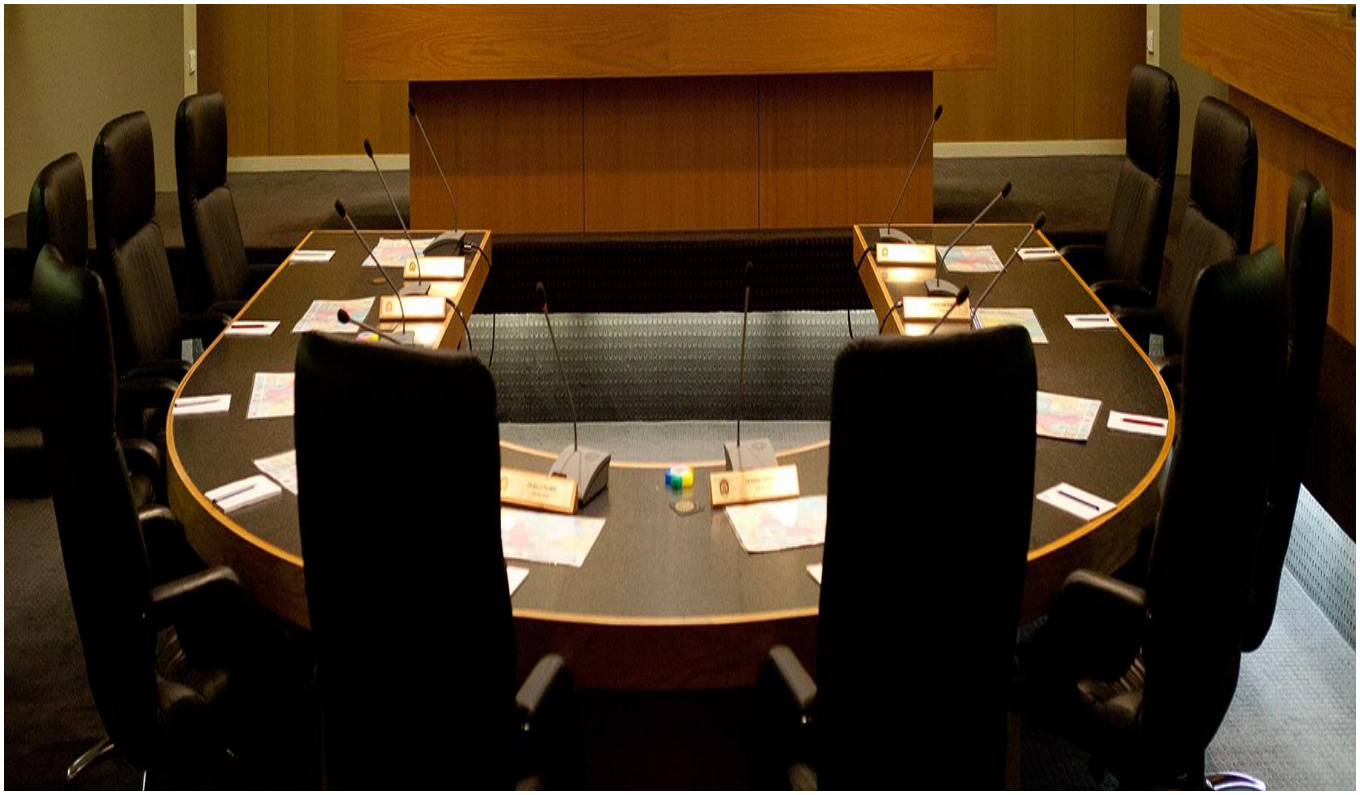
CITY OF BAYSWATER GOVERNANCE FRAMEWORK



Issued December 2020

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

CONTENTS

1. INTRODUCTION 4
2. DEFINITIONS 5
3. LOCAL GOVERNMENT DEFINED 7
   - 3.1 Functions of Local Government 7
   - 3.2 Community Defined 9
4. GOVERNANCE IN LOCAL GOVERNMENT 10
   - 4.1 Definition of Governance 10
   - 4.2 Good Governance in Local Government 10
     - 4.2.1 Good Governance in Practice 11
5. GOVERNANCE PRINCIPLES 13
6. GOVERNANCE FRAMEWORK DIAGRAM 15
7. PRINCIPLE ONE: VISION AND MISSION STATEMENT 16
   - 7.1 Local Government Structure and Functions 17
   - 7.2 City of Bayswater Decision Making Functions Affecting the Public 21
     - 7.2.1 Confidentiality 22
     - 7.2.2 Disclosure of Conflicting Interests 22
     - 7.2.3 Acceptance of Gifts 22
     - 7.2.4 Comprehensive Induction Programs 23
     - 7.2.5 Learning and Training Opportunities 23
8. PRINCIPLE TWO: ROLES AND RELATIONSHIPS 24
   - 8.1 Roles 24
   - 8.2 Role of Council 25
   - 8.3 Role and Responsibilities of the Mayor 25
   - 8.4 Role and Responsibilities of the Deputy Mayor 27
   - 8.5 Roles and Responsibilities of Elected Members 27
   - 8.6 Role and Responsibilities of the CEO 28
   - 8.7 Role and Responsibilities of Employees 30
   - 8.8 Working Relationships 30
     - 8.8.1 Working Relationships between the Mayor and Councillors 31
     - 8.8.2 Working Relationships between the Mayor and CEO 31
     - 8.8.3 Working Relationships among Elected Members 33
     - 8.8.4 Working Relationships between Elected Members and CEO 34
     - 8.8.5 Relationships between Elected Members and Employees 34
   - 8.9 Elected Member Access to Information 35
   - 8.10 Effective Relationships - Summary 35
9. PRINCIPLE THREE: DECISION-MAKING AND MANAGEMENT 37
   - 9.1 Effective Decision-making 37
   - 9.2 Decision-making Forums and Processes 37
     - 9.2.1 Council Meeting Schedule 37
     - 9.2.2 Agendas and Minutes 39
     - 9.2.3 Apologies and Leave of Absence 39
     - 9.2.4 Meeting Procedures and Conduct 39
   - 9.3 Declarations of Interest 40
     - 9.3.1 Financial Interests 40
     - 9.3.2 Proximity Interests 41
     - 9.3.3 Interests that May Affect Impartiality 41
     - 9.3.4 Disclosure of Interests of Employees 42
     - 9.3.5 Primary Returns and Annual Returns 43
   - 9.4 Related Party Disclosures 44
   - 9.5 Delegations 44

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

9.5.1 Authorised Persons 45
9.5.2 Local laws 45
9.5.3 Policies and Management Practices 46
9.5.4 Executive Functions 46
9.6 Business Management 47
9.7 Financial Management 47
9.7.1 Role of the CEO 47
9.7.2 Financial Management Planning and Principles 47
9.7.3 Annual Budget 48
9.7.4 Strategic Financial Plan 48
9.8 Records Management 48
9.9 Risk Management 49
10. PRINCIPLE FOUR: ACCOUNTABILITY 49
10.1 Principle of Accountability 49
10.2 Performance Management and Reporting 50
10.2.1 Quarterly Progress Reporting 50
10.2.2 Financial Reporting 50
10.2.3 Annual Report 51
10.2.4 CEO Performance Review 51
10.2.5 Employee Performance Review 51
10.3 Compliance Audit Return 52
10.4 Audit and Risk Management Committee 52
10.5 Access to Information 52

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

1. INTRODUCTION

The Governance Framework ensures that the City of Bayswater is compliant and accountable in how it manages its processes and relationships with stakeholders. We are committed to the principles of good governance as defined by the WA Public Sector Commission[1].

Good governance is a set of responsibilities and practices, policies and procedures used by an agency's executive to provide strategic direction, ensure objectives are achieved, manage risks and use resources responsibly and in a transparent way.

The City of Bayswater practices good governance by ensuring that the City is legally and ethically compliant, that decisions are made in the interests of all stakeholders and that the City behaves as a good corporate citizen.

The Governance Framework:

- provides clear guidelines for the roles of the Council, Chief Executive Officer, and employees and ensures that all responsibilities are properly allocated and discharged by those accountable;
- develops a culture of best practice in relation to governance processes;
- assists the Council and CEO in delivering good governance;
- meets its compliance requirements;
- enables processes throughout the City by setting guidelines; and
- provides an induction tool for new employees.

For the City to demonstrate good governance, there needs to be a clear understanding about responsibility and accountability. This Governance Framework has been produced to set out the roles of Elected Members and the organisation, and their relationships, along with financial, legal and ethical considerations.

The City's framework consists of four key principles required to achieve excellence in governance:

- **Culture and Vision;**
- **Roles and Relationships;**
- **Decision-making and Management; and**
- **Accountability.**

Each principle is divided into sub-categories where the theory of the principle is explained and then how the theory is put into action at the City.

This framework has been developed with reference to documents previously produced regarding the concept and practice of good governance (please refer to the Reference section of this document).

[1] WA Public Sector Commission's *Good Governance Guide* sets out nine principles to ensure that organisations meet their reporting obligations.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

2. DEFINITIONS

Term	Meaning
Act	The *Local Government Act 1995*.
Audit	The inspection or examination of a City activity or facility to evaluate or improve its appropriateness, efficiency or compliance.
Branch	A functional work group of the organisation that consists of a Manager and employees that perform particular functions of the City.
CEO	The Chief Executive Officer (CEO) who is the most senior employee in the organisation. The CEO is appointed by and directly accountable to the Council.
City	The local government of the City of Bayswater and includes the Council and the organisation.
Code of Ethics	Outlines the City's expectations in relation to the standards of ethical and professional behaviour required for employees.
Community	The entire population within the City of Bayswater district. It also extends to those who work or invest in the district, or visit the area for recreational or similar reasons. (See also section 3.2 – Community defined.)
Committee Member	A member of a committee appointed by the Council but does not include an Elected Member.
Council	The Elected Members meeting as a Council under the Act.
Councillor	An individual elected representative of a local government.
Committee	A Committee of Council established by Council under the Act and constituted by Elected Members, employees or members of the public.
Council Meeting	A meeting of Council conducted in accordance with the Act.
Department	Department of Local Government, Sport and Cultural Industries.
Director	A senior position in the organisation engaged by and directly responsible to the CEO.
District	The area of the State prescribed by legislation that a local government is required to control.
Elected Members	The Mayor and Councillors of the City.
Employee	A person employed by the City in accordance with the Act.
Executive Leadership Team	The CEO and Directors.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

Term	Meaning
Local government	A body corporate established under the Act.
Manager	An employee in the organisation directly accountable and responsible for a Branch of the organisation.
Mayor	A person elected by fellow Councillors to undertake the role of Mayor.
Natural Justice	The right to be given a fair hearing and the opportunity to present one's case, the right to have a decision made by an unbiased or disinterested decision maker, and the right to have that decision based on logically probative evidence.
Organisation	Includes employees of the City, lead by the CEO.
Regulations	The *Local Government (Administration) Regulations 1996.*
Rules of Conduct	The *Local Government (Rules of Conduct) Regulations 2007.*
Senior Management	Means the CEO, Directors and Managers.
Stakeholders	Individuals and organisations that have an impact on the strategic direction and decision-making processes of the City.
Long Term Financial Plan	Long-term financial plan summarising the financial impacts of the objectives and strategies in the Strategic Community Plan.
Strategic Community Plan	The overarching plan that provides strategic direction for all activities and guides the development and provision of the City's services and programs.
Ward	A part of the City's district that delineates an electoral boundary.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

3. LOCAL GOVERNMENT DEFINED

Local government in Western Australia is established under the Act and is the third sphere of government in Australia. Local government has legislative responsibility for many functions and activities that are relevant to a local community. As the level of government often seen as the 'closest' to the community, local government activities relate to matters that are fundamental to people's lives and impact strongly on their quality of life.

Under the Act, each local government throughout the State is established as a corporate body, with perpetual succession and a Common Seal. It has the legal capacity of a natural person, which means that it can sue and be sued.

A local government consists of a Council - comprising Elected Members, and an organisation – consisting of the CEO and employees.

The Mayor and Councillors are the City's Elected Members and form the Council, and the following principles apply:

- Elected Members are able to exercise decision-making authority as a member of Council after they are elected and formally sworn in and when they meet as a Council.
- All lawful decisions are made at Council meetings or through delegations that are formally made by Council to the CEO, an employee or a committee. The CEO can also on-delegate decision-making authority to other employees, however not all decisions made by the City require formal delegation.

The CEO is the only employee appointed by Council and is therefore ultimately accountable to Council. In this regard, the role of the CEO, as detailed in section 5.41 of the Act, includes, but is not limited to:

- advising the Council in relation to the functions of the local government;
- implementing Council's decisions;
- managing the day to day operations of the local government and the services; that the local government provides for its community;
- liaising with the Mayor on the local government's affairs and its performance; and
- being responsible for the employment of the local government's employees.

3.1 Functions of Local Government

In order to consider the issue of good governance in the context of local government, it is also necessary to consider the functions of local government, which includes the following:

- **Planning and monitoring achievement**

  Planning for the development and wellbeing of the community is a critical role for a local government. The Act requires local governments to develop and adopt a

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

'plan for the future', which sets overall direction for the City through long-term planning. Examples include the City's *10 Year Strategic Community Plan*, the *10 Year Long Term Financial Plan* and the *Four Year Corporate Business Plan*. The City's *Integrated Planning Framework* provides the direction for the ongoing management of City activities.

- **Lawmaking and enforcement**

  A local government makes decisions in areas over which it has legislative authority but cannot duplicate or contradict federal or state law. Laws made by local governments are called local laws and cover such issues as activities permitted on public land, animal management and use of local government facilities. Local laws are enforced by employees of the City.

  A local government is also responsible for enforcing other legislation under which it has authority.

- **Administrative**

  The City has a range of responsibilities under State legislation and administers laws that affect a person's rights and interests. Decisions made by local governments must be based on relevant considerations and facts, be procedurally fair and follow the principles of natural justice.

- **Policy development**

  An important role of Council is to make policy decisions on behalf of the community. An essential element of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing needs, and allocating appropriate resources. A policy is a decision of Council and sets out agreed views and direction concerning a particular area of responsibility.

- **Representation**

  In a general sense, when Council meets it represents the views of the local government constituents on matters of concern to the community. Elected Members represent the interests of electors, ratepayers and residents of the district. Elected Members need to listen to and be interested in the wider community and not just the people in the ward who elected them.

- **Advocacy**

  Local governments have a role advocating on behalf of their community to other spheres of government, statutory authorities and private interests whose activities may have an impact on the community.

- **Service delivery**

  Local governments must ensure that services are delivered in the most efficient and effective manner. The Act provides a degree of autonomy to local governments to determine policies, in consultation with their communities, about the nature and level of services provided. A local government should ensure the delivery of quality services for which it has responsibility.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

3.2 Community Defined

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

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

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

When ‘community’ is referred to in this framework, it means the many groups, individuals and interests represented within the City of Bayswater district.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

4. GOVERNANCE IN LOCAL GOVERNMENT

4.1 Definition of Governance

While the definitions of governance can vary between the public and private sector, CPA Australia in its publication '*Excellence in Governance for Local Government'* defines governance as follows:

Governance is the process by which decisions are taken and implemented, the process by which organisations go about achieving their goals and producing their outputs and the process by which organisations are directed, controlled and held to account.

Governance can be seen as encompassing:

- Authority;
- Accountability;
- Stewardship;
- Leadership;
- Ethics and values; and
- Culture.

Democratic governance occurs when governments govern as a result of being elected. Good democratic governance exists when a government governs for and on behalf of its community as a whole. This provides the democratic basis, which is essential to an understanding of good governance in the local government sector.

Good governance involves a focus on:

- a clear vision and positive organisational culture;
- clarity of roles and responsibilities;
- robust management practices and systems which support both internal and external accountability; and
- public access to decision-making and information.

4.2 Good Governance in Local Government

Good governance in local government is about ensuring the local government is able to manage its many complex responsibilities effectively and in the best interests of the community. When a local government practices good governance, the community is more connected and engaged, appropriate services are provided and there is more effective use of the local government's resources.

Good governance in local government combines the characteristics of good governance and the definitions and roles of local government. Good governance in local government requires the following:

- Councils being elected by, representative of, and accountable to the community;
- Elected Members making decisions on behalf of and in the best interests of the community as a whole;
- Policies and programs reflecting the mandate local governments have been given by their electors;

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

- Policy enactment arising from the *Strategic Community Plan* with appropriate performance management to assess the local government's progress;
- Community participation in decision-making;
- Elected Members providing leadership to the community and reflecting the community's collective aspirations;
- A management structure, which implements the local government's goals in accordance with the local government's priorities and approved budget;
- Provision of services which meet the community's needs (sometimes in partnership with other levels of government, business or community organisations);
- Local government being well placed to facilitate coordination and integration at a local level; and
- Cooperation between local governments and other spheres of Government.

4.2.1 Good Governance in Practice

Good governance needs to be practised within the local government, and between the local government, the community and other spheres of government. Key internal and external issues include:

Internal

- Effective and positive working relationships;
- Sound, relevant and timely advice;
- Advice is provided through reports, briefings, strategic sessions and other means of communication;
- Good processes that contribute to good decisions;
- Decisions are made that are clear, accountable and transparent; and
- Elected Members need easy to understand, timely and quality information in order to perform their role. Processes are required to meet the legitimate information needs of Elected Members.

External

- To ensure that a local government and its community share a sense of direction and purpose, long term planning is vital. This must be done in a way that all stakeholders feel they have ownership;
- Performance management enables a local government to be accountable to its community. It assesses whether a local government has done what it said it would do with the resources with which it has been provided, and within the defined time frames;
- Balancing 'community-wide' and sectional interests is central to democratic governance;
- Accountability of a local government to its community is a key factor in good democratic governance;
- Good governance means a community feels engaged, knows what is going on, is included in decision-making, and feels part of the governing process;
- Informed decisions are based on well-researched information, and some of the best information comes from the opinions of those who are affected by a decision or interested in an issue. Good consultation and engagement methods are needed to elicit these opinions;
- Another important aspect of good governance is community leadership. Sometimes local governments need to lead or influence communities on particular issues; and

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

- Communities expect good services, systems and facilities to be planned and provided.

Local Government Act Review

The primary piece of legislation that is used in Western Australia, the *Local Government Act 1995* is currently under review. The objective of introducing a new Local government Act is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community.

In November 2019 a panel of experts was formed to progress the development of a new Local government Act for Western Australia. The Local Government Review Panel was established to consider and recommend high level direction and guiding principles for the new Act. The panel met from November 2019 to May 2020 and looked at best practice in both Australia and overseas as well as the consultation on WA's *Local Government Act 1995.*

It is intended that a new Local Government Act will be drafted to incorporate reforms identified in the review. Work on a new Local Government Act is being undertaken by the Department.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

5. GOVERNANCE PRINCIPLES

For the purposes of the City's *Governance Framework*, the principles contained in the *'Excellence in Governance in Local Government'* developed by CPA Australia have been used. The principles provide the foundation for good governance and a means for assessing the extent to which good governance is occurring at the City. Contained under each principle in the below sections are a range of activities and actions put into operation at the City to support that particular principle.

Principle One: Culture and Vision

There is a clear vision and a Strategic Community Plan that is produced through a comprehensive and inclusive process, which is owned by all sectors of the community.

There is a positive culture and value system in place that promotes trust, openness and honesty, in which constructive, respectful questioning is encouraged, and accountability is clear.

Principle Two: Roles and Relationships

There is clarity about the roles within a local government and there exists an approach to defining and implementing these.

There are effective working relationships that are promoted and supported within and between the Elected Members, the CEO and the organisation.

Principle Three: Decision-Making and Management

There are effective decision-making processes in place that reflect the transparency and accountability, which underpin excellence in local government.

An adequate organisational structure should be in place that serves the City's operations and progresses the organisation towards the achievement of the City's strategic objectives.

There should be robust and transparent business management practices established and maintained to meet the City's accountability to its community, particularly in terms of stewardship of community assets and finances, both now and into the future.

An effective approach to the identification, assessment, monitoring and management of risks should be established and maintained.

Effective delegations should be implemented and maintained to enable Council to focus on strategic issues.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

Principle Four: Accountability

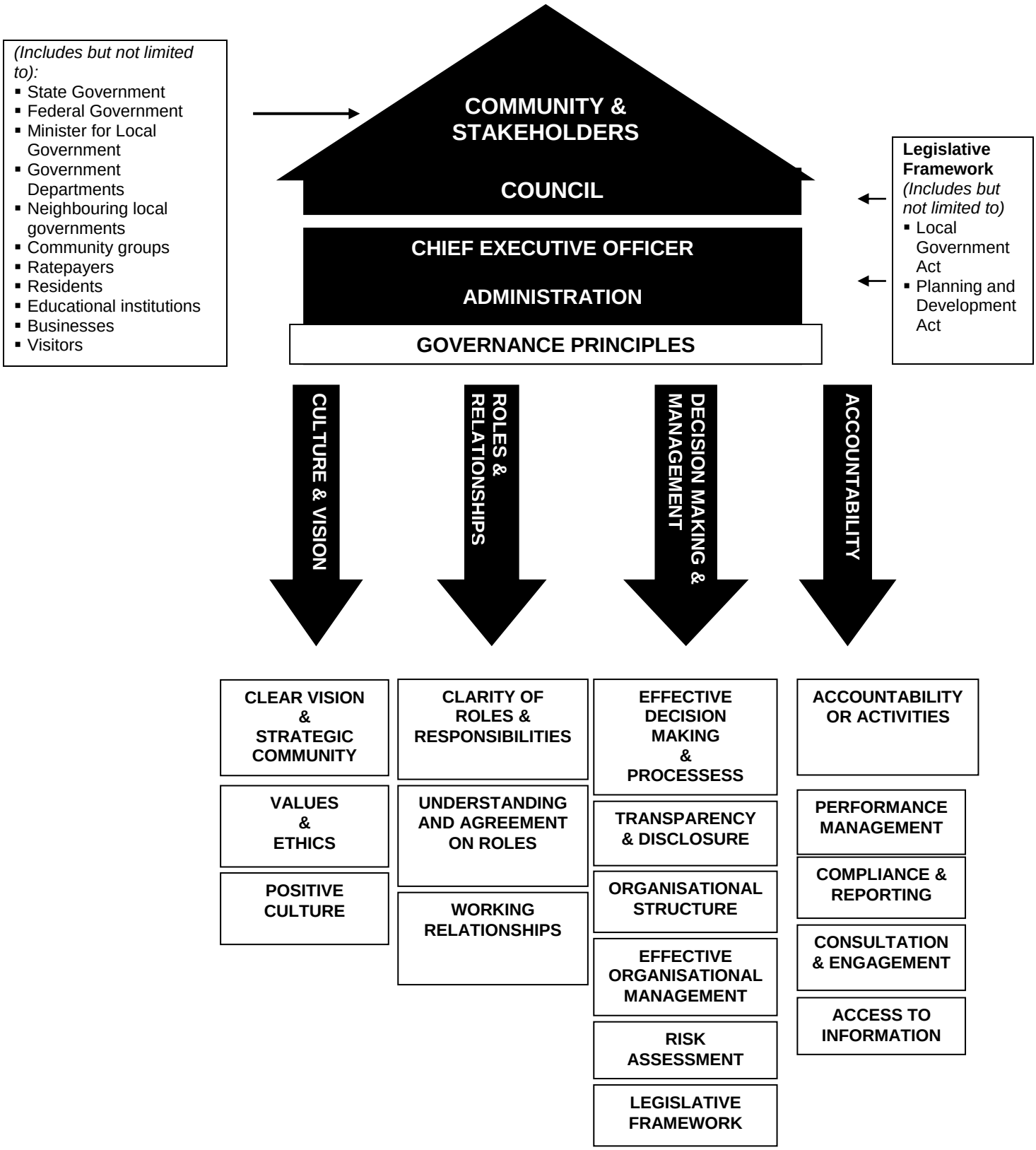
The City must account for its activities and have systems and processes that support accountability. The City should have an active performance management system in place that enables Elected Members and employees to be openly accountable for their performance.

The City should establish internal structures that provide for independent review of processes and decision-making to assist it meeting its accountability to stakeholders.

Consultation should be undertaken that is appropriate to the scope and potential impact of the matter. It should respect the position and opinion of all sections of the community. The outcomes of the consultation should be taken into account when the decision is made and feedback should be provided to those who participated.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

6. GOVERNANCE FRAMEWORK DIAGRAM



Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

7. PRINCIPLE ONE: CULTURE AND VISION

In response to community engagement in 2016, the City of Bayswater developed and adopted a new vision for the future. A Strategic Community Plan 2017-2027 (SCP) and a Corporate Business Plan 2019-2023 (CBP) were developed. These Plans form an essential component of the Integrated Planning and Reporting Framework and clearly outlines how the City will deliver on the community's expectations into the future. A minor review of the SCP was undertaken in 2019. At the time of writing this document, the City is undertaking a major review of the Strategic Community Plan.

OUR VISION: A Place where community vision become reality.

A key part in ensuring the City delivers on the focussed outcomes in the CBP will be regular reporting of milestones.

Pillars, Aspirations, Outcomes and Strategies

Pillar 1: Our Community - *An active and engaged community*

C1 A strong sense of community through the provision of quality services and facilities.
C1.1 Plan and provide a range of community facilities to meet current and future needs.
C1.2 Deliver community programs that encourage community interaction and participation.
C1.3 Deliver a safety service which builds a strong sense of community safety.

C2 Accessible services that recognise diversity
C2.1 Ensure the City's services and facilities are accessible and inclusive.

Pillar 2: Our Natural Environment - *A green and sustainable environment*

N1 Natural environment and biodiversity, which are conserved and protected.
N1.1 Conserve, enhance and repair natural and urban areas.
N1.2 Develop and implement management strategies to strengthen the resilience of the environment.

N2 A resilient community that responds to sustainability challenges.
N2.1 Reduce the City's energy and water use and greenhouse gas emissions and empower the community to do the same.
N2.2 Provide innovative waste and recycling services to reduce waste and empower the community to do the same.

Pillar 3: Our Built Environment - *A quality and connected built environment.*

B1 Appealing streetscapes.
B1.1 Develop and maintain streetscapes.

B2 A connected community with sustainable and well maintained transport.
B2.1 Advocate for safe and accessible public transport.

B3 Quality built environment.
B3.1 Develop plans, policies and guidelines for quality built form.
B3.2 Facilitate the development of activity nodes.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

Pillar 4: Our Local Economy - *A business and employment destination.*

E1 Support initiatives for local business.
E1.1 Form partnerships to facilitate business training and support.
E1.2 Actively communicate and engage with the business community.
E1.3 Implement initiates which support business growth.

E2 Active and engaging town and city centres.
E2.1 Increase public amenity in town/city centres to enhance community interaction and public safety.
E2.2 Partner with and support communities to enhance their town/city centres.

E3 Attractive to new services, businesses and investment.
E3.1 Attract key industries to establish within the City.
E3.2 Work in partnership to attract regional investment in infrastructure.

Pillar 5: Leadership & Governance - *Open, accountable and responsive service.*

L1 Accountable and good governance.
L1.1 Integrate all planning, resources and reporting in accordance with best practice and statutory requirements.
L1.2 Ensure policies, procedures and practices are effective.
L1.3 Deliver long term financial planning.

L2 Proactively communicates and consults.
L2.1 Communicate and engage with the community.
L2.2 Provide quality customer services to the community.

L3 Strong stewardship and leadership.
L3.1 Advocate and lobby effectively on behalf of the community.
L3.2 Provide Council with information and support to enable informed decision making.
L3.3 Deliver continuous improvement in all areas of the City's business.
L3.4 Develop and foster a strong, agile, supportive and respectful organisational culture.

7.1 Local Government Structure and Functions

The Council of the City of Bayswater is the overall decision making body and the Council is comprised of elected representatives including eleven (11) Councillors, one of which performs the role of Mayor. Elected Members are chosen democratically by the community at bi-annual elections with one election consisting of five Elected Members and the other election consisting of six Elected Members. The Mayor and Deputy Mayor are elected by the Elected Members. Elected Members work for the community and do not have the authority to act or make decisions as individuals. Decisions are made as a consensus of the Council in accordance with the *Local Government Act 1995*.

The City currently engages the services of the Western Australian Electoral Commission to coordinate the Local Government Elections together with the City's Governance Branch.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

Role of the Council

The roles of the Council and Elected Members are as follows:

The Council:

- governs City of Bayswater affairs;
- is responsible for the performance of City of Bayswater functions;
- oversees the allocation of City of Bayswater finances and resources; and
- determines City of Bayswater policies.

Role of the Mayor

The Mayor:

- presides at Council meetings in accordance with the *Local Government Act 1995*;
- provides leadership and guidance to the community in the district;
- carries out civic and ceremonial duties on behalf of the City of Bayswater;
- speaks on behalf of the City of Bayswater;
- performs such other functions as are given to the Mayor by the *Local Government Act 1995* or any other written law; and
- liaises with the Chief Executive Officer on City of Bayswater affairs and the performance of its functions.

Role of Councillors

Councillors:

- represent the interests of electors, ratepayers and residents of the district;
- provide leadership and guidance to the community in the district;
- facilitate communication between the community and the Council;
- participate in the City of Bayswater decision making processes at Council and Committee meetings; and
- perform such other functions as are given to a Councillor by the *Local Government Act 1995* or any other written law.

Whilst the Council of the City of Bayswater is the overall decision making body, the Council employs the Chief Executive Officer who is charged with the responsibility of putting into effect the decisions of the Council.

Role of the Chief Executive Officer

The Chief Executive Officer is the principal officer in charge of implementing the administrative and operational functions of Council. The Chief Executive Officer also has delegated authority under Section 5.42 of the *Local Government Act 1995* to make decisions and implement actions on behalf of the Council.

The Chief Executive Officer provides overall strategic direction, leadership, and co-ordination of the performance of the City of Bayswater. They provide timely, professional and confidential support to the Mayor and Councillors that is high quality and responsive in meeting the needs of Council and the community. Functions include:

- Council Meetings Agenda and Minutes Preparation;
- Making Decisions Under Delegation;
- Local Government Elections Support;
- Mayor and Elected Members Support;
- Financial Budgeting;

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

- Media and Communications;
- Policy Formulation, Review and Coordination; and
- Strategic Planning.

The City of Bayswater administration is structured into three directorates headed by Directors:

- Corporate and Strategy Directorate;
- Community and Development Directorate; and
- Works and Infrastructure Directorate.

From time to time, the City can also allow for a specialist team of staff to be implemented to work on special projects such as a COVID-19 Response Team and Major Projects Team.

Corporate and Strategy Directorate

To provide management of the City's finances as a requirement to meet statutory compliance regulations to ensure full accountability and disclosure of information. Functions include:

Financial Services

- Financial Reporting;
- Rates; and
- Accounts Payable and Receivable.

People, Culture and Safety

- Human Resources;
- Health and Safety;
- Payroll; and
- Organisational Development.

Information Services

- Information Technology; and
- Cyber Security.

Governance and Organisational Strategy

- Risk Management;
- Insurance;
- Audit;
- Governance;
- Corporate Performance Reporting;
- Review of Integrated Planning Review Framework; and
- Business Improvement.

Strategic Projects

- Procurement;
- Aged Care; and
- Review of Other Strategic Plans and Projects.

Community and Development Directorate

To provide guidance to all land users within the City to ensure compliance with relevant State and local laws relating to residential, commercial and industrial development; and to provide a range of services aimed at enhancing the quality of life for people within the City. Functions include:

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

Community Development
- Community Development;
- Club Development;
- Events - Community and Civic;
- Volunteers; and
- Seniors Centres.

Strategic Planning and Place
- Place Management;
- Strategic Town Planning;
- City Property and Land Management; and
- Leasing.

Development Approvals
- Planning and Building Approvals;
- Development Compliance; and
- Swimming Pool Compliance.

Environmental Health
- Food Control;
- Health Standards;
- Contaminated Sites;
- Emergency Management;
- Immunisation; and
- Waste Education/Compliance.

Library and Customer Services
- Library Services; and
- Customer Services.

Recreation
- Bayswater Waves, The Rise and Maylands Waterland;
- Morley Sport and Recreation Centre Management.
- Public Recreation Services; and
- Reserves and Hall Hires;

Rangers and Security
- Ranger Services;
- Parking Management; and
- Security Services.

Works and Infrastructure Directorate
To plan, implement and maintain a high standard of safe and effective roads, paths and facilities within the City; maintenance of parks and gardens; and to develop and maintain environmental sustainability programs. Functions Include:

Engineering Services
- Drainage;
- Engineering Design;
- Roads Works;
- Transport Services; and
- Waste Management.

Engineering Works
- Engineering Infrastructure Assets;
- Engineering Capital Projects;
- Management of Depot Stores; and
- Fleet Management.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

Building Works

- Building Asset Management;
- Maintenance of City Owned Buildings and Assets;
- Building Renovations and Maintenance;
- Building Construction; and
- Street Lighting.

Project Services

- Sporting Reserves, Leisure Assets and Infrastructure Planning;
- Leisure Recreation Planning; and
- Golf Courses Contract Management.

Asset Mapping Services

- Spatial Services;
- Infrastructure Asset Services;
- Land and Tenure Management; and
- GPS Fleet Systems.

Sustainability and Environment

- Natural and Urban Environment; and
- Sustainability.

Parks and Gardens

- Parks and Reserves Maintenance;
- Urban Trees; and
- Developed Greenspaces.

Major Projects Directorate

The Directorate is established for a fixed term, and its key high-level functions include:

- Coordination of the City's response to State Government major transport projects (including Bayswater Train Station, Morley- Ellenbrook Line and Tonkin Highway Gap); and
- Coordination and/or sponsorship of major City infrastructure projects.

7.2 City of Bayswater Decision Making Functions Affecting the Public

The Council of the City of Bayswater is the decision making body which makes decisions on behalf of the community. Ordinary Meetings of Council are held on a monthly basis generally on the fourth Tuesday of each month commencing at 6.30pm. Agenda Briefing Forums are currently conducted the week prior to the Ordinary Council Meeting where Deputations from the public can be heard.

Special Meetings of Council are also held as and when required to consider urgent business.

In order to ensure full transparency, Council Meetings and the Agenda Briefing Forums are open to the public. However, where matters are of a confidential nature, the meetings are closed to the public during the discussion on those matters.

Members of the public wishing to make Deputations to Council must apply to the City by 1:30pm on the day of the Agenda Briefing Forum.

Agendas for the Council and Committee Meetings are distributed to Councillors and made available to the public during the week prior to the Agenda Briefing Forum and Committee Meetings as applicable. Copies of the Agendas are available for

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

interested members of the public at the Bayswater, Maylands and Morley Libraries, on the City's web site www.bayswater.wa.gov.au and hard copies are also made available at the Meetings.

Copies of the Minutes of Council and Committee Meetings are made available at the meetings or from the City's Civic Centre after the meeting, by appointment. They are also available from the City's Libraries and the City's web site. Copies of the Council Minutes are required to be made available to the public within 10 business days and 5 business days for committees in accordance with Regulation 13 of the *Local Government Administration Regulations 1996.*

7.2.1 Confidentiality

Local government business sometimes involves confidential information being supplied or maintained. This information could be about commercial matters, individuals, businesses or legal issues. The Act, Regulations provide a legislative framework for this issue. The City also has a Code of Ethics and Code of Conduct that outline staff and Council/Committee Members responsibilities respectively, in relation to how general information and confidential information is to be treated, accessed and used by Elected Members and employees.

7.2.2 Disclosure of Conflicting Interests

The nature of the City's business may result in conflicts of interests arising between an individual's personal interests and the performance of their public or professional duties. Conflicts of interests may arise from a number of sources, including friends, relatives, close associates, financial investments, past employment and the like. Conflicts of interests are not necessarily wrong, however it is not only important to ensure that real or potential conflicts are handled appropriately, but also perceived conflicts of interest.

Elected Members, committee members and employees are to comply with the requirements for disclosure of interests as prescribed in the Act, the Rules of Conduct and the City's Code of Conduct.

Elected Members, committee members and employees of the City need to ensure that there is no actual or perceived conflict between the fulfilment of their public or professional duties and their personal interests, which may include the interests of those persons closely associated to them. A disclosure of interest can be made by an Elected Member at a Council Meeting, which is displayed in a register and updated each month on the City's website.

7.2.3 Acceptance of Gifts

The City's Code of Conduct, Code of Ethics and the Act contain provisions in respect of Elected Members, employees and committee members seeking and/or accepting certain types of gifts and gifts of a certain value while performing in their respective roles.

Both the Codes and the Act detail the disclosure requirements for gifts accepted in a full and transparent manner.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

All disclosures must be made to the CEO and lodged through “Attain” in a prompt and full manner in writing within the appropriate register. These registers are made available for public inspection and updated monthly on the website.

7.2.4 Comprehensive Induction Programs

The City’s objective of a positive work culture is communicated to Elected Members and employees through effective induction programs. Induction and training for Elected Members is provided to assist in understanding the functions and role of local government, governance in local government and how to operate effectively to produce good outcomes for the community.

The City’s induction programs for both Elected Members and employees focus on:

- the differing and complementary roles of Elected Members and employees;
- working relationships;
- decision-making processes;
- responsibility, accountability and delegations;
- conduct and ethical standards of behavior;
- functions, services and activities of the City; and
- organisational values and culture.

7.2.5 Learning and Training Opportunities

The City invests in training both for Elected Members and employees and the learning will be focused on what is required to achieve organisational goals. Training for Elected Members and employees is important and opportunities are offered to assist in the development of skills required to fulfill their roles. Mandatory training for Elected Members was introduced through the implementation of the *Local Government Legislation Act 2019.*

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

8. PRINCIPLE TWO: ROLES AND RELATIONSHIPS

8.1 Roles

An understanding and acceptance of the different roles of Mayor, Councillors and employees, with cooperation between all parties, underpins good governance at the City. The relationship between Elected Members and the CEO respects the diversity of opinion and the rights of all points of view to be heard with courtesy and respect.

The Mayor has a general leadership role for Council and is the City's Civic Leader. The Act recognises the role of the Mayor, as the spokesperson for the City, to undertake civic and ceremonial functions of the mayoral office, and to preside at meetings of Council. The City places great importance on the role of the Mayor as the Presiding Member of Council to facilitate good decision-making.

The Mayor's leadership role is very important when it comes to good governance. The Mayor is to ensure that all Councillors are a part of the decision-making process and are well and equally informed. The Mayor must also assist Councillors to understand the need to represent the interests of the entire community, not just their Ward constituents.

The Mayor should also facilitate good relationships between the Councillors and the organisation and help to create an environment where good communication thrives.

Elected Members are to focus on outcomes, policy and strategy, and in so doing, are expected to:

- be representative of and advocate on behalf of their constituents at the Council level;
- facilitate communication between Council and the community;
- debate the issues in an open, honest and informed manner to assist the decision-making process;
- keep the entire community in mind when considering and addressing issues and focus on the 'big picture';
- educate and involve the community in all local government activities and processes;
- work together, cooperate and respect diversity; and
- provide model leadership.

The Act recognises the CEO's role in managing the organisation to achieve the goals and strategies endorsed by Council, and the CEO is expected to fulfill these duties in a way that promotes an organisational culture of openness, accountability, fairness and good communication.

The general function of local government as prescribed in the Act is 'to provide for the good government of persons in its district'. This general function in conjunction with other expressed powers set out in the Act is the basis of the City's powers. The Act sets out a framework for the way in which local governments are to operate and also specifies the roles and responsibilities that are to be undertaken by various parties within a local government.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

8.2 Role of Council

Under the Act the Council is charged with the following responsibilities:

(a) Governs the City's affairs;
(b) Is responsible for the performance of the Local Government's functions;
(c) Oversees the allocation of the Local Government's City's finances and resources; and
(d) Determines the Local Government's policies.

The following guidance is provided on the range of scope of the above responsibilities:

- **Governs the City's affairs**

  This role encompasses strategic planning activities to ensure the continued sustainability of the City, the setting of strategic objectives for the City and the monitoring of the City's performance against these strategic objectives.

- **Is responsible for the performance of the City's functions**

  This role determines that Council has ultimate responsibility for the performance of the City's functions. Council can exercise this responsibility through the development of appropriate mechanisms including delegations of authority, the provision of services and facilities, and regular reporting against strategic objectives.

- **Oversees the allocation of the City's finances and resources**

  The Council exercises this role by overseeing and adopting an Annual Budget and the City's long term financial plan. Council is advised by the CEO who is also responsible for the development of appropriate financial controls, management protocols and practices.

- **Determines the City's policies**

  The role of Council in setting policy is most effective when it is linked with a professional organisation that implements these policies through the development of appropriate management protocols and work processes. The policies of Council provide the direction for the ongoing management of City activities.

8.3 Role and Responsibilities of the Mayor

While there are a number of provisions within the Act outlining the role and functions of the Mayor, it is understood that the Mayor is a key Civic Leader of the community. In the pursuit of good governance, from an internal and external perspective, the Mayor performs an important function. The Mayor is elected to represent the views and directions of Council in the performance of the role.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

Section 2.8(1) of the Act defines the role of the Mayor as follows:

The Mayor:

(a) presides at meetings in accordance with this Act; and
(b) provides leadership and guidance to the community in the district; and
(c) carries out civic and ceremonial duties on behalf of the local government; and
(d) speaks on behalf of the local government; and
(e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
(f) liaises with the CEO on the local government's affairs and the performance of its functions.

As the Mayor at the City of Bayswater is a Councillor, who is elected to the position of Mayor by fellow Councillors, the Mayor also acts a Ward Councillor. This means the Mayor is also expected to provide the following functions of other Councillors as outlined in section 2.10 of the Act:

(a) Represents the interests of electors, ratepayers and residents of the district; and
(b) Provides leadership and guidance to the community in the district; and
(c) Facilitates communication between the community and the Council; and
(d) Participates in the local government's decision-making processes at Council and Committee meetings; and
(e) Performs such other functions as are given to a Councillor by the Act or any other written law.

The function of the Mayor as presiding at Ordinary Council Meetings is critical to good governance as it facilitates effective leadership of the Council in the primary decision making forum, ensuring that the decision-making processes are fair, equitable and inclusive.

The Mayor should be seen to support good governance by modeling good behaviour and ethics in fulfilling their leadership role. The Mayor has a pivotal role in both the pursuit and demonstration of good governance.

A very specific role that the Mayor has is in representing and advocating the decisions of the Council. Section 2.8(1)(d) of the Act provides that the Mayor speaks on behalf of the City.

The position of Mayor is pre-eminent, and when they speak, they are considered by the community to be articulating the Council's views. The Mayor is to put aside any individual views and clearly outline the views of a Council decision in an all-inclusive way.

Where the Mayor desires to speak contrary to the position of Council, he or she should clearly preface their comments that they are expressing an individual opinion and not on the Council's behalf.

The Mayor's role of presiding at meetings of the Council is a very responsible one in achieving a balance of opinion and outcomes that demonstrates leadership by Council in the community. The most important aspect of the role is a good understanding of meeting procedures and a detailed knowledge of the requirements relating to the conduct of meetings. This will enable the Mayor to provide impartial interpretations and to ensure the smooth flow of the meeting's business.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

As a community leader, the Mayor represents the City at many civic and ceremonial functions including the role as “host” of many City activities. The Mayor should be familiar with etiquette and protocol arrangements and familiarise themselves with the expectations of greeting guests in a formal manner. Any speeches made on these occasions should not be used to present a point of view contrary to a decision of Council.

8.4 Role and Responsibilities of the Deputy Mayor

Section 5.34 of the Act states the Deputy Mayor is to perform the functions of the Mayor if:

(a) the office of Mayor is vacant; or
(b) the Mayor is not available or is unable or unwilling to perform the functions of the Mayor.

8.5 Roles and Responsibilities of Elected Members

It is necessary to understand the legislative framework within which the Elected Members operate and from where they derive specific details of their roles and responsibilities.

An individual Elected Member has no authority to make decisions or to participate in the day-to-day management or operations of the City. This includes making any form of representation on behalf of the Council or the City, unless they are specifically authorised by Council to do so. Regulation 9 of the Rules of Conduct also prevents Elected Members from undertaking tasks that contribute to the administration of the local government unless so authorised by the Council or the CEO.

Elected Members have no direct authority over employees with respect to the way in which they perform their duties.

Section 2.10 of the Act outlines the role of Councillors as follows:

A Councillor:

(a) Represents the interests of electors, ratepayers and residents of the district.
(b) Provides leadership and guidance to the community in the district.
(c) Facilitates communication between the community and the Council.
(d) Participates in the local government’s decision-making processes at Council and Committee meetings. and
(e) Performs such other functions as are given to a Councillor by the Act or any other written law.

The Council and Elected Members have a number of roles to undertake. One of the challenges for good governance from an Elected Member viewpoint is to be able to raise community issues with Council and provide their view of community sentiment on a policy issue, without becoming involved in administrative and operational aspects of the issue in question. This particular issue has been a focus of several Local Government Inquiries in recent times. The Mayor and CEO all have an important role to play in this process as well as the fellow Elected Members.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

8.6 Role and Responsibilities of the CEO

The functions of the CEO are outlined in section 5.41 of the Act. The CEO's range of functions is defined as follows:

(a) Advise the Council in relation to the functions of a local government under the Act and other written laws; and
(b) Ensure that the advice and information is available to the Council so that informed decisions can be made; and
(c) Cause Council decisions to be implemented; and
(d) Manage day to day operations of the local government; and
(e) Liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
(f) Speak on behalf of the local government if the Mayor or President agrees; and
(g) Be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
(h) Ensure that records and documents of the local government are properly kept for the purposes of the Act and any other written law; and
(i) Perform any other function specified or delegated by the local government or imposed under the Act or any other written law as a function to be performed by the CEO.

The CEO has a statutory responsibility to manage the organisation through the implementation of goals and strategies that have been approved by Council.

A significant role of the CEO in promoting good governance is through the development of a culture, that sees the Council as the peak decision-making body and that the organisation exists to support Council in the delivery of good governance.

A key accountability of the CEO is financial management. While Council has overall accountability, the CEO has critical responsibilities for managing the organisation soundly from a financial perspective and reporting the results and performance to Council.

The Act enables Council to delegate in writing to the CEO, the capacity to exercise any of its powers or duties, with the following exceptions:

(a) Actions in which a decision of an absolute majority or a 75% majority of the Council is required;
(b) Acceptance of a tender, which exceeds an amount as determined by the Council;
(c) Appointment of an auditor;
(d) Acquisition or disposal of any property valued at an amount exceeding an amount determined by the Council;
(e) Any of the Council's powers under Sections 5.98, 5.98A, 5.99 or 5.100 (determining fees, allowances and expenses of members and Committee members);
(f) Borrowing money on behalf of the City;
(g) Hearing or determining an objection of a kind referred to in Section 9.5;
(h) Authorising a person to sign documents on behalf of the City;
(i) Carrying out any power or duty that requires the approval of the Minister or the Governor;
(j) Such other powers or duties as may be prescribed;

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

In summary, the CEO is responsible for:

- putting in place appropriate systems to achieve accountability and integrity;
- implementing and maintaining a management structure which can achieve Council's vision and the Strategic Community Plan objectives;
- managing relationships between the various elements in the City;
- ensuring that the City is staffed by suitably qualified and motivated employees and that policies are in place that promote this; and
- ensuring that employees understand the organisation is working for a democratically elected Council and that Council decisions form the basis for the organisation's activities.

The table below provides a guide for the separation of roles between the Council (governing the affairs of the local government) and the CEO (managing day-to-day operations):

COUNCIL	**CEO**
Sets legislative and policy direction	Provides professional and technical advice to the Council
Responsible for the performance of the local government's functions	Implements the decisions of Council
Decides on matters of policy	Liaises with the Mayor
Represents community views during Council Meetings.	Manages the day-to-day operations
Oversees the allocation of the City's finances and resources	Responsible for the employment and management of employees
Monitors the City's performance through the CEO to ensure efficiency and effectiveness in service provision	Monitors the performance of employees to ensure efficiency and effectiveness in service provision

The following quotation exemplifies the distinction between the role of the Council and the management role of the CEO:

> *"There is a world of difference between governance and management. Governance involves the responsibility for approving the mission and goals of the institution; the oversight of its resources; the approval of its policies; …and an informed understanding of its programs and activities. Management, in contrast, involves the responsibility for the effective operation of the institution and the achievement of its goals within the policies …set by the board; the effective use of its resources;…the responsibility of a board is to govern but not to manage. 'Noses in, fingers out' remains sound and tested advice to board members."*
>
> *Glion Declaration II: The Governance of Universities*

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

8.7 Role and Responsibilities of Employees

Good governance requires all employees to think carefully about their decisions and actions, to be interested and to be active participants in the City's management and outcomes. It is not only senior management and Council that is responsible for governance matters – every element that forms part of the City is responsible for good governance. The quality of the City's governance heavily relies on each employee taking individual responsibility as well as being part of a collective team effort.

While on duty employees are to give their time and attention to the City's business and ensure their work is carried out efficiently and effectively, so the standard of work reflects favourably on them and the City.

In carrying out their duties, employees achieve good governance when:

- they reflect the positive values and standards of behaviour the City expects;
- their duties are performed and conducted in a professional way;
- information is managed and maintained appropriately and records are kept of their duties, decisions and work related activities;
- resources of the City, including information, is used efficiently and effectively; not misused; and waste is to be minimised; and
- conflicts of interest are identified and reported including disclosure of gifts and benefits obtained from certain parties.

8.8 Working Relationships

Elected Members are members of a team, elected by their constituents to work collectively in the interests of the whole community. Good governance is dependent on a mature and constructive working relationship between Elected Members.

Elected Members should behave in a manner that generates community trust and confidence in them as individual Elected Members and enhances the role and image of both the Council and the City. Elected Members are expected to:

- conduct their ongoing relationship with other Elected Members, employees and the community with respect and courtesy;
- act within the law at all times;
- act in good faith and not for improper or ulterior motives;
- act in a reasonable, just and non-discriminatory manner; and
- undertake their role with reasonable care and diligence.

As previously referred to, the Act requires Council to prepare and adopt a Code of Conduct to be observed by Elected Members. Elected Members must also abide by the Rules of Conduct. The Code of Conduct is a public declaration of the principles of good conduct and standards of behaviour that the Council agrees individual Elected Members should conform to when carrying out their role. It also provides guidance to Elected Members about carrying out their duties and responsibilities.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

8.8.1 Working Relationships between the Mayor and Councillors

The relationship between the Mayor and Councillors is critical to good governance and effective relationships between the Mayor and Councillors will help to achieve the outcomes within the Strategic Community Plan and to promote the credibility of the City.

In summary, the important aspects of the Mayor/Councillor relationship are as follows:

- The Mayor is the Presiding Member of Council and this role should be respected by all Councillors;
- The Mayor should facilitate an inclusive approach to decision-making and involvement in Council activities in general;
- The Mayor should assist Councillors to get their issues considered by Council;
- The Mayor should take some responsibility for Elected Member training and development and should work with the CEO to ensure that Elected Members receive necessary training opportunities; and
- The Mayor is a source of assistance for Councillors and also has the responsibility for facilitating resolution of any disputes between Councillors.

The Mayor as the Presiding Member of Council needs to play an integral and influential role both within meetings and outside of the formal process, by facilitating and encouraging all points of view to be expressed and respected. This will enable Elected Members, who may not have their point of view supported by the majority, be satisfied that they have been given a fair hearing and the process is transparent.

Through this facilitation role, the Mayor can manage conflict and differing opinions in a constructive manner. The complexity and diversity of opinion in the community, and therefore of Elected Members, can be made to work in the broader interest of the City as a whole, rather than be a source of division.

The Mayor is also a first point of contact for Councillors who wish to achieve a particular goal and this is especially true for newly elected Councillors who may be unfamiliar with a local government setting. Among other things, the nature of any local government business involves the need to bring together many diverse and sometimes-conflicting goals. By advising, supporting and facilitating negotiations, the Mayor can assist this process considerably, and in so doing, assist Councillors to meet their accountabilities to their communities.

This advisory and support role of the Mayor for other Councillors is possibly the single most important contribution to good governance a Mayor can make. It requires great skill and experience and as such, is critical to the overall operation of Council.

8.8.2 Working Relationships between the Mayor and CEO

The Mayor and CEO work closely together and the relationship should be characterised by openness and good communication, with each keeping the other informed about important and relevant issues.

Both the Mayor and the CEO have a role in liaising with each other on the City’s affairs and the performance of the City’s functions. However, this liaison is qualified

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

in that any liaison between the Mayor and the CEO is only relevant to those matters that enable each party to perform their statutory role.

Both parties have a crossover of responsibilities in speaking on behalf of the City. While this right rests with the Mayor, there are occasions when it is considered prudent and more applicable for this function to be undertaken by the CEO. As such, these matters involve the development of a clear relationship and an understanding of the limits of each other's responsibility.

While the Act does not detail how the liaison is to occur, this liaison function should be seen in the context of the separation of powers described in the Act, between the governing role of Council and the managing role of the CEO.

The Mayor and the CEO are to adopt an approach that suits their particular circumstances and needs. The overall essential principles that should be followed are the ability to effectively communicate and to have a large degree of trust in each other as well as respecting each other's opinion and role.

The essential principles for an effective Mayor/CEO relationship are as follows:

Communication

- Both parties are in a position to brief and inform the other about information each is privy to and which would assist the other in performing their role. Deciding on what information is important and what should be passed onto each other are to be negotiated and understood;

- Regular meetings over and above those scheduled to discuss specific issues or problems, are necessary to enhance planning and communication; and

- The 'no surprises' principle should apply where possible. The Mayor and CEO should brief one another so that neither is caught off guard within other forums.

Role clarity

- The Mayor and the CEO need to understand and respect one another's role. A clear understanding of their different roles is absolutely crucial and should be a subject of ongoing discussion; and

- There is a differential of power, which should be acknowledged. While the Mayor has status and leadership capacity, the position has no direct authority in its own right. On the other hand, the CEO has direct authority through the Act. Elected Members cannot just 'fix' problems that come to their attention, while the CEO has this capacity.

Features of a good and effective relationship between the Mayor and the CEO are:

- The need to work closely together and put energy into achieving a good working relationship;

- A relationship characterised by consistency, openness and good communication. Each has the responsibility to keep the other informed about important and relevant issues. Open communication ensures that an understanding develops about what is important and relevant;

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

- An understanding that each has different roles and authorities. While the Mayor is the civic leader of the City, this position has no specific authority while the CEO has particular authorities under the various sections of the Act; and

- The need for the relationship between the Mayor and the CEO should aim to facilitate involvement and inclusion among the Elected Members and the organisation. It does not seek to concentrate power in the relationship.

- Consistent communication and regular fixed meetings.

8.8.3 Working Relationships among Elected Members

When thinking of a Parliament, people often envisage an adversarial environment in which political groupings try to beat their opponents through debate. In contrast, the 'small group' nature of Council ideally features an environment where good relationships, respect and an appreciation of constructive diversity, lead to good decision-making.

All Elected Members have issues of particular concern and interest to them. Given the open nature of the local government system and the absence of a political party structure which exist at the State and Federal levels of government, Elected Members need to work together to achieve satisfactory outcomes.

Given this interdependency, Elected Member relationships should be characterised by mutual respect and an acknowledgement that, while they may not agree on all issues, they are all doing important and often difficult work.

At times, the very nature of local government business leads to conflict. How this conflict is addressed has implications for good governance. The role of the Mayor has been discussed, and this role, together with an appreciation of the particular dynamics at play, should assist in facilitating good governance.

With regard to behaviour at Council and committee meetings, Elected Members should model good constructive relationships and show personal respect for one another. There is not the requirement to agree with every Elected Members' opinion, but there is the need to respect those opinions and allow other members to be free to express their point of view.

Elected Members need each other to achieve their individual and collective goals. Effective relationships between Elected Members assist in achieving a successful Council, a pleasant working environment and a Council with public credibility.

Features of an effective relationship include the following:

- While they may have different views, Elected Members should treat each other with respect and courtesy;

- Disagreements, if they must be aired, should be expressed in ways that are not personal attacks, and do not cause detriment to individual Elected Members or the Council as a whole; and

- Elected Members should not undermine each other, either within the local government or in the public domain.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

- Elected Members must have effective working relationships in order to succeed individually and collectively.

8.8.4 Working Relationships between Elected Members and CEO

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

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

Elected Members need to understand that the role of the CEO is to implement Council's goals and strategies and manage the City's services as well as advise and support Council.

The CEO and Elected Members are likely to be in regular contact about issues, concerns and information. As with the Mayor/CEO relationship, a level of trust needs to be fostered which in turn, is based on good communication and understanding of each other's role and function.

A number of factors contribute to a good relationship between Elected Members and the CEO. These include:

- goodwill;
- a clear understanding of each other's roles;
- good communication;
- agreed structures and protocols;
- an appreciation of legislative requirements; and
- clear delegation of authority.

While the Elected Members and the CEO have different roles, this is not to say that each does not have a legitimate interest in the other's role. It is crucial that appropriate channels for information, discussion and consultation be developed to allow for each other's interests to be discussed freely and openly shared.

8.8.5 Relationships between Elected Members and Employees

Local governments often struggle with the issue of direct contact between individual Elected Members and employees versus contact through the CEO, Directors and Managers as appropriate.

Individual Elected Members are not to seek to foster special relationships with employees for the sole purpose of seeking information that may not otherwise be available to all Elected Members. Elected Members and employees are entitled to privacy and protection from inappropriate behaviour and this includes unauthorised access to the organisation's work area or non-senior management employees.

The Rules of Conduct also outline limits to relations between Elected Members and local government employees in Regulation 10. This regulation restricts an Elected

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

Member from directing or attempting to direct a local government employee to do or not do anything in their capacity as a local government employee. This regulation also restricts Elected Members from influencing or attempting to influence the conduct of a local government employee.

Some issues to consider in respect of this relationship include the following:

- Elected Members need to understand that accountable advice needs to go through an organisational process. Advice must be sought from the CEO, Directors or Manager as appropriate. Elected Members should not seek advice from other employees as the employee may have a particular interest or point of view in respect of the issue, but may not be in command of the full facts.

- Employees are accountable to the CEO. They are not accountable to Elected Members and are not required to take direction from them.

8.9 Elected Member Access to Information

One of the areas that can cause issues for Elected Members is their ability to access information held by the City. Section 5.92 of the Act provides that an Elected Member can have access to any information held by the City that is relevant to the performance of their functions under the Act or any other written law.

However, this provision does not give an Elected Member an automatic right to have access to all records held by the City, as any information must be relevant to the performance of an Elected Member's role.

In this respect, requests for information held by the City are to be referred to the CEO who is to determine if the information is to be released, on the basis that he or she is satisfied that the requested information is relevant to the Elected Members' role and functions. (Please refer to the Council policy on Elected Members Request for Information Policy for further information).

Notwithstanding, section 5.96 of the Act provides that if any person can inspect certain information then Elected Members may also request a copy of that information. An Elected Member is also entitled to be given access to records that are accessible to other persons under the *Freedom of Information Act 1992.*

8.10 Effective Relationships - Summary

The information in this section provides an insight into the role Elected Members, CEO and employees need to play in developing effective relationships.

There are fundamental role differences between the Council, Elected Members, the CEO and employees. The focus of Council and Elected Members should be on strategy, policy and outcomes. That is, who is to benefit from the City's activities and in what way. The CEO and employees role is to focus on advice, implementation and operations.

Taking into account these role differences, the features of an effective relationship between the Elected Members and the CEO and employees are:

- a mutual understanding, acceptance and respect for each others' roles;
- a preparedness to identify, discuss and resolve issues and problems if and when they arise; and

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

- on the part of the organisation, a respect for and commitment to democratic governance and the primary role of Council in the local government structure.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

9. PRINCIPLE THREE: DECISION-MAKING AND MANAGEMENT

9.1 Effective Decision-making

Decision-making is the most important activity undertaken by the City, both by Council and by employees. Effective decision-making processes increase the likelihood that the decisions themselves will be in the best interests of the entire community. The Council can only make decisions by resolution, that is, a motion being considered at a properly convened meeting and passed by the required majority vote.

Many of the decisions made by the City (including Council and employees) are subject to administrative law, and therefore subject to challenge or appeal. The principles of administrative law are:

- to act in good faith;
- to take into account only relevant considerations;
- to act reasonably; and
- to provide procedural fairness.

An important role of the CEO is to ensure that Council receives quality and timely advice and relevant information to enable informed and effective decisions to be made. At meetings, this includes ensuring that all reports presented include the necessary background information and detail; any options; any financial or legal impacts; and any associated risks. Council decisions need to have clarity and that clarity arises from the recommendations in reports from the CEO. The decisions made at meetings provide the direction and authority for the ongoing operation of the City and give direction to the CEO to act.

9.2 Decision-making Forums and Processes

9.2.1 Council Meeting Schedule

Members of the public have a number of opportunities to put forward their views on particular issues before Council. These opportunities are detailed below.

Council and Committee Meetings

Council and committee meetings follow a formal written agenda, which sets out the order and details of the business to be discussed. Council meetings will mostly need to consider items requiring absolute majority and any other items normally considered by full Council. Resolutions from the Committees will be presented to Council for acceptance, unless the Committee has delegated authority to decide on the matter.

Members of the public are welcome to attend Council meetings but are not permitted to take part in debate. Council and Committee meetings that are open to the public, may be closed to the public for part of a meeting to discuss confidential matters listed in the agenda.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

Public Question Time

Public Questions are invited at Ordinary Council Meetings or at Committee Meetings that are open to the public.

All members of the community have a legislative right to ask questions at Council and Committee meetings. The City encourages public participation in the decision-making process. The procedure for public question time is outlined below.

In accordance with the City's Standing Orders Local Law 2018, written and verbal questions relating to matters of business listed on the agenda for the Council or Committee meeting will be considered in the first instance, followed by questions relating to Council business not listed on the agenda.

- A member of the public who wishes to ask a question during public question time must – first state his or her name and address;
- Direct the question to the Presiding Member;
- Ask the question briefly and concisely;
- Limit any preamble to matters directly relevant to the question; and
- Ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment to explain the question.

Each member of the public is entitled to ask up to three questions before other members of the public will be invited to ask their questions. A verbal response will be provided at the meeting, if the question is 'taken on notice', a response will be provided in the next agenda of the relevant meeting. A summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of that meeting in accordance with section 5.25(1)(f) of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* regulation 11(e).

A copy of the City's Public Question Time Form is available on the City's website www.bayswater.wa.gov.au.

The City currently has the following Committees:

- Aged Care Divestment Committee;
- Aged Care Governance Committee;
- Audit and Risk Management Committee;
- Budget Review and Expenditure Committee;
- Chief Executive Officer Review Committee;
- Community Access and Inclusion Advisory Committee;
- COVID-19 Advisory Committee;
- Heritage Advisory Committee;
- Local Homelessness Advisory Committee;
- Local Emergency Management Committee;
- Policy Review and Development Committee;
- Reconciliation Advisory Committee; and
- Skate Park Advisory Committee.

Appointments to these committees are reviewed every two years in accordance with the City's two yearly election cycle.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

9.2.2 Agendas and Minutes

The level of decision-making and transparency needed for good governance requires comprehensive meeting agendas and minutes to be prepared. Matters to be considered at meetings of Council or committees are to be presented in an agenda prepared by the CEO. Agendas comprise reports prepared by the organisation. Reports are structured to include information on the background, details, summary and funding of the proposal under consideration. All reports are the professional advice of the organisation and contain recommendations as to the most appropriate course of action to take based on the information presented.

The decision to adopt, amend or reject a recommendation rests with Council, or in some cases a committee (if it has delegated authority). Where a Council or committee decision is different to that which has been recommended, reasons for that decision must be stated and recorded.

Agendas are made available to Elected Members and the public before the Agenda Briefing Sessions and Council Meetings. Where a committee is open to the public, committee agendas are also made available.

Unconfirmed Council and committee minutes are to be made available to the public. The minutes of a meeting comprise all items considered at the meeting (other than confidential items presented at the meeting for discussion) and include attendances, all resolutions with movers and seconders and the decisions that have been made.

9.2.3 Apologies and Leave of Absence

An important function of an Elected Member, when being a part of the governing body of Council or a committee, is to attend and participate in the decision-making processes at meetings.

Elected Members who are going to be absent from a meeting of Council or a committee should submit an apology. For extended periods of absence, Elected Members should apply to Council to grant leave of absence for that extended period.

Leave of absence is not to be granted to an Elected Member in respect of more than six consecutive ordinary meetings of the Council without the approval of the Minister, unless all of the meetings are within a period of three months.

An Elected Member who is absent, without first obtaining leave of the Council, throughout three consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council unless all of the meetings are within a two month period.

9.2.4 Meeting Procedures and Conduct

The Council has adopted a local law that provides a set of enforceable meeting procedures and rules to:

- ensure better decision making of Council and its committees;
- assist in the good and orderly conduct of meetings; and
- greater community understanding of the business of the Council.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

Elected Members are to familiarise themselves with the meeting procedures as any breaches may result in the matter being referred to the Local Government Standards Panel.

9.3 Declarations of Interest

One important aspect of the City's decision-making responsibilities is how conflicts of interests are identified, recorded and treated throughout the organisation. It is not only important to ensure that real or potential conflicts of interests are handled appropriately, but also perceived conflicts of interests.

Interests can be categorised as being:

- financial interests;
- proximity interests; and
- interests that may affect impartiality.

It is an Elected Member's responsibility to decide whether or not to declare an interest.

9.3.1 Financial Interests

It is a statutory obligation and duty of Elected Members and committee members to vote on every item of business discussed at meetings of Council or a committee (with delegated authority). However, an Elected Member or a committee member may be excluded from presiding and voting in the meeting if that person, or a person that is closely associated to them, has a direct or indirect financial interest in the subject under discussion.

Attention is drawn to Division 6 of Part 5 of the Act, which details disclosure of financial interests in matters affecting local government decisions. This division defines financial interests, closely associated persons, and interests that need not be disclosed by Elected Members and committee members.

A member who makes a disclosure under section 5.65 must not
(a) preside at the part of the meeting relating to the matter;
or
(b) participate in, or be present during, any discussion or decision making procedure relating to the matter,
unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: $10 000 or imprisonment for 2 years.

Sections 5.68 and 5.69 of the Act detail the circumstances in which Council, committees and the Minister for Local Government may allow Elected Members and committee members disclosing interests to participate in meetings.

The *Department of Local Government Operational Guideline No. 20 – Disclosure of Financial Interests at Meetings* provides a comprehensive guide to identifying and declaring financial interests and steps to take in safeguarding liability.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

9.3.2 Proximity Interests

Elected Members and committee members also have a responsibility to declare interests around matters that are in close proximity to that person's land. Section 5.60B of the Act states a person has a proximity interest in a matter if the matter concerns:

(a) a proposed change to a planning scheme affecting land that adjoins the person's land;
(b) a proposed change to the zoning or use of land that adjoins a person's land; or
(c) a proposed development of land (as defined by section 5.63(5) of the Act as being the development, maintenance or management of the land or of services or facilities on the land) that adjoins the person's land.

Land (the proposed land) adjoins a person's land if:

(a) the proposed land, not being a thoroughfare, has a common boundary with the person's land;
(b) the proposed land, or any part of it, is directly across a thoroughfare from, the person's land; or
(c) the proposed land is that part of the thoroughfare that has a common boundary with the person's land.

Similar to financial interests, an Elected Member or committee member with a proximity interest must disclose their interest (in accordance with sections 5.65 of the Act) and not preside or participate in discussion on the matter (section 5.67 of the Act). Although under certain circumstances the Council, committee or the Minister may allow Elected Members and committee members disclosing interests to participate in meetings.

9.3.3 Interests that May Affect Impartiality

Elected Members are required to disclose any interest which could, or could reasonably be perceived to, adversely affect their impartiality, and includes an interest arising from kinship, friendship or membership of an association.

The disclosing of an interest that may affect impartiality is to be made immediately before the matter is discussed at a Council or committee meeting or in a written notice given to the CEO before the meeting.

The disclosure of an interest that may affect impartiality does not affect the ability of the Elected Member to discuss or vote on the matter.

Attention is drawn to Regulation 11 of the Rules of Conduct, which deals with disclosure of interests that may affect impartiality:

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

11. Disclosure of interest

(1) In this regulation —

interest *means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

(2) A person who is a Council member and who has an interest in any matter to be discussed at a Council or Committee meeting attended by the 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) Subregulation (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subregulation (2) does not apply if —

(a) a person who is a Council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or

(b) a person who is a Council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.

(5) If, under subregulation (2)(a), a person who is a Council member discloses an interest in a written notice given to the CEO before a meeting then —

(a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and

(b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.

(6) If:

(a) under subregulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or

(b) under subregulation (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

9.3.4 Disclosure of Interests of Employees

Similar to Elected Member and committee members, employees should ensure that there is no actual or perceived conflict or incompatibility between the important fulfillment of the public or professional duties and either their personal interests, or those persons closely associated with them.

Section 5.70 of the Act states that where an employee has an interest in any matter in which the employee is providing advice or a report directly to Council or a

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

committee, they must disclose the nature of the interest when giving the advice or report. There is no requirement however for employees to leave meetings where interests have been disclosed.

In situations where an employee has been delegated a power or duty by the CEO, and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and must either disclose the nature of the interest to the CEO (or should the employee be the CEO, disclose the nature of the interest to the Mayor).

The City's Code of Ethics also places a requirement on employees to disclose any interests, where the interest could, or could reasonably be perceived to, affect the impartiality of the employee having the interest and includes an interest arising from kinship, friendship or membership of an association. In some situations, this may require the employee to disqualify themselves from dealing with a particular matter.

9.3.5 Primary Returns and Annual Returns

Section 5.75 of the Act requires Elected Members and certain employees to complete a Primary Return within three months of commencing in Office or being employed at the City.

A Primary Return can best be described as a snapshot of personal information and certain financial interests a person has at a particular point in time.

At the end of each respective financial year, Elected Members and certain employees must complete an Annual Return, which discloses any changes to the information previously disclosed in their Primary Return or new interests that have accumulated since completing their Primary Return or last Annual Return.

Annual Returns are required to be lodged by both Staff and Elected Members by the 31 August each year in accordance with section 5.76 of the Act and this legislative compliance requirement is reported in the Annual Compliance Return lodged with the Department.

Primary Returns and Annual Returns assist with the decision-making process as they highlight an individual's interests at a particular point in time, thereby clarifying whether a conflict of interest may arise.

9.3.6 Publicly Available Registers

There are a number of registers that each local government is Western Australia is required to maintain and make available on their website. The primary purpose of this requirement is to increase transparency, making information regarding related interests available along with other important information such as training of elected members.

In addition to the required registers, the City has also decided to make further registers available, in turn improving transparency and increasing publicly available information further.

Statutory and non-statutory registers available on the City's website are as follows:

- Reportable Salaries Register;
- Declaration of Interest Register;

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

- Notice of Motion Progress;
- Attendance at OCM and Minor Committee Register;
- Gifts and Travel Contributions Register;
- Delegated Authority Register;
- Elected Members Contact with Developers Register;
- Staff Conference and Travel Register;
- Elected Members Conference and Travel Allowances Register;
- Salaries, Allowances and Sitting Fee;
- Councillor Representation on Committee Register;
- Register of Certain Complaints of Minor Breaches; and
- Chief Executive Officer Key Performance Indicators.

9.4 Related Party Disclosures

Related Party Disclosures are required to be lodged by Elected Members and Key Management Personnel in compliance with Australian Accounting Standards Board AASB 124.

The City must obtain and disclose related party relationships, transactions (revenue and expenditure) and outstanding balances (receivable and payable), including loans and contractual commitments.

This information will be audited as part of the annual external audit by the Office of the Auditor General.

9.5 Delegations

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

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

The CEO may delegate to any other employee the authority to perform functions and duties that are exercisable by the CEO under the Act or that have been delegated to the CEO by Council (with the exception of the power to delegate). This accords with employees being responsible to the CEO and the CEO being responsible to Council. Similarly, the CEO, who may in turn require responsibility to be undertaken by other employees of the City, conducts the implementation of Council decisions and instructions.

Delegations of authority are required in order to provide employees of the City with the power to exercise duties and make determinations. It is essential that the City's delegations are performed in a manner that is in accordance with the delegation and is compliant with the relevant legislation. Each employee is required to keep records each time they exercise a delegation and delegations by Council are to be reviewed on an annual basis.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

The City captures within their “Attain” system when staff have delegations for substantive positions, or while acting in higher duties and ensures that a written notification is provided to the staff member concerned confirming their delegations.

The City’s Delegated Authority Register is contained in an electronic register that forms the primary source for delegations. This is reviewed on an annual basis as a minimum in accordance with sections 5.18 and 5.46 of the Act and is publicly available on the City’s website. From time to time throughout the year the register may be updated for a variety of reasons such as changes to legislation and policy changes.

9.5.1 Authorised Persons

Under legislation, the CEO can ‘appoint’ persons or classes of persons to perform particular functions. These persons are generally termed ‘authorised persons’ or some other similar term. Legislation or local laws may specify that an ‘authorised person’ can perform a particular function and those functions or duties are normally specified in the applicable provision.

An appointment is made, by a written appointment by the CEO, or as detailed in the specific legislation. Authorised persons are not necessarily employees with delegated authority.

Employees appointed as authorised persons are required to have a certificate of appointment or some other form of identification to confirm their appointment and to demonstrate their ability to perform that function.

9.5.2 Local laws

Under the Act and as part of its legislative functions, Council is able to make local laws as a way of providing good governance to the community and which reflect current community standards.

The Act outlines the process by which the Council may adopt local laws. This legislative role allows the Council to adopt a regulatory regime that may be enforced through the courts, by the issue of infringement notices or by performing other executive functions to enforce the local laws. When adopting local laws the Council must be aware that they operate with the force of legislation and the City has a duty to enforce all of its local laws.

The process for making a local law provides the community with a six-week advertising period to allow opportunity for comment on proposed local law. The local law is then presented once more to Council and any public submissions are considered. Upon final adoption, the local law is published in the *Government Gazette* and reviewed by the Western Australian Parliamentary Committee on Delegated Legislation.

The City’s local laws are as follows:

- Keeping and Control of Cats Local Law;
- Dogs Local Law;
- Fencing and Floodlighting Local Law;
- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law;

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

- Local Government Property Local law;
- Parking and Parking Facilities Local Law:
- Health Local Law;
- Waste Local Law; and
- Standing Orders (Meeting Procedures) Local Law.

The City is required to review all its local laws every eight years from the date they came into operation or from the date, they were last reviewed. This review process also allows for community consultation and feedback.

9.5.3 Policies and Management Practices

Section 2.7(2)(b) of the Act states that the Council is to "determine the local government's policies".

Policies provide the Council and the organisation with the ability and direction to make decisions that are considered to be consistent and unbiased. A policy can also provide detail on the manner in which the City undertakes, or requires others to undertake, certain works or activities.

The Council has established the following level of policy:

Council Policies - these are strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the vision and strategic direction of the City. Policies are adopted by Council and are available to view on the City's website.

- Management Practices - these documents are developed for administrative and operational requirements. They have an internal focus and are available on "Baynet". Management Practices are approved by the City's leadership team and are available in the City's intranet for City staff to access. Management Practices are reviewed regularly and can be valid in the long term or on a temporary basis as required.

The City is currently reviewing its policy framework that contains further information about policies and management practices.

9.5.4 Executive Functions

The Council is responsible for overseeing the executive functions of the City. The executive functions of the City are to provide services and facilities. In performing its executive functions, section 3.18 of the Act states the following:

(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.

(2) In performing its executive functions, a local government may provide services and facilities.

A local government can, therefore, administer local laws and provide services and facilities in order to provide for 'the good government of the district'.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

A local government must satisfy itself that the services and facilities it provides:

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

9.6 Business Management

The management of corporate business within an organisation is important to the concept of governance. As part of the City's Integrated Planning Framework, the City has developed a Corporate Business Plan. The Corporate Business Plan guides internal operational activities and serves as the City's rolling four year service and project delivery program, which is aligned, to the strategic direction and priorities set within the *Strategic Community Plan 2017-2027*. It also reflects actions within other informing strategies and the City's Asset Management Plans. Detail on specific projects and their milestones are then reported to Council and the community on a regular basis.

Each branch is required to develop yearly Branch Plans that operationalise the specific projects and milestones in the City's Corporate Business Plan as well as other plans and operational outcomes.

9.7 Financial Management

9.7.1 Role of the CEO

The CEO is accountable to Council for the financial performance of the City. The CEO must ensure that certain fundamentals are in place including, but not limited to:

- appropriate financial systems, plans, strategies and protocols;
- adequate resources to support the City's activities and financial monitoring and performance;
- suitable internal review and audit mechanisms;
- an organisational culture where responsibility and accountability are clearly delineated and understood; and
- adherence to and compliance with legislative provisions.

9.7.2 Financial Management Planning and Principles

The Council is ultimately responsible for the financial management of the City. Good financial management requires both Council and the organisation to play their role. The City has developed a long-term financial plan that is consistent with strategic initiatives within the *Strategic Community Plan 2017-2027*.

Council is to ensure that it receives sufficient reports and other information to adequately monitor its performance, resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

There should be robust and transparent financial management established and maintained to meet local government's accountability to its stakeholders, particularly in terms of stewardship of community assets, both now and into the future.

There is an emphasis on the role of Council in delivering their accountability for the financial state of the City, which is assisted by the City's Budget Review and Expenditure Committee.

Council has also established an Audit and Risk Management Committee to oversee and advise the Council on matters of accountability and internal control.

9.7.3 Annual Budget

One of the responsibilities of Council under the Act is to prepare, set and adopt the City's Annual Budget. The Annual Budget can be viewed as the annual articulation of the City's Long Term Financial Plan and must also consider the priorities, projects and initiatives within the *Strategic Community Plan 2017-2027*. Based on the leadership of Council, it determines the City's priorities for each year and the allocation of resources to achieve those priorities.

Under Regulation 33A of the *Local Government (Financial Management) Regulations 1996* the City is required to conduct a review of its *Annual Budget* after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

9.7.4 Strategic Financial Plan

The Long Term Financial Plan is a high-level informing strategy that outlines the City's approach to delivering infrastructure and services to the community in a financially sustainable and affordable manner. It also demonstrates the City's commitment to managing its operations in a sustainable way that minimises the financial impact on the City's ratepayers.

The Long Term Financial Plan represents the primary and key strategic financial planning document for the City and has a direct bearing on the ability to plan for the future financial sustainability of the City. It represents projections and estimates, based on many assumptions and is a primary planning tool for the development of future budgets for the City. In preparing the Long Term Financial Plan, the Department of Local Government and Communities' Long Term Financial Planning Framework and Guidelines is used as the principal reference point in terms of form and content.

Among other things, the plan summarises the financial impacts of the priorities, projects and objectives identified in the *Strategic Community Plan 2017-2027* and assists in setting the future financial direction and decisions of the City.

9.8 Records Management

The City's corporate records are to be managed in accordance with the City's *Recordkeeping Plan* and *Records Management Policy*.

All Elected Members, employees and contractors are responsible for maintaining complete, accurate and reliable evidence of all business transactions and ensuring all corporate documents are retained within the City's official recordkeeping system

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

at the point of creation regardless of the format. The City has a Record Keeping Plan that outlines how record keeping can be undertaken in accordance with:

- *State Records Act 2000;*
- *Freedom of Information Act 1992;* and
- *Local Government Act 1995.*

9.9 Risk Management

The City is responsible for providing a wide and diverse range of services to its community. All of these activities involve some form of risk, which must be managed to ensure that aims and objectives are achieved, services are delivered and that opportunities to deliver better and more cost effective services are realised. If the City is not aware of, or has not adequately assessed or managed some risks, it could result in financial loss, threats to public or employee safety or lead to substantial adverse publicity.

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

The City has an integrated risk management framework and policy, based on current best practice standards to manage risks and ensure the quality of the City's services to the community are not adversely affected. Strategic oversight of risk and compliance occurs at the Committee and Council level and independent external assurance is provided by the City's internal audit function.

The City's organisational structure has a dedicated Branch to proactively guide the City's risk management culture, contribute to its internal audit and governance obligations and ensure regular reporting to the Audit and Risk Management Committee.

10. PRINCIPLE FOUR: ACCOUNTABILITY

10.1 Principle of Accountability

Excellence in governance is based on the principle that the people involved in providing governance, being the Elected Members and employees, are held to account for what they do and for the City's performance. The public trust placed in the City and in its Elected Members to act in the public interest can be justified in the manner in which their duties have been performed.

Accountability systems need to provide disclosure and for the review of decision-making and processes. These systems must record and support the City's accountability to its stakeholders and its legal accountability to the State Government.

Risk management systems aim to ensure that community assets are protected. An internal audit system, a comprehensive consultation and engagement policy and framework all support good decision-making by ensuring that Elected Members are aware of the views of those who will be affected by any decision.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

The fundamental importance of accountability is that the City exists to govern for and on behalf of its community. Systems and values must reflect this accountability.

Accountability systems that provide disclosure and review of decision-making and processes are integral to good governance and are reflected through:

- open and transparent government so that people can follow decision-making processes and outcomes;
- consultation so that communities feel that they are being heard; and
- good information and communication processes so that communities are kept informed.

10.2 Performance Management and Reporting

The Council is accountable for monitoring performance in the achievement of the City's strategic direction, goals and financial outcomes, which are set through *Roadmap to Building a Better Bayswater*, the *Long-Term Financial Plan*, the *Corporate Business Plan* and the Annual Budget.

The management of the City's performance and the reporting of that performance to the community are achieved in several ways as detailed below.

10.2.1 Quarterly Progress Reporting

The City has developed a reporting system to provide Council with the necessary information to enable it to assess performance against the various plans it has developed. The reporting system is a systematic and regular process that allows Council to take action to rectify any issues that arise and as such, be accountable to the community.

The Department of Local Government, Sport and Cultural Industries *Integrated Planning and Reporting Framework* sets out the requirements for local governments to undertake planning and reporting on their activities. The process includes annual reporting to the community on achievements and outcomes. The City's *Corporate Business Plan*, reviewed and adopted by Council each year, is in line with this requirement and focuses on the City's actions and objectives within *Roadmap to Building a Better Bayswater*.

Quarterly progress reports against the City's *Corporate Business Plan* provide Council and the community with a full assessment of the City's progress in relation to the achievement of pre-determined milestones for major projects and programs. Full progress reports against the City's Capital Works Program are also provided at the same time as the *Corporate Business Plan* progress reports to Council.

10.2.2 Financial Reporting

Financial reporting is a basis for accountable financial management and it is required by the Act. Financial reporting undertaken at the City is as follows:

- Monthly Financial Activity Statement - timely and accurate reports are essential to keep Council in an informed position to ensure the City meets its financial responsibilities. In accordance with the Act and the *Local Government (Financial Management) Regulations 1996*, Council is required to prepare a

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

monthly statement of financial activity reporting on the source and application of funds as set out in the Annual Budget.

- List of Payments - Council has delegated to the CEO the exercise of its authority to make financial payments from the City's Municipal Fund and Trust Fund. Therefore, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the CEO is prepared each month for Council, showing each account paid since the last list was prepared.

- Annual Financial Report - in accordance with the Act, the City is required to prepare an Annual Financial Report each financial year, which provides information about the City's financial activities, income and expenditure. The City's Annual Financial Report is to be audited by an external auditor and is to be considered by the City's Audit Committee before being submitted to Council for adoption.

  An abridged version of the Annual Financial Report forms part of the City's Annual Report, which is received and discussed by the community at the Annual General Meeting of Electors.

10.2.3 Annual Report

In accordance with section 5.53 of the Act, the City is to prepare an Annual Report each financial year. Other than just financial information the City's annual report includes, among other things, the auditor's report, internal information and an overview of the City's 'plan for the future' (being Strategic Community Plan 2017-2027) including major initiatives that are proposed to commence or to continue.

The City's Annual Report is the City's key reporting document that satisfies the Annual Report requirements under the Act. It provides detailed information to all of the City's stakeholders about how the City intends to operate in a sustainable manner while addressing the many challenges it faces. The report reviews the progress made against the many initiatives outlined in the Strategic Community Plan 2017-2027.

The Electors of the City's district are to receive the Annual Report at the Annual General Electors Meeting, held in either November or December each year. At this meeting, the community can ask questions of the City on various aspects of the Annual Report.

10.2.4 CEO Performance Review

The Council is accountable for managing the CEO's performance and is responsible for setting the CEO's performance plan and subsequently monitoring performance. Council is to communicate its expectations to the CEO, and is required to seek independent professional advice when undertaking the performance evaluation of the CEO.

The Council has established the Chief Executive Officer Performance Review Committee to assist it with this task of reviewing the CEO's performance.

10.2.5 Employee Performance Review

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

In accordance with the Act, the performance of all employees is to be reviewed at least once in relation to every year of their employment. The City's comprehensive Individual Development Achievement Program provides a mechanism for employee performance to be assessed as well as training and development opportunities to be identified.

10.3 Compliance Audit Return

It is a requirement of the Act that the City conducts an annual audit of its compliance with statutory requirements and responsibilities placed on it under the Act.

The Compliance Audit Return is submitted to the Department each year before the 31 March after its adoption by both the Audit and Risk Management Committee and Council. The Compliance Audit Return provides prompts in relation to the local government's statutory obligations in a number of areas, such as local laws, tenders, meeting processes, disclosure of financial interests and financial management. It provides a useful tool for the City to ensure compliance with the Act.

In addition to this requirement, the City has established a number of internal compliance mechanisms to ensure its practices and procedures meet its obligations in relation to good corporate governance.

10.4 Audit and Risk Management Committee

The audit function of the City is achieved by two means – the establishment of an Audit Committee and the appointment of an Internal Auditor.

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

10.5 Access to Information

Under the Act any member of the public can access certain information held by the City, but there is not an unfettered right of access to the City's information. There are some documents not accessible to the public or available for viewing; however, being a 'public body', the provisions of the *Freedom of Information Act 1992* apply.

All Elected Members and staff should be aware of freedom of information implications when creating documents, whether it is internal or external. As a general rule any written material generated by employees or Elected Members may become public knowledge and subject to a freedom of information request and investigation. Freedom of information gives individuals a right to access certain records held by both state and local government agencies.

The City each year publishes a *Freedom of Information Statement* to assist the community on the functions and services of the City and how information of the City can be accessed.

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025

REFERENCES

The following documents have been used in the development of the Governance Framework for the City of Bayswater:

- *AS8000 Good Governance Principles.*
- *ASX Corporate Governance Council – Principles of Good Corporate Governance and Best Practice Recommendations.*
- *Australian Public Sector Commission – Building Better Governance.*
- *City of Townsville Governance Framework 2016.*
- *City of Wollongong Governance Manual 2004.*
- *City of Bayswater Governance Review Report May 2004.*
- *Conflict of Interests Guidelines – office of the Public Sector Standards Commissioner.*
- *Corporate Governance Charter - WA Local Government Association December 2004.*
- *Department of Local Government – Local Government Operational Guideline No 3 – Managing Public Question Time.*
- *Department of Local Government – Local Government Operational Guideline No 4 – Elected Member Induction.*
- *Department of Local Government – Local Government Operational Guideline No 5 – Council Forums.*
- *Department of Local Government – Local Government Operational Guideline No 7 – Clarity in Council Motions.*
- *Department of Local Government – Local Government Operational Guideline No 9 – Audit Committees in Local Government.*
- *Department of Local Government– Local Government Operational Guideline No 17 – Delegations*
- *Department of Local Government– Local Government Operational Guideline No 20 – Disclosure of Financial Interests at Meetings.*
- *Elected Members Welcome Pack - City of Bayswater - 2011.*
- *Enterprise-wide Risk Management – Better Practice Guide for the Public Sector – CPA Australia 2002.*
- *Excellence in Governance for Local Government – CPA Australia.*
- *Governance Framework and Statement – City of South Perth.*
- *Good Governance Guide, Public Sector Commission*
- *Good Governance Guide 2004 – The Principles of Good Governance within Local Government - Municipal Association of Victoria.*
- *Lessons for Local Government - City of Belmont published by the Department of Local Government and Regional Development April 2003.*
- *Lessons for Local Government - City of South Perth published by the Department of Local Government and Regional Development.*
- *Local Government Act 1995.*
- *Local Government (Administration) Regulations 1996.*
- *Local Government (Financial Management) Regulations 1996.*
- *Local Government (Rules of Conduct) Regulations 2007.*
- *Murdoch University Senate, Statement of Governance Principles.*
- *OECD Principles of Corporate Governance.*
- *On Board Leadership – John Carver.*
- *Public Sector Commission (WA) – Good Governance Guide for Public Sector Agencies*
- *Public Sector Governance (Vol. 1) – Better Practice Guide – Australian National Audit Office.*
- *Reinventing Your Board, A Step by Step Guide to Implementing Policy Governance – John Carver and Miriam Mayhew Carver.*
- *Sustainability Reporting Guidelines – Global Reporting Initiative.*
- *The Business of Local Government (a training course for Elected Members)- a joint WALGA and Australian Institute of Company Directors Course.*
- *WALGA Training and Development Program for Elected Members.*

Document Set ID: 4894261
Version: 1, Version Date: 05/03/2025