



City of **Perth**

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# Reports Under Separate Cover

Agenda Briefing Session

24 March 2026

Notice of Meeting

To the Lord Mayor and Councillors

The next Agenda Briefing Session will be held on Tuesday, 24 March 2026 in the Council Chamber, Level 9, 27 St Georges Terrace, Perth commencing at 5:00 PM.

**Wendy Attenborough**

Executive Director Governance and Strategy

23 March 2026

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## 17. Chief Executive Officer Reports

### 17.2 Mitigating City Legal Risk Exposure

Responsible Officer	Wendy Attenborough – Executive Director Governance and Strategy
Voting Requirements	Simple Majority
Attachments	Confidential Attachment 17.2A – Draft Letter to Deputy Lord Mayor David Goncalves

#### Purpose

This paper proposes Council, as the employer of the Chief Executive Officer, requests the Administration to write, on its behalf, to Councillor David Goncalves regarding statements made at the Ordinary Council Meeting of 24 February 2026.

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#### Recommendation

That Council REQUESTS that the Administration, on behalf of Council, send the letter at **Confidential Attachment A** to Councillor David Goncalves.

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## Background

1. At the Ordinary Council Meeting of 24 February 2026 Cr David Goncalves made an impartiality declaration in relation to Agenda Items 17.6 and 20.1. In that declaration Cr Goncalves stated:  
*"... I need to declare an impartiality interest in 17.6 and 20.1 as I previously made a referral to WorkSafe in relation to matters involving the CEO and the administration. Um on the Wednesday the 18<sup>th</sup> I've been advised that matter is now subject to formal investigation ..."*
2. Agenda Items 17.6 and 20.1 were both about the Psychosocial Risk Assessment commissioned by the CEO pursuant to her responsibilities under the *Work Health and Safety Act 2020*.

## Discussion

3. Subsequent to the Ordinary Council Meeting the WorkSafe Commissioner advised City Administration that there is no current investigation in relation to the City of Perth and no person has been advised to the contrary.
4. The City has sought legal advice regarding the risks arising from these circumstances given that:
  - (a) Councillor Goncalves' statement was made in a public forum, identified the CEO, and conveyed that a formal regulatory investigation was underway when this was not the case;
  - (b) The statement creates a nexus between the CEO, the commissioning of the Psychosocial Risk Assessment, and an alleged regulatory investigation;
  - (c) The information provided by the WorkSafe Commissioner suggests that the content of Councillor Goncalves' statement (in that a formal regulatory investigation is alleged to be underway) is not accurate and may be considered misleading; and
  - (d) Council as a whole is the employer of the CEO, and the Lord Mayor holds a statutory function to liaise with the CEO on the local government's affairs.
5. Councillor Goncalves' statement gives rise to substantial legal, governance and reputational risks for the City. Those risks have been discussed with the Monitor, the Lord Mayor and with the City's Audit, Risk and Improvement Committee. These risks may escalate if the issue is not addressed promptly.
6. The Administration has endeavoured to obtain further information from Councillor Goncalves regarding his statement. No further information has been provided as at the date of completion of this Report.

## Mitigation

7. The most effective means of mitigating the legal, governance and reputational risks is for the City to act promptly and transparently. To date the Administration has:
  - Communicated with the WorkSafe Commissioner, both verbally and in written form, to confirm the advice that there is no open investigation into the City of Perth and the Commissioner is not aware of any communications to the contrary to any person
  - Placed a clarifying statement on its website which reflects the above advice from the WorkSafe Commissioner
  - Proposed to the Lord Mayor that he, acting in accordance with his functions as set out in s2.8 of the *Local Government Act 1995*, engage constructively with Councillor Goncalves and the CEO regarding an acceptable resolution.

8. At s2.7(5) of the *Local Government Act 1995*, Council must have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government’s employees. At s2.10(1)(d) Councillors are required to facilitate and maintain good working relationships with other councillors, the mayor and the CEO.
9. Consistent with the above statutory functions of Council, confidential attachment A provides draft correspondence to Councillor Goncalves, to be provided by Council, should it decide to do so. This is proposed as a mitigating step to potential action against the City and as an action to promote respectful treatment of the CEO and the Administration.

## Consultation

10. Administration has sought advice on this matter from the Monitor, Lord Mayor and the City’s Audit, Risk and Improvement Committee. Administration has also communicated with Councillor Goncalves regarding his statement, including providing information regarding the issues of concern to the City, and inviting any correction or clarification that he may wish to make.

## Decision Implications

11. Provision of Council Correspondence to Councillor Goncalves regarding this matter is an action Council may take to potentially mitigate risk to the City. It would also demonstrate actions consistent with relevant sections of the *Local Government Act 1995*.

## Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government Act 1995</i> <i>Work Health and Safety Act 2020</i>
Authority of Council/CEO:	At s2.7(5) of the <i>Local Government Act 1995</i> , Council must have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government’s employees.  At s2.10(1)(d) Councillors are required to facilitate and maintain good working relationships with other councillors, the mayor and the CEO.
Policy:	Nil.

## Financial Implications

Nil.

## Further Information

12. Nil.