

PURPOSE

This policy provides a basis for sound governance with respect to Council’s service delivery and the proper use of public monies entrusted to Council.

SCOPE

This framework applies to Aldermen, Council Officers, and contractors.

STRATEGIC PLAN ALIGNMENT

Leading Our Community

- Objective 4.1 Govern in the best interests of our community
- Strategy 4.1.1 Manage Council for maximum efficiency, accountability, and transparency
- Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes
- Objective 4.2 Prioritise our resources to achieve our community’s goals
- Strategy 4.2.1 Deploy the Council’s resources effectively to deliver value

STATUTORY REQUIREMENTS

The Local Government Act 1993 (LG Act) establishes Councils to plan for, develop and manage areas in the interest of their communities. Furthermore, section 20(1) of the LG Act provides that in addition to any functions of a Council under any Act, Council has the following functions:

- to provide for the health, safety and welfare of the community;
- to represent and promote the interests of the community; and
- to provide for the peace, order, and good government of the municipal area.

Of import, in performing its functions, Council is to “consult, involve and be accountable to the community” (s.20(2) LG Act).

Acts	<i>Local Government Act 1993 – Sections 20(1) and (2)</i> <i>Land Use Planning and Approvals Act 1993</i> <i>Public Health Act 1997</i>
Regulations	<i>Local Government (General) Regulations 2015</i> <i>Local Government (Meeting Procedures) Regulations 2015</i> <i>Local Government (Content of Plans and Strategies) Order 2014</i> <i>Local Government (Management Indicators) Order 2014</i>

Australian/International Standards	<i>AS 8000:2003 Corporate Governance – Good Governance Principles</i> <i>AS 8001: 2008 Fraud and Corruption Control</i> <i>ISO 37000: 2020 Guidance for the Governance of Organisations (Draft)</i> <i>ISO 37301: 2021 Compliance Management Systems</i>
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DEFINITIONS

Governance means those high-level processes, culture and behaviours that guide the activities of the organisation beyond its basic legal obligations (DPAC, 2018). ISO 37000:2020 defines the governance of organisations as the system by which an organisation is directed, overseen, and held accountable for achieving its defined purpose.

Good governance means the system that ensures the organisation performs by achieving its intended purpose, and conforms by complying with all relevant laws, codes and directions while meeting community expectations of probity, accountability, and transparency.

POLICY STATEMENT

Good governance promotes public confidence in Council’s dealings. According to research, the better organisations are governed, the better they will perform and the more satisfied the public will be.¹

Council recognises that good governance provides the context and structure for Council to operate ethically, transparently and within its legal parameters. Good governance, as defined in the Good Governance Guide for Local Government in Tasmania 2018, is when Aldermen and Council Officers embody the following principles:

- act with the highest ethical standards;
- understand their role and the role of others;
- foster trusting and respectful relationships;
- show a commitment to risk management;
- engage in effective strategic planning;
- follow a transparent and accountable decision making process;
- make good decisions that promote the interests of the community they serve;
- understand and abide by the law;
- commit to continuous improvement; and
- have and exercise good judgement.

¹ Brown, R. and Gorgens, T. March 2009, Corporate Governance and Financial Performance in an Australian Context, Australian Government Treasury Working Paper 2009-02

The above principles form part of the Aldermanic Statement of Expectations approved by Council at its meeting of 26 March 2018 and formally signed by Council on the 18 April 2018.

COUNCIL GOOD GOVERNANCE FRAMEWORK

Characteristics of Good Governance

The Good Governance Guide for Local Government in Tasmania 2018 details eight (8) characteristics of good governance. These are:



The above characteristics are comprised of a number of components which support good governance. These components are equally important and must be continually demonstrated in the decision making and actions of Council.

Components of Good Governance

1. High ethical standards

Council promotes and requires ethical behaviour in accordance with legislation, Council's Code of Conduct and other relevant policies including:

- Receipt of Gifts and Benefits;

- Aldermanic Statement of Expectations April 2018
- Code of Conduct for Employees
- Aldermanic Code of Conduct
- Conflicts of Interest
- Alderman Employee Relations; and
- Meeting Procedures.

2. Acting within the relevant role and delegations

Section 28 of the LG Act sets out the collective role of Aldermen servicing as a Council. Key roles of the Council Aldermen are:

- a) to develop and monitor the implementation of strategic plans and budgets;
- (b) to determine and monitor the application of policies, plans and programs for –
 - (i) the efficient and effective provision of services and facilities; and
 - (ii) the efficient and effective management of assets; and
 - (iii) the fair and equitable treatment of employees of the council;
- (c) to facilitate and encourage the planning and development of the municipal area in the best interests of the community;
- (d) to appoint and monitor the performance of the general manager;
- (e) to determine and review the council's resource allocation and expenditure activities;
- (f) to monitor the manner in which services are provided by the council.

Section 22 of the LG Act enables Council to delegate certain functions and powers to the General Manager. The General Manager may also then delegate certain functions and powers to appropriately qualified Council staff.

In compliance with section 22(4) of the LG Act, Council maintains a Delegations Register.

All Council Officers are required to act in accordance with their delegations. Council systems and risk controls enforce these delegated limits.

3. Fostering and maintaining positive relationships

Council will treat its community and others with respect and in the spirit of achieving efficiency, inclusiveness and effective participation.

This component includes adhering to agreed communication and social media protocols and committee representation policies and guidelines.

Council's Statement of Expectations also recognizes and supports the promotion of positive relationships.

4. Effective strategic planning and performance monitoring

Council has worked with the Community to develop a vision for our future. This vision is developed and implemented through a:

- Community Plan 2015-2040;
- Strategic Plan 2016-2025;
- Long Term Financial Management Plan;
- Strategic Asset Management Plan; and
- Asset Management Plans related to the various asset classes Council manages.

These Plans set the objectives required to deliver Council's agreed vision and are regularly reviewed and actively managed. Actions are delivered through Council's Annual Plan.

Council's Audit Panel is an independent reviewer, appointed by Council, of Council's planning and performance monitoring, including financial controls and management practices. The Audit Panel report to Council.

These controls and systems are periodically audited through Council's appointed internal and external auditors. The resulting audit reports, which include identified opportunities for improvement, are reviewed by Council's independent Audit Panel and improvements are ensured through monitored and reported improvement registers.

5. Robust risk management

Council has an agreed Risk Appetite which is reviewed annually. Aligned to this risk appetite is Council's Risk Management Framework which enables the consistent identification, assessment, evaluation, and management of Council's risks. The Risk Management Framework includes a:

- Risk Management Policy;
- Risk Management Assessment Process; and
- Risk Management Reporting Process.

Additionally, Council has developed and implemented robust Business Continuity Management through effecting incident management plans at organisational and departmental levels.

6. Fair and transparent decision making

Council's Aldermen are required to be unbiased, informed and act in the interests of the community in their role and in their decision making.

Equally, Council Officers are required to act impartially and with integrity in carrying out their duties.

The above requirements are supported by extensive internal and external fraud and corruption controls and complaints management and review systems including:

- Aldermanic Statement of Expectations;
- Code of Conduct procedures for Council Officers;
- Public Interest Disclosure (whistleblowers) procedures; and
- Gifts and Benefits Policy and Procedures.

7. Compliant culture

Council is established by the Local Government Act 1993, but its decisions and actions are also regulated by other legislation including:

- Land Use Planning and Approvals Act 1993;
- Environmental Management and Pollution Control Act 1994;
- Public Health Act 1997;
- Dog Control Act 2000;
- Building Act 2016; and
- Food Act 2003.

The above list is only a few of the Acts with which Council must comply. To safeguard this compliance Council has a rigorous system of policies and directives that are actively managed through Policy and Directive Registers. This compliance is periodically monitored by the Audit Panel. The Audit Panel Chair provides Council with an annual report detailing the Panel's monitoring over the previous year and alerting Council to any significant risks. Council considers the Audit Panel Chair's annual report and ensures its risk appetite is appropriately considered.

8. Continuous improvement ethos

Council commits to a culture of continuous improvement throughout all its activities. Continuous improvement opportunities are identified through reviews, incident reporting and audits.

BACKGROUND

As part of developing and implementing Council’s ongoing governance strategy, it is considered prudent to encapsulate a Council Good Governance Policy: this is to provide a basis for sound governance with respect to Council’s service delivery and the ‘proper use’ (effective, efficient, economical, and ethical) of public monies entrusted to Council.

DOCUMENT CONTROL

Version:	2.0	Adopted	20 December 2021	Commencement Date	21 December 2021
Minutes Reference	Item 13			Review Period	4 Years from adoption
Previous Versions:	v 1.0 adopted 23 January 2017 (Council meeting, Item 11)				
Responsible Directorate	Corporate Services	Controller:	Manager Corporate Governance		
ECM Document No.:	Policies by Directorate				