at least two attempts to review the Standing Orders, but on both attempts it failed to achieve the special majority decision as required by the Local Government Act 1995 following the public consultation period.

It has always been and continues to be the intent of the administration to present a revised Standing Orders Local Law. This will be done in the near future.

Recommendation 4

Upon adoption of the new Standing Orders Local Law, all elected members, CEO and relevant staff undertake appropriate training.

Officer's Comment

All elected members were provided training immediately following an election as part of their inductions. Following the introduction of the computerised agenda/minute system further 'mock' meetings were undertaken where simulations of 'real life' meeting procedures were undertaken to assist with elected members understanding of the Standing Orders.

Such training was attended by some elected members, but not all were in attendance.

Training will continue to be offered to elected members as part of their induction programmes and refresher courses on a regular basis.

Recommendation 5

Council should draft a policy that questions in public question time related to the performance, actions or attitudes of individual elected members or staff members will not be permitted. Questions need to be about the performance, action or operations of the local government. The public needs to be made well aware of this policy.

Officer's Comment

The Council currently has quite a detailed set of procedures relating to public question time at briefing sessions and Council meetings. The procedures were developed via discussions with elected members, comparisons with local government partners and consultation with the Department of Local Government and Regional Development. The Department at the same time were developing a standard set of guidelines for the industry as a whole, and as a result of the discussions with the City of Joondalup and the issues facing the City relating to public question time, assisted them in the drafting of its guidelines.

It is believed that the current public question time procedures are adequate following the drafting process of them, and given competent enforcement of them would alleviate many issues and deal with the concerns raised within the recommendation. The procedures relating to public question time are clearly documented on each agenda paper, and a summary detailed in regular advertising in the local newspaper.

In conjunction with the earlier comments on the recommendations, a further review of the public question time procedures will be undertaken and presented to the Commissioners' for consideration.

Recommendation 6

All elected members should give an undertaking that where they are proposing an amendment to a motion that is listed in the agenda they will –

- (a) give advance notice in writing to the CEO who would then provide that advice to all elected members in the most efficient and convenient form;*

- (b) *provide reasons for the amendment; and*
- (c) *if prior advice is not given Council should vote on whether a proposed amendment will even be considered.*

Officer's Comment

While the intent of the recommendation appears sound, and could be detailed in a less formal document than say the Standing Orders Local Law.

If such a requirement was made more formal, it would certainly prevent logical, reasonable and sensible amendments being considered and/or adopted as a result of sound debate by members at the Council meeting.

It is agreed that it would be preferable for members and administration to be informed of a proposed amendment. It should not be mandatory, as this may hinder the decision-making process where the matter may need to be deferred as non-compliance relating to the amendment process had occurred.

It is believed that the current wording within the Standing Orders Local Law is sufficient where it requires that complicated amendments be submitted in writing. Another suggestion would be for a policy to be prepared requesting that this protocol of being submitted in writing be detailed.

It would be generally agreed that the ability for elected members to frame amendments to motions following/during debate that achieves a decision in the best interests of the community is a generally accepted practice within the local government industry.

Recommendation 7

In the review of the Standing Orders Local Law strong consideration be given to limiting the potential abuse of meeting outcomes by inappropriate use of procedural motions. Training in meeting procedures for elected members to include content on the appropriate use of procedural motions.

Officer's Comment

As mentioned earlier, there has been an attempt to review the Standing Orders Local Law since 1999/2000 to update the document to better compliment the legislation.

During the process of the review and the operations of the Council during the 18 months prior to its suspension, highlighted deficiencies in the drafting of the local law, in particular with procedural motions.

Numerous meetings have been held amongst the administration and advice from legal practitioners on drafting more usable clauses to address these differences.

Recommendation 8

The role of the presiding person in controlling abuse of personal explanations be strengthened in the review of the Standing Orders Local Law.

Officer's Comment

The intent of this recommendation will be taken into account when drafting the revised Standing Orders local law.

Recommendation 9

Stronger controls must be introduced on the consideration of late items at the City of Joondalup meetings. The review of the Standing Orders Local Law should incorporate such rules.

Officer's Comment

One of the primary roles of the CEO is to furnish the Council with adequate information for it to make an informed decision in the best interests of the community. This is traditionally achieved via reports presented to a formally constituted meeting of the Council.

The current Standing Orders allows for the CEO to submit reports to the Council where in his/her opinion requires its consideration. This would be regarded as a generally accepted practice in the local government industry.

Given the nature of the local government business, late items are regarded as an accepted process. It is agreed that late items should be kept to a minimum and only be presented where a decision on the matter cannot wait until the next ordinary meeting.

Again, the degree of the number of late items submitted during the period of the Governance Review was escalated due to the way the elected Council and the administration were operating and the issues that faced them at the time.

It is agreed that clearer controls be incorporated in the revised Standing Orders Local Law on the submitting of late items.

Recommendation 10

The treatment of notices of motion should be an essential element of the review of the Standing Orders Local Law. It is essential the Standing Orders should stipulate that where a notice of motion, including a rescission motion, is placed on the agenda it should either be moved at the first available meeting or else lapse. If the mover is not present then another member should be authorised to move it, failure to do so would render the matter as lapsed. There should also be a position that a similar notice of motion cannot be moved for at least three months unless it is approved by an absolute majority of the Council.

Officer's Comment

The comments made in regards to Recommendation 7 apply to this recommendation.

The current Standing Orders contains poor wording in relation to revocation motions and has therefore exposed the clause to misuse. It is expected that the drafting of this clause was not intended to allow for such misuse.

As a result of the shortcomings of the clause, the draft revised set of Standing Orders has addressed this issue.

Recommendation 11

Confidential items should be listed in the agenda to be handled at the end of the meeting or if such an item requires attendance by a specialist advisor then the item should be subject of a special meeting.

Officer's Comment

It is generally agreed with the intent of the recommendation. The order of business can be amended as part of the review of the Standing Orders to reflect confidential business at the end of the meeting.

It should be noted that during the period February 2001 to December 2002, (prior to the review) the Council met behind closed doors to consider 26 items of business. All matters listed for discussion behind closed doors met the requirements of the Act.

The degree of behind closed-door sessions of Council meetings during the period of the governance review was escalated given the issue surrounding the CEO's employment.

Recommendation 12

The Code of Conduct needs to be reviewed by a reinstated or incoming Council as such a review will help educate the members in the provisions of the code. Also, there needs to be a training session run for the elected members in the content and adherence to the code.

Officer's Comment

The Code of Conduct has been consistently reviewed in the past in accordance with the legislative requirements. It is also supplied to every elected member following the election and is referred to during the induction process. It is also referred to and provided to prospective candidates.

While it is acknowledged that the legislation requires every local government to adopt a Code of Conduct, and it is referenced in the declaration made by every elected member before taking office, the lack of enforceability of the contents when the code has been breached has been criticised across the local government industry.

This was evident where there were some alleged breaches of the code that required investigation, but the options for a ‘penalty’ for such a breach was very limited for the Council to impose.

It is understood that the industry, through the Western Australian Local Government Association and the Department of Local Government and Regional Development has been examining the possibility of an industry applicable code of conduct which could impose penalties for breaches.

There has been an attempt by the City of Perth to impose penalty provisions for breaches of its Code of Conduct, but has had no success. It is recommended that the industry continue to examine options of imposing stricter penalties for breaches of a code of conduct.

Recommendation 13

Council to establish a policy that states that elected members have full access to all aspects of legal advice obtained by the staff on behalf of the local government.

Officer’s Comment

The review refers to sections 5.92 and 5.96 of the Local Government Act 1995.

It is acknowledged that the Local Government Act 1995 section 5.92 states:

- (1) *A person who is a Council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.*
- (2) *Without limiting subsection (1), a Council member can have access to –*
 - (a) *all written contracts entered into by the local government; and*
 - (b) *all documents relating to written contracts proposed to be entered into by the local government.*

It is further acknowledged that section 5.96 states:

If a person can inspect certain information under this Division, the person may request a copy of the information and the local government is to ensure that copies are available and that the price at which it sells copies does not exceed the cost of providing the copies.

These two sections are referenced in the governance report, in particular it states that if an elected member requires information as part of their role, they should be entitled to receive a copy under section 5.96.

The FOI Act 1992 requires every local government to prepare and publish an Information Statement. An information guide details:

- The structure and function of Council;
- Ways in which the public can participate in Council's decision-making processes; and
- How the public can gain access to Council documents.

While it is further acknowledged that elected members are entitled to a greater range of documents than the general public in order to perform their duties, the elected member must be able to demonstrate how the document is relevant to their duties.

The Council in late 2000 developed Policy 2.3.4 – Provision of Information (copy attached) which clearly outlines the entitlements of providing information to elected members.

Recommendation 14

Establish a clear protocol between the Mayor and the CEO about attendance at Council meetings by invited guests or specialist advisors from outside the local government.

Officer's Comment

It is noted that the legal practitioner appeared on a regular basis to Council meetings, however, this was due to one issue facing the Council. It has never been the practice to invite legal practitioners to meetings; unless absolutely required to advise Council.

Special guests have been invited in the past at the discretion of the Mayor. Wherever a guest is required or requested to attend, the Mayor through the CEO will be informed.

Recommendation 15

Staff must be cognisant of the need to submit and seek prior endorsement of the Council of any reports or submissions that purport to represent the Council view. Best practice would require that when submitting a document that purports to be a Council view that a lack of a Council vote endorsing support must be advised to the receiving body. Such comment would serve as an advisory note for future readers.

Officer's Comment

Agreed. Every effort will be undertaken to ensure where submissions representing the City's perspective on matters are presented to the Council. For example changes to legislation.

This requirement may not be necessary where a factual chronological sequence of events has been sought.

Recommendation 16

Review the structure of the Council chamber to make it more conducive to a better meeting environment. At the very least Council needs to review the electronic controls for the meeting. Elected members should have their email facility compulsorily closed during the time of the Council meeting.

Officer's Comment

The Council Chamber and the associated facilities were opened in 1997 and may project an ambience of intimidation for some.

In order to reconfigure the chamber could come at substantial cost and would be subject to budget funding.

The electronic controls (sound system) are somewhat dated, however, are still regarded as modern technology. Given the concerns regarding the configuration of the chamber and the potential financial input, that a review of the electronic controls be undertaken.

The issue of use of email during meetings was intended to be able to inform elected members promptly on last minute information. It was never envisaged for it to be used to stifle or distort debate. It is agreed that the email service for elected members be reviewed during Council meetings. This may lead to the facility being disconnected or provided with a 'read only' option.

Recommendation 17

Any person who is elected to the role of Mayor at the City of Joondalup should undertake a high quality course or equivalent training in the role of Mayor. Such a course will make it very clear that the Mayor needs to have –

- (a) a thorough understanding of the roles as defined in the Act;*
- (b) a sound grasp of standing orders;*
- (c) no greater rights than other elected members;*
- (d) an inalienable responsibility to treat all members with fairness and objectivity and the need to develop the Council as a team; and*
- (e) a sound understanding of the code of conduct.*

Officer's Comment

It is strongly acknowledged that the role of the Mayor, whether elected by the Council or the public, plays a vital part in leading the community and the Council.

Given that the Mayor and Councillors are democratically elected, and there is no requirement relating to experience or education necessary, a varied style of person can hold office.

It has always been the practice to offer all elected members, in particular the Mayor, whatever training in fulfilling the duties of elected office that were required. It needs to be appreciated that the willingness to undertake such training rests with the individual, and the group as a whole. Every effort will be made for future Councils.

Recommendation 18

All persons who seek election to the position of Mayor at the City of Joondalup for the first time should commit to a course of the type referred to in the last recommendation.

Officer's Recommendation

See comments for Recommendation 17.

Recommendation 19

All persons elected as Mayor at the City of Joondalup in future years should participate in the Mayors and Presidents Support program so that a skilled mentor is available to assist an inexperienced Mayor.

Officer's Comment

See comments for Recommendation 17. Again it must be acknowledged that the willingness to attend such forums rests primarily with the individual. Such programs, conferences, seminars and training sessions will be continued to be recommended to future Mayors.

Recommendation 20

Elected members of the City of Joondalup be provided with extracts from the 1997 Royal Commission into the City of Wanneroo where it dealt with how elected member factions had caused so many problems for that Council. The extracts would be recommendation (f) (i) which is on p1089 of the final report and paragraphs 34.3.1 (page 1037) to 34.3.24 (page 1044). With this information in mind it is to be hoped that elected members will refuse to be part of select groups that meet or liaise for the purpose of gaining an advantage over other individual or groups of elected members by determining the content of debate and how to vote on issues irrespective of what is best for the community.

Officer's Comment

The relevant extracts referred to in Recommendation 20 are as follows:

“(f) With respect to factions on local government authorities:

- (i) the existence of factions should not be expressly or by implication condoned.
P1089 – Royal Commission into the City of Wanneroo, Sept 1997

34.3 Comments and Conclusions

34.3.1 *As I have noted, the Commission received a great deal of evidence to support a conclusion that there operated on Council during the relevant period a faction headed by Dr Bradshaw. The faction's members were connected by friendship and common ideology. The faction was "pro-development" and constituted by people who were members of the Liberal Party or at least with Liberal party sympathies. I am satisfied on the evidence available to me that such a faction existed and that the members of the faction generally, but not always, voted in the same way.*

P1037 – Royal Commission into the City of Wanneroo, Sept 1997

34.3.24 *I do not suggest that those measures will eliminate factions on Councils. However, minimising a problem that cannot be eradicated is still a legitimate aim and I believe they would go some way towards reducing the incidence and impact of factionalism at local government level. I have no doubt that over the period considered by this Commission many of the Councillors of the City of Wanneroo were more involved in factional in-fighting than they were in advancing the interests of the community. That was a most regrettable situation with even more regrettable consequences.*

P1044 – Royal Commission into the City of Wanneroo, Sept 1997"

Copies of these will be provided to the elected members.

Recommendation 21

The City of Joondalup should include a requirement in its code of conduct that when the Mayor is advising the media of Council decisions or other issues on behalf of the local government that personal views are not to be expressed. The right of the Mayor to express a personal view is acknowledged but it must be done separately to an announcement when speaking on behalf of the local government and the Mayor must make maximum effort to inform the media that he is expressing his/her own view.

Officer Comment

The City's current code of conduct contains the following clause:

"information relating to decisions of the Council must only be communicated in an official capacity by the Mayor or his/her representative, or a designated officer of the City of Joondalup."

This clause of the code of conduct is supported by Policy 2.3.2 which states as follows:

"Media Contact

In accordance with the Local Government Act 1995, the spokespersons for Council are the Mayor and Chief Executive Officer, either of whom may delegate authority to the appropriate Director to make a statement on behalf of the City. Directors may determine if a Business Unit Manager is the most appropriate person to provide a statement. All Business Unit Managers will receive some internal training on dealing with the media through the Marketing Unit.

Written media statements are to be approved by the Chief Executive Officer prior to their release.”

The intent of Recommendation 21 is fully supported and again highlights the lack of enforcement available to the Council where elected members continually defy the corporate code of conduct.

Recommendation 22

The Council needs to investigate ways whereby it could appoint an alternative spokesman when Council is of the view that its views are not being represented appropriately. If amendments to the legislation are required then the Council should make a submission to the Minister.

Officer's Comment

An attempt has been made to achieve the intent of Recommendation 22 via Policy 2.3.2.

It must be noted that this is merely a policy statement of the Council and does not override the legislation that gives the right for the Mayor to speak on behalf of the City. As this ability is legislated, in order to achieve the outcome as suggested by Recommendation 22, it is suggested that the legislation be amended.

Recommendation 23

The City of Joondalup develop a protocol in terms of a working relationship between the Mayor and CEO. Such a protocol, which should be adopted by the Council, would define the responsibilities, requirements of both parties and the manner and timeliness that such liaison would occur.

Officer's Comment

The intent of Recommendation 23 is fully supported, however, to develop a protocol which documents exactly ‘how’ the Mayor and CEO should liaise in practice may be difficult. Especially where the Mayor and CEO will change from time to time along with their ability to meet as per the agreed protocol.

It is suggested that the code of conduct be amended to include provisions to compliment the requirement of the legislation.

Recommendation 24

The code of conduct for the City of Joondalup for both elected members and staff could be strengthened in terms of the requirements for the Mayor and CEO to liaise.

Officer's Comment

See comments for Recommendation 23.

** NOTE: The Panel in its report comments that recommendations 17-24 need to be implemented throughout the local government sector of Western Australia.*

Recommendation 25

All elected members must adhere to the code of conduct and refrain from vilifying fellow elected members and staff.

Officer's Comment

This recommendation is noted and it is believed that the existing code of conduct contains numerous clauses that set a level of behaviour for elected members and staff.

Again this highlights the lack of enforcement available where the code is not adhered to.

Recommendation 26

Every new elected member is to receive a complete copy of the CEO's current employment contract and a copy of the report relating to his last performance review.

Officer's Comment

This recommendation is agreed to as the need to view the contract of the CEO would fit with the requirements of section 5.92 of the Local Government Act 1995.

Recommendation 27

In the future the City of Joondalup CEO contract should be based on one of the proforma contracts developed specifically for Western Australian local government.

Officer's Comment

This recommendation is agreed to, however, the key word is 'based'; it however should not prevent other contract documents being presented to be used in drafting the contract where best practice principles are evident.

Recommendation 28

Council should review the performance appraisal process so that when the contract for the next CEO is being prepared it has identified the process that best suits its requirements.

Officer's Comment

Agreed. It is suggested that this form part of the discussions when drafting the contract for future CEO's of the City of Joondalup.

Recommendation 29

With regard to the provision of information to elected members, the Council should –

- (a) develop a protocol outlining elected member access to information;*
- (b) establish a standard form for elected members to request information;*
- (c) establish a record of requests for information and response to requests;*
- (d) make the record of requests available to all elected members.*

Officer's Comment

See comments for Recommendation 13. A procedure will be developed dealing with elected members requests for assistance.

Recommendation 30

The City of Joondalup note the comments made in the Report on the Review of Agendas and Minutes prepared by Laurie Vicary and consider the report's findings.

Officer's Comment

The comments by Mr Laurie Vicary are noted.

The comments made by Mr Vicary relating to the minutes appearing to be difficult to read was a reflection on the way in which the order of business and the number of confidential items were being presented to the Council.

Consideration will be given to the suggestions.

Recommendation 31

Tender evaluation processes be reviewed and Council determine its requirements in terms of the form and content of tender evaluation reports and recommendations.

Officer's Comment

The intent of the recommendation is noted. The tenders submitted to the Council are clearly evaluated by relevant officers in accordance with strict criteria based on best practice and Australian Standard principles.

Providing such level of detail in reports to the Council may compromise commercial/confidential responsibilities to what level of information can be made public.

Recommendation 32

The Mayor or any other elected member should not be involved in the exercise of delegated authority. In the case of planning issues at the City of Joondalup the District Planning Scheme No 2 should be amended to permit the Director Planning and Community Development to exercise the delegated authority without consultation.

Officer's Comment

Exercising delegated authority is done so by the relevant officers as it is not legally possible to delegate to individual elected members.

The intent of the 'consultation' by the officer with the Mayor or elected member was initiated to ensure that there was a level of communication between officers and elected members.

The City of Joondalup operates with an extensive, but well documented delegated authority register. Delegated authority is essential in operating an organisation like City of Joondalup, otherwise business would slow considerably.

The town planning delegations were referred to the Council, at its meeting held on 12 October 2004 and subsequently reviewed.

Recommendation 33

Council continue the development of their consultation policy and include a heading "community consultation" in the agenda report pro forma.

Officer's Comment

The City of Joondalup currently has adopted a public participation policy and has been instrumental in drafting a consultation policy which has involved numerous workshops with elected members and members of the community. This policy will continue to be developed.

A heading titled 'Community Consultation' will be included in the report template for Council agendas.

Recommendation 34

Council develop an elected member training plan. Elected members be asked to give a commitment that they will take a full training suite related to their responsibilities during their time in office. An essential part of the training plan must be a high quality induction program that includes a tour of the administration area including all the departments/service areas and a detailed update on current and committed projects.

Officer's Comment

Following the inaugural elections in 1999 for the City of Joondalup, and the degree of new people elected to office for the first time, a detailed induction was prepared in consultation with WALGA. The program was based on the Western Australian Local Government Associations training models and covered such issues as:

- Standing Orders/Meeting Procedures
- Roles and Responsibilities
- Financial Interest Provision
- Team Building Exercise
- Strategic Planning Overview
- Corporate Overview (including Organisational Structure)

This program has been used as the basis for the induction program following the 2001 and 2003 elections.

The program included tours of the administration building and updates on major projects being undertaken by the City. In addition to a detailed induction program, a number of seminars were held for candidates prior to each of the elections. This not only provided an overview of the election process, but the role and demands of elected office. The Strategy Sessions at the time were also used as an ideal forum to ensure newly elected members were aware of the City's operations.

Various training and team building sessions have been canvassed with the elected members over the years, with selected interest in attending them being demonstrated. The comment again is made that regardless of the number and variety of training offered, it relies heavily on both the individual and group to comment.

A detailed training plan will be prepared and offered to future elected members.