

Candidate Information Pack 2025



Acknowledgment of Country

Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Wadjuk moort Noongar moort, boordiar's koorra koorra, boordiar's ye yay ba boordiar's boordawyn wah.

The City of Bayswater acknowledges the Traditional Custodians of the land, the Whadjuk people of the Noongar Nation, and pays its respects to Elders past, present and emerging.

Inclusivity Statement

The City of Bayswater is committed to providing an inclusive, safe and respectful organisation and work environment, free from discrimination, harassment and racism. We recognise the impacts of inequity and discrimination and strive to remove the barriers these create.

We celebrate diversity as a strength within our community. Supporting diversity and operating in an inclusive and respectful manner is central to our values and principles of providing safe, accessible and welcoming services and facilities for the community.

Accessibility

This publication can be found on the City's website. It is available in alternative formats on request, including hard copy in large print or standard print, and electronic format.

我们可以根据要求以其他格式提供此信息。

Possiamo fornire queste informazione in altri formati su richiesta.

Chúng tôi có thể cung cấp thông tin này ở các định dạng khác theo yêu cầu.

The free Translating and Interpreting Service can assist non-English speakers to communicate with the City of Bayswater. To find out more, visit www.tisnational.gov.au or call **131 450**.

TIS National 为英语不流利人士提供免费口译服务,帮助他们跟贝斯沃特市沟通。如需了解更多有关信息,请浏览他们的网站 www.tisnational.gov.au 或致电 **131 450**。

Il servizio gratuito di traduzione e interpretazione (TIS National) può aiutare chi non parla inglese a comunicare con la città di Bayswater. Per saperne di più, visita il loro sito web www.tisnational.gov.au o chiama il **131 450**.

Dịch vụ Biên dịch và Thông dịch (TIS National) miễn phí có thể hỗ trợ những người không nói tiếng Anh giao tiếp với Thành phố Bayswater. Để tìm hiểu thêm, hãy truy cập trang web của họ www.tisnational.gov.au hoặc gọi **131 450**.

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Becoming an Elected Member

Make a difference in your community – Become a candidate for the City of Bayswater local government elections

Are you passionate about your neighbourhood and eager to help shape the future of Bayswater? As an Elected Member, you have the chance to step up and make a real difference. The City of Bayswater is calling for enthusiastic, community-minded individuals to nominate themselves as candidates in the upcoming local government elections.



Why stand for election?

By becoming an Elected Member, you'll have a direct role in making decisions that affect the daily lives of residents, from local parks and roads to community events and essential services. Your voice will help guide the direction of our City, ensuring Bayswater remains a vibrant, inclusive and thriving place to live, work and play.

Diverse representation matters

The City of Bayswater values and encourages diversity in all its forms. We believe our Council should reflect the rich variety of backgrounds, ages, cultures and perspectives within our community. Whether you're a long-time local or a new resident, a young professional or a retiree, your unique experiences and ideas are essential to building a Council that truly represents all of Bayswater.

What does it take?

All you need is a genuine interest in your community, a willingness to listen and a desire to work collaboratively. No prior experience in government is required, just a commitment to serving others and making positive change.

Ready to step forward?

Join us in shaping the future of Bayswater. Nominate yourself as a candidate and help lead our City towards an even brighter tomorrow.

Who can nominate to be a candidate for election to Council?

To stand for election as a Councillor by the people of a local government district, you must:

- be 18 years of age or older
- be an Australian citizen or a British subject prior to 26 January 1984
- be an elector of the district
- if a current Council member, have a term that ends on election day, unless you are standing for Mayor or President directly elected by the public
- have completed the mandatory Local Government Candidate Induction available on the Department of Local Government's website.

You are not eligible to nominate for Council if you:

- are a member of State or Federal Parliament
- are an insolvent under administration
- are serving a prison sentence for a crime
- have been convicted of a serious local government offence within the last five years (unless the court has waived the disqualification)
- have been convicted on indictment of an offence for which the penalty was or included imprisonment for life, or imprisonment for more than five years
- are a member of another Council
- are subject to a court order disqualifying you from being a Council member because you have misapplied local government funds or property
- are on the local electoral roll as the nominee of a body corporate
- propose standing for two positions on Council (unless you are standing for Mayor or President as well as Councillor)
- are currently disqualified by the State Administrative Tribunal from holding office as a member of a Council.

Prospective nominees are encouraged to contact the City of Bayswater if they are unsure of their eligibility.

Candidate nominations open on Thursday 28 August 2025 and close at 4pm on Thursday 4 September 2025.

About the City

The City of Bayswater is located six kilometres north-east of Perth's CBD.

The City covers an area of approximately 34.6 square kilometres and includes the suburbs of Bayswater, Bedford, Morley, Maylands, Embleton, Noranda and parts of Dianella and Mount Lawley.

There are nine Elected Member positions on the City of Bayswater Council, including eight ward Councillors and the Mayor, who represents the entire district. There are four wards with two Councillor positions in each ward: Central, North, South and West.

In 2023, the position of Mayor was elected by the residents for a four-year term ending in October 2027. The Deputy Mayor is elected for a two-year term by the Council at a Special Council Meeting following each ordinary election.

The City employs approximately 302 full-time equivalent staff members and delivers 31 services, 20 operating projects, 15 capital programs and 198 projects for its 75,981 residents.

75,981 
2024 Estimated residential population^{^^}



*Latest data available, sourced 22 May 2025 from <https://profile.id.com.au/bayswater> and <https://economy.id.com.au/bayswater>. (Data from [^]2021, ^{^^}2024, ^{^^^}2023/24)

Rates breakdown 2025-26



Recreation \$15.36 million

The City operates three recreation centres at Bayswater Waves in Embleton, The RISE in Maylands and the Morley Sport and Recreation Centre. The City also operates Maylands Waterland, a premier outdoor water playground on the banks of the Swan River, and maintains the City of Bayswater Skate Park in Embleton and the BMX and Mountain Bike Facility next to Claughton Reserve in Bayswater.

Environmental management \$9.36 million

The City will continue to address water quality through the creation of living streams, riverbank restoration and water-sensitive urban design projects. Our team will work closely with environmental community groups to protect, restore and enhance natural areas.

Council has set aside \$2.4 million to commence works identified in the Maylands Lakes Masterplan. This represents a significant milestone in addressing the water quality and midge issues experienced by our community at Maylands Lakes.

The City will spend \$2.3 million to plant trees on verges and in parks and natural areas as part of its annual Tree Planting Program. \$100,000 will fund the planting of trees on hard-surfaced median strips and paved verges across the City.

\$1.9 million will go towards the construction of an urban forest at Riverside Gardens after the City secured funding from the State and Federal Governments.

City administration \$10.49 million

The City will continue to be managed efficiently in the areas of governance, finance, communications, information management, performance monitoring, people and culture, occupational health and safety, compliance and accountability, Council business, risk and rates services.

This year's budget contains funding towards the City's enterprise resource planning project, which will see the improved integration of its business systems through software and technology.

Planning and building \$5.15 million

We will continue to assess planning, subdivision and building permits. The City's new Local Planning Strategy will guide planning and development within the City for the next 10 to 15 years. The City is now preparing a new local planning scheme following the adoption of its Local Planning Strategy.

Public health \$2.97 million

The City conducts health inspections at cafés and restaurants, and controls pests such as mosquitoes. We monitor air pollution, respond to noise complaints and test the water quality of our river and public pools. The City runs a wide range of holistic health and wellbeing programs throughout the year, in line with its Public Health and Wellbeing Plan to create a healthier Bayswater community.

Economic development and placemaking \$0.32 million

\$40,000 has been allocated to support business growth, economic activation and the promotion of the City through targeted initiatives aligned with the Economic Development Strategy, along with \$60,000 to enhance the vibrancy of the City's four town centres and Bedford shopping precinct through place activation activities.

Community grants \$0.23 million

This budget provides over \$229,000 in grant funding to businesses and environmental, sporting and community groups. This includes Community Capital Grants that provide accessibility improvements or upgrades to community facilities, Better Bayswater Grants that make our City a better place to live, Community Events Grants that bring people together, Placemaking Grants that improve shopfronts and enhance our town centres, and donations to charitable organisations.

Roads, footpaths and drainage \$20.88 million

The City will continue to upgrade its existing network of roads, footpaths and cycleways, drains and street lighting. The City manages 460km of local roads at a replacement cost of \$344.5 million.

This year's budget includes \$972,000 towards the extension and upgrade of the local footpath network to improve connectivity and access to facilities, supporting people to walk and cycle within our community. The City received \$2 million in State funding to improve the safety and accessibility of its road network as part of the Low-Cost Urban Road Safety program.

Parks and open space \$8.36 million

The City maintains over 180 parks, ovals and open spaces. This equates to 370 hectares of green space and includes two public golf courses and 24 sporting ovals. The City provides clean and safe playgrounds, picnic areas and barbecue facilities.

\$535,000 has been allocated in this budget towards the upgrade of playgrounds at Riverside Gardens, Jakobson Reserve (North) and Swan Lake Reserve.

Buildings \$8.35 million

The City continues to maintain 190 buildings for the community to use, including its three libraries, the Bayswater and Morley Community Centres, The RISE, Bayswater Waves and Morley Sport and Recreation Centre.

Waste and recycling \$14.47 million

An early adopter of the three-bin system, the City coordinates a weekly Food Organics Garden Organics (FOGO) service and a fortnightly recycling and general waste collection.

The City also provides residents with bulk bins, mattress and white goods collections, and access to its waste transfer station. We are committed to the promotion of waste education in schools and the broader community and will spend an additional \$150,000 to improve the separation of recyclables and divert waste to landfill.

Sporting facilities \$15.47 million

The City supports more than 150 local community and sporting clubs by providing clubrooms and facilities.

The City has set aside \$5 million towards stage one of the redevelopment of the Frank Drago Soccer Precinct. This is in addition to the \$5 million secured through a State Government election commitment. The redevelopment will deliver modern facilities that support growing participation in soccer. Over \$1.4 million, including grants, will be spent on the renewal of sportsgrounds.

This includes upgrades to existing synthetic cricket practice nets at De Lacy, Deschamp and Grand Promenade Reserves, long jump run ups at Emberson Reserve and Noranda Sporting Complex, soccer goals at Gibbney Reserve and new courts at the Maylands Tennis Club. Included within this amount is \$472,000 for a new synthetic bowling green at Bayswater Bowling Club.

Security and CCTV \$3.45 million

The City will continue to keep your neighbourhood safe with its regular security patrol and network of CCTV cameras. The City will spend \$760,000 on CCTV this year. This includes the purchase and management of CCTV systems and infrastructure to deter anti-social behaviour and improve community safety.

Rangers and emergency management \$2.35 million

The City will continue to manage parking, promote responsible pet ownership and ensure we are bushfire ready. The City supports State Government agencies responding to emergencies in the community and is responsible for recovery management.

Caring for our seniors \$0.93 million

The City will continue to coordinate programs, events and activities at the Bayswater and Morley Community Centres that encourage community connection among older adults. The services and initiatives provided at the Community Centres aim to enhance the health and wellbeing of older people who live/work in or visit the City.

Community development \$1.53 million

The City delivers a range of programs and activities in community development. We will continue to take actions to make the City more inclusive, encourage older adults to participate in community life, oversee the City's Youth Advisory Council and continue on our journey towards Reconciliation. The City will continue to provide a community bus for not-for-profit community groups and clubs within the City.



*For accounting reasons and for ease of understanding, depreciation and asset disposals have been removed from the figures listed above. The depreciation and asset disposal figures can be found in the 2025/26 Statutory Budget. Figures are rounded to the nearest \$10,000.



Role of an Elected Member

Section 2.10 of the *Local Government Act 1995* specifies the role of Councillors:

(1) A councillor –

- (a) represents the interests of the electors, ratepayers and residents of the district and takes account of the interests of other persons who work in, or visit, the district; and*
- (b) participates in the deliberation and decision-making of the local government at council and committee meetings; and*
- (c) facilitates communication with the community about council decisions; and*
- (d) facilitates and maintains good working relationships with other councillors, the mayor or president and the CEO; and*
- (e) acts consistently with section 2.7(3) to (5); and*
- (f) maintains and develops the requisite skills to effectively perform their role.*

Note for this subsection:

The role of a councillor as described in this subsection can be affected by other provisions of this Act or by another written law. For example, section 5.67 prohibits a councillor from participating in a meeting of the council or a committee in the circumstances described in that section.

(2) A councillor has the other functions given to the councillor under this Act or any other written law.”

Effective Councils are made up of Elected Members who reflect the mix of people in the community with different needs and interests from a diverse range of backgrounds.

Councils function as a team representing the interests of the whole district. Elected Members play a vital leadership role, creating and guiding implementation of the community's vision, strategic direction and values, as detailed in the City's Council Plan 2025 – 2035.

Elected Members must conduct themselves in accordance with the City's *Code of Conduct for Council Members, Committee Members and Candidates* (**Appendix 1**).

The Council is required to govern in the best interests of the district and be accountable when reviewing and making local laws and policies, approving strategies and overseeing the financial interests of the district. When making decisions, Elected Members must be impartial and adjudicate on matters in an objective, transparent manner without any bias or subjective interests.

Each Elected Member will receive a range of requests and complaints from the community and will need to find ways to deal with those issues. The City's administration assists Elected Members to manage these challenges in accordance with Council policy and procedures.

Attendance at meetings

Elected Members are expected to attend several different types of meetings and to have read the agenda for the meeting before the meeting starts. These meetings include:

Ordinary Council Meetings

Council makes decisions at its monthly Ordinary Council Meetings about matters that affect all areas of the organisation and community. Council meeting agendas are generally quite long, with many being over 500 pages, and may take several hours to read.

Council meetings are generally held on the third Tuesday of each month.

Elected Members have a duty to attend Council meetings, participate in decision-making and facilitate communication between residents and Council. Failing to attend three consecutive Ordinary Council Meetings without leave will automatically disqualify you from your position, unless the meetings all occur within a two-month period.

Agenda Briefing Forums

An Agenda Briefing Forum is held the week before an Ordinary Council Meeting and provides an opportunity for Elected Members to ensure they understand the matters to be determined.

Members of the public are invited to provide written or verbal deputations on items on the Council meeting agenda. Elected Members can then ask questions of the deputees about their deputation or of the officers about the items on the agenda.

Special Council Meeting

If there is a matter of urgency that cannot wait to be resolved at the next ordinary meeting of Council, a Special Council Meeting may be convened.

Committee and Advisory Group Meetings

The Council establishes its Committees and Advisory Groups at the first Ordinary Council Meeting following the local government ordinary elections.

All Elected Members are entitled to be on at least one Committee of Council but may nominate to be a member of several depending on their areas of interest.

Annual General Meeting of Electors

The Annual General Meeting of Electors is held once a year for electors of the district to receive the Annual Report and financial statements, and to ask questions and raise motions. While there is no requirement for Elected Members to attend (other than the Mayor, who presides at this meeting), they may wish to attend in their capacity as a resident.

Council Briefings and Workshops

Council Briefings and Workshops are held twice monthly to provide Council with the information it needs to make informed decisions. These are generally about three hours long.

External Committees

Elected Members may nominate to join external committees in their capacity as City of Bayswater Council. These include the Bayswater SES, Eastern Metropolitan Regional Council, Development Assessment Panel Metropolitan Inner-North, Local Emergency Management Committee, Perth Airport Municipalities Group, WALGA East Metropolitan Zone Management Committee, Eastern Subgroup of the Metropolitan Regional Road Group, and Development WA Midland Land Redevelopment Committee.

Attendance at events

There will also be opportunities for Elected Members to attend other events, including community events and civic functions, such as ceremonies for citizenship, awards and ANZAC Day.

Additional considerations

Not Involved in Day-to-Day Administration

Elected Members must not get involved in the daily management of a local government's administration; this is the responsibility of the Chief Executive Officer.

Strategic Oversight

The Council works together to make strategic decisions, set objectives, establish priorities and allocate resources.

Community Engagement

An Elected Member is expected to listen to residents and local businesses, and represent the community's views on Council.

Record Keeping

Elected Members must keep a record of correspondence in relation to their role, in accordance with the State Records Office requirements for record keeping.

Visit [wa.gov.au/government/publications/local-government-elected-members-records](https://www.wa.gov.au/government/publications/local-government-elected-members-records) for more information.

Elected Members must ensure they manage confidential and private information in accordance with legislation and City of Bayswater policies.

Important Strategic and Governance Documents

- *Standing Orders Local Law 2021* – meeting procedures and conduct
- *Code of Conduct for Council Members, Committee Members and Candidates (Appendix 1)*
- Corporate documents including the Council Plan, Long-Term Financial Plan, Annual Budget, Workforce Plan, Asset Management Plans, Annual Report
- Governance Framework
- Delegated Authority Register

Councillor Declaration

Following elections, the City holds a swearing-in ceremony and each newly Elected Member must sign a declaration as required by section 2.29 of the *Local Government Act 1995* and regulation 13(1)(e) of the *Local Government (Constitution) Regulations 1998*, before they can undertake their role as an Elected Member.

The declaration follows the following format:

Declaration by elected member

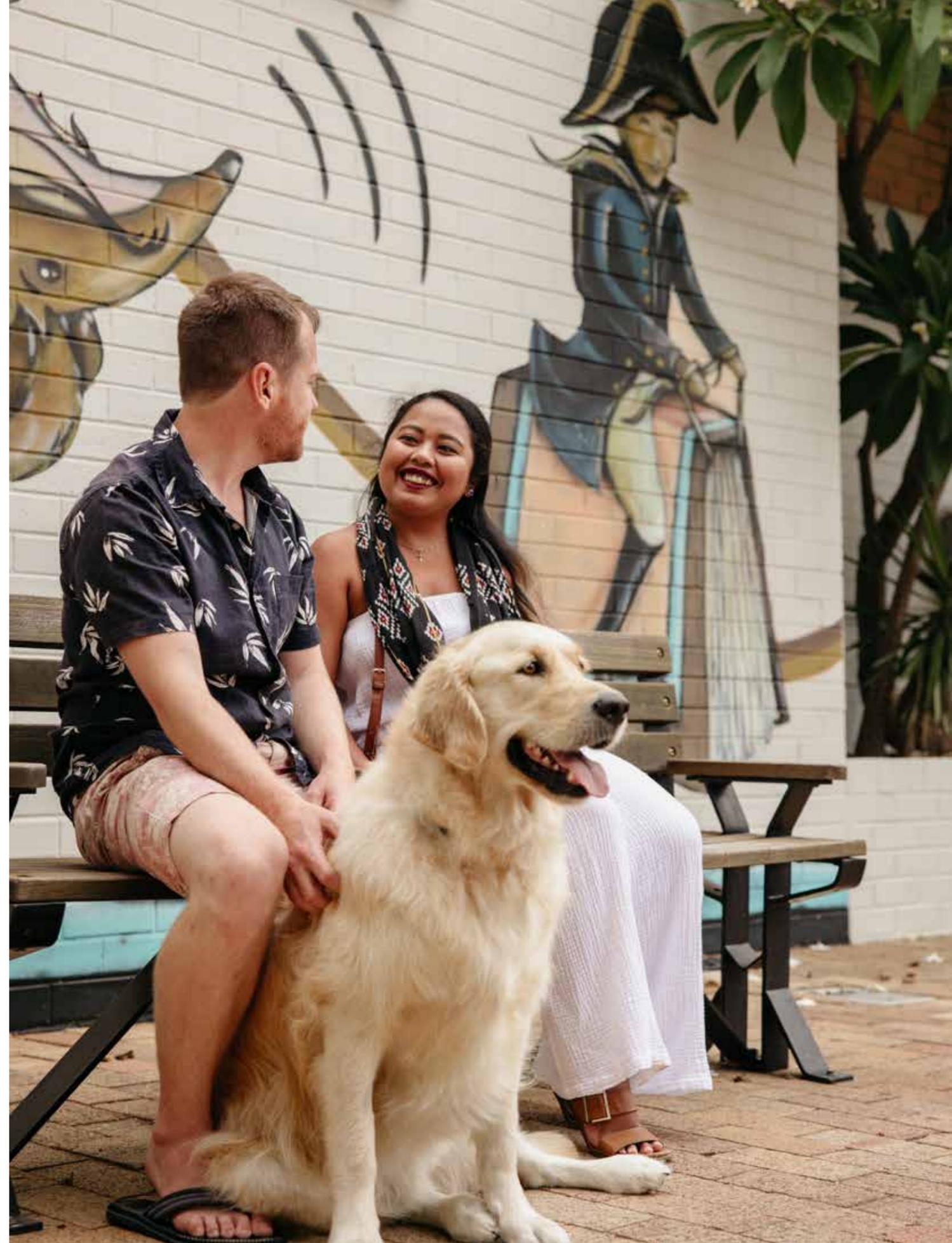
"I,
of ¹
having been elected to the office of ²Mayor/Deputy Mayor/President/Deputy President/Councillor of
the ³
declare that I take the office upon myself and will duly, faithfully, honestly and with integrity, fulfil the
duties of the office for the people in the district according to the best of my judgement and ability,
and will observe the Code of Conduct adopted by the ³
under section 5.104 of the *Local Government Act 1995*.

Declared at
on
by
Before me:

¹ Insert your residential address.

² Delete those that do not apply.

³ Insert the name of the local government.





Online resources

City of Bayswater website

Council Elections webpage

Visit bayswater.wa.gov.au/council-elections for up-to-date information on elections, including how to enrol to vote, becoming an Elected Member, how to vote, a register of electoral gifts and election results. This page also includes a list of frequently asked questions about the elections.

Candidates should visit bayswater.wa.gov.au/city-and-council/council-elections/election-signs to make themselves familiar with the FAQs relating to political signage in the City of Bayswater *Activities in Thoroughfares and Public Places and Trading Local Law 2020* and *Election Signage Policy (Appendix 4)*.

Western Australian Electoral Commission (WAEC) website

The WAEC website has a page dedicated to the 2025 local government elections:

elections.wa.gov.au/2025-local-government-elections. This page includes key dates, information on how to enrol to vote, information for candidates (including a nomination builder) and information on authorisation of election campaign material.

Department of Local Government, Industry Regulation and Safety (LGIRS) website

The website dlgsc.wa.gov.au/local-government/local-governments/council-elections contains important information on local government elections, including key election milestones, an introduction to local government, the role of a Council member, nominating to be a Council member, election campaigning, conduct of local government elections, what happens when you become a Council member, and electoral gifts and crowdfunding. You must also complete an online induction course through the LGIRS website before you can submit your nomination.

Western Australian Local Government Association (WALGA) website

Council Member Essentials Training is provided through WALGA ([walga.asn.au](https://www.walga.asn.au)) and must be completed by Elected Members in their first 12 months of office in accordance with section 5.126(1) of the *Local Government Act 1995*. Elected Members must complete this training within their first 12 months of office. The Council Member Essentials Training includes the following modules:

1. Understanding Local Government
2. Conflicts of Interest
3. Serving on Council
4. Meeting Procedures
5. Understanding Financial Reports and Budgets

There is no requirement for Elected Members to undertake this training if they hold a Diploma of Local Government.



Key dates

2025 Council Meeting and Agenda Briefing Forum dates

Ordinary Council Meetings and Agenda Briefing Forums commence at 7pm and are held in the Council Chamber at the City of Bayswater Civic Centre, 61 Broun Avenue, Morley, unless otherwise advertised. Members of the public are welcome to attend.

	Ordinary Council Meeting	Agenda Briefing Forum
January	28 January 2025	21 January 2025
February	25 February 2025	18 February 2025
March	25 March 2025	18 March 2025
April	29 April 2025	22 April 2025
May	27 May 2025	20 May 2025
June	1 July 2025	24 June 2025
July	22 July 2025	15 July 2025
August	26 August 2025	19 August 2025
September	No meetings due to Statewide Caretaker Period for local government elections.	
October	28 October 2025	21 October 2025
November	18 November 2025	11 November 2025
December	9 December 2025	2 December 2025

Post-Election Special Council Meeting

A Special Council Meeting and Swearing-In Ceremony will be held at **6.45pm on Monday 20 October 2025**. At this meeting, new Elected Members will make their declaration, then Council will elect the Deputy Mayor. Following this, there will be a dinner held for all Elected Members.



Seats to be contested

City of Bayswater Elected Members

Ward	Councillors	Term expires
District	Mayor Filomena Piffaretti	2027
Central	Cr Assunta Meleca	2025
Central	Cr Steven Ostaszewskyj	2027
North	Cr Josh Eveson	2025
North	Cr Michelle Sutherland	2027
North ¹	Cr Sally Palmer	2025
South	Cr Elli Petersen-Pik – Deputy Mayor	2025
South	Cr Nat Latter	2027
West	Cr Giorgia Johnson	2025
West	Vacant*	2027
West ¹	Vacant*	2025

¹ Position to be discontinued at the conclusion of the term, as explained on page 22
 * Former Councillors Dan Bull (term expired 2027) and Lorna Clarke (term expired 2025)

Seats to be contested at the 2025 Ordinary Elections

Ward	Number of vacancies	Term of successful candidate	Current sitting Councillor
Central	One	4 years	Cr Assunta Meleca
North	One	4 years	Cr Josh Eveson
South	One	4 years	Cr Elli Petersen-Pik – Deputy Mayor
West	Two	4 years 2 years	Cr Giorgia Johnson Vacant

Local Government Reform

Recent reforms to the *Local Government Act 1995* represent the most significant changes to local government in Western Australia in over 25 years. These reforms are structured around six main themes and have been implemented in two tranches: the *Local Government Amendment Act 2023* (focused on electoral reform) and the *Local Government Amendment Act 2024* (focused on governance, transparency and oversight). More information on the reforms can be found on the Department of Local Government, Industry Regulation and Safety website at dlgsc.wa.gov.au/local-government/local-government-reform

Ward boundary and Elected Member representation review

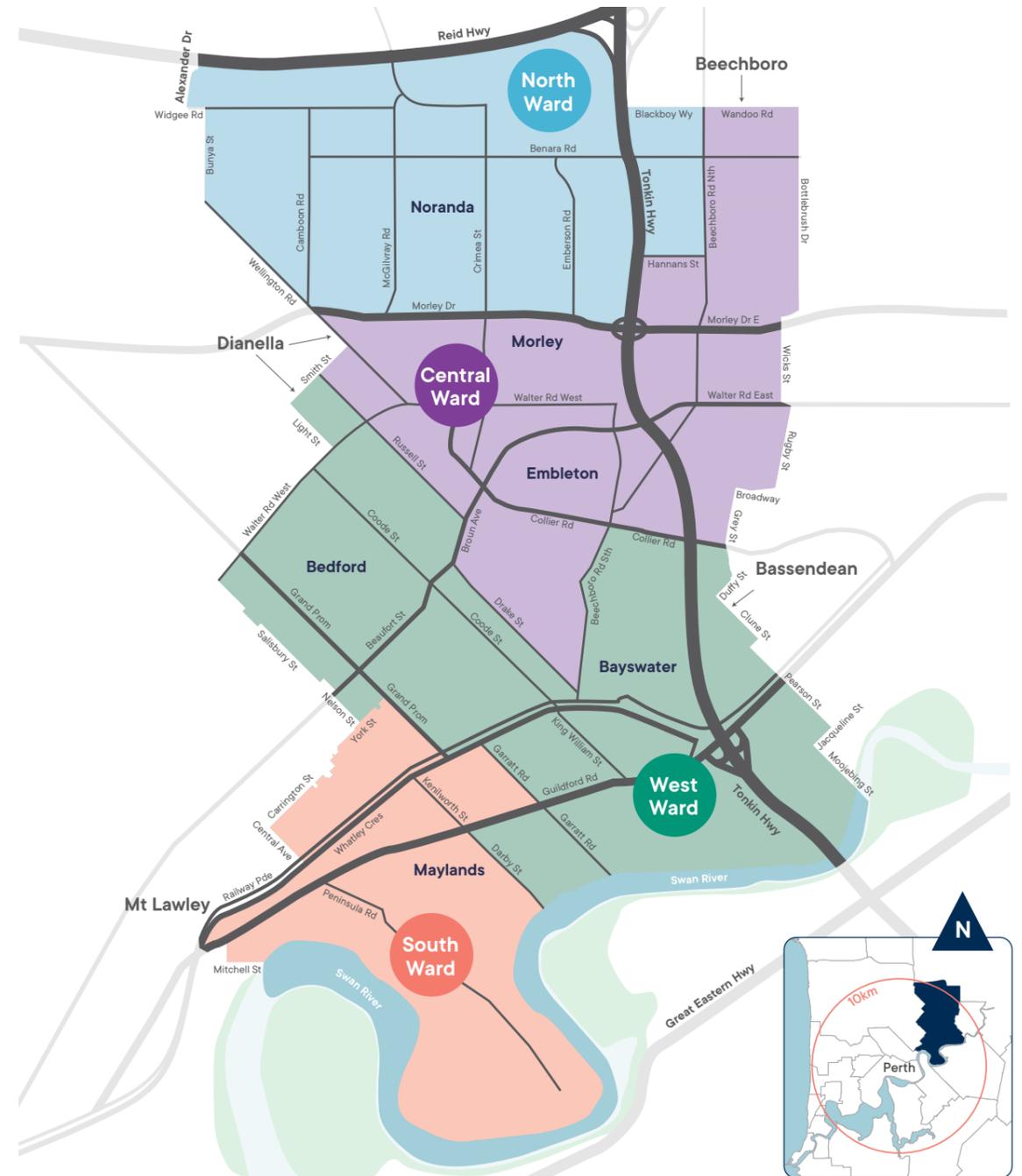
As a result of this program of reform, the City undertook a ward boundary and Elected Member representation review in late 2022. Council resolved the following, which was also supported by the Department of Local Government, Sport and Cultural Industries:

- Retain a four-ward structure
- Amend existing ward boundaries over two elections:
 - 2023 Ordinary Elections: Amend the current ward boundary between North Ward and Central Ward to use Tonkin Highway as the boundary road and transfer a small section along the western side of Ivanhoe Street, Morley (from Hamersley Street through to Hannans Street) into the Central Ward
 - 2025 Ordinary Elections: Amend the current ward boundary between West Ward and South Ward to extend the South Ward boundary to include a section of the suburb of Bayswater using Guildford Road as a boundary road.
- Reduce the number of Councillor positions from 11 to eight over two elections:
 - 2023 Ordinary Elections: Reduce from 11 to 10 Councillors by removing one position from the Central Ward
 - 2025 Ordinary Elections: Reduce from 10 to eight Councillors by removing one position from the North Ward and one position from the West Ward.

Impact for the 2025 Local Government Elections

The ward boundary between the West and South Wards will be amended for the 2025 Local Government Elections, extending the South Ward boundary to include a section of the suburb of Bayswater, using Guildford Road as a boundary road. Residents affected by this change have been advised by the City in a letter, and the electoral roll for the 2025 Local Government Elections will include these changes.

Ward Map 2025



North Ward	Central Ward	West Ward	South Ward
Area: 9km²	Area: 9km²	Area: 10.5km²	Area: 5.5km²
<ul style="list-style-type: none"> • Noranda • Part Morley • Part Dianella • Part Beechboro 	<ul style="list-style-type: none"> • Part Morley • Part Embleton • Part Bayswater • Part Dianella • Part Beechboro 	<ul style="list-style-type: none"> • Part Bayswater • Bedford • Part Embleton • Part Morley • Part Dianella • Part Bassendean 	<ul style="list-style-type: none"> • Maylands • Part Mt Lawley • Part Bayswater



2025 Elections

Key dates for the 2025 Local Government Elections are detailed below.

Date	Event
Friday 22 August	Electoral rolls close at 5pm
Thursday 28 August	Nominations open
Thursday 4 September	Nominations close at 4pm
Wednesday 17 September	Postal voting mailout commences
Tuesday 30 September	Processing of returned postal votes commences
Saturday 18 October	Election Day (returned postal votes to be received no later than 6pm)
As soon as practicable, after Election Day	Declaration and notice of election results



Enrolling to vote

If a resident is already registered on the State or Commonwealth electoral roll, they will automatically be enrolled to vote in local government elections.

If a resident owns a property in the same ward in which they live and are already enrolled to vote, there is no need for them to enrol again. They will be entitled to one vote in the ward in which they live.

If a resident lives in the same ward in which their business is located, there is no need for them to enrol again. They will be entitled to one vote in the ward in which they live.

If a business is a corporate body, up to two people may be nominated to vote on behalf of the corporate body by filling out a form available on the City's website at

bayswater.wa.gov.au/city-and-council/council-elections/enrol-to-vote

The inquiry into the City of Perth recommended a series of changes to the enrolment criteria and changes from the 2023 Local Government Elections reflect a clear series of requirements for claiming occupation including company nominees must also now be related to that property. Find out more about the requirements at

bayswater.wa.gov.au/city-and-council/council-elections/enrol-to-vote

Postal voting

At the Ordinary Meeting of Council on 28 January 2025, Council resolved to conduct the 2025 Local Government Elections as a postal election.

In accordance with the provisions of the *Local Government Act 1995*, where a local government resolves to have its election conducted as a postal election, the Western Australian Electoral Commissioner (WAEC) must be responsible for the conduct of that election. Therefore, the WAEC has been contracted by the City to conduct the 2025 Local Government Elections.

The WAEC appoints a Returning Officer who oversees the election, which includes taking candidate nominations and supervising the count on election night.

Election packages are posted to all electors on the roll about three weeks before election day.

The packages can be returned by mail or hand-delivered and placed in a sealed ballot box at the Civic Centre (61 Broun Avenue, Morley) until 6pm on election day. Counting the votes will begin on election night but may not be completed until the following day or the day after. The Returning Officer will declare results as and when they become available, and the City will update its website and social media with the results.

Ballot draw

Following the close of nominations on 4 September 2025, the ballot draw will take place at the City's Civic Centre. The ballot draw is carried out by the Returning Officer in accordance with the *Local Government Act 1995* and decides the order by which the candidates appear on the ballot paper. Attendance at the ballot draw is not compulsory, however candidates are welcome to attend.

Voting system

In 2023, the State Government introduced optional preferential voting for local government elections.

Optional preferential voting is very similar to the way you vote in State and Federal Elections; however, you do not have to assign every candidate with your preference. You can vote for one, some or all candidates on the ballot paper.

With optional preferential voting, if the candidate you have given your first preference to is eliminated from the count, your vote will be redistributed to your next preference on the ballot paper. This process continues until one candidate has the majority of votes.

Campaigning

Candidates should be aware of City policies that relate to local government elections.

Alleged breaches of the City of Bayswater *Code of Conduct for Council Members, Committee Members and Candidates (Appendix 1)* are dealt with using the procedures set out in the *Code of Conduct Complaints Management Policy (Appendix 2)*.

The *Election Caretaker Period Policy (Appendix 3)* ensures compliance and alignment with the Caretaker Period provisions in the *Local Government Act 1995*, the *Local Government (Functions and General) Regulations 1996*, and the requirements of the *Code of Conduct for Council Members, Committee Members and Candidates (Appendix 1)*.

The *Election Signage Policy (Appendix 4)* sets out the requirements for elections signs displayed during Federal, State and Local Government Elections.

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Code of Conduct for Council Members, Committee Members and Candidates

Division 1 — Preliminary provisions

1. Citation

This is the *City of Bayswater Code of Conduct for Council Members, Committee Members and Candidates*.

2. Terms used

- (1) In this code —
Act means the *Local Government Act 1995*;
candidate means a candidate for election as a council member;
complaint means a complaint made under clause 11(1);
publish includes to publish on a social media platform.
- (2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

- (1) A council member, committee member or candidate should —
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should —
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and

- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or

- (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

- 1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- 2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —
 - electoral purpose** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;
 - resources of a local government** includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —
local government employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
document includes a part of a document;
non-confidential document means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or

- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —
interest —
 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

Code of Conduct Complaints Management Policy

Purpose

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and the City of Bayswater Code of Conduct for Council Members, the procedure for dealing with Complaints about alleged Breaches of the behaviour requirements included in Division 3 of the City of Bayswater Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the City of Bayswater's commitment to an effective, transparent, fair and accessible Complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Scope

This Policy applies to Council Members, Committee Members, Candidates in relation to Complaints and to any Complainant.

Definitions

For the purpose of this policy —

Act means the *Local Government Act 1995*.

Behaviour Complaints Officer means a person authorised in writing by Council resolution under clause 11(3) of the Code of Conduct to receive Complaints and withdrawals of Complaints.

Breach means a breach of Division 3 of the City of Bayswater Code of Conduct for Council Members, Committee Members and Candidates.

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the returning officer under s.4.49 of the *Act*, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the returning officer declares the election result in accordance with s.4.77 of the *Act*.

Candidate Complaint means a Complaint alleging a Breach by a Candidate.

2. Roles

2.1 Behaviour Complaints Officer

- (a) The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept Complaints and withdrawal of Complaints.
- (b) The Behaviour Complaints Officer is not an advocate for the Complainant or the Respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.
- (c) If the complaint has been accepted, the Behaviour Complaints Officer will appoint an Independent Complaint Assessor to provide the Complaint Assessment under part 3.7 of this Policy.
- (d) In undertaking their functions, the Behaviour Complaints Officer will apply the principles of this Policy.

2.2 Independent Complaint Assessor

- (a) The Independent Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with the current City of Bayswater procurement policy.
- (b) The Independent Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Independent Complaint Assessor will apply the principles of this Policy.
- (c) The Independent Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with the policy.

2.3. Chief Executive Officer

- (a) The Chief Executive Officer has authority to agree or disagree with the finding of the Independent Complaint Assessor as to whether an alleged breach the subject of a complaint has occurred in accordance with the principles and specified requirements established in this policy.
- (b) Where a finding is made that a Breach has occurred, the Chief Executive Officer has authority to:
 - (i) Take no further action if advised to do so by the Independent Complaint Assessor; or
 - (ii) Prepare and implement the plan specified by the Independent Complaint Assessor, to address the behaviour of the person to whom the complaint relates.
- (c) The Chief Executive Officer has authority to agree to dismiss a complaint in line with Part 4.2 of this Policy or under the recommendation of the Independent Complaint Assessor. If the complaint is dismissed, the Chief Executive Officer must provide reasons for the dismissal.

3. Procedure

3.1 Making a Complaint

- (a) Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a Breach of Division 3 of the Code of Conduct.
- (b) A Complaint must be made within one month after the alleged Breach.
- (c) A Complaint must be made by completing the Complaint – Alleged Breach Form in full and providing the completed forms to the Behaviour Complaints Officer.

- (d) The Complainant must lodge the Complaint with the City's Behaviour Complaints Officer. Complaints lodged by a third party will not be accepted.
- (e) A Complaint must be made in accordance with the Complaint – Alleged Breach Form and specify which requirement(s) of the Code of Conduct is or are alleged to have been Breached.
- (f) A Complaint is required to include the name and contact details of the Complainant therefore anonymous Complaints cannot be accepted.
- (g) Where a Complaint – Alleged Breach Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed. If the information is not provided within 14 days of this request, the Complaint will not be accepted.
- (h) Where a Complaint is made more than 1 month after the alleged Breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be accepted.
- (i) The Behaviour Complaints Officer will attempt to find out whether an alternative means of redress is available and is satisfactory to all parties, and the Behaviour Complaints Officer may choose not to accept the complaint if that alternative means of redress is satisfactory to all parties.
- (j) The Behaviours Complaints Officer may choose not to accept the complaint if it is trivial, frivolous or vexatious.

3.2 Candidate Complaints

- (a) A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.
- (b) Within 7 days after acceptance of a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:
 - (i) To the Complainant confirming receipt, and advising of the procedure for Candidate Complaints; and
 - (ii) To the Respondent, including a summary of the Complaint, and advising of the procedure for Candidate Complaints.
- (c) No action will be taken until the results of the election are declared by the returning officer. If the Respondent is elected, then the Complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.
- (d) If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with.

3.3 Withdrawing a Complaint

- (a) A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint.
- (b) A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.
- (c) After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

2. Roles

2.1 Behaviour Complaints Officer

- (a) The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept Complaints and withdrawal of Complaints.
- (b) The Behaviour Complaints Officer is not an advocate for the Complainant or the Respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.
- (c) If the complaint has been accepted, the Behaviour Complaints Officer will appoint an Independent Complaint Assessor to provide the Complaint Assessment under part 3.7 of this Policy.
- (d) In undertaking their functions, the Behaviour Complaints Officer will apply the principles of this Policy.

2.2 Independent Complaint Assessor

- (a) The Independent Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with the current City of Bayswater procurement policy.
- (b) The Independent Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Independent Complaint Assessor will apply the principles of this Policy.
- (c) The Independent Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with the policy.

2.3. Chief Executive Officer

- (a) The Chief Executive Officer has authority to agree or disagree with the finding of the Independent Complaint Assessor as to whether an alleged breach the subject of a complaint has occurred in accordance with the principles and specified requirements established in this policy.
- (b) Where a finding is made that a Breach has occurred, the Chief Executive Officer has authority to:
 - (i) Take no further action if advised to do so by the Independent Complaint Assessor; or
 - (ii) Prepare and implement the plan specified by the Independent Complaint Assessor, to address the behaviour of the person to whom the complaint relates.
- (c) The Chief Executive Officer has authority to agree to dismiss a complaint in line with Part 4.2 of this Policy or under the recommendation of the Independent Complaint Assessor. If the complaint is dismissed, the Chief Executive Officer must provide reasons for the dismissal.

3. Procedure

3.1 Making a Complaint

- (a) Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a Breach of Division 3 of the Code of Conduct.
- (b) A Complaint must be made within one month after the alleged Breach.
- (c) A Complaint must be made by completing the Complaint – Alleged Breach Form in full and providing the completed forms to the Behaviour Complaints Officer.

- (d) The Complainant must lodge the Complaint with the City's Behaviour Complaints Officer. Complaints lodged by a third party will not be accepted.
- (e) A Complaint must be made in accordance with the Complaint – Alleged Breach Form and specify which requirement(s) of the Code of Conduct is or are alleged to have been Breached.
- (f) A Complaint is required to include the name and contact details of the Complainant therefore anonymous Complaints cannot be accepted.
- (g) Where a Complaint – Alleged Breach Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed. If the information is not provided within 14 days of this request, the Complaint will not be accepted.
- (h) Where a Complaint is made more than 1 month after the alleged Breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be accepted.
- (i) The Behaviour Complaints Officer will attempt to find out whether an alternative means of redress is available and is satisfactory to all parties, and the Behaviour Complaints Officer may choose not to accept the complaint if that alternative means of redress is satisfactory to all parties.
- (j) The Behaviour Complaints Officer may choose not to accept the complaint if it is trivial, frivolous or vexatious.

3.2 Candidate Complaints

- (a) A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.
- (b) Within 7 days after acceptance of a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:
 - (i) To the Complainant confirming receipt, and advising of the procedure for Candidate Complaints; and
 - (ii) To the Respondent, including a summary of the Complaint, and advising of the procedure for Candidate Complaints.
- (c) No action will be taken until the results of the election are declared by the returning officer. If the Respondent is elected, then the Complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.
- (d) If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with.

3.3 Withdrawing a Complaint

- (a) A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint.
- (b) A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.
- (c) After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

3.4 Notice to Complainant

- (a) Within 7 days after acceptance of a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:
 - (i) confirms receipt of the Complaint;
 - (ii) outlines the process that will be followed and possible outcomes;
 - (iii) explains the application of confidentiality to the Complaint;
 - (iv) includes a copy of this Policy; and
 - (v) if necessary, seeks clarifications or additional information.

3.5 Notice to Respondent

- (a) Within 7 days after acceptance of a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:
 - (i) advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
 - (ii) includes a copy of the Complaint Documents;
 - (iii) outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
 - (iv) includes a copy of this Policy;
 - (v) provides the Respondent with 21 calendar days to provide a response to the Complaint allegations; and
 - (vi) if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

3.6 Order of Complaints

- (a) Complaints will normally be dealt with in the order in which they are received.
- (b) If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

3.7 Assessment of the Complaint

- (a) An assessment of the complaint will be conducted by an Independent Complaint Assessor.
- (b) The Independent Complaint Assessor may seek legal advice on any aspect of the Complaint.
- (c) The Independent Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the notices given under clauses 3.5 and 3.6 of this Policy.
- (d) The Independent Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to provide a response before forming any opinions, or drafting the Complaint Report or recommendations.
- (e) The Complaint will be assessed based on the evidence available including information provided by the Complainant in the Complaint Documents and by the Respondent in the Response Documents.

3.8 Complaint Report

- (a) The Independent Complaint Assessor will prepare a Complaint Report that will:
 - (i) outline the process followed, including how the Respondent was provided with an opportunity to provide a response;
 - (ii) include the Complaint Documents, the Response Documents and any relevant City of Bayswater records as attachments; and
 - (iii) include recommendations on each decision that may be made by the Behaviour Complaints Officer; and
 - (iv) include reasons for each recommendation, with reference to Part 4 of this Policy.
- (b) If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a proposed Plan.
- (c) The Complaint Report will be provided to the Chief Executive Officer or Council to make a finding.
- (d) The Complainant and Respondent are entitled to view a copy of the Complaint Report, in person at the City of Bayswater Civic Centre, once they have been advised of the finding.

3.9 Making a Finding

- (a) The Chief Executive Officer (or Council, in the circumstances of 3.9(b)) will consider the Complaint Report and attachments and give due regard to the recommendations of the Independent Complaint Assessor.
- (b) The Chief Executive Officer is not permitted to accept the Independent Complaint Assessor's findings on Complaints for which the Chief Executive Officer is the Complainant. Findings on these complaints must be determined by Council.
- (c) If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Chief Executive Officer or Council (as applicable) will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.
- (d) If the Chief Executive Officer or Council (as applicable) dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.
- (e) If the Complaint is not dismissed, the Chief Executive Officer or Council (as applicable) will consider the Complaint Report and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.
- (f) If the finding is that the alleged Breach did not occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.
- (g) If the finding is that the alleged breach **did** occur, the Chief Executive Officer or Council (as applicable) will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.
- (h) If the Chief Executive Officer or Council (as applicable) decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this

decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

- (i) If the Chief Executive Officer or Council (as applicable) decides to prepare a Plan, the Chief Executive Officer or Council will first consult with the Respondent in accordance with clause 12(5)* of the Code of Conduct. The Chief Executive Officer or Council (as applicable) will consider any submissions made by the Respondent before preparing and implementing a Plan.

3.10 Compliance with Plan Requirement

- (a) The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.
- (b) Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.
- (c) The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1 Objectives and Principles

All decisions made under this Policy will reflect the policy objectives and the principles included in Part 1 of this Policy.

4.2 Dismissal

The Chief Executive Officer or Council (as applicable) must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either -
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the Respondent has taken remedial action in accordance with the *City of Bayswater's Standing Orders Local Law 2021*.

4.3 Finding

- (a) A Finding that the alleged Breach has occurred must be based on Evidence from which it may be concluded that it is more likely that the Breach occurred than that it did not occur [*clause 12(3) of the Code of Conduct*].
- (b) This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a Breach.

4.4 Action

In deciding whether to take no further action, or prepare and implement a Plan, the Chief Executive Officer or Council (as applicable) may consider:

- (a) the nature and seriousness of the Breach(es);
- (b) the Respondent's submission in relation to the contravention;

- (c) whether the Respondent has committed the Breach knowingly or carelessly;
- (d) whether the Respondent has breached the Code of Conduct on previous occasions;
- (e) likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- (f) personal circumstances at the time of conduct;
- (g) need to protect the public through general deterrence and maintain public confidence in the City of Bayswater; and
- (h) any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

4.5 Plan Requirements

- (a) The proposed Plan may include requirements for the Respondent to do one or more of the following:
 - (i) engage in mediation;
 - (ii) undertake counselling;
 - (iii) undertake training;
 - (iv) take other action considered appropriate (such as an apology or removal of a social media post).
- (b) The proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.
- (c) The proposed Plan may also outline:
 - (i) the actions to be taken to address the behaviour(s);
 - (ii) who is responsible for the actions;
 - (iii) any assistance the City of Bayswater will provide to assist achieve the intent of the Plan; and
- (iv) a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

Related Documentation

[Local Government Act 1995](#)

[Local Government \(Model Code of Conduct\) Regulations 2021](#)

Election Signage Policy

Purpose

1. This policy sets out the requirements for election signs displayed during Federal, State and Local Government elections.

Scope

2. This policy applies to an election sign displayed during Federal, State and Local Government election periods on private property and on property under the care, control and management of the City.
3. This policy does not apply to signs that are not election signs, or signs that may be displayed outside of the election period.

Definitions

For the purpose of this policy —

Election period means from the issue of the writs (for State and Federal elections) or from the close of nominations day (for Local Government elections) up until 48 hours after the election day.

Election sign means an advertising sign or poster, which advertises any aspect of a forthcoming Federal, State or Local Government election or referendum.

Thoroughfare means the whole road reservation, including the verge and the carriageway (the part of the road primarily used for vehicular traffic).

Policy Statement

4. This policy is based on the decisions of the High Court of Australia and the Supreme Court of Western Australia which protect the display of election signs that exercise the implied freedom of political communication within the Australian Constitution.
5. The City will apply reasonable restrictions on election signs that are no more onerous than on a comparable sign that has no political connection.
6. The responsibility for complying with election sign requirements is that of the candidate, even if someone else erects or places a sign on their behalf.

Signs on private land

7. During an Election Period, election signs may be placed on private property, without approval from the City, provided that the signs:
 - Have the consent of the property owner;
 - Do not pose a health or safety risk;
 - Are temporary in nature and displayed only during the election period; and
 - Meet the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, including that the signs not be erected within 1.5m of any part of a crossover or street intersection.

Signs on thoroughfares

8. During an Election Period, election signs may be placed on thoroughfares, without approval from the City, provided that the signs:
 - Be erected at least 30 m from any intersection;
 - Be free standing and not affixed to any existing sign, post, power or light pole, or similar structure;
 - Be placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
 - Be placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
 - Be maintained in good condition;
 - Be erected during the election period (i.e. not prior to the commencement of the election period);
 - Be removed within 48 hours of the close of polls on voting day;
 - Be at least 100 m away from any works on a thoroughfare;
 - Be securely installed;
 - Not be an illuminated sign;
 - Not incorporate reflective or fluorescent materials;
 - Not display only part of a message which is to be read with other separate signs in order to obtain the whole message;
 - Not be within 30 m of another election sign promoting the same candidate; and
 - If a sign is erected on a verge outside a private residence, approval of the owner or occupier must be obtained.

Signs on Council owned or managed land

9. Election signs are not permitted on any other Council owned or managed land (other than thoroughfares in accordance with clause 8). This includes City occupied facilities, City leased facilities, and City parks and reserves.

Signs at election polling stations

10. The placement of election signs at a polling place must comply with the relevant legislation and any instructions of the Returning Officer, or any other person in charge of the polling place.
11. The City will not remove election signs on City land or facilities that are used as a polling place on the day of an election. That is, on the day of an election, an election sign may be displayed on land or facilities owned or controlled by the City that is used as a polling place.

State Road Reserves

12. Candidates who wish to place an election sign on a State road reserve will need to follow the requirements of Main Roads Western Australia.

Electoral requirements

13. Election signs must comply with the requirements of the *Local Government Act 1995* and the *Electoral Act 1907 (WA)* and ensure that the name and address of the person authorising the sign and the relevant name and address of the printer is on the sign. Similar provisions apply in relation to State and Federal elections.
14. Any breaches of these requirements will be referred to the relevant Returning Officer.
15. The use of the City's logo or crest on an election sign is not permitted.

Communication with Candidates

16. Following the issue of the writs for a State or Federal Election, or the close of nominations day for a Local Government Election, the CEO is to write to all known candidates campaigning in the City of Bayswater area providing a copy of the Council's Election Signs Policy and a copy of any relevant guidance from Main Roads Western Australia in relation to the erection of election signs.

Complaints and Enforcement

17. Where an election sign is non-compliant with this policy or the *City of Bayswater Activities in Thoroughfares and Public Places and Trading Local Law 2020*, the City may take enforcement action. This may include:
 - Issuing a caution
 - Requesting the sign be moved or altered;
 - Impounding or confiscating the sign; and/or
 - Issuing an infringement or prosecution.
18. In exercising this power, the City will adopt the following approach:

Election Caretaker Period Policy

- Complaints must be made in writing to the Manager, Rangers and Security by a resident or ratepayer of the City of Bayswater.
- City officers may not respond to complaints about election signs that are deemed vexatious or unreasonable.
- In response to a valid complaint, the City will give the candidate 24 hours' notice of the non-conforming sign, after which time it may be impounded, and made available for collection by the candidate or their nominee;
- The City will give priority to complaints that, in the opinion of a City officer, involve an election sign that poses a health or safety hazard;
- Where an election sign poses a health or safety hazard, it may be removed without notice;
- A candidate may appeal a City Officer determination through the Office of the CEO.

Removal of signs following elections

19. Signs that are not removed within 48 hours after the election period ends may be impounded. The candidate will be given an opportunity to collect them within 10 working days or they may be destroyed without further warning.

Related Legislation

Commonwealth of Australia Constitution Act

Constitution Act (WA)

Electoral Act 1918 (Commonwealth)

Main Roads Act 1930

Local Government Act 1995

Electoral Act 1907

Local Government (Elections) Regulations 1997

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

City of Bayswater Activities in Thoroughfares and Public Places and Trading Local Law 2020

Related Documentation

Town Planning Scheme No.24

City of Bayswater Signage Policy

Purpose

To ensure compliance and alignment with the Caretaker Period provisions in the *Local Government Act 1995*, the *Local Government (Functions and General) Regulations 1996*, and the requirements of the *Code of Conduct for Council Members, Committee Members and Candidates* and *Code of Conduct for Employees*.

Definitions

For the purpose of this policy —

Candidate means a candidate in a local government election but does not include a Council Member who is also a candidate in a local government election.

Caretaker Period, as defined by section 1.4A of the *Local Government Act 1995*, means a period that:

- (a) begins at the close of nominations (as defined in section 4.49(a)) for a relevant election for the local government; and
- (b) ends:
 - (i) on the day after the day on which the returning officer declares the result of the relevant election under section 4.77; or
 - (ii) if section 4.57(1) applies to the relevant election - on the day after the day on which the close of nominations falls; or
 - (iii) if section 4.58(1) applies to the relevant election - on the day after the day on which the candidate dies.

Council Member means the Mayor, Deputy Mayor and Councillors.

Election Day means the day fixed under the *Local Government Act 1995* for the holding of an election or any other poll.

Electoral Material means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:

- (a) an advertisement in a newspaper announcing the holding of a meeting in accordance with section 4.87(3) of the *Local Government Act 1995*;
- (b) any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997*; or
- (c) any materials produced by the City relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

Events and Functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the City and its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions.

Extraordinary Circumstances means a circumstance that in the Chief Executive Officer's opinion, delaying the decision or announcement to occur after the Caretaker Period has reasonable potential to:

- (a) incur or increase legal, financial and/or reputational risk; or
 - (b) cause detriment to the strategic objectives of the City,
- and that is not considered a Significant Act.

Public Consultation means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

Significant Act in accordance with section 3.73(1) of the *Local Government Act 1995*, means any of the following:

- (a) making a local law (including making a local law to amend or repeal a local law);
- (b) entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee;
- (c) entering into a major land transaction;
- (d) entering into a land transaction that is preparatory to entry into a major land transaction;
- (e) commencing a major trading undertaking;
- (f) entering into a contract, or other agreement or arrangement, in prescribed circumstances (as prescribed by regulations 3A(2), (3) and (4) of the *Local Government (Functions and General) Regulations 1996*);

Note: Regulations 3A(2), (3) and (4) of the Local Government (Functions and General) Regulations 1996 states:

- (2) For the purposes of paragraph (f), entering into a contract is a significant act if either or both of the following apply:
 - (a) under the contract, the local government is to, or is expected to, provide or receive consideration that is, or is expected to be -
 - (i) more than \$250 000 (in total); or
 - (ii) worth more than \$250 000 (in total);
 - (b) under the contract, the local government is to, or is expected to, acquire or dispose of property the market value of which is, or is expected to be, more than \$250 000 (in total).
- (3) If a local government intends to enter into 2 or more contracts in circumstances such that the desire to avoid the requirements of subregulation (2) is a significant reason for not dealing with the matter in a single contract, for the purposes of paragraph (f), entering into any of the contracts is a significant act.
- (4) In subregulations (2) and (3) -
 - acquire** includes lease or license from another person;

contract means a contract or other agreement or arrangement;
dispose includes lease or license to another person;
property includes any interest, or any share of an interest, in any property.

- (g) inviting tenders in prescribed circumstances (as prescribed by regulation 3A(5) of the *Local Government (Functions and General) Regulations 1996*);

Note: Regulation 3A(5) of the Local Government (Functions and General) Regulations 1996 states:

- (5) For the purposes of paragraph (g), inviting a tender is a significant act if the tender -
 - (a) is required to be publicly invited under regulation 11(1) or 12(2); or
 - (b) would be required to be publicly invited under regulation 11(1) or 12(2) but for regulation 11(2).

- (h) deciding to do anything referred to in paragraphs (a) to (g);
- (i) an act done under a written law or otherwise that is a prescribed act (as prescribed by regulations 3A(6) and (7) of the *Local Government (Functions and General) Regulations 1996*).

Note: Regulation 3A(6) and (7) of the Local Government (Functions and General) Regulations 1996 states:

- (6) For the purposes of paragraph (i), each of the following is a significant act -
 - (a) each of the following under Part 3 Division 4 of the Act -
 - (i) establishing a regional local government;
 - (ii) amending the establishment agreement for a regional local government;
 - (iii) winding up a regional local government, otherwise than at the direction of the Minister;
 - (iv) withdrawing from a regional local government;
 - (v) forming a regional subsidiary;
 - (vi) amending the charter for a regional subsidiary;
 - (vii) winding up, or withdrawing from, a regional subsidiary;
 - (b) commencing the preparation of any of the following under the *Planning and Development (Local Planning Schemes) Regulations 2015 Part 3* -
 - (i) a local planning strategy;
 - (ii) an amendment to a local planning strategy;
 - (iii) a notice of revocation in respect of a local planning strategy;
 - (c) passing a resolution of the kind referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015 regulation 19(1)*;
 - (d) passing a resolution of the kind referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015 regulation 35(1)* in relation to a complex amendment (as defined in regulation 34 of those regulations);
 - (e) commencing a review of a local planning scheme under the *Planning and Development (Local Planning Schemes) Regulations 2015 regulation 65*;
 - (f) commencing the preparation of an instrument of repeal in respect of a local planning scheme under the *Planning and Development Act 2005 section 74(b)*;

- (g) *doing either of the following under the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 2 Division 2 as that Division has effect as part of a local planning scheme of the local government -*
- (i) *resolving to prepare or amend a local planning policy;*
 - (ii) *commencing the preparation of a notice of revocation in respect of a local planning policy;*
- (h) *publicly inviting persons to apply to join a panel of pre-qualified suppliers under Part 4 Division 3;*
- (i) *deciding to do anything referred to in paragraphs (a) to (h) of this subregulation.*
- (7) *Subregulation (6)(b) to (g) do not apply to anything done, and subregulation (6)(i) does not apply to a decision to do anything, for the purpose of complying with an order or notice given under the Planning and Development Act 2005 section 76, 77A, 211 or 212.*

Policy Statement

The primary purpose of the Policy is to:

- complement the Caretaker Period provisions prescribed in the *Local Government Act 1995*, and the *Local Government (Functions and General) Regulations 1996*;
- prevent the use of City resources in ways that are seen as advantageous to, or promoting, the City's current Council Members who are seeking re-election;
- ensure City employees act impartially in relation to all local government election Candidates; and
- provide for better decision-making and greater transparency and accountability in the City's operations as prescribed by section 1.3 of the *Local Government Act 1995*.

The policy applies to the Caretaker Period to cover:

- decisions made by the Council that are deemed Significant Acts under legislation;
- promotional materials published by the City;
- attendance and participation of Council Members and Candidates at functions and events;
- use of the City's resources; and
- access to information held by the City.

This policy applies to Council Members, Candidates and City employees.

Scheduling of Council Meetings

No Ordinary Council Meeting shall occur during a Caretaker Period.

Where Extraordinary Circumstances prevail, a special meeting of Council may be called and convened in accordance with sections 5.4 and 5.5(2) of the *Local Government Act 1995*.

Significant Act Decisions

In accordance with section 3.73(2) of the *Local Government Act 1995*, the City must not do a Significant Act during a Caretaker Period.

Notwithstanding, sections 3.73(4) and (5) of the *Local Government Act 1995* applies in circumstances where the City does a Significant Act during a Caretaker Period.

Announcements of earlier decisions relating to a Significant Act may be made during a Caretaker Period, however as far as practicable any such announcements should be made before the Caretaker Period begins.

Role of the Chief Executive Officer in Implementing Caretaker Period Practices

The role of the Chief Executive Officer in implementing the caretaker practices outlined in this Policy is as follows:

- (a) The Chief Executive Officer will ensure as far as possible, that all Council Members and City employees are aware of this Policy and the Caretaker Period requirements under the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*, 30 days prior to the start of the Caretaker Period.
- (b) To communicate awareness and the equitable access requirements that apply during a Caretaker Period, the Chief Executive Officer will ensure as far as possible, Candidates are provided with a copy of this Policy and the Caretaker Period requirements under the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* following their accepted nomination for a local government election.

The Chief Executive Officer will ensure, as far as possible, that any Significant Act decisions required by the Council are scheduled for Council decision prior to the Caretaker Period, or deferred after the Caretaker Period.

Appointment of Acting Chief Executive Officer

In the case of an emergency, the Council may act to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their Employment Contract), pending the election, after which date a permanent decision can be made.

Prohibition on Publishing Electoral Material

The City shall not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the City any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the Caretaker Period.

Without limiting the generality of the definition of 'electoral material', material will be considered to be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

- (a) the election, other than administrative information;
- (b) a candidate in the election; or
- (c) an issue submitted to, or otherwise before, the voters in connection with the election.

Candidate and/or Council Member Publications

Candidates and/or Council Members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the City.

Election Announcements

This Policy does not prevent publications, promotions or marketing material by the City that announces the holding of the election or which may relate to the election process itself.

City of Bayswater Publications

Any reference to Council Members in the City's publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the City's publications that are potentially affected by this Policy will be reviewed by the Chief Executive Officer to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be construed as 'electoral material'.

City of Bayswater Website

During the Caretaker Period the City's website will not contain any material which is precluded by this Policy. Any references to the election will only relate to the election process. Information about Council Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council.

Public Consultation During the Caretaker Period

It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing), unless the consultation is a mandatory statutory process, or prior approval is given by the Chief Executive Officer.

Attendance Public Events Hosted by External Bodies

Council Members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

Attendance at City of Bayswater Organised Civic Events/Functions

Civic events/functions organised by the City and held during the Caretaker Period will be reduced to only those essential to the operation of the City and should not in any way be associated with any issues considered topical and relevant to the election.

All known Candidates are to be invited to civic events/functions organised by the City during the Caretaker Period, however, only sitting Council Members will be formally acknowledged at any such events/functions.

Addresses by Council Members

Council Members who are also candidates in an upcoming election should not, where possible, be permitted to make speeches or addresses at events/functions organised or sponsored by the City during the Caretaker Period. Council Members may make short welcome speeches at events and functions organised or sponsored by the City during the Caretaker Period subject to prior approval of the Chief Executive Officer.

Community and Advisory Groups

Council Members appointed to community groups, advisory groups and other external organisations (as representatives of the City) shall not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidates' electoral campaigns.

Use of City of Bayswater Resources

The City's *Code of Conduct for Council Members, Committee Members and Candidates* and the *Code of Conduct for Employees* provide the City's resources are only to be utilised for authorised activities (for example – prohibits the use of employees for personal tasks and prohibits the use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the City's resources for electoral purposes is not restricted to the Caretaker Period.

The City's employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign and are to avoid assisting Council Members and/or Candidates in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of City resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.

Council Member Access to Information

During a Caretaker Period, Council Members are able to access City information relevant to the performance of their functions as a Council Member, under the *Local Government Act 1995* or other written law.

However, this access to information should be exercised with caution and limited to matters that the Council is dealing with, within the objectives and intent of this policy. Any City information so accessed that is not publicly available must not be used for election purposes.

Candidate Access to Information

All Candidates will have equal rights to access public information.

Council Member Request for Media Advice

Any requests for media advice or assistance from Council Members during the Caretaker Period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Council Members. If satisfied that advice sought by a Council Member during the Caretaker Period does not relate to the election or publicity involving any specific Council Member(s), the Chief Executive Officer may authorise the provision of a response to such a request.

Publicity Campaigns

During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a City activity it must be approved by the Chief Executive Officer. In any event, the City's publicity during the Caretaker Period will be restricted to communicating normal City activities and initiatives.

Media Attention

Council Members will not use their position to access City employees or resources to gain media attention in support of their or any other candidate's election campaign.

City of Bayswater Employees

During the Caretaker Period no City employee may make any public statement that relates to an election issue unless, the statement has been approved by the Chief Executive Officer.

Election Process Enquiries

All election process enquiries from Candidates, whether current Council Members or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer.

Related Legislation

Local Government Act 1995 (Division 5, Part 3)

Local Government (Functions and General) Regulations 1996 (Part 1B)

Local Government (Elections) Regulations 1996

Local Government (Model Code of Conduct) Regulations 2021

Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections

Code of Conduct for Employees

City of
Bayswater

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Civic Centre Opening Hours: 8.30am - 4.30pm (Monday to Friday)

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