

City of Albany
Guideline

Elected Member Induction Manual



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1. Annual Budget
2. Annual Report
3. Form: Councillor Personal Details Form
4. Form: Declaration of Interest Form
5. Form: Gift & Travel Disclosure Form & Instruction Sheet
6. Form: Primary Return Form & Instruction Sheet
7. Form: Travel Expenses Claim & Quarterly Mileage Claim Forms
8. Info Sheet: Contact List – Mayor & Councillors
9. Info Sheet: Council Meeting Calendar
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11. Info Sheet: Records: Which records to capture? – Information Sheet
12. Ward Maps
13. Local Law: Meeting Procedures (Standing Orders Local Law 2014 as amended)
14. Policy: Code of Conduct (Council Members, Committee Members, Staff and Volunteers) Policy
15. Policy: Elected Member Communications Policy
16. Policy: Governance & Meeting Framework (*Terms of Reference for Council Committees*)
17. Policy: Governance Charter
18. Policy: Handling of Complaints by or against Elected Members Policy
19. Policy: Handling of Complaints by or against the Chief Executive Officer Policy
20. Policy: Mayoral Vehicle Policy
21. Policy: Mobile Devices Supplied to Staff and Elected Member Guideline
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Purpose

This guideline has been prepared to assist newly Elected Members in fulfilling their role and responsibilities.

Scope

This guideline is applicable to both current serving and newly Elected Members.

Primary Point of Contact

Should you have any questions regarding your induction, please contact the [Council Liaison Officer on 6820 3076](#).

Declaration of Office

As a Councillor Elect, you will be required to make your Declaration following your election.

This will be held on Tuesday 29 October 2019, commencing at 6.00pm in the Council Chambers located at the City of Albany Administration Building, 102 North Road, Albany.

Please note: An offence will be committed should a Councillor Elect act as an elected member prior to making the necessary Declaration of Office.



Induction Training

All Councillors Elect are required to attend an initial administrative induction with the [Council Liaison Officer](#). The details of this induction are contained in your Welcome Pack.

Attendance at professional development opportunities and briefings assists in building a strong Council team, both as a governance body and as a “social” team.

An Elected Member Professional Development program is included in your Welcome Pack.

The Western Australian Local Government Association (WALGA) runs a series of training programs specifically designed for elected members.

WALGA training modules are now compulsory for all elected members post-election.

The City will facilitate elected member attendance for this compulsory face to face professional development

In accordance with the Elected Member Professional Development Allowance Policy, elected members are allocated \$4,000 each for specialised individual training. Please refer to the policy for further details.

Please contact the [PA to the Mayor and Councillors on 6820 3005](#) for assistance with booking training and associated travel and accommodation.



Elected Member Professional Development Program

An elected member professional development program has been developed and will be delivered over the next twelve months.

Code of Conduct

It is essential that at all times elected members act with the utmost integrity, honesty, transparency and accountability.

The Code of Conduct for elected members, as required by section 5.103 of the *Local Government Act 1995* (the Act), provides guidance to elected members of the acceptable standard of professional conduct required.

A copy of the Code of Conduct is attached and available on the City’s website.

Disclosure of Financial Interest in Returns

Elected Members are required to submit Primary and Annual Financial Interest Returns.

A Primary Return Form and Instruction Sheet is included in your Welcome Pack, and must be completed and lodged with the Council Liaison Officer [no later than the second week of January following the election](#).

Written acknowledgement of the receipt of your return will be provided and your return will be placed on the Financial Interests Register.

Gifts

Notifiable Gifts and Travel Contributions are to be disclosed in accordance with the *Local Government (Rules of Conduct) Regulations 2007*.

Under regulation 12 of the *Local Government (Rules of Conduct) Regulations 2007*, when a council member is given or offered a gift by anyone who is undertaking, or may be intending to undertake, certain dealings with the City of Albany, the member is required to:

- Notify the local government's CEO within 10 days of any gift accepted with a value between \$50 and \$300; and
- Refuse to accept any gift or contribution to travel valued at \$300 or more. When a council member is given more than one gift by the same person in a six-month period, all those gifts become 'notifiable' at any point that their total value is between \$50 and \$300, and further gifts from that person become 'prohibited' at the point that the total value of gifts accepted will be \$300 or more.

Please refer to the Code of Conduct attached for further details on your obligations (attached).

Note: If, during your election campaign, you received assistance in excess of \$200 in value, whether cash or services, it must also be declared by you.

A Gift and Travel Contribution Disclosure Form is included in this Manual.

Access to Council Offices and Council Chambers

Normal office hours at the City of Albany Administration building are 8.00am to 5.00pm.

Councillor access to the North Road Administration Office

Security Access:

You will be provided with a security swipe tag at your initial Induction Session, which will enable access to the Councillor Lounge and Council Chambers.

Training in the use of this swipe tag will be provided at your induction.

The tag gives you 24 hour access to the Councillor Lounge and Council Chambers.

Should you wish to access the Councillor Lounge outside normal hours and the sensor is RED when you enter the building, you will need to re arm the building when you leave. Scan your disc over the sensor three times when leaving and this will re arm the building.

Parking:

Parking is provided at the front of the Council Chambers. Please use this parking when attending Council or Committee meetings.

When attending Civic functions held in the Civic Rooms, parking may be limited if large numbers of guests are attending. In this case, you may utilise the parking at the rear of the administration building, which can be accessed by turning left at the entrance to the car park.

If utilising the rear car park after hours, you will require to use your swipe tag to enter and exit the rear car park.



How to arrange meetings with members of the Executive Staff

Should you wish to book a meeting with any of the Executive Management Team (excluding the Chief Executive Officer) please contact the [Council Liaison Officer on 6820 3076](#) to make an appointment.

Should you wish to book a meeting with the Chief Executive Officer, please contact the [Executive Assistant to the CEO on 6820 3004](#).

Use of and access to the Mayor's office is at the discretion of the Mayor.



Use of Council Property & Equipment

For administrative support such as photocopying, please contact the [PA to Mayor and Councillors on 6820 3005](#).

Notebook:

All elected members are provided with a Notebook for use in their role as an elected member. A limit of 4 GB download per month is included at no cost to elected members. This device remains the property of the City and must be returned at the end of an elected member's term in office.

Assistance with your Notebook can be provided, please contact the [Council Liaison Officer on 6820 3076](#).

Wireless internet service and a telephone for your use are available in the Councillor Lounge.

Email:

A City email address will be provided to you for use in your role as an elected member. This email account is accessed via your issued Notebook.

Use of mobile devices supplied by the City is covered by the Mobile Devices Supplied to Staff & Elected Members Guideline (attached).

Business Cards:

Business cards will be supplied, with your preferred name, and contact details i.e. telephone numbers and email address. These business cards are provided for use in your role as an elected member only, and are not for use for electioneering or private business.

Please refer to section 8 of the *Local Government (Rules of Conduct) Regulations 2007* for your responsibilities under the Act with regards to direct or indirect use of local government resources.

Dress Standards

For Council meetings and functions men should wear smart business attire i.e. trousers, jacket and tie for men, and equivalent for women.

Other civic engagements and functions may require different standards of attire. Official invitations will specify dress standards, but if you are unsure the [PA to Mayor and Councillors](#) will be happy to provide assistance in this matter.

Seating Arrangements in the Council Chamber

The seating position of Elected Members in the Council Chamber is defined under Clause 6.1 of the City of Albany Standing Orders Local Law.

Clause 6.1 Seating Position of Members

(1) At the first meeting held after each Election Day, the CEO is to allot a position at the Council table to each member.

(2) Each Member is to occupy their allotted position at each Council Meeting.

House Rules

Smoking:

As a general rule Smoking is prohibited in all City of Albany buildings and grounds, however, there is a designated smoking area, outside, provided at the rear of the Council Chamber.

Refreshments:

Refreshments are provided in the Councillor Lounge. A meal will be provided following Council and Committee meetings.

A small supply of gifts and memorabilia bearing the City of Albany logo can be obtained from the [PA to the Mayor and Councillors](#).

The Mayor will entertain Council guests in the Mayor's office. Should elected members wish to entertain guests, arrangements should be made on each occasion with the [PA to the Mayor and Councillors](#). The Councillor Lounge is available for any informal meetings.

Reimbursement of Expenses

The [PA to Mayor and Councillors](#) will provide assistance with training and travel arrangements, and also reimbursement claims. Elected members can be reimbursed for travel costs, associated meeting attendance such as travel, child care and meal expenses. Receipts for this expenditure must be provided at the time of making the claim.

The Travel Expenses Claim Form, Councillor Quarterly Mileage Claim Form and Councillor Quarterly Childcare Expense Claim Form are attached. Additional copies are available upon request.

Media Comment

Under the provisions of the *Local Government Act 1995*, the Mayor is the spokesperson to the media on Council matters.

The Mayor may, at his discretion, authorise an elected member to speak on his behalf.

The Elected Member Communications Policy is attached.

Access to Information

Elected members may access certain documents beyond that which the general public can access; including the right to inspect any Council document dealing with Council business, providing it is relevant to a matter being discussed by Council.

The member who obtains such information is not to use the information for their own interests,

unconnected with Council activities, or to detriment of Council. In deciding what is proper and reasonable access, a legal opinion on this issue states:

"The Council has a right to determine for itself what documents and correspondence a Councillor is entitled to inspect. In the absence however of such a decision, whether such a right exists, is properly determined by the Councillor's need to know the information contained in the correspondence or document.

Whilst there are no Australian court decisions directly on this point, the position in England is quite clear. The appropriate test has been dubbed the "need to know" test, which was examined by the House of Lords in R v Birmingham City District Council 1983 1 All ER 497 where it was held that:

- *A Councillor was entitled to have access to documents that were relevant to a particular committee of which he was a member provided that he had a good reason for such access; and*
- *A Councillor has no automatic right of access to documents of a committee of which he is not a member but could gain access to that information if he established that the information sought was needed by him to enable him to properly discharge his duties as a Councillor.*

The Chief Executive Officer must ensure that in granting elected members access to information there is compliance with the law, including State and Federal Privacy laws.

This requires the Chief Executive Officer to ascertain why the elected member is seeking access, the precise nature of the request and the particular papers sought, together with any required consents from individuals the subject of the information, which is being requested.

If the request establishes motivation outside the general guideline of assisting the member in the proper discharge of their responsibilities, or is otherwise unlawful, the Chief Executive Officer is entitled to refuse such a request.

Elected Member Fees and Expenses

Under law, elected members receive fees for attendance at Council and Committee meetings, and reimbursement for the cost of travel and meals where applicable.

The Mayor and Deputy Mayor receive additional allowances with the Deputy Mayor receiving a payment equivalent to 25% of the Mayoral allowance.

Elected members receive an annual IT allowance.

This is to pay for any IT requirements such as computer, printer, internet access or telephone.

Elected members allowances are paid directly into their bank accounts on the last Thursday of the month in arrears.

Elected Member allowances are prescribed by the Salaries and Allowances Tribunal. Further information can be sourced from the Salaries and Allowances Tribunal website: www.sat.wa.gov.au



Insurance

Elected members are covered by personal accident insurance whilst engaged in any engagement directly or indirectly connected with or on behalf of Council, including while travelling directly to and from the engagement.

Note: Elected members and their spouse/partner are covered under the City's Travel Insurance.

Elected members are also generally covered by insurance against liability to pay civil damages, claimant's legal costs and the costs incurred in defending a claim.

To ensure they have the benefit of insurance cover, elected members have a duty to act prudently while performing duties connected with or on behalf of the Council.

Record Keeping

Mail addressed to elected members will be opened by the City's Records staff and registered on the City's record management system. The only exception to this is mail marked "*Personal*", "*Private*" or "*Confidential*".

A Frequently Asked Questions Fact Sheet is attached for your information.

The [Council Liaison Officer](#) is available to provide advice on recording keeping compliance in accordance with the State Records Act.

Defamation and Limited Privilege Protection

Elected members should be aware that **no Parliamentary Privilege** exists in local government.

As an elected member you have both legislative and general obligations at law. An unfounded allegation made by an elected member which damages the reputation of another person would be considered defamatory. Most defamation actions are conducted as civil proceedings in which an award of damages is sought as compensation.

Section 345(1) of the Criminal Code of Western Australia also establishes an offence of criminal defamation, specifically:

(1) A person who, without lawful excuse, publishes matter defamatory of another living person (the victim) —

- a. knowing the matter to be false or without having regard to whether the matter is true or false; and*
- b. intending to cause serious harm to the victim or any other person or without having regard to whether such harm is caused, is guilty of a crime and is liable to imprisonment for 3 years.*

Summary conviction penalty: imprisonment for 12 months and a fine of \$12 000.

(For defamation purposes, "publishes" simply means to communicate to another person.)

It is necessary to understand that an allegation made by an elected member because they believe it to be true and in the public interest may not protect the member from legal action. An allegation is a very serious matter and will only be considered true when the proper investigating authority, or a court, makes a finding to that effect.

If an elected member has evidence of improper conduct by another person (such as dishonesty or corruption) their responsibility is to report the matter to the Corruption and Crime Commission, not to make any allegation about the matter in the absence of investigative findings by the appropriate authority.

In a council meeting, the elected member fulfils a public duty and is therefore given **limited protection** from legal actions of defamation.

It is important to be aware that some things that are said and written – even unintentionally - can result in you being sued for defamation.

Defamation laws attempt to balance freedom of speech with the need to protect the reputation or privacy of individuals.

Recommended resource:

https://www.edonsw.org.au/hys_avoiding_defamation

Other actions which may be unlawful may also be investigated by the Corruption and Crime Commission. Under the *Corruption and Crime Control Act* misconduct occurs where a public officer whilst acting or purporting to act in his or her official capacity commits an offence punishable by two or more years' imprisonment.



Role of Council

Under the *Local Government Act 1995* the role of Council is focused on decision making. Implementing the decisions of Council, service delivery and general administration is the role of the Chief Executive Officer. In its decision making role, Council is responsible for setting Council policy and strategic direction, actively shaping the community and ensuring the Chief Executive Officer is effectively running the City through good stewardship of assets, transparent arrangements and in line with legislative obligations.

The role of Mayor or Councillor involves a commitment to constituents to achieve effective local government which improves the City of Albany community.

The *Local Government Act 1995*, Section 2.8 explains the role and the Mayor and Section 2.10 that of Councillors.

Under the provisions of the *Local Government Act 1995*, the Mayor is the spokesperson to the media on Council matters. Individual elected members are not permitted to speak about or on behalf of Council unless authorised by the Mayor.



**INFORMATION ON
KEY PEOPLE AND
SERVICES**

Role of Chief Executive Officer

The Chief Executive Officer is responsible for making recommendations to Council and implementing Council decisions, providing they are legal.

The Chief Executive Officer has delegated powers and responsibilities to do this. The specific delegations are detailed in the Delegations Register. The role and functions of the **Chief Executive Officer** are set out in the Act.

Council Organisation

The City of Albany currently has six wards- Breaksea, Frederickstown, Kalgan, Vancouver, West and Yakamia. Ward Maps are attached.

Each ward has two elected members, giving a total of 12 elected members, plus a popularly elected Mayor.

At the October 2019 Ordinary Council Meeting, Council will elect the Deputy Mayor.

Main Functions of Local Government

The City of Albany currently has four directorates in addition to the Office of the CEO. These are:

- Community Services
- Corporate Services
- Development Services
- Infrastructure and Environment

You will meet individually with the Executive Director and key staff from each directorate as part of the induction process. You will be briefed on topical issues within each directorate, and reports for consideration by Council in the coming weeks.



Council Meetings

Ordinary Council Meetings are held monthly, except January which has no meeting.

Ordinary Council Meetings commence at 6.00pm in the Council Chambers.

Additional Council Committees (Sub-Committees of the Ordinary Council Meeting) are also held monthly.

Council Meeting Calendar:

The Council Meeting Calendar is available in your welcome pack and on the City's website.

Committee Terms of Reference:

Terms of Reference for Council Committees are detailed in the Governance & Meeting Framework Policy (attached).

Nominating to be on a Committee:

Nominations to each Council Committee are called for at the first Ordinary Council Meeting held after each ordinary local government election.

You may nominate for membership of those committees which are of particular interest to, or which best suit your skill set. All Councillors are appointed to the Community and Corporate Services and Development and Infrastructure Committees.

Other committees have limited membership, and you must nominate to be appointed.

New Committee Member Information Sheet:

An Information Sheet for induction of new committee members is attached.

Effective Committee Chairing and Support Information Sheet:

An Effective Committee Chairing and Support Information Sheet is attached for those elected members who are considering nominating for Chair of a Council Committee.

Annual Electors Meeting:

The Annual Electors Meeting is held for acceptance of the Annual Report.

Standing Orders Local Law (Meeting Procedures):

The [Standing Orders Local Law 2014](#) governs the conduct of all Council Committee meetings. A copy of the Standing Orders Local Law 2014 is attached and is available on the City's website.

Drafting Councillor Alternate Motion and Amendments:

Assistance with drafting motions and amendments may be requested from the CEO or Governance staff.

Committee Agenda Papers:

The Agenda for the Ordinary Council Meeting will be provided electronically, and is also made available for download from the Councillor Portal.

Agendas for all Council Committee meetings are also made available electronically through the same medium.

Leave of Absence

If an elected member is to be absent from an Ordinary Council Meeting, he/she should apply for leave of absence at an Ordinary Council Meeting prior to the one for which leave of absence is sought.

Council Operations

Community Strategic Plan:

The City adopted its first Community Strategic Plan in June 2013, and has been regularly reviewed. This document provides the direction and framework to inform the Corporate Business Plan which details what will be delivered by the City in the next 4 years.

Corporate Business Plan:

The City's Corporate Business Plan aligns the services, programs and projects to be delivered in conjunction with the Community Strategic Plan.

The Corporate Business plan (attached) aligns with the 10 year Financial Plan, Asset Management Plan and People Strategy (Work Force Development Plan).

Note: This plan must be formally reviewed by full Council annually.

Council Policies

Council policies are reviewed every two years or earlier if required.

Council policies can be sourced from the City of Albany website.

Annual Report

The City of Albany is required to produce an annual report each year, and this must contain the audited accounts. The City's financial statements are audited in the first quarter of each financial year, and the annual report is presented to Council as soon as practicable after the conclusion of the audit.

A copy of the City of Albany Annual Report is [attached](#). Past annual reports can be sourced from the City of Albany website.

Review Position and Date

This guideline was approved by the Chief Executive Officer.

This guideline is to be reviewed by the document owner prior to an ordinary local government election.

Associated Documents

- Welcome Pack
- Corporate Governance Charter
- Local Government Operational Guidelines