City of Kalgoorlie Boulder

GOVERNANCE FRAMEWORK

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1. THE CITY OF KALGOORLIE-BOULDER

1.1 About Kalgoorlie-Boulder

Kalgoorlie-Boulder is a regional city with a population of approximately 30,000 people. The city is located approximately 600km east of Perth, covers an area of 95,498.05km^2. It is Australia's largest outback city and the fifth largest urban centre in Western Australia.

Kalgoorlie-Boulder has a rich mining history, having been established in 1893 during Australia's gold rush. In addition to the mining industry (major commodities being gold, nickel and cobalt and lithium deposits), the city's top employing industries are construction, manufacturing, health care, retail and education and training.

Residents come from 43 nationalities, and approximately 73% of the Kalgoorlie-Boulder's population is comprised of families.

1.2 Corporate values

The City of Kalgoorlie-Boulder's values require staff to "ACTRITE", to operate in an environment characterised by:

- **Accountabilty:** We take ownership of our actions and outcomes, delivering on our commitments.
- **Collaboration:** We work together with respect and shared purpose to achieve common goals.
- **Teamwork:** We support one another, celebrate collective success and grow stronger together.
- **Respect:** We treat others with dignity, value diverse perspectives and build inclusive relationships.
- **Integrity:** We act with honesty, fairness and ethical responsibility in all that we do.
- **Transparency:** We communicate openly, share information freely and foster trust.
- **Excellence:** We pursue high standards, continuous improvement and impactful results.

1.3 Vision statement

Connected by its many communities, abundant in economic and lifestyle opportunities.

1.4 Strategic Statement

By 2050, Kalgoorlie-Boulder is a thriving, sustainable and globally connected regional city – shaped by our Goldfields legacy and a rich aboriginal heritage. Kalgoorlie-Boulder is more than a place to live – it's a place of opportunity and innovation, where diverse industries, quality infrastructure, and lifelong learning contribute to a city where families and businesses grow and prosper, communities connect and visitors feel welcome.

1.5 Mission statement

Working together for the place and people we call home.

2 INTRODUCTION

2.1 Governance

Governance is a process of directing, controlling and holding organisations to account in respect of all aspects of their function. It requires clear and effective operational systems to be both developed and complied with to ensure equity, transparency and accountability whilst also establishing a benchmark for continuous review and improvement.

The elected Council and staff of the City of Kalgoorlie-Boulder consider good governance is critical if the community is to have confidence in it. This Governance Framework sets out guidelines and standards expected of Council Members and employees to achieve good governance through concepts such as compliance, community participation, ethical conduct, transparency, accountability and ongoing performance management. It also sets out the roles of Council members, management and employees of the City of Kalgoorlie-Boulder and their relationships, along with financial, legal and ethical responsibilities that impact individuals and the organisation.

The City of Kalgoorlie-Boulder's good governance is achieved through various strategies explored in this Governance Framework, including as follows:

- Ensuring individual and organisational compliance with the *Local Government Act*, supporting regulations and additional relevant legislative instruments;
- Ensuring individual and organisational compliance with applicable Codes of Conduct, policies, procedures and management practices;
- Developing and publishing policies and procedures to ensure consistency and fairness in all decisions as well as transparency and accountability in respect of such decisions (both internally and to the members of the public);
- Implementing effective risk management processes, including ongoing identification, assessment, review and management of operational and strategic risks;
- Ensuring clear role definition and clarity for Council members and employees;
- Acting efficiently and effectively in its decision-making processes including:
    - obtaining, collating and reporting accurate, comprehensive and relevant information to Council;
    - ensuring Council members have a sound understanding of matters prior to making critical decisions;
- Ensuring ethical behaviour of Council members and employees, characterised by honesty and integrity;
- Seeking community participation (through open elections, open Council meetings and question time processes as well as consultation processes);
- Effectively managing staff and resources to ensure efficiency and effectiveness in implementing Council resolutions; and

- Creating a positive culture to promote open communication, teamwork and accountability.

In employing these strategies, the City of Kalgoorlie-Boulder endeavours to comply with the *Local Government Act*[1] to achieve:

- Better decision-making;
- Greater community participation;
- Greater accountability; and
- More efficient and effective operations.

2.2 Governance Framework document

This Governance Framework document is divided into the following parts:

Part 1: Legislative Basis

Part 2: Strategic planning and financial and risk management

Part 3: Organisational framework, decision making processes and role definitions

Part 4: Standards of behaviour

Part 5: Performance management and accountability

The City of Kalgoorlie-Boulder will undertake regular review of this document to ensure that the Governance Framework set out herein remains relevant and current, and that the City of Kalgoorlie-Boulder's functions are being performed in accordance with legislative and regulatory requirements and best practices.

[1] Section 1.3 *Local Government Act*

3 LEGISLATIVE BASIS

3.1 Local Government Authority

Local governments are the third tier of government in Australia (in addition to Commonwealth and State governments) and have legislative responsibility for the functions and activities of a community.

The City of Kalgoorlie-Boulder is a local government authority established under the *Local Government Act*. It is comprised of:

- An elected Council currently consisting of eight Councillors led by the Mayor; and
- Administration, consisting of the CEO and other employees.

As a local government, the City of Kalgoorlie-Boulder is regulated by the DLGSCI under the *Local Government Act* and various regulations.

The functions of the City of Kalgoorlie-Boulder include:

- Planning and development:
    - strategic planning including developing comprehensive management plans, budgets, financial controls and performance objectives; and
    - providing direction for the management of community activities including determining the type, range and scope of projects to be undertaken;
- Administering laws, law making and enforcement: developing and implementing local laws covering issues such as animal management and the use of public land and local government facilities;
- Meeting community needs: identifying community needs, representing constituents, assessing and prioritising competing needs and allocating resources;
- Developing policies and implementing policy decisions in the interest of the community;
- Advocating on behalf of the City of Kalgoorlie-Boulder at State and Commonwealth levels; and
- Executive functions: delivering essential services to the City including building and planning services, waste management, and provision and management of community infrastructure and resources.

3.2 Elections and formation of Council

Council is comprised of eight members, plus the Mayor.

Ordinary local government elections, including for the City of Kalgoorlie-Boulder, are held every two years.

The ordinary election cycle requires Councillors to be elected for overlapping four-year terms, with half of the Council members elected every two years. The Mayor is elected every four

years. This overlapping system means that following an election the 50% of Councillors who remain in their seats to provide continuity for residents and ratepayers, reduce the risk of loss of knowledge with outgoing Councillors and provide leadership for the incoming Councillors. Good governance is also supported through the administration's ongoing functions which ensure corporate knowledge is not lost through the Council election cycle.

The Council is charged with the responsibility for the good governance of the City of Kalgoorlie-Boulder and is subject to various requirements of the *Local Government Act* and various regulations. Having been elected by the local community, the Council and individual Council members are also accountable to the electorate for their decisions.

3.3 Management and decision-making structure

3.3.1 *Separation of power*

There is a clear legislative distinction between the role of Council, and the roles of the CEO and administration. This is to ensure there is a separation of powers between the two components of the City of Kalgoorlie-Boulder: it prevents the concentration of power and establishes accountability mechanisms to achieve responsible governance.

3.3.2 *Role of Council*

The Council, as the overall decision-making body, is responsible under the *Local Government Act*[2] for:

- CEO recruitment and performance review;
- Governing the City of Kalgoorlie-Boulder's affairs (strategic planning for continued sustainability and monitoring of such strategies);
- Performing the City of Kalgoorlie-Boulder's functions (including developing mechanisms such as delegated authority and overseeing executive functions such as providing services and facilities (and regularly reviewing the same));
- Overseeing the allocation of the City of Kalgoorlie-Boulder's finances and resources; and
- Determining the City of Kalgoorlie-Boulder's policies.

Council receives reports, advice and recommendations from the CEO and administrative staff regarding decisions needed to be made. Council may resolve to adopt, amend, reject or defer a recommendation put to them by the CEO and administrative staff. In some cases, where Council makes a decision that differs from any recommendations or advice provided by the CEO and/or administrative staff, the minutes from the relevant meeting must set out in appropriate detail the reasons that Council resolved not to follow such recommendations or advice.

Decisions are voted on by the Council members in accordance with legislative or regulatory requirements and if passed, a decision is made in the form of a resolution. The *Local Government Act* as well as the Standing Order Local Law, set out requirements that must be followed including as to quorum, motions, voting rights, and the type of majority required for a decision to be made.

[2] Section 2.7 *Local Government Act*

The decisions made by Council are then implemented by the CEO and relevant department(s) of the City of Kalgoorlie-Boulder's administration team.

3.3.3 *Role of CEO and administration*

The CEO is employed by the Council and is responsible for the employment of all other staff members. The CEO and/or other employees undertake administrative responsibilities including:

- Preparing reports and providing advice and recommendations to the Council regarding the nature of decisions that are required for the affairs of the City of Kalgoorlie-Boulder;
- Implementing policies and resolutions of Council;
- Delivering services to the community including managing resources and facilities;
- Administering local laws and performing other local government regulatory functions; and
- Managing day-to-day operations of the organisation.

3.4 Key roles

3.4.1 *Mayor*

The Mayor of the City of Kalgoorlie-Boulder is elected by the community in a City-wide popular vote, for a four year term.

The *Local Government Act*[3] provides that the Mayor's role is to (in addition to all of the obligations and duties of a Councillor set out below):

- Preside at Council meetings;
- Provide leadership and guidance to Council and Councillors, including in relation to their roles;
- Carry out civic and ceremonial duties on behalf of the City of Kalgoorlie-Boulder;
- Speak on behalf of the City of Kalgoorlie-Boulder;
- Promotes, facilitates and supports positive and constructive working relationshups among Councillors;
- Perform such other functions as are given to the Mayor by the *Local Government Act* or any other written law; and
- Liaise with the CEO on City of Kalgoorlie-Boulder affairs and the performance of its functions.

The Mayor must support good governance by:

- Ensuring decision making processes including the conduct of Council meetings, are fair, equitable and inclusive;

[3] Section 2.8(1) *Local Government Act*

- Modelling good behaviour and ethics;
- Complying with legislation, Councillor's Code of Conduct and other policies and procedures;
- Managing Council meetings and ensuring compliance with the Standing Orders Local Law (2013); and
- Providing strong leadership.

3.4.2 *Deputy Mayor*

The Deputy Mayor is elected by the Council for a two year term, immediately following a local government election.
The *Local Government Act*[4] provides the deputy mayor's role is to perform the functions of the Mayor if:

- The Mayor's role is vacant; or
- The Mayor is not available or is unable or unwilling to perform the functions of the Mayor.

As with the Mayor, the Deputy Mayor must support good governance by:

- Ensuring decision making processes are fair, equitable and inclusive;
- Modelling good behaviour and ethics;
- Complying with legislation, Councillor's Code of Conduct and other policies and procedures; and
- Providing strong leadership.

3.4.3 *Councillors*

As individuals, Councillors do not have any decision-making authority and cannot make representations on behalf of the City of Kalgoorlie-Boulder.

The *Local Government Act*[5] provides that Councillors (and the Mayor) are to:

- Represent the interests of electors, ratepayers and residents of the City of Kalgoorlie-Boulder and take into account the interests of other persons who work in or visit the district;
- Provide leadership and guidance to the community in the district;
- Facilitate communication with the community about Council decisions;
- Facilitate and maintain good relationships with other Councillors, the Mayor and the CEO;
- Maintain and develop the requisite skills to effectively perform their role;

[4] Section 5.34 *Local Government Act*
[5] Section 2.10 *Local Government Act*

- Participate in the City of Kalgoorlie-Boulder's decision-making processes at Council and Committee meetings; and
- Perform such other functions as are given to a Councillor by the *Local Government Act* or any other written law.

Councillors should develop the following skills, abilities, and knowledge[6]:

- Understanding of the role and structure of local government as prescribed by the *Local Government Act* and associated regulations;
- Understanding of the town planning role of local government as prescribed by the *Planning and Development Act 2005*;
- Understanding of integrated planning and reporting, including strategic plans for the future of the local government, the processes involved, and the strategic role of a Councillor;
- Understanding of CEO performance management processes;
- Ability to read and understand financial statements and reports;
- Basic understanding of legal processes;
- Understanding of the separation of powers between council and administration (the difference between governing and managing);
- Understanding of meeting processes, including standing orders;
- Awareness of risk management strategies;
- Understanding of the accountability framework prescribed by the *Local Government Act*, the *Corruption, Crime and Misconduct Act 2003*, and other legislation;
- Ability to communicate, debate, and actively participate in meetings;
- Ability to develop and maintain effective working relationships and to manage interpersonal conflicts; and
- Ability to exercise independent judgement.

To support good governance, Councillors should focus on outcomes, policy and strategy. Councillors are expected (under the *Local Government Act*, regulations, Councillor's Code of Conduct and best practices) to:

- Avoid damage to the reputation of the City of Kalgoorlie-Boulder;
- Debate issues in an informed, open and honest manner;
- Work cooperatively with others and respect diversity;
- Act in good faith and not for improper or ulterior motives;
- Undertake their role with reasonable care and diligence;

[6] DLGSCI webpage: "The Role of a Council Member"

- At all times act in accordance with the *Local Government Act* and regulations, including in respect of obligations such as submitting returns, disclosing gifts, completing training and disclosing conflicts of interest;
- At all times act within the law generally;
- Keep the entire community in mind when considering issues and making decisions;
- Model leadership and good governance;
- Actively seek out and engage in training and development opportunities to improve the performance of their role;
- Attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role; and
- Raise community or policy issues without becoming involved in the administrative or operational aspects of the issue.

3.4.4 *CEO*

The CEO is the head of staff and leadership at the City of Kalgoorlie-Boulder and provides overall strategic direction, leadership and co-ordination of the performance of the City of Kalgoorlie-Boulder.

The *Local Government Act*[7] provides that the role of the CEO is to:

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

[7] Section 5.41 *Local Government Act*

The CEO liaises with the Mayor and works with the Council by providing reports and making recommendations based on advice prepared or received by the administration.

The CEO works closely with the Executive Leadership Team to ensure the management of operations of the City of Kalgoorlie-Boulder, including implementation of Council resolutions, are completed to a high standard and in a way that promotes good organisational governance. This good governance is fostered by the CEO:

- Ensuring accountability and transparency through implementing and managing good organisational record keeping processes and publishing of relevant information to the public;
- Ensuring the Mayor and Councillors are provided accurate, comprehensive information to make sound decisions;
- Communicating with the Mayor, Councillors and administrative staff in a courteous, open and direct manner;
- Managing administrative staff so as to have a clear understanding of the operations of the organisation;
- Managing compliance with legislative and regulatory obligations;
- Undertaking reviews, performance management and internal assessments to ensure continual improvement; and
- Demonstrating strong ethics and providing leadership to Council and administrative staff.

3.5 Key functions

3.5.1 *Council meetings*

3.5.1.1 Standing Orders Local Law (2013)

The Standing Orders Local Law (2013) provides the rules and guidelines for the conduct of all meetings that deal with the business of the Council and its committees. In particular, it sets out the criteria regarding:

- Calling meetings;
- Business of the meeting;
- Public access to agenda material;
- Disclosure of interests;
- Quorum;
- Keeping minutes;
- Conduct of persons at committee meetings, conduct of Councillors during debate and procedure;
- Procedural motions;

- Effect of procedural motions;
- Making decisions, implementing decisions, preserving order; and
- Applying the Common Seal.

3.5.1.2 Voting

Council Members generally vote by way of a "simple majority" which means a resolution is passed when at least 50% of Council Members in attendance at a meeting vote in favour of it.

There are some matters about which the *Local Government Act* requires an "absolute majority" vote. An absolute majority means more than 50% of the total number of Council offices (irrespective of the number in attendance at the given meeting and whether any seats are vacant).

3.5.1.3 Ordinary Council Meetings

Ordinary Council Meetings are held monthly in the Council Chambers located upstairs at the Kalgoorlie Town Hall.

Members of the public are invited to attend and participate (by following the question time/public access process) in the majority of Ordinary Council Meetings. On occasion, it may be necessary for a meeting, or part of a meeting, to remain closed to the public. Under the *Local Government Act*[8], this may be for various reasons including matters:

- Relating to employee(s);
- Relating to personal affairs of a person;
- About which legal advice has been obtained; and
- Which would involve the revelation of trade secrets or commercial interests of a person.

Council meetings follow a formal agenda which sets out the order and details of business requiring discussion. Items on the agenda will be discussed and debated by Council, and resolutions will be passed by Council in relation to those items. This formalised process promotes good governance as it facilitates orderly discussion and adherence to a formal meeting process to ensure effective debate and decision making.

Good governance is also facilitated by having good record keeping processes and therefore the minutes must document who was in attendance, whether anyone was not in attendance for any time, any impartiality or financial interests that have been declared, copies of all reports provided to the Council, what motions were moved and seconded (and by whom), what decisions were made and if a resolution significantly differs to that which is recommended to the Council, appropriate details regarding the reasons for that difference.

Where a meeting or any part of it is closed to the public, the minutes will reflect the reason for the closing, and related reports may not be made available to the public.

[8] Section 5.23(2) *Local Government Act*

To ensure accountability and transparency to the community, and therefore foster the community's trust in the Council, the agenda and minutes of a meeting (and related reports) are prepared by the administration team and are published on the City of Kalgoorlie-Boulder's website (except for confidential or sensitive material).

3.5.1.4 Special meetings

Special meetings are held by Council as and when required to consider urgent business.

As with ordinary council meetings, the agenda and minutes of a special council meeting (and related reports) are prepared by the administration team and are published on the City of Kalgoorlie-Boulder's website (except for confidential or sensitive material).

Special meetings can be called by notice from the Mayor or at least one third elected members to the CEO, or by Council resolution to call a special meeting[9].

3.5.1.5 Agenda Briefing Forum

The agenda briefing forum is a non-statutory meeting held by Council to maximise the opportunity for Council members to seek additional information on an agenda item, ask questions, or seek clarification on officer reports that are on the ordinary council meeting agenda, prior to that ordinary council meeting. No debate takes place at these meetings, and no decisions are made. This process promotes good governance as it ensures that Council members are well informed regarding matters about which they must make decisions.

All of these meetings are open to the public to attend (however confidential items as prescribed in the *Local Government Act* will be discussed in a closed forum).

3.5.1.6 Information sessions, concept forums and workshops

Information sessions, concept forums and workshops are meetings of Council where Council members discuss matters at preliminary concept stage in order to give staff some strategic direction to focus the development of the project. In addition, the CEO or other staff members may provide presentations to the Council members. This process promotes good governance as it ensures that Council members are well informed regarding matters about which they may be required to decisions.

These meetings are closed to the general public.

3.5.2 *Committees*

3.5.2.1 Formation of committees

Under the *Local Government Act*[10], Council may establish committees to assist Council to exercise its powers and discharge its duties. Committees assist to:

- Inquire into matters and provide feedback and recommendations to Council;
- Oversee a project on behalf of Council; and/or

[9] 5.4 *Local Government Act*
[10] Section 5.8 *Local Government Act*

- Exercise, perform or discharge delegated powers, functions or duties on behalf of Council.

Any resolution by Council to delegate authority to Committees to undertake functions on its behalf must be made by absolute majority and the delegations must be noted in the City of Kalgoorlie-Boulder's Delegations Register. Currently, no Council committees have delegated authority so have an advisory function only.

Council must determine the reporting and other accountability requirements that will apply. These determinations are called the "Terms of Reference" and are made by resolution of the Council. It is good practice to review the Terms of Reference regularly to ensure each Committee is achieving its purposes and the needs of Council and the community.

Committees report to the Council and must comply with all relevant legislation and regulations. Unless the Committee has been given delegated authority, it does not have any power to make decisions so Council must make resolutions based on the recommendations the Committee makes to Council.

Each election cycle, the membership of the committees becomes vacant, with new and existing Council Members then electing which committee they wish to participate on. Each Committee has usually between two and six Council members as members and may also include representatives from outside of the Council (although the majority must be formed by Council members).

To achieve good governance, external members of the Committee should be entirely independent from Council and Council members, and free of any interests which may impact their impartiality. This requires careful consideration at the point of a Committee being formed to ensure that there are no conflicts of interest which may affect the performance of the Committee, and the principles of "6Rs" outlined above in paragraph 6.1.5 should be applied. The involvement of independent people in Council committees promotes accountability and transparency, and provides a means of oversight regarding the Committee's affairs.

3.5.2.2 Current Committees

The City of Kalgoorlie-Boulder Council currently has a number of statutory and non-statutory committee to supervise various functions of the Council including the Audit, Risk and Improvemetn Committee.

Council also has membership of some external committees, which enables Council involvement in broader Kalgoorlie-Boulder decision-making forums.

All current committees including external committees are listed in the Council Committee Handbook which includes a list of all members and the Terms of Reference for each Committee.

3.5.2.3 Working Groups

In addition to the formal Committees, Council members and external members may also form Working Groups from time to time to assist the administration with the development of projects.

All current Working Groups are listed in the Council Committee and Working Group Handbook which includes a list of all members and the Terms of Reference for each Working Group.

The City does not currently have any Working Groups.

3.5.2.4 Focus Groups

As part of its community engagement strategy, the City has formed a small number of dedicated Focus Groups comprised of community representatives who have an interest in the relevant subject matter. This allows the City to meet with stakeholders to test ideas, gain feedback and receive information that assists with the formation of policy and development of projects.

Focus Groups are formed and operate pursuant to the City's Focus Group Management Guideline.

3.5.2.5 Standards for conduct of Committee members

The Councillor's Code of Conduct applies to all members of Committees including those members who are not Councillors.

Committee members must also comply with all relevant legislative and regulatory requirements.

4 STRATEGIC PLANNING AND FINANCIAL AND RISK MANAGEMENT

It is a component of good governance that the City of Kalgoorlie-Boulder undertakes regular, comprehensive strategic planning and risk management reviews to ensure that its Council members and employees have a sound knowledge of critical components of the City's operations and have benchmarks against which it can review and measure its performance.

This Part sets out the processes of financial planning, strategic planning and risk management that are implemented to ensure knowledge is shared across the organisation, assist the City to develop short term and long-term policies and projects and provide mechanisms for accountability and oversight of its operations and functions.

4.1 Financial planning

4.1.1 *Financial management*

Council is ultimately responsible for the financial management of the City of Kalgoorlie-Boulder. This requires the Council to develop and oversee:

- Annual budgets;
- Long term financial planning;
- Policies for matters such as infrastructure renewals/replacement, asset acquisition, resource allocation, and efficiency and effectiveness of resource delivery;
- Risk management in relation to debt, assets and liabilities; and
- Performance management including obtaining reports and monitoring the administration of financial affairs.

The *Local Government Act* and *Local Government (Financial Management) Regulations* set out stringent requirements for local governments and in addition, the City of Kalgoorlie-Boulder's financial management strategies employ relevant accounting principles and standards.

The Council has also established the Audit, Risk and Improvement Committee to oversee the financial operations of the City of Kalgoorlie-Boulder.

4.1.2 *CEO and administration's role in financial management*

The CEO is accountable to the Council for the financial management of the City of Kalgoorlie-Boulder.

The CEO ensures that financial management practices are established and maintained at the highest standard, including:

- Implementing appropriate systems in place for sound financial management;

- Developing and managing an organisational structure with experienced staff, relevant policies and procedures and adequate resources;
- Ensuring there are suitable controls in place to manage systems and resources;
- Developing suitable internal review mechanisms; and
- Ensuring compliance with legislative and regulatory requirements.

The CEO must review the appropriateness and effectiveness of the City of Kalgoorlie-Boulder's:

- Financial management systems and procedures; and
- Risk management systems and procedures.

4.1.3 *Long Term Financial Plan*

The Long Term Financial Plan is a ten year financial projection taking into consideration income, operational and capital expenditure. The financial estimates of projects and initiatives outlined in the Corporate Business Plan are included in the financial projection. This pivotal document is one of the informing strategic documents that assists in prioritisation of projects and helps the City of Kalgoorlie-Boulder to secure its financial sustainability.

In developing the Long Term Financial Plan, the City of Kalgoorlie-Boulder follows standard financial planning principles including identifying potential future revenue sources and undertaking risk management strategies in relation to debt, assets and liabilities.

4.1.4 *Budget*

The annual budget is developed in accordance with the Long Term Financial Plan to set out the Council's priorities and the allocation of resources to those priorities for the upcoming financial year. The budget contains:

- A statement of comprehensive income by nature or type;
- A statement of comprehensive income by program;
- A statement of cash flows;
- Rate setting statement; and
- Notes to and forming part of the budget.

Budget adoption process

During the annual budget adoption process, Council members, the CEO and staff meet frequently to discuss budgetary issues such as:

- New projects;
- Ongoing projects;
- Rates;
- Grants; and

- Services provided.

This process begins in October, when the budget requirements of all departments are compiled over a few months.

When adopting the budget, Council must take into account all of its expenditure, revenue and income. The final adoption and public launch of the annual budget takes place in July.

4.1.5 *Annual Grant Program*

The City of Kalgoorlie-Boulder runs a comprehensive Major and MinorGrants Program has funded hundreds of thousands of dollars for community organisations and projects.

Applicants are assessed by City officers in accordance with guidelines and make recommendations to Council, for Council to determine who will be awarded grants, for how much and for what purpose.

4.2 Procurement processes

Where a contract for goods or services is valued between $0 and $249,999 (depending on the complexity of the purchase) the City of Kalgoorlie-Boulder follows a process of requesting quotes from the public in accordance with the City of Kalgoorlie-Boulder's purchasing policy. For goods or services above $50,000, the officer responsible for the particular goods or services may be required to develop a procurement plan including scope of works, qualitative criteria, specifications and other relevant information. The procurement team and responsible officer use this procurement plan to then seek quotes from suppliers. Once quotes have been received, they will be reviewed and evaluated by a panel of at least three people who will make recommendations to the responsible officer. Contract documents will then be prepared in accordance with the procurement plan and accepted quote.

This process facilitates good governance by ensuring transparency and fairness on the City's activities.

4.3 Tender processes

The City of Kalgoorlie-Boulder has obligations under the *Local Government Act* and Local Government (Function and General) Regulations 1996 in relation to the tenders for projects, and in particular must invite tenders before it enters into a contract for the supply of goods or services where the consideration is or is expected to be more than $250,000[11] (unless excluded under the regulations).

To achieve good governance through fairness and transparency in its decision-making the City of Kalgoorlie-Boulder has developed a Tender Criteria Policy to set out tender evaluation criteria to invite tenders to achieve the best overall outcomes.

The Local Government (Function and General) Regulations 1996[12] requires the City of Kalgoorlie-Boulder to determine the criteria that will be applied to a tender process prior to advertising its tender invitation to the public. There are some requirements regarding

[11] Section 3.57 *Local Government Act,* regulation 11 *Local Government (Function and General) Regulations*
[12] Regulation 14(2a) *Local Government (Function and General) Regulations*

advertising, such as times when it must be State-wide advertising, which the City of Kalgoorlie-Boulder must comply with.

When developing a project which will be opened to tender, the City of Kalgoorlie-Boulder will::

- Develop a relevant scope of works with sufficient detail to enable a tenderer to have a clear understanding of the nature of the project, relevant timeframes, deliverables and other critical details;
- Develop evaluation criteria for the tender project including in respect of:
    - Quality;
    - Capacity to deliver;
    - Regional capacity and experience;
    - Sustainability/lifecycle;
    - Relevant experience;
    - Methodology/demonstrated understanding;
    - Key personnel;
    - Tenderer's resources; and
    - Price/schedule of rates.
- Where it varies information provided, ensure that all tenderers are given notice of the variation.

The City of Kalgoorlie-Boulder has developed three recommended weighting criteria models for product purchases, service provision and construction projects which are generally used, however criteria range(s) may be adjusted or the criteria modified to fit the needs of the particular project. The City of Kalgoorlie-Boulder provides written notice to all tenderers advising if no tender was accepted, or alternatively, the particulars of the successful tender.

Local Government (Function and General) Regulations[13] prevents a project from being broken down into smaller contracts for consideration less than $250,000 in order to avoid the tender process requirements.

The CEO must keep a tender register, and must make that available for public inspection including by publishing that on the City of Kalgoorlie-Boulder's website.

4.4 Asset management

The CEO has overall responsibility for developing and overseeing an asset management strategy that includes short, medium and long term financial management and allocation of appropriate organisational resources to ensure the City of Kalgoorlie-Boulder is able to immediately deliver services as well as meet its long term objectives.

[13] Regulation 12 *Local Government (Function and General) Regulations*

The City of Kalgoorlie-Boulder has developed an Asset Management Policy to establish a framework for its long term, sustainable management of its infrastructure and other assets to be accountable and employ best practices across all areas of the organisation.

The Asset Management Policy requires the following:

- Consistent strategies across all departments of the City of Kalgoorlie-Boulder;
- Ensuring compliance with all legislative and regulatory requirements;
- Considering political, social and economic environments when employing asset management strategies;
- Ensuring asset planning and management has ongoing direct links to annual budgeting, long term financial planning and reporting processes;
- Making decisions for asset management based on service delivery needs, lifecycle of the asset, and assessment of the benefits and risks of the asset;
- Completing systematic and regular reviews of all assets and information reporting; and
- Ensuring Council members and staff with financial and asset responsibilities are appropriately briefed and trained in relevant financial management principles, practices and processes.

4.5 Business management

4.5.1 *Business plans for major trading undertakings*

It is a requirement under the *Local Government Act* that the City of Kalgoorlie-Boulder prepare a business plan for any major trading or land undertaking[14].

This means that where:

- the City of Kalgoorlie-Boulder completed or will complete a trading undertaking where its expenditure is in excess of $5,000,000; or
- the total value of consideration being paid for land plus anything being done by the City of Kalgoorlie-Boulder to achieve that transaction exceeds $10,000,000 or 10% of the operating expenditure for the last financial year (whichever is the lesser),

the City of Kalgoorlie-Boulder must:

- prepare a business plan setting out, amongst other matters, the impacts of the undertaking on the provision of facilities and services and those who provide them, the financial position of the City of Kalgoorlie-Boulder and the ability of the City of Kalgoorlie-Boulder to manage the undertaking;
- give State-wide notice of the proposed transaction;
- allow inspection of the business plan and publish it on its website; and

[14] Section 3.59 *Local Government Act*

- accept submissions in relation to the business plan.

An absolute majority of Council is needed in order to proceed with any major land or trading undertaking.

4.5.2 *Corporate Business Plan*

The Corporate Business Plan is the detailed implementation outline for services, key projects, capital investment and areas of advocacy over the next four financial years. The Corporate Business Plan has been broken down into the five aspirations outlined within the Strategic Community Plan and Council projects, capital investment and areas of advocacy have been listed against the relevant Strategic Initiatives. The layout of the plan has been set to help demonstrate how the Council will meet the most important local needs and ensure that the community's vision for the City of Kalgoorlie-Boulder is brought to life.

The Corporate Business Plan was adopted by absolute majority of the Council and must comply with the requirements of the Local Government (Administration) Regulations.

4.5.3 *Disposal of property*

When the City of Kalgoorlie-Boulder disposes of property by sale, lease or otherwise (unless it does so by public auction or tender) it is required to give public notice of its proposed disposal and allow at least two weeks for submissions from the public regarding that proposal. The notice must include the names of the relevant parties, what consideration (eg. purchase price or annual rent) will be received by the City of Kalgoorlie-Boulder and the market value (current within six months).

4.6 Strategic planning

4.6.1 *Strategic Community Plan*

The City of Kalgoorlie-Boulder's Strategic Community 2020-2030 takes into account current and expected changes in community demographics, social issues and local, national and global influences. It is the primary strategic planning document and must be reviewed every four years but can also be reviewed at a strategic level every two years.

The Strategic Community Plan shapes the service delivery policy of the City of Kalgoorlie-Boulder for a 10-year period with the following strategic objectives and priority focus areas:

Objective 1: Communities connected through people, place and purpose	
Strategies	**Focus Areas**
1. Providing opportunities for people and families to belong, contribute, connect and stay.	1. Support community through the delivery and/or funding of programs and events 2. Empower groups to deliver sustainable services and activities for community or sectors of the community 3. Sharing our rich and diverse history and stories 4. Support diverse sporting, creative and recreational activities

2. Enhance community inclusion, safety and well-being	1. Lead the structural changes and stakeholder collaboration to increase community safety 2. Boost the inclusion and celebration of community diversity 3. Remain a conduit for Federal and State funding of community and social services
3. Advocate for community needs and priorities	1.3.1 Maintain and enhance channels for community to share their needs and priorities 1.3.2 Advocate for key community issues (housing, power, water affordability, quality and range of health services & educational options) 3. Educate and assist community to become their own advocates for change

Objective 2: Vibrant local economy and businesses	
Strategies	**Focus Areas**
1. Lead and enable opportunities for businesses to thrive	1. Activate Central Business Districts and other economic and community hubs 2. Utilisation of City owned buildings for economic development opportunities 3. Support the development of a diverse tourist offering
2. Integrated planning for current and future business needs	1. Integrated approach to social and economic development across the City 2. Lead the development of a City-wide social and economic masterplan 3. Advocate for increased infrastructure for schools, health and childcare services
3. Position the City for future economic diversification and growth	1. Encourage local business development and retention of a local workforce 2. Identify mechanisms to attract FIFO workers to live locally 3. Support innovation to diversify industries active within the City

Objective 3: Robust built environment and sustainable natural environment	
Strategies	**Focus Areas**
1. Provide spaces for community connection and recreation	1. Provide and upgrade culturally appropriate facilities for young people, families and seniors 2. Provide and upgrade indoor and outdoor spaces for sporting and casual recreation
2. Develop and maintain infrastructure that supports community living and business viability	1. Maintain current road network and plan for future needs 2. Integrated planning for major infrastructure of the future 3. Integrated planning for the maintenance of streetscapes, playgrounds and city facilities 4. Ongoing asset management and renewal
3. Care for built and natural environment	1. Invest in our natural environment to build a greener city 2. Develop opportunities to enhance the natural environment 3. Support the conservation and responsible use of the region's natural assets including the Great Western Woodlands
4. Manage and minimise the City's environmental footprint	1. Sustainability of water supply and responsible use 2. Utilisation of renewable energy 3. Deliver community education on environmental sustainability

Objective 4: Strong organisation empowered to lead	
Strategies	**Focus Areas**
1. Ensuring well informed, strategic and sustainable decision making	4.1.1 Continuous improvement of governance and finance systems 4.1.2 Enhance community consultation, engagement, communication, and education

	4.1.3 Responsible environmental and social decision making and operations
2. Sustaining an engaged, skilled and values driven workforce	1. Workforce attraction and retention initiatives to resource business units appropriately 2. Employee engagement and wellbeing 3. Values and cultural alignment
3. Streamlined systems that enable efficient and effective delivery	1. Fit for purpose ICT, Business and operational systems 2. Streamlining City approval processes for community and business 3. High quality performance of core and customer services
4. Strengthen our influence and advocacy capability	1. Maintain positive relationship with all levels of government, industries and peak bodies 2. Representing the needs and priorities of the community 3. Promoting the City's role and outcomes of the City's achievements

4.6.2 *Reconciliation Action Plan*

The development of the City of Kalgoorlie-Boulder's Reconciliation Action Plan (RAP) marks an important milestone and will guide the way our organisation works with local Aboriginal and Torres Strait Islander people to achieve better outcomes.

By publicly declaring its commitment to reconciliation, the City of Kalgoorlie-Boulder can build a more prosperous future for the City. The RAP will be championed by the City of Kalgoorlie-Boulder executives with support, guidance and direction from the Reconciliation Working Group. The group will be comprised of various Council Members and appointed local stakeholders to ensure the right people are engaged in delivering outcomes.

4.6.3 *Access and Inclusion Plan*

Kalgoorlie-Boulder is a diverse community with a wide range of needs, and the City of Kalgoorlie-Boulder is committed to fostering independence for those of all abilities, ensuring everybody can engage in everyday services as well as actively participating in the opportunities the city offers. The City of Kalgoorlie-Boulder aims to provide public spaces that facilitate a diverse range of activities and strengthen social bonds within the community and deliver the community better connectivity with the rest of Australia and the world.

There are statutory requirements for the City of Kalgoorlie-Boulder to achieve disability inclusivity, and the aim of the Access and Inclusion Plan is to ensure services and facilities can be made more open, inclusive and accessible for everyone. The City of Kalgoorlie-Boulder has reached out to all sectors of the community to make sure everyone has had the opportunity to provide meaningful input into the direction for the new Plan, which aims to incorporate contemporary practices that exceed minimum compliance requirements.

The City is committed to both compliance with its legislative requirements and community engagement and will continue to pursue improvement in relation to these issues.

4.6.4 *Water Utility Services Plan*

The Water Utility Services Plan outlines the strategic intent for delivery of wastewater and recycled water services to the City of Kalgoorlie-Boulder. It helps give effect to two of the five community aspirations, namely infrastructure - ensuring a sustainable asset and infrastructure base, and environment - utilising water efficiently and maximise reuse potential.

4.6.5 *Youth Strategy*

The City's Youth Strategy provides a framework for engagement with the City's Youth, particularly in relation to delivery of projects and events. The Youth Strategy is also supported by the City's Youth Council, who run engagement activities pursuant to the strategy such as annual Youth Awards and a Youth grants program.

4.6.6 *Aged Friendly Strategy*

The City's Age Friendly Strategy (2022 to 2026) ensures that the City and senior service providers work together to create a city that is Age-Friendly for the benefit of all senior community members.

The Strategy directs several actions to assist the City in becoming a place where older adults feel valued for the contribution they make to the community. Our vision is to ensure that older adults can live an engaged, healthy, and connected life in Kalgoorlie-Boulder. By 2050, people over the age of 65 years old will make up more than 18.2% of the city's population; planning for this population increase is required to ensure our city remains inclusive and accessible for this demographic of our population.

4.6.7 *Public Health Plan*

The City's Public Health Plan outlines the longer-term vision, values, aspirations and objectives of our community over the next five years to ensure a healthy and happy community. It sets the health priorities for residents and visitors, outlines strategies to prevent, promote or reduce public health issues, partners with local agencies and supports the community to achieve optimum health and wellbeing.

4.6.8 *Community Safety and Crime Prevention Plan*

The plan is a roadmap for informed decision making, effective partnerships, and evidence-based strategies and aligns the City's internal policies with community expectations so the City can make a positive difference to the things that have been identified as most important. The plan aims to:

- Provide the City's Elected Members, decision makers and technical officers with an overview of current local community safety issues.
- Enable the City to make informed decisions reflective of community safety priorities. • Guide partnerships with stakeholders and the community.
- Improve the community's perception of safety through increased visibility and overarching presence within the community.
- Inform existing programs and services and support collaborative partnerships aimed at bridging gaps.
- Identify limitations and capacity building in relation to the efficient and effective management of local resources.
- Provide evidence which supports the application for alternative funding sources as they become available.
- Lead by example by aligning internal policies with community expectations.

4.6.9 *Club Development Plan*

The City's Club Development Plan (2023 – 2026) was adopted by Council in 2023 with the purpose of supporting local sporting clubs and associations to be viable enterprises in the medium and long term. Activities of the City promoted through the Club Development Plan include:

- Promotion of financial sustainability activities including looking at alternative funding streams and opportunities;
- Governance practices to ensure efficiency and compliance and attract committee members;
- Marketing and communication resources and strategies;
- Facility and services development;

4.7 Partnerships, networking and advocacy with third parties.

4.7.1 *Integrity Framework*

The City has developed an Integrity Framework which sets out a number of key actions taken by the City to maintain its integrity throughout the organisation, in all aspects of its functions. This includes:

- Training of employees;
- Internal review and audit functions;
- Development of policy, procedure and management guideline documentation;
- Feedback and information sharing amongst Executive Leadership Team and management; and
- External reporting requirements.

This document and these practices support good governance by ensuring that mechanisms for compliance, oversight and informed decision making are structured and implemented.

4.7.2 *Corporate Performance Framework*

The City has developed a Corporate Performance Framework which sets out requirements for reporting to Council in relation to various subject matters including:

- Financial reporting;
- Governance reporting;
- Workplace Health and Safety Reporting;
- Major Project progress (capital budget);
- Service Delivery (operational budget); and
- Internal performance management.

This document and the reports produced for Council pursuant to its requirements support good governance by creating means for transparency and accountability, while also ensuring that decisions made by Council are informed by clear, concise and accurate information.

4.7.3 *Development and review of policies and procedures*

The Council is responsible under the *Local Government Act* for determining local government policies to provide Council and employees with the detail and framework needed to make decisions and provide services in a way that is consistent, fair and proper. There are two types of policies developed by the Council:

- Council policies: these are strategic policies which guide the management and development of the City of Kalgoorlie-Boulder's resources, facilities, assets and services, as well as the financial management systems.
- Corporate policies: administrative and operational policies for internal purposes. These are also supported by internal procedures and management guidelines.

4.7.4 *Staff training*

City employees complete a number of internal training programs throughout the year, including a full day induction program during their first month of commencement. The training programs ensure that staff are trained in software programs, systems and processes, and policies and compliance requirements.

In addition, staff complete a number of external training programs including in relation to time management, people management, psychosocial and workplace health and safety requirements and other role-specific development.

Comprehensive training supports the City's good governance by ensuring employees are capable and competent to perform their job and ensures governance principles are understood by all to support the City's overall governance and integrity.

4.7.5 *Legislative compliance*

An important element of governance is compliance with all legislative and regulatory requirements. This is important because it:

- Demonstrates the City of Kalgoorlie-Boulder's commitment to the democratic principles that underlie the Council's formation and function;
- Ensures consistency, fairness, transparency and accountability in the functions of Council and the administration;
- Ensures the City of Kalgoorlie-Boulder meets the expectations of the community;
- Ensures the City of Kalgoorlie-Boulder acts within but does not exceed the scope of its authority; and
- Demonstrates leadership and models the expectations it has for the community.

The City of Kalgoorlie-Boulder is committed to ensuring regular review of its policies, procedures and mechanisms to ensure that it is compliant across all levels of the organisation.

In addition to the *Local Government Act*, the City of Kalgoorlie-Boulder must comply with (without limitation):

- *Public Interest Disclosure Act 2003*;
- *Corruption, Crime and Misconduct Act 2003*;
- *Equal Opportunity Act 1984*;
- *Parliamentary Commission Act 1971*; and
- *Freedom of Information Act 1992.*

4.7.6 *Local laws*

The *Local Government Act* enables the City of Kalgoorlie-Boulder to make local laws considered necessary for the good governance of the community, in accordance with the community's expectations and standards[15].

The local laws provide rules and guidelines which enable the City of Kalgoorlie-Boulder to deliver good services and amenities for the community and govern activities on private and public land. Local laws have the status of legislation and are enforceable by the City of

[15] Section 3.5 *Local Government Act*

Kalgoorlie-Boulder. The City of Kalgoorlie-Boulder may authorise officers to enforce the local laws on its behalf.

The *Local Government Act* sets out a process that must be followed by the City of Kalgoorlie-Boulder to adopt local laws. The City of Kalgoorlie-Boulder works closely with the DLGSCI when considering and amending local laws to ensure compliance with legislative requirements. Public comment is sought through a six week advertising period and considered before any proposed laws are accepted and adopted. The final stage of enacting local laws are for them to be gazette and considered by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

The City of Kalgoorlie-Boulder is required under the *Local Government Act*[16] to review all of its local laws every eight years from the date they came into operation or from the date they were last reviewed. This process also allows for community consultation and feedback.

The current City of Kalgoorlie-Boulder local laws are:

- Cat Local Law (2016);
- Dog Local Law (2013);
- Health Local Law (2001);
- Health Local LAW (2001) – Keeping Horses and Stables;
- Fencing Local Law (2010);
- Local Government Property Local Law (2010);
- Parking and Parking Facilities Local Law (2009);
- Standing Orders Local Law (2013);
- Thoroughfares and Trading in Public Places Local Law (2000); and
- Urban Environment and Nuisance Local Law (2000).

4.7.7 *Mandatory registers*

Part of the transparency and accountability of the City of Kalgoorlie-Boulder is achieved through the public availability of statutory and non-statutory registers including:

- Electoral gift register;
- Gift register (including travel contributions);
- Complaint register;
- Council Member training register;
- CEO delegated authority register;
- Association with Political Parties Register;

[16] Section 3.16 *Local Government Act*

- Contact with Developers Register;
- Elected Member Attendance Register; and
- Other authorised person delegated authority register.

These registers are updated in a timely manner and published on the City of Kalgoorlie-Boulder's website in accordance with the requirements of the *Local Government Act*.

4.8 Risk management

4.8.1 *Risk Management Framework*

The City of Kalgoorlie-Boulder has developed its Risk Management Framework and Risk Management Policy for which implementation is supported by the City's Risk Management Guidelines and Risk Management Strategy. The Risk Management Framework supports good governance by the City of Kalgoorlie-Boulder by providing an effective structure to assess, review and manage risks, as well as ensuring role clarity and transparency in respect of these processes.

The Risk Management Framework outlines the following stages in risk assessment and management:

- Understanding the context within which risks are being assessed (strategic – risks associated with achieving long term objectives; operational – risks present in day-to-day operations; and project – direct risks which may arise as a result of a project or indirect risks which may threaten the deliver of project outcomes);
- Finding, recognising and describing risks, as well as potential causes consequences;
- Analysing the risks in accordance with the Risk Assessment criteria and evaluating the effectiveness of controls;
- Evaluating the risk and determining whether the risk is withing acceptable levels to the City of Kalgoorlie-Boulder;
- Determining appropriate controls and developing treatment plans to reduce the likelihood of a risk occurring or the consequence if it does materialise; and
- Ongoing review and reporting in relation to risks and control mechanisms.

Council and the administration team all have roles in ensuring risk management processes are implemented, and the Risk Management Framework sets out roles as follows:

- Council: reviews and approves risk management policies, appoints external auditors and establishes an audit committee in terms of the *Local Government Act*;
- Audit and Risk Committee: reviews the appropriateness and effectiveness of the Risk Management Framework and provides independent oversight and support in relation to the implementation of that by the administration team;

- CEO and executive leadership team: appoint internal auditors, liaise with Council regarding risk acceptance requirements, ensure all staff employ risk management strategies in their day-to-day operations and own and manage the City's risk profiles;

- Executive Manager Governance and Risk Services: oversees and facilitates the Risk Management Framework and supports implementation of strategies by staff; and

- Employees: drive risk management culture within their teams and ensure risks are constantly identified, assessed and managed.

The City of Kalgoorlie-Boulder maintains internal operational and strategic risk registers which are contributed to by staff (through appropriate reporting channels) in the event a risk is identified.

The City of Kalgoorlie-Boulder is committed to ensuring that risks are identified, assessed and registered and subsequently reviewed regularly by the CEO and executive leadership team and the Audit and Risk Committee.

4.9 Insurance

The City of Kalgoorlie-Boulder has comprehensive insurance through the Local Government Insurance Scheme.

5 ORGANISATIONAL FRAMEWORK, DECISION MAKING PROCESSES AND ROLE DEFINITIONS

The City of Kalgoorlie-Boulder relies on teamwork to achieve its goals, and therefore it requires all Council members and employees to engage in open and honest communication and show respect for others at all times. In addition to enabling a collaborative environment, good governance of the City of Kalgoorlie-Boulder requires all members of the organisation to understand their own role and responsibilities as well the roles and responsibilities of others.

This Part of this Governance Framework sets out the roles of key figures in the local government organisation and the principles that the City of Kalgoorlie-Boulder considers critical to effective working relationships between those key figures to exercise decision-making obligations and administrative functions.

In mid 2022, a realignment of the organisation structure was undertaken to ensure appropriate separation and provide clarity in reporting arrangements. In developing the organisational structure, consideration was given to improvements in governance, financial management and organisational culture. Each of these areas were identified as priority focus areas through a recent cultural review. The establishment of the Executive Advisory Group to provide consistent advice across the entire executive team is intended to ensure that the appropriate governance arrangements are in place. The structure is outlined below.



5.1 Executive Leadership Team and areas of management

The Executive Leadership Team is comprised of the Chief Executive Officer and six directorswho are responsible for the management of the following departments within the City of Kalgoorlie-Boulder:

5.1.1 *Directorates led by Executive Leadership Team*

- **Advocacy and Strategy**: includes responsibility for strategic relationships with key external stakeholders, grant applications, economic development, marketing and communications and development of advocacy position papers.

- **City and Community**: includes responsibility for community safety, ranger services, environmental health services, community development, customer service, strategic planning and business development and building and planning services;
- **Director Corporate and Commercial**: includes responsibility for operations of external facilities (Oasis, Golf Course, GAC, Boulder Town Hall, EGCC, library and Men's Shed), airport operations, leasing and insurance and ICT management.
- **Director Engineering:** includes responsibility for wastewater and sewage treatment, recycled water, waste management and sustainability, fleet management, civil maintenance and construction, horticulture and reserve management, golf course maintenance, property management, and engineering design;
- **Director Finance, People and Culture**: includes responsibility for budget and LTFP, debt collection, rates revenue, investments, procurement, enterprise agreement negotiations, recruitment, WHS and industrial relations; and
- **Director Governance and Organisational Strategy**: includes responsibility for Council and Committee meetings and administration, corporate performance, risk management, integrated planning and reporting framework (IPRF), corporate compliance, business improvement, service review.

5.1.2 *Employees*

Employees are engaged to fulfill roles and complete tasks in the interest of the City of Kalgoorlie-Boulder and the community.

Employees promote and reflect good governance when they:

- Uphold the City of Kalgoorlie-Boulder's standards and values;
- Make decisions within the confines of their relevant delegated authorities and keeping records of such decisions;
- Comply with the Employees' Code of Conduct and policies and procedures for matters including disclosure of gifts, record keeping, confidentiality, professionalism in the workplace and management of conflicts of interest;
- Use resources effectively and without waste; and
- Perform duties capably and professionally.

5.2 WORKING RELATIONSHIPS

5.2.1 *Effective working relationships*

Good governance of the City of Kalgoorlie-Boulder requires effective relationships for decisions to be made and outcomes successfully delivered for the benefit of the community. Conversely, poor working relationships can result in delays or failure to make effective decisions and can result in the erosion of public confidence in the Council and the City of Kalgoorlie-Boulder.

Effective relationships require:

- Role clarity;
- Understanding of and respect for individual roles;
- Inclusivity and encouragement for all views to be expressed and respected; and
- Open and respectful communication.

5.2.2 *Relationships between Mayor and Councillors*

As leader of the Council, the Mayor must encourage and facilitate all Councillors to express views, ensure Councillors are respectful in their dealings with and about each other and facilitate open communication between all Councillors.

The Mayor is the first point of contact in the event of there being disputes between Councillors and provides assistance to Councillors in relation to their roles and responsibilities. This advisory and support role is an important aspect of the Mayor's functions as it is a critical aspect of the efficacy of Council and good governance of the City of Kalgoorlie-Boulder.

The Councillors must show respect for the Mayor's role (both in Council and the community).

5.2.3 *Relationship between Mayor and CEO*

The Mayor and CEO must communicate openly, honestly and frankly about all matters concerning the City of Kalgoorlie-Boulder.

It is critical that they keep each other informed about all important issues or information about which they should each know to properly do their job and avoid "surprises" at events. To achieve this, the Mayor and CEO should liaise and meet regularly and consistently (subject to the need to ensure a clear separation of powers as to their respective roles).

Role clarity is also critical to the effective relationship between the Mayor and the CEO. In particular, understanding is required by each of them as to:

- The Mayor has status and leadership capacity but no direct authority in its own right;
- The CEO has direct authority under the *Local Government Act;* and
- Whilst under the *Local Government Act*, the Mayor has the authority to speak on behalf of the City of Kalgoorlie-Boulder, on occasion it is more appropriate for the CEO to do so.

5.2.4 *Relationships amongst Councillors*

The *Local Government Act* and the Councillor's Code of Conduct set out matters pertaining to the relationship of Council Members, and community standards also set expectations for the conduct of Council Members.

Council Members are members of a team and therefore to deliver successful outcomes to and for the benefit of the community, Council Members should promote a constructive working relationship by:

- Communicating directly and openly with each other;
- Treating each other with respect, courtesy and fairness;
- Resolving disputes or conflict respectfully;
- Recognising that the manner of their behaviour can either generate or erode their credibility and community trust in them and the Council as a whole;
- Not airing grievances publicly, in a personal attack or in a way that undermines another Council Member;
- Fostering goodwill amongst each other;
- Recognising that Council Members may advocate for matters of concern or interest to them or their constituents;
- Not using offensive or derogatory language when referring to another person;
- Not disparaging the character of another Council Member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- A Council Member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

5.2.5 ***Relationships between CEO and Council Members***

There must be a clear understanding between the CEO and Council Members as to their respective roles for them to have good working relationships. Councillors must understand the CEO's legislative and delegated authority and its role in implementing the City of Kalgoorlie-Boulder's goals and strategies as well as supporting and advising Council. In addition, open and frank communication, and clear structures and protocols, are critical.

5.2.6 ***Relationships between Councillors and employees***

Employees are employed by, and accountable to, the CEO (not the Council or any individual Councillors). Council Members must not give direction to employees.

For there to be good working relationships between Council Members and employees, there should be:

- Structures and protocols for appropriate communication and information exchange (in particular, advice should be sought from the CEO and senior staff rather than from employees directly);
- Clear understanding of the roles that they each perform; and
- Clear understanding of the legislative and regulatory requirements, policies and procedures that each person is required to comply with.

Council Members should not seek to foster special relationships with employees for the purpose of seeking information that may not otherwise be available to Council Members,

attempt to influence an employee or act in a threatening or abusive manner towards an employee. This includes unauthorised access to the City's administration areas.

5.3 Council's delegation of its decision-making authority

5.3.1 *Delegation to CEO*

The *Local Government Act* enables Council to delegate its capacity to exercise any of its powers or duties to the CEO, except for[17]:

- Any power or duty that requires a decision of an absolute majority of Council;
- Accepting a tender which exceeds an amount determined by the City of Kalgoorlie-Boulder;
- Appointing an auditor;
- Acquiring or purchasing any property valued at or above the limit determined by the City of Kalgoorlie-Boulder;
- Determining fees, allowances and expenses of Council Members and committee members;
- Borrowing money on behalf of the City;
- Hearing or determining an objection of a kind referred to in section 9.5 of the *Local Government Act*;
- The power to authorise a person to sign documents on behalf of the City of Kalgoorlie-Boulder;
- Any power or duty that requires the approval of the Minister or Governor; and
- Such other powers or duties as may be prescribed.

Where the Council delegates authority to the CEO, it must do so in writing and by absolute majority. Council may revoke or amend a delegation, also be resolution reached by absolute majority. The CEO must keep records of each time they exercise a delegation.

Authority can also be delegated to the CEO under other legislative instruments such as the *Public Health Act 2016 (WA)*.

These delegations enable the CEO to undertake functions within the authority of any given delegation, without needing to first obtain a Council resolution. This process facilitates good governance as it ensures efficiency and enables the Council to focus on policy development, representation, strategic planning and community leadership.

[17] Section 5.43 *Local Government Act*

5.3.2 *Delegation to employees*

Council or the CEO can delegate authority to employees to perform particular functions of Council. This delegation of authority provides employees with the power to exercise duties and make determinations (in accordance with the scope of the relevant authority).

The CEO's delegation must be in writing, each employee must keep records of each time they exercise a delegation, and the delegations are to be reviewed on an annual basis.

This process facilitates good governance as it ensures efficiency and enables the CEO to focus on organisational management and working with Council.

5.3.3 *Delegation to Committees*

Council can delegate authority to committees and if so, will clearly set out the conditions of such authority and review those delegations annually. Council's committees do not presently have delegated authority.

5.3.4 *Delegated authority registers*

The City of Kalgoorlie-Boulder is required by legislation to keep a register of all CEO delegations and a register of all other delegations to Committees (if any) and employees, which are published on its website.

The registers are reviewed and updated at least once every financial year in accordance with the *Local Government Act*[18].

5.3.5 *Authorised persons*

Under the *Local Government Act*, the CEO can appoint a person or class of persons to perform particular functions under legislation or local laws.

An appointment is made in writing by the CEO or is otherwise detailed in legislation. An authorised person must have a certificate confirming their appointment or some other form of identification to confirm that and to demonstrate their ability to perform that function.

Authorised persons are not necessarily persons with delegated authority.

5.4 COMMUNITY AND STAKEHOLDER ENGAGEMENT

5.4.1 *Consultation*

Community consultation is used to ascertain the needs and wishes of the community and other stakeholders as they relate to a certain project or development. The public may be consulted through surveys, workshops, community forums and other processes. The City of Kalgoorlie-Boulder administration consults the community in this manner as directed by Council and collates information to report back to Council.

[18] Sections 5.18 and 5.46 *Local Government Act*

In some instances, the City of Kalgoorlie-Boulder is required by the *Local Government Act* or regulations to either give public notice of its intention to take a certain course of action or provide a period of public consultation prior to taking that course of action.

The City of Kalgoorlie-Boulder has developed a Community Engagement Plan and Community Engagement Strategy to guide the administration in its consultation and engagement processes with the community and stakeholders. In particular, the City of Kalgoorlie-Boulder is guided by the following six strategic objectives:

- Clarity of purpose (ensuring the community is well informed about issues that affect it);
- Building Relationships (providing the community opportunities to be heard, and providing solutions to community issue);
- Right to be involved (ensuring the community has the opportunity for involvement in policy development where possible);
- Transparent (meeting legislative requirements regarding consultation);
- Accessible and inclusive (using different methods to seek input from a wide cross-section of the community); and
- Tailored (recognising diversity in activities and the types of engagement to be undertaken).

The City of Kalgoorlie-Boulder's framework to guide communication and engagement with the community is based on principles of:

- Inform;
- Consult;
- Involve;
- Collaborate; and
- Empower.

These consultation processes are critical to good governance – they enable the City of Kalgoorlie-Boulder to gain an understanding of the multi-faceted community it represents and leads, and therefore ensure that its decisions reflect the expectations of the community.

5.4.2 *Notices and advertising*

In many instances, the City of Kalgoorlie-Boulder is required by the *Local Government Act* to provide notice of its intention to take a particular course of action or decision. In other instances, the City of Kalgoorlie-Boulder will advertise certain proposed courses of action or decisions to provide the community with an opportunity to comment or object. The City of Kalgoorlie-Boulder seeks to exceed the legislative requirements regarding community engagement through its application of its Community Engagement Strategy and Community Engagement Plan.

Notices are available in not less than three of the following locations:

- On the City of Kalgoorlie-Boulder website;
- On the City of Kalgoorlie-Boulder Facebook page;
- On the City of Kalgoorlie-Boulder's electronic notice board, located at 577 Hannan Street, Kalgoorlie (in front of the administration building);
- In the local Kalgoorlie Miner or Goldfields Express newspapers;
- On the notice board outside the Council Administration Building (577 Hannan Street, Kalgoorlie) and at the William Grundt Memorial Library (13 Roberts Street, Kalgoorlie); and
- In the case of state-wide notices, in the West Australian newspaper.

5.4.3 *Public access sessions and question time during Council and Committee Meetings*

Members of the public present at ordinary council meetings, special meetings and committee meetings are welcome to participate in Public Access and Question Time, which is held at the start of proceedings.

Where a person wants to ask a question, the questions must be submitted in writing, using the Public Question Time submission form available on the City of Kalgoorlie-Boulder's website, at least 30 minutes before the start of the relevant meeting or alternatively, emailed to the administration team by noon on the day of the meeting.

Where a person wants Public Access in order to make a presentation to Council (without asking questions of Council), the person must complete the Public Access application form available on the City of Kalgoorlie-Boulder's website and provide that to the CEO by no later than 2pm on the day of the ordinary council meeting.

5.5 Leave of absence by Councillors

It is a critical aspect of both good governance and the success of a Council Member in their role that Council members attend and participate in decision-making processes. For this reason, there are stringent rules in place regarding the absence of a Council member.

A Council member who is going to be absent from a meeting must submit an apology.

Where a Council Member requires an extended leave of absence, they should apply to Council to grant leave of absence for that extended period. A leave of absence should not be granted in respect of more than six consecutive ordinary meetings, unless all such meetings fall within a three month period.

A Council member who is absent, without first obtaining leave of the Council, throughout three consecutive ordinary meetings at the Council is disqualified unless all the meetings are within a two month period.

5.6 Annual Elector's Meeting

A general meeting of the electors of the City of Kalgoorlie-Boulder is to be held once every financial year. The Annual Electors Meeting date is set when the Annual Report is adopted by Council. The Annual Electors Meeting agenda includes:

- Presentation of Annual Report for the previous financial year; and
- General business.

Questions or motions from Electors are invited and can be presented at the meeting. All decisions made at an electors' meeting are to be considered at the next Ordinary Council Meeting.

6 STANDARDS OF BEHAVIOUR

For the community to have confidence in the City of Kalgoorlie-Boulder, each Council member and employee must behave with the highest standards of personal integrity and honesty. These principles underpin good governance of the City of Kalgoorlie-Boulder because of the potential for a community's perception of the organisation as a whole to be determined, positively or negatively, by the conduct of an individual or subset.

Codes of Conduct have been established by the City of Kalgoorlie-Boulder in the forms required by the *Local Government Act* to ensure that Council members and employees understand and meet behavioural standards. These are reviewed regularly to ensure they conform with community expectations, organisational standards and regulatory requirements.

This Part of this Governance Framework sets out the ethical and behavioural standards expected of all Council members and employees of the City of Kalgoorlie-Boulder. In setting out these expectations, this document (along with relevant Codes of Conduct) promotes good governance by providing guidance to individuals when they are making personal decisions regarding ethical matters. This ensures that such decisions are made in accordance with the high standards of integrity and honesty as are expected of them.

6.1 Ethics standards for Council members and employees

6.1.1 *Actual, potential and perceived conflicts of interest*

A conflict of interest is where a Council member or employee has interests outside of their role that could improperly influence, or be seen to influence, their decisions or actions in the performance of their public duties. A conflict of interest may be:

- Actual;
- Potential; or
- Perceived or apparent.

An *actual conflict* is one which does exist.

A *potential conflict* is one which may exist in the future.

A *perceived* or *apparent conflict* is one where, when viewed objectively and reasonably by an independent person such a member of the community, it appears that there is a conflict of interest (even if there is not).

It is essential for good governance that proper processes are in place to identify and consider conflicts of interest to ensure that all decisions are made and implemented fairly, independently and in the best interests of the community. It is critical to the community's trust in the City of Kalgoorlie-Boulder that both Council Members and employees carefully consider in their dealings whether there is an actual, potential or perceived conflict of interest. It is also critical to that trust that they comply with their obligations under the *Local Government Act* and relevant code of conduct honestly and diligently.

The appearance of a conflict of interest can be as damaging to the community's trust in the City of Kalgoorlie-Boulder as an actual conflict. It is therefore particularly important for Council Members and employees to consider the risk of perceived or apparent conflicts of interest to both the public's confidence in the City of Kalgoorlie Boulder as well as their individual reputation and integrity.

Council Members and employees should be mindful of conflicts of interest from relationships they form with, and when accepting gifts from, a person or company if they are (for example):

- Involved in a current or potential future tender process;
- A current or potential future grant applicant;
- Lobbying the Council in relation to any interests;
- An applicant or objector in relation to development proposal; or
- Likely to directly or indirectly benefit or be advantaged by a decision before Council.

6.1.2 *Disclosure of financial interests*

Council members should carefully consider, when reviewing an agenda, whether there are any financial interests that must be disclosed by them. Employees should also consider financial interests when given a task such as report writing or providing advice.

Council members, Committee members and employees providing reports and advice or who have delegated authority have an obligation to disclose if they, or a person close to them, has a financial interest, whether direct or indirect, in a matter being discussed at Council[19].

A financial interest will arise in circumstances where it is reasonable to expect that there may be an actual or potential, direct or indirect, financial gain, loss, benefit or detriment to the Council member as a result of the decision of Council or person with delegated authority[20].

A person "close to a Council member" includes[21]:

- The Council member's employer;
- A body corporate of which the Council member is a director, secretary or executive officer;
- The spouse, de facto partner or child of the Council member who is living with the Council member;
- A person who was a client or advisor of the Council member within the previous 12 months;
- a person who has given a gift to a Council member under prescribed circumstances.

[19] Sections 5.60 and 5.65 *Local Government Act*
[20] Section 5.60 *Local Government Act*
[21] Section 5.62 *Local Government Act*

A “direct financial interest” is one where there is a matter to be dealt with and it is reasonable to expect that if dealt with in a particular way, it will result in a financial gain, loss, benefit or detriment, to the person[22].

Whether or not there is a “reasonable expectation” must be determined objectively, with the question to be addressed at the time the matter is dealt with – mere speculation as to future events may not be a reasonable expectation unless it is probable that those future events will occur and therefore that the financial gain, loss, benefit or detriment will follow[23].

An “indirect financial interest” includes:

- A reference to a financial relationship between the Council member or employee, and another person who is affected by a local government decision in relation to a matter;
- A matter where the Council member or employee reasonably expects to have a financial gain, loss, benefit or detriment if the matter is dealt with in a particular way; and
- There is no need for a financial gain, loss, benefit or detriment to be established if there is a financial relationship between the Council member or employee (or a person they are close with) and a person who will be affected by a local government decision.

A disclosure is required to be made at each point the matter will be dealt with. For example:

- If the matter is the subject of Committee recommendations and Council decision making, it must be disclosed at both meetings; and
- Financial interests can exist for Council members and be disclosable even though the matter is being dealt with by employees under delegated authority[24];
- Under the *Local Government Act*, an employee must disclose a financial interest and the extent of that prior to giving an oral report or advice at a meeting but is not required to leave the meeting. Further, they are not required under the Act to disclose that interest if they are not providing that report or advice directly to the meeting; and
- An employee with delegated authority cannot exercise that power or discharge their duty in relation to any matter in which they have an interest and must notify the CEO of a financial interest so that the CEO or another employee can act.

A Council member must disclose a financial interest either in writing to the CEO prior to a meeting or at the commencement of a meeting, immediately before the matter is discussed (even if it was disclosed at the commencement of the meeting). The minutes must reflect that disclosure has been made.

[22] DLGSCI Operational Guidelines document (number 20) “Disclosure of Financial Interests at Meetings”
[23] Ibid
[24] Ibid

The disclosure should be made with specificity as to the value of the financial interest - in its Operational Guidelines "Disclosure of Financial Interests at Meetings" document, the DLGSCI offers suggestions for how a disclosure should be made, such as the following examples:

> *"I have shares in the company making the application, the value of which may be affected as the value of shares I have is $XX and that value may increase by XX% if the application is approved."*
>
> *"The application may affect the valuation of land I owned as the effect of the application being approved may be a XX% increase in the valuation of the land I own, which equates to $XX."*

The Council member may request to be allowed to stay in the meeting and be involved in the decision-making process but must leave the room while other members determine that request.

Council members can determine to allow the person to stay in the room during discussions, and can also determine the extent of the involvement of the Council member in speaking and voting on the matter. If they decide the interest is trivial or insignificant to not influence the Council member's conduct in relation to the matter, or the interest is not unique to that Council member, the Council member may be allowed to return to the meeting (and the Council members can decide whether or not they can speak and/or vote).

An application can also be made to the Minister for a decision as to a Council member's involvement in a matter once an interest has been declared.

The *Local Government Act* allows for prosecution of offences against these requirements of financial disclosure and imposes severe penalties for breaches, including a maximum penalty of $10,000 or two years imprisonment[25]. In addition, a Council member may be disqualified from holding office if convicted of a local government offence[26].

The DLGSCI has published an Operational Guidelines document (number 20) "Disclosure of Financial Interests at Meetings" which should be reviewed by a Council members and employees.

6.1.3 *Disclosure of proximity interests*

Council members and committee members have an obligation to disclose interests around Council matters that are near that person's land. A Councillor must declare a proximity interest prior to the relevant agenda item being discussed and must not preside or participate in discussion on the matter unless allowed by the Council, committee or the Minister (which may be permitted only in certain circumstances).

The *Local Government Act*[27] provides that a person has a proximity interest in a matter if it concerns:

- A proposed change to a planning scheme affecting land that adjoins the person's land;

[25] Section 5.65 *Local Government Act*
[26] DLGSCI Operational Guidelines document (number 20) "Disclosure of Financial Interests at Meetings"
[27] Section 5.60B *Local Government Act*

- A proposed change to zoning or use of land that adjoins a person's land;
- A proposed development of land (as defined by section 5.63(5) of the *Local Government Act* as being the development, maintenance or management of the land or of services or facilities on the land) that adjoins that person's lands.

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

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

The *Local Government Act* allows for prosecution of offences against these requirements of proximity disclosure and imposes severe penalties for breaches, including a maximum penalty of $10,000 or two years imprisonment[28]. In addition, a Council member may be disqualified from holding office if convicted of a local government offence[29].

The DLGSCI has published an Operational Guidelines document (number 20) "Disclosure of Financial Interests at Meetings" which should be reviewed by a Council members and employees.

6.1.4 *Disclosure of impartiality interests*

An impartiality interest is one which could, or could reasonably be perceived to, adversely affect the impartiality of a person having the interest[30]. This includes an interest arising from kinship, friendship, being a member of a sporting, social or cultural association, volunteer activities, other work or engagement with the community, or otherwise.

Perceived impartiality is just as important as actual impartiality - when considering whether an interest should be disclosed, Council members and employees must carefully consider whether another person, acting reasonably, would believe there was an impartiality interest (even if there was not actually one). Two questions should be answered when considering this[31]:

- If you were to participate in assessment or decision making without disclosing, would you be comfortable if the public or your colleagues became aware or your association or connection with an individual or organisation?
- Do you think there would be a later criticism of perceived undisclosed partiality if you were not to disclose?

[28] Section 5.65 *Local Government Act*
[29] DLGSCI Operational Guidelines document (number 20) "Disclosure of Financial Interests at Meetings
[30] Regulation 34C *Local Government (Administration) Regulations 1996* and Regulation 11 *Local Government (Rules of Conduct) Regulations 2007*
[31] Department of Local Government, Sport and Cultural Industries Operational Guidelines document "Disclosure of interests affecting impartiality"

Perceived impartiality often arises from associations with people or organisations and a disclosure will be warranted if the relevant matter involves:

- A person's spouse, de facto spouse, sibling, parents, spouse's parents, children, employer or business partner; or

- A person has an affiliation with a group or association the subject of the relevant matter,

and a disclosure may be warranted if the relevant matter involves:

- A friend or adversary, depending on the circumstances and nature of the particular relationship and the Council member or employee's answers to the two questions stated above[32].

Disclosure is warranted on any matters which require applications for approval, consent or a licence (eg. development applications, extensions or construction of facilities, requests for financial assistance, tenders, staff recruitment etc)[33].

A Councillor must disclose an impartiality interest immediately before the matter is discussed at Council, or by written notice to the CEO prior to the meeting. In its Operational Guidelines document "Disclosure of interests affecting impartiality", the DLGSCI suggests the disclosure should be made as follows:

> "*With regard to the matter in item XX, I disclose that I have an association with XXX. This association is … (nature of the interest). As a consequence, there may be a perception that my impartiality on the matter may be affected, I declare that I will consider this matter on its merits and vote accordingly."*

The impartiality disclosure must be noted in the minutes of the relevant meeting. The disclosure of an impartiality interest does not affect the right of the Council member to discuss or vote on a matter and the person can remain involved in Council debate. However, the disclosure allows Council to better manage the risk of any bias that could be perceived as a result of the interest than if no disclosure was made.

Employees must disclose an impartiality interest when providing advice or reports to be discussed at a Council or committee meeting. Employees should do so prior to undertaking any work on the relevant matter by either notice to the CEO in the event of written work, or at the commencement of a meeting if discussions are to be held regarding the matter[34]. It may also be disclosed in writing in the body of the report. In its Operational Guidelines document "Disclosure of interests affecting impartiality", the DLGSCI suggests the disclosure should be made as follows:

> "*With regard to the matter in item XX, I disclose that I have an association with XXX. This association is … (nature of the interest). As a consequence, there may be a*

[32] Department of Local Government, Sport and Cultural Industries Operational Guidelines document "Disclosure of interests affecting impartiality"
[33] Ibid
[34] Department of Local Government, Sport and Cultural Industries Operational Guidelines document "Disclosure of interests affecting impartiality"

perception that my impartiality on the matter may be affected, I declare that I will consider this matter on its merits and provide advice accordingly."

Failure by a Council member to disclose an impartiality interest is a minor breach which will be referred to the Local Government Standards Panel for determination. Failure by an employee to disclose will be a breach of the Employee's Code of Conduct and dealt with by the CEO.

The DLGSCI has published an Operational Guidelines document "Disclosure of interests affecting impartiality" which should be reviewed by a Council members and employees.

6.1.5 *Managing conflicts of interest*

It is critical to the good governance of the City of Kalgoorlie-Boulder that Council members disclose an interest of any kind referred to above in order for the City of Kalgoorlie-Boulder to manage any risk to its impartiality or reputation that may result.

Council may manage a conflict of interest by employing the "6R" strategies of[35]:

- Recording the interest in a register;
- Restricting the relevant Council member from involvement in the matter in which he or she has an interest (for example, restricting that person participating in debate and accessing information about the issue);
- Recruiting independent third parties to assist, oversee or review the integrity of Council's decision-making process in relation to an issue;
- Removing that conflicted person from any involvement in the matter whatsoever; and/or
- Relinquishing the personal or private interests to remove the interest – such as relinquishing membership of an association.

Decisions made by Council in relation to how an interest is managed (for example, whether a Council member is able to participate, vote, remain present for discussions) should be reflected in the minutes of that meeting.

6.1.6 *Related party disclosures*

Council members and identified employees need to complete a Related Party Disclosure Declaration form at the end of each financial year, setting out related party relationships (where a person or entity has significant influence over the City of Kalgoorlie-Boulder, or the relevant Council member or employee). This enables the City of Kalgoorlie-Boulder to assess all transactions made with those persons or entities (including fines, rates payments, application fees, disposal of property and contracts for consultancy, goods or services) to ensure that there were made on an "arm's length" basis.

[35] Western Australia State Government "Conflict of Interest: Guidelines for the WA Public Sector"

6.1.7 *Primary Returns and Annual Returns*

To assist in identifying actual or potential conflicts of interest, the *Local Government Act*[36] requires Council members and certain employees to complete a Primary Return within three months of commencing office or employment. The Primary Return is a summary of a person's financial interests and other relevant personal information at that time it is submitted. It includes:

- Any interest in any real property in the City of Kalgoorlie-Boulder;
- Sources of income for the relevant financial year;
- Beneficial interests in any trust;
- Corporate interests;
- Certain debts; and
- Disposition of real property.

By no later than 31 August each year, Council members and certain employees (including those in senior positions and those with delegated authority) must complete an Annual Return to disclose any changes to information submitted in the Primary Return or last Annual Return, including the disclosure of any new interests. The CEO will give written notice to each person to acknowledge having received the return.

Council members and employees should keep records throughout the year so that when the annual return is prepared and lodged by the, no interests disclosed during a meeting or other matters are missed from the annual return[37].

The CEO will keep a register of financial interests contained in the returns and will remove any details from that register once a person ceases to be required to lodge a return (eg. ceases to hold a delegation or ceases to be a Council member/employee) but will retain such records for at least five years.

6.1.8 *Gifts to Council members and employees*

A gift is a conferral of a financial benefit (including the transfer of property) made by one person in favour of another, unless adequate monetary (or equivalent) consideration is provided.

Acceptance of a gift that is connected with a person's role as a Council member or employee may create a real or apparent conflict of interest, and could be seen as a bribe.

Council members and the CEO are required to disclose gifts, received in their official capacity, valued over $300 or are two or more gifts with a cumulative value over $300 where the gifts are received from the same donor in a 12-month period. Employees are required to disclose

[36] Section 5.75 *Local Government Act*
[37] Department of Local Government, Sport and Cultural Industries Operational Guidelines document (number 20) "Disclosure of Financial Interests at Meetings"

gifts valued between $75 and $300 or are two or more gifts with a cumulative value between $75 and $300. An employee is not to accept a gift that is valued at more than $300[38].

The City of Kalgoorlie-Boulder maintains gift registers in accordance with the *Local Government Act*[39] and associated regulations, which are available online or at the administration offices.

6.1.9 *Electoral gift register*

In accordance with Local Government (Elections) Regulations 1997, the City of Kalgoorlie-Boulder maintains an electoral gifts register and must publish that on its website. Both candidates and donors must disclose information about any election-related gift with a value of $200 or more that was given or promised within the six-month period prior to the election day.

Electoral gifts need to be disclosed either:

- Within 3 days of nomination if the gift is received, made or promised prior to the candidates' nomination, or
- Within 3 days of the gift being received, made or promised once the candidate has been nominated.

Electoral gift donors are closely associated persons under the *Local Government Act*. Prior to accepting any electoral gifts, candidates should consider how the acceptance may affect their ability to participate in future decision-making processes.

The CEO will remove from the register any gifts disclosed by a candidate who was not successful in being elected to Council but retain those records for at least two years following the election.

6.1.10 *Training of Council members*

Council members are required to complete a compulsory online training program prior to nominating as candidates for election to Council. This program provides candidates with a clearer understanding of their role within a local government.

The *Local Government Act*[40] provides that Council members must undertake a further training course within 12 months from their election to Council. Again, this Course provides further education to Councillors about their role in Council and the associated responsibilities.

Council must develop and pass by absolute majority a policy in relation to continuing professional development of Council members. This must be published on the City of Kalgoorlie-Boulder's website along with a report on the training completed by the Councillors in the relevant financial year.

[38] *Local Government (Administration) Regulations 1996 (WA)*
[39] Sections 5.87A and 5.87B *Local Government Act*
[40] Section 5.126 *Local Government Act*

6.1.11 *Confidentiality*

Council Members and employees commonly have access to or use confidential or sensitive material in the course of fulfilling their respective roles.

The City of Kalgoorlie-Boulder considers the preservation of such confidential material to be critical and Council members and employees are subject to the provisions of relevant Codes of Conduct that address the use of such confidential material. This includes a prohibition against Council members and employees using confidential material:

- To gain improper advantage for themselves or another person or entity in a way which is inconsistent with their obligation to act impartially in the public's interest; or
- To improperly cause harm, detriment or impairment to any person, body the Council or the City of Kalgoorlie-Boulder.

6.1.12 *Qualified Privilege*

Council members cannot be sued for defamation for what they say in Council chambers or Committee meetings, and in some circumstances, what they say outside of chambers including to media or the public provided that what they say is in good faith or without malice. This concept is referred to as "qualified privilege".

If something is untrue or the person making the statement is reckless as to the truth of it, or the statement is irrelevant to what is being discussed or debated, it could be malicious and expose the person to defamation proceedings.

6.2 Behavioural standards for Council members

Council members are required to comply with the *Local Government Act*, relevant regulations and the Councillor's Code of Conduct (as well as all other written laws).

6.2.1 *Councillor's Code of Conduct*

The City of Kalgoorlie-Boulder is required under the *Local Government Act*[41] to adopt model code of conduct for Councillors from the Local Government (Model Code of Conduct) Regulations 2021. This applies to Council members, Committee members and candidates and the City of Kalgoorlie-Boulder will also extend this to apply to members of working groups. A current version of the Councillor's Code of Conduct is published on the City of Kalgoorlie-Boulder's website.

As is set out in the relevant regulations, the Councillor's Code of Conduct includes the following requirements (amongst other matters):

Personal integrity

A duty to:

[41] Section 5.104 *Local Government Act*

(a) act with reasonable care and diligence;

(b) act with honesty and integrity;

(c) act lawfully;

(d) identify and appropriately manage any conflict of interest;

(e) avoid damage to the reputation of the local government.

A further duty to:

(a) act in accordance with the trust placed in council members and committee members; and

(b) participate in decision making in an honest, fair, impartial and timely manner; and

(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and

(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role

Accountability

A duty to:

(a) base decisions on relevant and factually correct information;

(b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and

(c) read all agenda papers given to them in relation to council or committee meetings; and

(d) be open and accountable to, and represent, the community in the district,

Securing personal advantage or disadvantaging others

A duty not to make improper use of their office:

(a) to gain, directly or indirectly, an advantage for the council member or any other person; or

(b) to cause detriment to the local government or any other person.

Disclosure of information

A duty not to disclose information:

(a) derived from a confidential document; or

(b) acquired at a closed meeting other than information derived from a non confidential document,

unless that information is subject to an exception including that it was authorised by Council, already in the public domain, was a disclosure required by law or to the Minister/ DLGSCI or for the purpose of legal advice.

Disclosure of interests

A member 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 (being 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):

- In a written notice given to the CEO before the meeting; or
- At the meeting immediately before the matter is discussed.

6.3 Breach by a Councillor and complaints against a Councillor

Elected Member Handbook for a Respectful Workplace

Council has adopted an Elected Member Handbook for a Respectful Workplace which includes a number of key policy and procedure documents which support the Councillor's Code of Conduct and which detail the various different types of complaint handling processes that apply to Elected Members.

6.3.1 *Breach of the Councillor's Code of Conduct*

The Councillor's Code of Conduct set out the process of handling a complaint regarding the behaviour of a Council Member in breach of the Councillor's Code of Conduct.

A person may make a complaint alleging a breach of a requirement set out in Division 3 of the Councillor's Code of Conduct (which sets out behavioural requirements for Council Members). A complaint must be made in writing to the authorised person within one month after the occurrence of the alleged breach.

The authorised person for receiving complaints is the CEO, who is able to delegate the responsibility of investigating and determining a complaint to an employee.

After considering a complaint, the CEO must (unless it dismisses the complaint, or it is withdrawn) make a finding as to whether the alleged breach has occurred. Before making a finding, the CEO must give the person to whom the complaint relates a reasonable opportunity to be heard.

A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

If the CEO makes a finding that the alleged breach has occurred, it may take no further action or prepare and implement a plan to address the behaviour (which requires consultation with that person). The plan may include requiring the person to:

- Engage in mediation;
- Undertake counselling; and/or
- Undertake training.

The CEO must also notify the complainant.

The CEO must dismiss a complaint if it is satisfied that the behaviour to which the complaint relates occurred at a council or committee meeting and either the:

- Behaviour was dealt with by the person presiding at the meeting; or
- The person responsible for the behaviour has taken remedial action in accordance with the Standing Orders Local Law.

A complainant may withdraw the complaint in writing at any time.

6.3.2 *Breach of Rules of Conduct (minor breach)*

If a Council member breaches Division 4 of the Code of Conduct, which sets out the Rules of Conduct, it will be considered a minor breach and be referred to the Local Government Standards Panel ("Panel").

The Panel is a body established under *Local Government Act*[42] to objectively and impartially determine allegations of a minor breach.

A person must make a complaint within six months of the alleged breach occurring and must follow the process outlined in Part 5 Division 9 of the *Local Government Act*. Once a complaint is received, a report is prepared for the Panel to consider and make a determination based on the information available to it (it cannot investigate the complaint).

The Panel will make a determination about whether or not the breach was committed, and if so, whether to issue sanctions against the Council member.

Sanction options include:

- Public censure;
- Public apology;
- Participating in training; and
- Requiring the Council member to pay the Council's legal costs incurred in relation to the complaint.

6.3.3 *Breach of Local Government Act (serious breach)*

If a Council member, while acting in their capacity as a Council member commits a breach of a written law it is considered a serious breach. This includes (without limitation) when a Council member:

- Fails to declare an interest;
- Fails to submit an annual return;
- Fails to declare a gift;
- Fails to vote; or

[42] Section 5.122 *Local Government Act*

- Breaches confidentiality regarding a complaint.

A complaint can be made by a person to the CEO of the DLGSCI within two years of the alleged breach taking place (unless it is a financial based complaint in which case there is no deadline).

The CEO or person authorised by the CEO will investigate the complaint and if it is found that the breach has been committed, sanctions under the *Local Government Act* apply (eg suspension, penalties of up to $10,000 fine or two years imprisonment).

Complaints of serious misconduct such as corruption by a Council member are made to the Corruption and Crime Commission. This includes failure to complete an annual or primary return or other serious offences under the *Local Government Act* which are committed by an Elected Member.

6.4 Behavioural standards for employees

6.4.1 *Employees' Code of Conduct*

The Employees' Code of Conduct sets the standard for all the City's employees for behaviour and conduct and as is required by the *Local Government Act*[43], addresses matters prescribed in Part 4A of the *Local Government (Administration) Regulations 2021.* This includes the following (amongst other matters):

- Behavioural standards including honesty and integrity requirements;
- Performance standards including appropriate communications and compliance with directions;
- Receiving gifts and keeping of records in relation to such gifts;
- Conflicts of interest;
- Use and disclosure of information;
- Record keeping requirements; and
- Use of resources and finances.

The Employee's Code of Conduct is reviewed regularly to ensure it meets community expectations, organisational standard and regulatory requirements. The current version of the Employee's Code of Conduct must be published on the City of Kalgoorlie-Boulder's website.

6.4.2 *Employee Handbook for a Respectful Workplace*

The CEO has endorsed an Employee Handbook for a Respectful Workplace which includes a number of key policy and procedure documents which support the Employee's Code of Conduct. These include policies and procedures for grievance handling, breach of the Employee's Code of Conduct, investigations, disciplinary action and other related matters.

[43] Section 5.51A *Local Government Act*

6.4.3 *Policies, procedures and management guidelines*

The City of Kalgoorlie-Boulder develops policies, procedures and management guidelines for staff to follow in the course of their employment. These are implemented through various mechanisms and locatable on a dedicated intranet site location.

7 PERFORMANCE MANAGEMENT AND ACCOUNTABILITY

The *Local Government Act* requires the City of Kalgoorlie-Boulder to comply with a number of requirements regarding reporting, financial management, strategic planning and audit processes. Compliance with the *Local Government Act* and further, the adoption of best practices in long term planning and financial management enables the City of Kalgoorlie-Boulder to achieve good financial governance. It facilitates accountability and transparency, ensures Council members are well-informed and aids effective and efficient decision-making against established short, medium and long term objectives.

This Part set outs the processes undertaken by the City of Kalgoorlie-Boulder to optimise its planning, management and review strategies.

7.1 Performance management

7.1.1 *Quarterly reports*

Each quarter, the CEO and administration team prepare detailed reports and provide financial records for review by the Audit and Risk Committee. This process ensures comprehensive information is provided to Council by the administration and allows accountability and transparency in relation to these matters.

7.1.2 *Annual report*

The City of Kalgoorlie-Boulder produces an annual report for each financial year as a statutory requirement.

The report reflects the major activities undertaken in the preceding year. As well as providing an overview of the City of Kalgoorlie-Boulder's operational and financial activities, the annual report also includes an Independent Auditor report.

7.1.3 *Performance review of employees*

The City of Kalgoorlie-Boulder is committed to continuous improvement and provides annual staff performance reviews to ensure that all staff understand their roles, the expectations around their performance and behaviour, are given objective feedback and have an opportunity to develop and access support. With the support of management levels and the People and Culture team, Key Performance Indicators are developed and reviewed for employees and behaviours are assessed and opportunities are given for self-reflection. Structures are also in place to equip managers and supervisors who undertake performance review meetings so that these meetings are effective, fair and consistent.

7.2 Audit processes

7.2.1 *Internal audit*

The *Local Government Act* requires the City of Kalgoorlie-Boulder to establish an audit committee, which is known as the Audit, Risk and Improvement Committee. See further information about this committee below under the heading “Audit, Risk and Improvement Committee”.

The City of Kalgoorlie-Boulder is committed to continuous improvement of its internal audit mechanisms and recognises the importance of independent and objective review processes to ensure that best practices and accountability mechanisms are developed and implemented across the organisation.

The CEO is to undertake a review of the appropriateness and effectiveness of the financial management system and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

7.2.2 *External audit*

The Office of the Auditor General appoints an auditor to conduct an annual audit of financial statements and prepare an audit report for the Council.

Part 7 of the *Local Government Act* and the *Local Government (Audit) Regulations* require the City of Kalgoorlie-Boulder to:

- Do everything in its power to assist the auditor to conduct an audit and carry out other duties under the Act;
- Ensure that audits are conducted successfully and expeditiously;
- Meet with its auditor at least once a year;
- Examine the report of the auditor and determine if any matters raised require action, and therefore ensure such action is taken;
- Prepare a report of any actions taken based on the auditor's report and forward a copy of that report to the Minister within the prescribed timeframe.

The City of Kalgoorlie-Boulder must submit to its auditor the balanced accounts and annual financial report by no later than 30 September each year.

7.2.3 *Annual Compliance Audit Return*

It is a requirement under the *Local Government Act* that the City of Kalgoorlie-Boulder conducts an annual audit of compliance with the relevant statutory requirements in areas including local laws, tenders, meeting processes, disclosures and financial management.

A compliance audit return is prepared and adopted by Council, then submitted annually to the DLGSCI.

7.3 Audit, Risk and Improvement Committee

7.3.1 *Audit, Risk and Improvement Committee*

The role of the Audit, Risk and Improvement Committee is to oversee and advise Council on matters of financial reporting, internal control structure, risk management systems, legislative

compliance, ethical accountability and internal and external audit functions44. To ensure independence and meet good governance practices of transparency and accountability, the CEO and other administration staff are not members of the committee but may report to the committee.

The Audit, Risk and Improvement Committee is to:

- Provide guidance and assistance to the City of Kalgoorlie-Boulder regarding:
    - its functions in relation to audits;
    - the development of a process to select and appoint an auditor;
    - matters to be audited;
    - scope of audits;
- Review a report given to it by the CEO and report to Council regarding that report;
- Review the Annual Compliance Report and report to Council regarding that report;
- Consider the CEO's reviews of risk management, internal control and legislative compliance systems (required every three years) and report to Council in relation to those reviews.

The auditor may make recommendations regarding matters such as[45]:

- Assessment of accounting procedures;
- Assessment of internal controls;
- Assessment of risk;
- Compliance with the *Local Government Act* and regulations;
- Performance assessments as to the efficiency and effectiveness of operations;
- Internal audit processes;
- Outcomes of the external audit prior to issue of management and audit reports; and
- Changes to accounting standards and legislation and impact of that on the City of Kalgoorlie-Boulder.

Where matters of significance are identified by the City of Kalgoorlie's auditor, the City of Kalgoorlie-Boulder must take appropriate action and must prepare a report outlining the action

[44] Department of Local Government, Sport and Cultural Industries Local Government Operational Guidelines (Number 9): "Audit in Local Government"
[45] Department of Local Government, Sport and Cultural Industries Local Government Operational Guidelines (Number 9): "Audit in Local Government"

it intends to take and must provide a copy of that report to the Minister within three months of an auditor's report being received and publish it on its website.

The DLGSCI has published Local Government Operational Guidelines document (Number 9) regarding "Audit in Local Government" which should be reviewed by Council members and the executive leadership team.

7.4 External Reporting Requirements

In addition to the DLGSCI, the City of Kalgoorlie-Boulder may have reporting obligations to external authorities including:

- Public Sector Commission;
- Corruption and Crime Commission;
- Equal Opportunity Commission;
- Ombudsman Western Australia; and
- Office of the Ombudsman Commissioner.

7.5 Complaint handling mechanisms

7.5.1 *Handling misbehaviour of Council Members*

There are different processes in place in respect of complaints about Council Members, depending on whether they have:

- Breached Division 3 of the Councillor's Code of Conduct, in which case the complaint will be dealt with by the CEO;
- Committed a breach of Division 4 of the Councillor's Code of Conduct which sets out rules of conduct (minor breach) in which case the matter will be referred to the Local Government Standards Panel for determination; or
- Committed a breach of the *Local Government Act* (serious breach), in which case the CEO of DLGSCI will investigate the complaint.

In addition:

- Complaints of serious misconduct by a Council member can be made to the Corruption and Crime Commission or Public Sector Commission;
- Whistleblowing disclosures can be made under the *Public Interests Disclosure Act 2003 (WA)*;
- Complaints about decision-making can be made to the WA Ombudsman under the *Parliamentary Commissioner Act 1971*.

7.5.2 *Complaints about administrative functions or employees*

To foster transparency and accountability, it is important to develop for fair, responsive and transparent complaint handling systems within the City of Kalgoorlie-Boulder. These systems are also integral to stakeholder relationships: the resolution of complaints from constituents is necessary for maintaining the community's trust in the Council as well as between Council and the administration.

The City of Kalgoorlie-Boulder has developed its Complaints Handling Policy to ensure transparency and fairness and provide certainty to stakeholders including employees and the public regarding how a complaint is handled.

A complaint is an expression of dissatisfaction with the quality of service or the lack of service received from the City of Kalgoorlie-Boulder, or the behaviour of an employee and may be made in many ways, including:

- Website contact form;
- Email;
- Social media;
- Letter;
- Face to face; and/or
- Phone call.

The City of Kalgoorlie-Boulder's complaint process involves the following:

- Commitment to handling complaints quickly (with an aim to do so within two days of receiving the complaint), effectively and fairly;
- Recording the details of the complaint in the City of Kalgoorlie-Boulder's internal record keeping systems;
- Ensuring that relevant managers are aware of serious complaints so that internal disciplinary action, if required, can be actioned in accordance with the Employees' Code of Conduct or other human resources policies;
- Compiling a quarterly complaints report that provides an overview of complaints and responses for management review.

The CEO is designated to be the complaints officer and must maintain a register of complaints received which must be published on the City of Kalgoorlie-Boulder's website.

A complaint of minor misconduct of an employee can be made to the Public Sector Commission.

Complaints of serious misconduct by an employee can be made to the Corruption and Crime Commission.

7.6 Scrutiny of Local Governments

The City of Kalgoorlie-Boulder is regulated by the DLGSCI pursuant to the *Local Government Act*. This hierarchy of accountability and regulation provides good governance by ensuring accountability of the Council and administration.

The *Local Government Act* provides investigatory and regulatory mechanisms for the DLGSCI, including:

- The Minister or DLGSCI CEO may in a written notice require information to be provided about the local government, its operations or affairs and failure to comply with that notice is an offence[46];
- The DLGSCI CEO has the authority to inquire (generally or into a specific matter) into local governments and their operations and affairs[47];
- A person may be directed to give or produce evidence under oath[48];
- The authorised person must prepare a report on the outcome of any inquiry and that may contain appropriate recommendations, which will be given to the local government (and any suspended Council member) unless otherwise directed by the Minister[49];
- The Minister may order the local government to give effect to the recommendations contained in a report;
- The Minister has the authority in certain circumstances to suspend a Council member or Council or require the Council member or Council to undertake remedial action or recommend that the Governor dismiss a Council member[50];
- The Minister may appoint an Inquiry Panel to inquiry into and report on any aspect of a local government, its operations or affairs and may in certain circumstances suspend a Council member or the Council while the inquiry is held[51]; and
- If a Council is suspended, a person (or three or five people) must be appointed to perform the powers and duties of the Council during the suspension period[52].

7.7 Right to information

7.7.1 *Record keeping and freedom of information*

The City of Kalgoorlie-Boulder Record Keeping Plan ensures that all correspondence, reports and related information are filed, archived and disposed of in accordance with the *State Records Act 2000* and other relevant legislation by the State Records Office of WA.

[46] Section 8.2 *Local Government Act*
[47] Sections 8.3 and 8.4 *Local Government Act*
[48] Section 8.5 *Local Government Act*
[49] Sections 8.13 and 8.14 *Local Government Act*
[50] Part 8, Division 1A *Local Government Act*
[51] Part 8, Division 2 *Local Government Act*
[52] Part 8, Division 3 *Local Government Act*

Members of the public may retrieve certain kinds of information directly from the City of Kalgoorlie Boulder. Other types of information require a member of the public to lodge a Freedom of Information Application with the City of Kalgoorlie-Boulder.

More detailed information about this is available in the Information Statement: Freedom of Information published on the City of Kalgoorlie-Boulder's website.

7.8 CEO Appointment and Review

7.8.1 *Model CEO Standards*

The Council is responsible for the management of the CEO's performance. As is required by the *Local Government Act*, the City of Kalgoorlie-Boulder has adopted the Model CEO Standards outlined in the *Local Government (Administration) Amendment Regulations 2021*.

The Model CEO Standards provide a framework for local governments to select a Chief Executive Officer in accordance with the principles of merit, probity, equity and transparency. The model standards cover the recruitment and selection process based on principles of fairness, integrity and impartiality.

The model standards also cover performance review standards, and process of termination in a manner which conveys fairness and transparency.

7.8.2 *CEO (and senior employee) recruitment*

Council must develop and approve a process for the selection and appointment of a CEO prior to advertising the position. The City of Kalgoorlie-Boulder is required to advertise any positions for the CEO or senior employees, and ensure that remuneration and other benefits paid to a CEO are the same as what were advertised.

If the CEO proposes to dismiss or employee a senior employee, it must inform Council which may accept or reject the CEO's recommendation (and provide reasons if it rejects that).

7.9 Continuous improvement

The City of Kalgoorlie-Boulder is committed to continuous improvement and has implemented strategies to achieve this including:

- Review of this Governance Framework in the event of changes to relevant legislation, regulations, codes of conduct, policies or procedures;
- Review of governance processes; and
- Regular training opportunities for Council Members and employees.

8 DEFINITIONS

CEO means Chief Executive Officer

Councillor means a member elected to the Council, excluding a Mayor.

Council Member a member elected to Council including the Mayor.

Councillor's Code of Conduct means the City of Kalgoorlie's Code of Conduct for Council Members, Committee Members and Candidates.

DLGSCI means the Department of Local Government, Sport and Cultural Industries.

Employees' Code of Conduct means the City of Kalgoorlie-Boulder Code of Conduct for Employees

Local Government Act means the *Local Government Act 1995 (WA).*

Minister means the Minister for Local Government, Sport and Cultural Industries.

9 RESOURCES

The following resources have been used in the development of this Governance Framework:

Australian Public Service Commission – APS Values and Codes of Conduct in practice (Section 5: Conflict of Interest)

City of Bayswater Governance Framework

City of Kalgoorlie-Boulder Information Statement

City of Kalgoorlie-Boulder Community Engagement Plan

City of Kalgoorlie-Boulder Community Engagement Strategy (2022 – 2026)

City of Kalgoorlie-Boulder Councillor's Code of Conduct

City of Kalgoorlie-Boulder Code of Conduct for Employees

City of Kalgoorlie-Boulder Risk Management Framework

City of Kalgoorlie-Boulder Risk Management Policy

City of Kalgoorlie-Boulder Asset Management Policy

City of Joondalup Governance Framework 2021

City of Perth Governance Framework

City of Wanneroo Corporate Governance Framework

Department of Local Government, Sport and Cultural Industries website

Local Government Act 1995 (WA)

Local Government (Administration) Regulations 1996 (WA)

Local Government (Financial Management) Regulations 1996 (WA)

Local Government (Model Code of Conduct) Regulations 2021 (WA)

Local Government Operational Guidelines – Disclosure of Interests affecting impartiality

Local Government Operational Guidelines – Number 9 Audit in Local Government

Local Government Operational Guidelines – Number 20 Disclosure of Financial Interests at Meetings

Townsville City Council Governance Framework

Western Australia State Government “Conflict of Interest: Guidelines for the WA Public Sector”