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**Plan:**

**Corporate Governance  
Improvement Action**

**2018**

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## INFORMATION ABOUT THIS DOCUMENT

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<b>Related Legislation*</b>	Government Information (Public Access) Act 2009 and Regulation 2009 Health Records and Information Privacy Act 2002 Local Government Act 1993 and General Regulation 2005 Privacy and Personal Information Protection Act 1998 Public Interest Disclosures Act 1994
<b>Related Policies</b>	
<b>Related Procedures/ Protocols, Statements, documents</b>	

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## **1. STATEMENT**

Uralla Shire Council (Council) is committed to developing, implementing and maintaining a robust and effective corporate governance framework that embeds good governance in our culture and the processes, systems, policies and practices that guide our day-to-day operations.

Good governance is those high-level processes and behaviours that ensure an organisation performs by achieving its intended purpose and conforms by complying with all relevant laws, codes and ethics while meeting community expectations of probity, accountability and transparency.

## **2. PURPOSE**

The Plan: Corporate Governance Improvement Action 2018 (Plan) demonstrates Council's commitment to developing and implementing a robust and effective corporate governance framework.

The Plan has been modelled on the Office of Local Government's Promoting Better Practice Program (OLG Program), which enables councils to access a range of resources, tools and checklists to support their self-assessment of their operations and performance. In preparing this Plan, Council has also considered Practice Notes, Guidelines and other resources produced by both the OLG and other organisations, namely the NSW Ombudsman and NSW Privacy and Information Commission.

The Plan provides a broad overview of Council's legislative and statutory responsibilities with respect to three key areas:

- Organisational Planning and Performance;
- Risk Management and Internal Controls; and
- Decision Making Framework.

This Plan identifies a range of actions that will be undertaken by Council to strengthen and improve our corporate governance framework and compliance with the *Local Government ACT 1993* and other legislation.

## **3. SCOPE**

The Plan: Corporate Governance Improvement Action 2018 applies to:

- Council Officials;
- Contractors; and
- Volunteers.

#### 4. DEFINITIONS

<b>the Act</b>	<i>Local Government Act 1993.</i>
<b>Contractors</b>	Includes contractors, consultants and suppliers engaged by Council under contract to provide goods, services or specialist or professional advice to Council.
<b>Council Officials</b>	Includes Councillors, members of staff of Council, administrators, Council committee members and delegates of Council.
<b>GIPA Act</b>	<i>Government Information (Public Access) Act 2009.</i>
<b>GIPA Regulation</b>	Government Information (Public Access) Regulation 2009.
<b>HRIP Act</b>	<i>Health Records and Information Privacy Act 2002.</i>
<b>the OLG</b>	The Office of Local Government.
<b>PID Act</b>	<i>Public Interest Disclosures Act 1994.</i>
<b>PIIP Act</b>	<i>Privacy and Personal Information Protection Act 1998.</i>
<b>the Regulation</b>	Local Government (General) Regulation 2005.
<b>Volunteers</b>	Individuals who voluntarily assist in the provision of Uralla Shire Council services or in the delivery of its projects, programmes and events without financial payment.

#### 5. ORGANISATIONAL PLANNING AND PERFORMANCE

##### 5.1. Organisational Values

The OLG Program recommends that all councils develop an explicit set of values, consistent with section 8 of Act, which lists the guiding principles for councils. The object of the principles is to provide guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous.

The OLG Program further recommends that organisational values be determined following a process to survey organisational culture, and in consultation with staff and Councillors. Additionally, Council should actively promote its values and ensure Councillors, staff, visitors, delegate and the community are aware of its values by:

- Ensuring induction and ongoing training of Councillors, staff and delegates incorporates values education;
- Incorporating the values in key Council documents and publications, including the Community Strategic Plan , Delivery Program and Operational Plan, Annual Report and Code of Conduct; and
- Physically displaying the values in Council buildings and website.

a) Review Council's Statement of Organisational Values, incorporating both staff and Councillor consultation and results of organisational culture survey.	
Action Timeframe	April 2019
Responsibility	Director Community and Governance Manager Human Resources Coordinator Governance and Risk
b) Physically display Council's Statement of Organisational Values, once developed, in Council buildings.	
Action Timeframe	April 2019
Responsibility	Manager McMaugh Gardens/Director of Nursing Coordinator Community Development and Engagement Tourism Promotions and Operations Officer Manager Community Care Coordinator Stores and Workshop Team Leader Waste and Recycling Services Team Leader Water and Sewer Services
c) Publish Council's Statement of Organisational Values, once developed, to Council's website.	
Action Timeframe	April 2019
Responsibility	Coordinator Technology and Information
d) Ensure Councillor, staff and delegate induction and ongoing training programs incorporate organisational values education.	
Action Timeframe	April 2019
Responsibility	Manager Human Resources Coordinator Governance and Risk
e) Incorporate organisational values in all key Council documents and publications, namely the Integrated Planning and Reporting (IP&R) framework documents.	
Action Timeframe	Ongoing
Responsibility	Coordinator Governance and Risk

## 5.2. Organisation Structure

Section 332 of the Act requires Council, after consulting the General Manager, to determine the following:

- The senior staff positions within the organisation structure of the council;
- The roles and reporting lines (for other senior staff) of holders of senior staff positions; and
- The resources to be allocated towards the employment of staff.

After consulting the Council, the General Manager must determine the positions (other than the senior staff positions) within the organisation structure of the council so as to give effect to the priorities set out in the organisation's strategic plans, including the Community Strategic Plan, and Delivery Program. Council is further required under section 333 of the Act to review the organisation structure within 12 months after any ordinary election.

The OLG Program reiterates the provisions of the Act detailed above and recommends that the post-election review of the organisation structure ensures the structure aligns with the Community Strategic Plan and Workforce Management Plan.

f) Review the organisation structure following the 2020 Local Government Elections, ensuring the review considers the priorities of the Community Strategic Plan and Workforce Management Plan	
Action Timeframe	September 2021
Responsibility	Councillors General Manager

### 5.3. Code of Conduct

The Act requires all Councillors, staff and delegates to act honestly and exercise a reasonable degree of care and diligence in carrying out their functions. Section 440 of the Act and clause 193 of the Regulation require Council adopt the following documents governing conduct of Councillors, staff, delegates and administrators:

- A Code of Conduct that incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW* (the Model Code); and
- A procedure for administering the Code of Conduct that incorporates the provisions of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Model Procedure).

Council's adopted Code of Conduct and procedure administering the Code of Conduct are modelled on the Model Code and Model Procedure, respectively. In 2017, the OLG commenced consultation with the local government sector on a revised Model Code and Model Procedure. At the time of this Plan's adoption, the revised Model Code and Model Procedure were yet to come into force.

g) Adopt a new Code of Conduct and procedure for administering the Code of Conduct, incorporating the provisions of the revised Model Code and Model Procedure, once adopted by the OLG.	
Action Timeframe	April 2019
Responsibility	General Manager Director Community and Governance

## 6. RISK MANAGEMENT AND INTERNAL CONTROLS

### 6.1. Gifts and Benefits

Part 5 of the Model Code concerns Personal Benefit. As noted at clause 6.3 of this Plan, Council's adopted Code of Conduct is modelled on the Model Code and incorporates the provisions contained at Part 5. Under Council's Code of Conduct, all Council Officials must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from a Council Official or from Council.

The OLG Program recommends that councils adopt a Gifts and Benefits Policy and develop an accompanying procedure for the administration of that policy. The OLG Program further recommends that councils ensure consistent use of their Gifts and Benefits Register and regularly analyse declarations to identify trends or emerging issues in relation to gifts and benefits.

Council does not currently have an adopted Gifts and Benefits Policy. The OLG Program recommends that a council's Gifts and Benefits Policy:

- Be developed in consultation with Councillors, delegates and staff;
- Ensure token gifts and benefits defined are consistent with the relevant provisions of the Model Code; and
- Include provisions for reporting offered and refused gifts and benefits.

The revised Model Code, which was not yet in force at the time of this Plan's adoption, includes additional provisions concerning Personal Benefit designed to strengthen ethical standards for Council Officials.

h) Develop a Gift and Benefits Policy and accompanying Gift and Benefits Procedure, incorporating the relevant provisions of the revised Model Code of Conduct for Local Councils in NSW.

Action Timeframe	April 2019
Responsibility	Coordinator Governance and Risk

i) Develop a Gift and Benefits Register and publish to Council's website.

Action Timeframe	February 2019
Responsibility	Coordinator Governance and Risk

## 6.2. Communication Devices

The OLG Program recommends that councils develop a policy governing the use of communication devices, including internet and email use, and implement a system to protect against inappropriate use of communication devices through auditing records, training and/or refreshers.

Council's current Employee Guide includes requirements around the use of computers and mobile phones in the workplace; however, these requirements are not supported by current Council policy. The Employee Guide specifies:

- Staff should have no expectation of privacy when using information systems, and that Council may capture telephone calls and internet browsing details and may log, review and utilise any information stored in, or passing through, its systems;
- The use of the internet for screening, viewing or downloading material considered to be offensive, of a graphic or sexual nature, or otherwise inappropriate, will result in disciplinary action;
- Staff should refrain from using social media unless it is a requirement of their role or have been requested to use social media by Council; and
- Staff are encouraged to avoid using social media platforms to discuss Council or its business or entities, or any work-related issues or other employees, contractors or volunteers.



While Council’s Policy: Councillor Expenses and Facilities 2018 includes provisions regarding the telecommunication and internet expenses incurred by the Mayor and Councillors; the policy does not include any provisions concerning the use of communication devices provided by Council to Councillors.

j) Develop a Use of Communication Devices Policy and revise Employee Guide accordingly.	
Action Timeframe	December 2018
Responsibility	Coordinator Governance and Risk Coordinator Technology and Information

**6.3. Disclosure of Pecuniary Interests**

The Act provides for the management of pecuniary interests and places specific obligations on Councillors, delegates, staff and other people involved in decision-making or giving advice on Council matters to act honestly and responsibly in executing their functions. Part 2, Division 1 of the Act clarifies:

- Who are ‘designated persons’ for the purposes of the Local Government Act;
- What constitutes a ‘pecuniary interest’, and who has a pecuniary interest;
- The disclosures that must be made by Councillors, designated persons, Council Committee members, and Council advisers; and
- What interests do not have to be disclosed.

Section 448 of the Act requires Councillors and designated persons to complete and lodge with the General Manager a pecuniary interest disclosure return:

- Within three months after becoming a Councillor or designated person; and
- Within three months after 30 June in any year in which a Councillor or designated person held their position as a Councillors or designated person.

Section 450A of the Act requires the General Manager to keep a register of returns, and includes provisions on when returns must be tabled at a Council meeting.

The release of pecuniary interest returns is governed by the GIPA Act and the GIPA Regulation. In July 2010, the NSW Information Commissioner issued Guidelines regarding the publication of pecuniary interest returns, providing that returns of Councillors and designated persons be released as part of local councils’ open access information as follows:

- The returns should be made publicly available for inspection free of charge;
- Copies may be made in accordance with the GIPA Regulation Part 2[4](b);
- Councils should clearly note on their website that the returns are available for inspection at Council offices during ordinary business hours; and
- Information contained in the returns should not be placed on the website of a local council.

The OLG Program recommends that councils:

- Clearly identify the officers, other than senior staff, who are designated persons;
- Clearly identify the position-holders of section 355 committees who are designated persons;

- Maintain a record of disclosures and written disclosures of pecuniary interest made by staff other than designated persons; and
- Develop and implement procedures to inform Councillors and staff, including staff who are not designated persons, of their obligations in relation to pecuniary interest.

k) Develop a Designated Persons Register identifying the officers within Council's organisation structure and position-holders of committees formed under section 355 of the Act.	
Action Timeframe	April 2019
Responsibility	Coordinator Governance and Risk

l) Maintain a record of disclosures and written disclosures of pecuniary interest made by staff other designated persons.	
Action Timeframe	April 2019
Responsibility	Coordinator Governance and Risk

m) Incorporate information about accessing pecuniary interest disclosures in Council's Agency Information Guide.	
Action Timeframe	August 2018
Responsibility	Coordinator Governance and Risk

n) Incorporate pecuniary interest training into Council's staff induction program.	
Action Timeframe	April 2019
Responsibility	Manager Human Resources Coordinator Governance and Risk

#### 6.4. Business Ethics

The OLG Program recommends that councils develop a Statement of Business Ethics to guide external parties, such as suppliers and contractors, on the standards that are required when dealing with Council or acting on Council's behalf. Further, the OLG Program recommends that Council:

- Provide the Statement of Business Ethics to all suppliers, contractors and business partners; and
- Requires parties to contracts with Council to abide by the Statement of Business Ethics.

Council's current Statement of Business Ethics is published on Council's website. It is unknown when the Statement of Business Ethics was adopted. The Statement of Business Ethics should be scheduled for review to ensure currency and consistency with industry best practice.

o) Review the Statement of Business Ethics.	
Action Timeframe	April 2019
Responsibility	Coordinator Governance and Risk

p) Provide the Statement of Business Ethics to all new suppliers, contractors and business partners engaged by Council.	
Action Timeframe	Ongoing
Responsibility	Director Infrastructure and Regulation Coordinator Governance and Risk

### 6.5. Risk Management Planning

The OLG Program recommends that Council develop a Risk Management Plan that addresses all key business risks facing its organisation, identifying both insurable and non-insurable risks. In developing its Risk Management Plan, councils are advised to undertake a comprehensive risk management process to:

- Establish organisational context;
- Identify risks, including business, insurance and fraud risks;
- Analyse risks;
- Evaluate existing controls; and
- Outline strategies to manage risks.

Following the development of its Risk Management Plan, Council should assign responsibility for implementation of the Risk Management Plan across the organisation and implement review processes to ensure Council monitors the implementation of the Risk Management Plan and its progress against risk management strategies.

Council’s current risk management policy, titled *Policy: Risk Management 2018*, was adopted by Council at its Ordinary Meeting in April 2018 [19.04]. At the time of this Plan’s adoption, further work in preparing Council’s Enterprise Risk Management framework was being undertaken.

### 6.6. Fraud and Corruption Control

The OLG Program recommends that Council develop a Fraud Control Strategy that is linked to the overall Risk Management Plan. Council’s current strategy, titled *Strategy: Fraud and Corruption Control 2018*, and policy, titled *Policy: Fraud and Corruption Prevention 2018*, were adopted by Council at its Ordinary Meeting [19.04/18].

### 6.7. Business Continuity Planning

The OLG Program recommends that councils develop a Business Continuity Plan to manage the impact of adverse events on its operations. Council does not currently have a Business Continuity Plan in place.

q) Develop a Business Continuity Plan	
Action Timeframe	June 2020
Responsibility	Coordinator Technology and Information Risk Management and Safety Officer

### 6.8. Internal Audit

The OLG Program recommends that councils develop and implement an internal audit program supported by:

- An Internal Audit Charter;
- An Audit Committee, which in turn is supported by a Charter and has a clearly defined membership, business role and function; and
- An Internal Audit Plan that identified and examines key risks in the Risk Management Plan.

Council constituted an Audit and Risk Committee at its Ordinary Meeting in April 2014 [329/14], which was later renamed the Audit, Risk and Improvement Committee and constituted under the *Charter: Audit, Risk and Improvement Committee 2018* (the Charter) at the Ordinary Meeting of Council in March 2018 [24.03/18]. The Charter clearly defines the membership, business role and function of Council’s Audit, Risk and Improvement Committee.

At its meeting in April 2018, Council’s Audit, Risk and Improvement Committee endorsed the *Charter: Internal Audit 2018*, which establishes the organisation’s internal auditing function, and adopted an Internal Audit Program for the 2018 calendar year.

**6.9. Legislative Compliance**

The OLG Program recommends that councils develop and implement a system or process to ensure its legislative and regulatory obligations are met. The legislative compliance system should:

- Identify legislation applying to Council’s activities;
- Comply with the applicable Australian Standard (AS ISO 19600:2015 Compliance Management Systems); and
- Detail the process by which staff will be trained and resources to identify and respond to changes to legislation affecting Council.

r) Develop and adopt a Legislative Compliance Plan.	
Action Timeframe	December 2018
Responsibility	Coordinator Governance and Risk

**6.10. Legal Services**

The OLG Program recommends that councils develop a framework for the selection of its legal practitioners. While the OLG Program does not mandate the appointment of a panel for the provision of legal services; councils are encouraged to regularly review the spread of work among legal service providers and to implement a process by which legal work is allocated and monitored.

Additionally, councils are recommended to ensure:

- The elected Council receives regular reports on the progress of legal matters; and
- Legal service providers and the legal services budget is overseen by a specific committee or panel.

s) Provide a regular legal services report to Council’s Audit, Risk and Improvement Committee.	
Action Timeframe	Every six months
Responsibility	Coordinator Governance and Risk

t) Provide a regular legal services report to Council.	
Action Timeframe	Every six months
Responsibility	Coordinator Governance and Risk

### 6.11. Procurement, Disposal and Tendering

Section 55 of the Act outlines the tendering requirements imposed on councils. The OLG Program recommends that councils respond to these legislative requirements by developing documented policies and procedures for:

- Purchasing and tendering;
- Disposal of assets; and
- Monitoring contractor performance.

Council does not currently have policies or documented procedures in place regarding purchasing and tendering or monitoring contractor performance. Policies should be scheduled for development.

While Council does has developed a policy regarding the disposal of assets, this policy was last reviewed in 2011 **[2017/11]**. It is recommended that the policy and accompanying procedures be reviewed and updated.

u) Develop a Purchasing and Tendering Policy and accompanying procedures.	
Action Timeframe	December 2018
Responsibility	Chief Financial Officer

v) Review the Disposal of Assets Policy and accompanying procedures.	
Action Timeframe	June 2019
Responsibility	Chief Financial Officer

w) Develop a Monitoring Contractor Performance Policy and accompanying procedures.	
Action Timeframe	December 2019
Responsibility	Director Infrastructure and Regulation

### 6.12. Privacy Management

Section 33 of the PPIP Act requires all public sector agencies, including councils, to prepare a Privacy Management Plan to deal with:

- The devising of policies and practices to ensure compliance by Council with the requirements of the PPIP Act and the HRIP Act;
- The dissemination of those policies and practices to persons within Council;
- The procedures that Council proposes for internal review of privacy complaints; and
- Such other matters as are considered relevant by Council in relation to privacy and the protection of personal information held by it.

Council's current Privacy Management Plan was adopted by Council at its Ordinary Meeting in August 2013 **[248/13]**. The plan should be scheduled for review to ensure currency and consistency with industry best practice.

x) Develop and adopt a revised Privacy Management Plan.	
Action Timeframe	August 2018
Responsibility	Coordinator Governance and Risk

y) Incorporate privacy management training into Council's staff induction program.	
Action Timeframe	July 2019
Responsibility	Manager Human Resources Coordinator Governance and Risk

### 6.13. Records Management

Council has certain records management obligations under the State Records Act, including an obligation under section 12(1) of the State Records Act to make and keep full and accurate records of its activities, including, but limited to:

- Council committee records;
- Executive Management team meetings;
- Councillor records; and
- File notes of telephone discussions/meetings.

The OLG Program recommends that all councils develop a suite of records management documents, including:

- Records Management Policy;
- Records Management Procedure/Guidelines; and
- Records Disposal Plan/Schedule.

Council does not currently have a documented Records Management Policy, Records Management Procedure/Guidelines or Records Disposal Plan/Schedule. All should be scheduled for development and implementation.

z) Develop and adopt a Records Management Policy.	
Action Timeframe	June 2019
Responsibility	Coordinator Technology and Information

aa) Develop and adopt Records Management Procedures/Guidelines.	
Action Timeframe	December 2019
Responsibility	Coordinator Technology and Information

bb) Develop a Records Disposal Plan/Schedule.	
Action Timeframe	December 2020
Responsibility	Coordinator Technology and Information

### 6.14. Information Technology

The OLG Program recommends that councils develop an Information and Communications Technology (ICT) Strategic Plan. Council does not currently have an ICT Strategy.

cc) Develop and adopt an Information and Communications Technology Strategic Plan.	
Action Timeframe	June 2020
Responsibility	Coordinator Technology and Information

**6.15. Access to Information by the Public**

Under the GIPA Act and GIPA Regulation, all NSW agencies, including councils, are required to make a range of open access information publicly available, unless there is an overriding public interest against public disclosure of the information. Open access information includes, but is not limited to:

- Council’s Policy Register and other policy documents, including rules, guidelines and statements of how administered schemes will operate;
- A disclosure log of information released under formal access applications that may be of general public interest;
- A register of contracts Council has with private sector entities for \$150,000 or more; and
- A record of the open access information that is not made public due to an overriding public interest against disclosure.

Council is also required under section 20 of the GIPA Act to have an Agency information Guide, which must be reviewed and adopted at intervals of not more than 12 months. The Agency Information Guide must be made available for public viewing from Council’s website.

Council’s Agency information Guide must satisfy the requirements of Section 20(1) of the GIPA Act, which lists the following minimum elements of an Agency Information Guide:

- A description of the structure and functions of the agency;
- A description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- Specify any arrangements that exist to enable members of the public to participate in the formulation of the agency’s policy and the exercise of the agency’s functions;
- The various kinds of government information held by the agency, the kinds of government information it makes (or will make) publicly available, and specify the manner in which it makes (or will make) it publicly available; and
- The kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed must be identified.

At the time of this Plan’s adoption, Council did not maintain a Contracts Register or a disclosure log of information released under formal access applications that may be of general public interest. The development of both a Contracts Register and formal access information disclosure log is, however, listed for completion in Council’s combined Delivery Program 2017-2021 and Operational Plan 2018-2019.

Council’s current Agency Information Guide was last reviewed and adopted by Council at its Ordinary Meeting on 20 December 2010 **[470/10]**. The Agency Information Guide should be scheduled for review to ensure currency and compliance with the requirements of the GIPA Act.

dd) Develop and maintain a disclosure log of information released under formal access applications that may be of general public interest, and publish to Council’s website.	
Action Timeframe	December 2018
Responsibility	Coordinator Technology and Information

ee) Develop a Contracts Register detailing all contracts Council has with private sector entities for \$150,000 or more, and publish to Council's website.	
Action Timeframe	June 2019
Responsibility	Coordinator Governance and Risk

ff) Develop and adopt a revised Agency information Guide, and publish to Council's website.	
Action Timeframe	August 2018
Responsibility	Coordinator Governance and Risk Coordinator Technology and Information

### 6.16. Complaint Handling

The NSW Ombudsman has published various resources, including a publication titled *Effective Complaint Handling Guidelines*, which, read alongside the OLG's *Practice Note for Complaints Management in Council*, provides a best practice framework for complaint handling in local government.

Council's Complaint Handling Policy should:

- Define 'complaint';
- Make clear who will deal with a complaint and how;
- Include the three-tiered review system suggested by the NSW Ombudsman;
- Detail performance targets for complaint handling turnaround;
- Include proper recording of complaints and outcomes; and
- Deal with complaints separately from requests for service.

The OLG Program further recommends that all Council staff be trained in the application of the organisation's Complaint Handling Policy and procedures, and that the Executive Management team regularly prepare and receive regular reports on the number, progress and outcome of complaints.

Additionally, the OLG Program recommends that Council make information about the complaint process available to the community through ensuring that its Complaint Handling Policy is published on its website, with complaints forms available in public areas of the organisation.

Council's current policy, titled *Handling of Complaints Policy*, was adopted by Council at its Ordinary Meeting in June 2015 [8.06/15]. The policy should be scheduled for review to ensure currency and consistency with industry best practice.

gg) Develop and adopt a revised Complaint Handling Policy.	
Action Timeframe	August 2018
Responsibility	Coordinator Governance and Risk

hh) Incorporate complaint handling into Council's staff induction program.	
Action Timeframe	June 2019
Responsibility	Manager Human Resources Coordinator Governance and Risk



## **7. DECISION MAKING FRAMEWORK**

### **7.1. Executive Management Meetings**

All councils are encouraged under the OLG Program to have a formal structure for meetings of its Executive Management team, made up of the General Manager and other senior staff. The OLG Program recommends that meetings of the Executive Management team be used to review and set direction in key operational areas and monitor the organisation’s programs and operational performance.

At the time of this Plan’s adoption, Council facilitated regular Executive Management Meetings. The General Manager chairs meetings of the Executive Management Meetings, with the Senior Executive Officer preparing meeting agendas and minutes and capturing meeting documents in Council’s Electronic Records Management system.

### **7.2. Delegations of Authority**

Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of Council), any of the functions of the council under the Act or any other legislation, other than specific functions detailed under 377 of the Act.

All delegations and sub-delegations should be documented:

- From the Council to the Mayor;
- From the Council to the General Manager;
- From the General Manager to staff and others; and
- From Council to Committees of Council.

Council’s Delegations Register should be made publicly available and be actively maintained and regularly updated. As part of the maintenance of its Delegations Register; Council must review all delegations within the first 12 months following the local government election elections and should continue to review its delegations at least once every two years.

At the time of this Plan’s adoption, Council maintained a Delegations Register, which was not available for inspection by members of the public. The purchase and implementation of new Delegations Register management software was included in Council’s 2018/19 budget as part of the organisation’s Virtuous Circle Project.

<b>a) Implement the Local Government Software Solutions Delegations Register module.</b>	
Action Timeframe	December 2018
Responsibility	Coordinator Governance and Risk

<b>b) Publish a copy of Council’s Delegations Register to Council’s website.</b>	
Action Timeframe	December 2018
Responsibility	Coordinator Governance and Risk

c) Review Council’s Delegations Register once every two years and within 12 months of the 2020 local government elections.	
Action Timeframe	September 2021
Responsibility	Coordinator Governance and Risk

**7.3. Council Meetings**

Section 9 of the Act requires Council to:

- Give notice to the public of the times and places of its meetings, and meetings of those of its committees of which all the members are Councillors;
- Have available for the public at its offices and at each meeting, copies of the agenda (for inspection of taking away by any person) and associated business papers;
- Ensure copies of meeting agendas and business papers are made available to members of the public as close as possible to the time they are made available to Councillors; and
- Ensure copies of meeting agendas and business papers are made available free of charge.

Additionally, section 375A of the Act requires the General Manager to keep a public register of planning and development decisions made at Council or Committee meetings, and record the name of Councillors who voted for and against the decisions. The rule applies to the following planning decisions:

- Development applications;
- Environmental planning instruments;
- Development control plans; and
- Development contribution plans.

The Act requires all councils to adopt a Code of Meeting Practice which must apply to all meetings of Council and its committees. The OLG has published a Model Code of Meeting Practice that reflects the meeting provisions of the Act and the Regulation, and councils must ensure that their Code of Meeting Practice incorporates the provisions of the Model Code of Meeting Practice.

The OLG Program recommends that a standard form for reports to Council be utilised, and that councils provide information in business papers and on their website promoting the right for members of the public to address Council meetings. The OLG Program further recommends that business papers be made available at Council offices and libraries, and on Council’s website, at least 36 hours before meetings.

Council currently complies with all legislative requirements under section 9 of the Act. Additionally, as recommended by the OLG Program; Council currently utilises a standard form for reports to Council, which is applied consistently by staff across the organisation. Council does not currently maintain a Planning Decisions Register.

Council’s adopted Code of Meeting Practice is modelled on the Model Code of Meeting Practice. In 2017, the OLG commenced consultation with the local government sector on a revised Model Code of Meeting Practice. At the time of this Plan’s adoption, the revised Model Code of Meeting Practice was yet to come into force.

d) Adopt a new Code of Meeting Practice, incorporating the provisions of the revised Model Code of Meeting Practice, once adopted by the OLG.	
Action Timeframe	April 2019
Responsibility	Coordinator Governance and Risk

e) Develop a Planning Decisions Register in accordance with section 375A of the Act and publish to Council’s website.	
Action Timeframe	April 2019
Responsibility	Senior Executive Support Officer

**7.4. Committees**

Under section 355 of the Act, Council may delegate one or some of its functions to a committee of the Council. Committees established by Council for this purpose are referred to as ‘Section 355 committees’. Council can also establish other committees, known as ‘Advisory committees’, which do not hold executive functions or exercise delegations of Council.

The OLG Program recommends that Council develops a clearly structured committee framework. Once established, committees should be provided with:

- A Constitution or Charter setting out their membership and function;
- A Code of Conduct;
- Documented procedures or operations manual; and
- Relevant training.

Importantly, all Committees of Council should also be required to keep records of their deliberations, with committee meeting documents, including agendas and minutes, publicly available.

At time of this Plan’s adoption, Council operated two Section 355 committees, in addition to its Audit, Risk and Improvement Committee and one Project Reference Group. Each committee was constituted under a Charter, however, no documented procedures of operations manual had been provided to each committee.

f) Develop a Committees Handbook/Manual incorporating documented procedures for the operation of Section 355 and Advisory Committees.	
Action Timeframe	October 2018
Responsibility	Coordinator Governance and Risk

g) Develop a template Constitution/Charter for Section 355 Committees.	
Action Timeframe	October 2018
Responsibility	Coordinator Governance and Risk

h) Develop a template Constitution/Charter for Advisory Committees.	
Action Timeframe	October 2018
Responsibility	Coordinator Governance and Risk

i) Publish Constitutions/Charters of all Section 355 and Advisory Committees to Council’s website.	
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Action Timeframe	October 2018
Responsibility	Coordinator Governance and Risk

### 7.5. Councillor Induction and Ongoing Development

In the lead-up to elections, councils are encouraged to facilitate information sessions for prospective Council candidates. Following local government elections; the OLG Program recommends that councils develop a comprehensive induction training program for Councillors, covering topics such as:

- Understanding of the legal and political context of local government;
- Roles of responsibilities of Councillors and staff;
- Overview of the organisation, its staffing, and major policy documents;
- Legal and ethical responsibilities of Councillors;
- Customer service and complaints handling;
- Teamwork, communication and conflict resolution in local government;
- Strategic planning, including community consultation and participation and change management;
- Decision making;
- Relationship between financial processes and other planning processes; and
- Key functional areas of Council operations.

In addition to the induction training program, the OLG Program recommends ongoing training provided to Councillors based on their individual identified training needs.

In 2017, the OLG commenced consultation with the local government sector on a draft Councillor Induction and Professional Development Guidelines, which aim to assist councils in developing and delivering induction and ongoing professional development activities for the Mayor and Councillors. Once finalised and adopted, the Councillor Induction and Professional Development Guidelines will require councils' induction and professional development programs to consist of three elements:

- Pre-election candidate sessions;
- Induction program; and
- Professional development program.

j) Design and deliver pre-election Councillor Candidate Information Sessions and candidate information resources ahead of the 2020 local government elections.	
Action Timeframe	June 2020
Responsibility	Coordinator Governance and Risk Coordinator Community Development and Engagement

k) Develop and implement a Councillor Induction Program.	
Action Timeframe	June 2020
Responsibility	Manager Human Resources Coordinator Governance and Risk

l) Develop and implement a Councillor Professional Development Program.	
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Action Timeframe	September 2021
Responsibility	Manager Human Resources Coordinator Governance and Risk

### 7.6. Councillor Expenses and Provision of Facilities

Section 252 of the Act requires Council to adopt, within the first 12 months of each term, a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic offices. A policy made under section 252 of the Act must comply with the provisions of the Act, the Regulation and any relevant guidelines issued by the OLG.

Council's current Councillor Expenses and Provision of Facilities Policy, titled *Councillor Expenses and Facilities Policy 2018*, was adopted by Council at its Ordinary Meeting in March 2018 [27.03/18]. The policy is consistent with both the provisions of the Act and industry best practice. In accordance with section 252 of the Act, the policy should be reviewed within 12 months of the 2020 local government elections.

m) Develop and adopt a revised Councillor Expenses and Provision of Facilities Policy.	
Action Timeframe	September 2021
Responsibility	Coordinator Governance and Risk

### 7.7. Councillor Staff Interaction

Clause 6.2 of the Model Code prohibits Councillors from:

- Directing Council staff other than by giving appropriate direction to the General Manager in the performance of Council's functions by way of Council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (section 352);
- In any public or private forum, directing or influencing or attempting to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate (Schedule 6A of the Act);
- Contacting a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager; and
- Contacting or issuing instructions to any of Council's contractors or tenderers, including Council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to Council's external auditors or the Chair of Council's Audit, Risk and Improvement Committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or Audit, Risk and Improvement Committee to effectively perform their functions.

The OLG Program recommends that Council's Councillor Staff Policy covers the following key issues:

- Councillor access to information;
- Refusal of access to documents;
- Use of Council information; and

- Security of information.

Council’s current policy, titled *Provision of Information to and Interaction Between Councillors and Staff Policy 2011*, was adopted by Council at its Ordinary Meeting in February 2011 [45/11]. The policy should be scheduled for review to ensure currency and consistency with industry best practice.

n) Develop and adopt a revised Councillor Staff Interaction Policy.	
Action Timeframe	October 2018
Responsibility	Coordinator Governance and Risk

### 7.8. Campaign Donations

Section 328A of the Act requires Council’s General Manager to keep a register of copies of current declarations of disclosures of political donations lodged with the NSW Electoral Commission by or on behalf of Councillors (including in their capacity as candidates for election as Councillors).

o) Develop and maintain a register of political donations declarations lodged by or on behalf of Councillors.	
Action Timeframe	June 2019
Responsibility	Coordinator Governance and Risk

**APPENDIX A: GOVERNANCE FRAMEWORK RESPONSIBLE POSITIONS**

Governance Framework	Directorate	Position/s Responsible
<b>Organisational Planning and Performance</b>		
Statement of adopted values	GM	General Manager
Organisational Performance	GM	General Manager
Organisational Structural Review	GM	General Manager
<b>Risk Management and Internal Controls</b>		
Gifts and benefits Policy, Procedures and Register	CG	Coordinator Governance and Risk
Communication devices Policy governing usage	CG	Coordinator Technology and Information
Conflict of interest Procedures (including Pecuniary Interest Register)	CG	Coordinator Governance and Risk
Statement of business ethics for external parties	CG	Coordinator Governance and Risk
Risk management strategy, plan and coordination (including for WHS)	CG	Risk Management and Safety Officer
Insurance Coordination - organisational risk insurance (except for Workers Comp)	CG	Risk Management and Safety Officer
Fraud and corruption prevention strategy, policy and procedures for reporting	CG	Coordinator Governance and Risk
Business Continuity Plan	CG	Coordinator Governance and Risk
ICT Disaster Recovery Plan	CG	Coordinator Technology and Information
Internal controls and audit committee and program	CG	Risk Management and Safety Officer
Legislative compliance calendar and reporting systems	CG	Coordinator Governance and Risk
Customer complaints handling policy and procedures	CG	Coordinator Community Development and Engagement
Legal services coordinator and panel contracts	CG	Coordinator Governance and Risk
Public interest disclosures and internal reporting	CG	Coordinator Governance and Risk
Code of conduct procedures and coordination	CG	Coordinator Governance and Risk
Procurement, Disposal and Tendering Framework	CG	Coordinator Governance and Risk
Privacy Management Plan and Coordination	CG	Coordinator Governance and Risk
Records Management Policy and Guidelines	CG	Records Coordinator
Access to information by the Public (GIPA) Policy, procedures and coordination	CG	Records Coordinator
Information Technology Strategic Planning	CG	Coordinator Technology and Information
Election Coordination and Campaign donations returns and register	CG	Coordinator Governance and Risk
Diversity Policy (EEO)	GM	Manager Human Resources
Secondary employment	GM	Manager Human Resources
Injury Management, Return to Work, and Workers Compensation	GM	Manager Human Resources
<b>Decision making processes</b>		
Executive Management accountability and remuneration fair and responsible	GM/Council	Mayor, Council and General Manager
Executive management meetings formal structure, agenda and minutes	GM	Senior Executive Support Officer
Delegations of authority register and compliance	CG	Coordinator Governance and Risk
Policies and procedures register and coordination	CG	Coordinator Governance and Risk
Code of meeting practice	CG	Coordinator Governance and Risk
Committee system coordination	GM	Senior Executive Support Officer

S.355 Committee Coordination	GM	Senior Executive Support Officer
PRG Coordination	Directorate	Directors
Business paper coordination and production (council and committees), including minute taking	GM	Senior Executive Support Officer
Councillor induction and training coordination	GM	Coordinator Governance and Risk
Expenses and provisions of facilities to councillors Policy	GM	Coordinator Governance and Risk
Councillor Services (including expense claims, travel arrangements etc)	GM	Senior Executive Support Officer
Councillors access to information policy	CG	Coordinator Governance and Risk
Councillor staff interaction policy	GM	Coordinator Governance and Risk
Strategic alliances with other councils	GM	GM / Directors
Council resolution status reporting coordination	GM	Senior Executive Support Officer
OLG Circulars and community partitions Coordination	CG	Coordinator Governance and Risk