

Kyogle Council

Governance Policy



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Contents

1	VALIDITY.....	3
2	INTRODUCTION	3
2.1	Policy Objectives	3
2.2	Definitions.....	3
2.3	Related Documents	3
3	POLICY CONTENT	4
3.1	General Provisions	4
3.2	Policy Framework	4
3.3	Characteristics of Good Governance.....	4
3.4	Roles of Local Government	4
3.5	Principles of Good Governance.....	5
4	POLICY IMPLEMENTATION GUIDELINES	6
4.1	Good Governance Framework	6
4.1.1	Ethics and Values.....	6
4.1.2	Risk Management and Internal Control	6
4.1.3	Decision- making Processes	6
4.1.4	Monitoring and Review	7

1 VALIDITY

This policy derives its validity from Council Resolution 22 November 2010 (221110/19) and (11/04/2016XXX).

2 INTRODUCTION

Governance is an important concept and impacts all sectors of the community. The practice of good governance is increasingly seen as critical for ensuring that the governance of organisations has a legal and ethical basis, that decisions are taken in the interests of stakeholders, and that the organisation behaves as a good corporate citizen should.

This policy demonstrates Kyogle Council's commitment to the principles of good governance and provides a policy basis for Council to develop a Governance Strategy.

2.1 Policy Objectives

This policy, and the principles set out in the policy, aim to:

- Achieve the highest standards of governance.
- Ensure the compliance of Councillors, Council staff and delegates with relevant legislation.
- Seek excellence in governance through continuous improvement and working on systems.
- Provide guidance to Councillors and Council staff in achieving good governance.

2.2 Definitions

Ethics

Ethics are the moral principles by which any particular person or organisation is guided; the rules of conduct recognised in a particular profession or area of human life.

Governance

Governance is the process of decision-making and the process by which decisions are implemented or not.

Good governance

Good governance means that the structures, activities and operations of the Council are conducted in accordance with the principles of legal compliance, probity, transparency, accountability, and respect for people within the Council and for all other stakeholders.

2.3 Related Documents

Code of Conduct

Code of Meeting Practice

3 POLICY CONTENT

3.1 General Provisions

All policies need to be presented to Council, and require a resolution to be recorded on the document to give it validity.

Whenever policies are reviewed or new policies drafted, a clear distinction is to be made between what is policy intent, and what are the procedures required for the implementation of the policy intent. Policies presented to Council for adoption should not include procedures, unless there is a statutory requirement for the procedures to be included, such as with the Code of Conduct and the procedures for the administration of the Code of Conduct.

Procedures required for implementation of policy are operational matters and are to be adopted by the General Manager as internal operational documents. All such procedures are considered operational in nature and are not required to be presented to Council for adoption. Nothing prevents any such procedures being made publically available, as deemed appropriate by the General Manager.

3.2 Policy Framework

All policies are to be identified and grouped using the following groupings;

- Governance
- Financial
- Transport
- Water and Waste
- Environment and Planning
- Social and Economic

Whenever policies are made available in any format these groupings are to be used and each individual policy specifically categorised using these groupings.

3.3 Characteristics of Good Governance

The characteristics of good governance are:

- it is participatory
- it is consensus-oriented
- it is accountable
- it is transparent
- it is responsive
- it is effective and efficient
- it is equitable and inclusive
- it is law-abiding.

3.4 Roles of Local Government

Council will apply the following general principles set out in its Charter to sustain community democracy and encourage active citizenship within the Local Government Area:

- To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.
- To exercise community leadership.
- To exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism.
- To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
- To have regard to the long term and cumulative effects of its decisions.
- To bear in mind that it is the custodian and trustee of public assets and to effectively account and manage the assets for which it is responsible.
- To facilitate involvement of councillors and members of the public and users of facilities and services and staff in the development, improvement and co-ordination of local government.
- To raise funds for local purposes by fair imposition of rates, charges and fees by income earned from investments and, when appropriate, by borrowings and grants.
- To keep the local community and the State government (and through it, the wider community) informed about its activities.
- To ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected.

3.5 Principles of Good Governance

In addition to implementing the provisions of its Charter, Council will apply the following principles:

- Council decision-making will exhibit transparency, honesty and probity
- Council will make decisions that represent the best long-term interest of the whole of the Kyogle Local Government Area
- Councillors will respect the decisions of the majority and once decisions are made, will support those decisions
- Councillors will be accountable for the development of policy and the strategic direction
- The General Manager and Council officers will be accountable for the implementation of Council policy and decisions except where they apply exclusively to Councillors.
- All Councillors and Council staff will observe the Code of Conduct in spirit and in letter.

4 POLICY IMPLEMENTATION GUIDELINES

4.1 Good Governance Framework

Council will achieve and maintain good governance through the use of a Good Governance Framework based on the key elements identified in the Local Government Managers Australia (LGMA) Governance Health Check. Other useful resources include the CPA Excellence in Governance document.

The four key elements of good governance are:

4.1.1 Ethics and Values

Setting an appropriate standard of ethics is an important factor in establishing and enforcing a high ethical culture. It helps council reduce fraud, corruption, maladministration and wastage and ensures that council has the respect of the community. Key areas are:

- Code of Conduct
- Internal reporting
- Statement of adopted values
- Statement of business ethics for external parties
- Conflicts of interest
- Gifts and benefits
- Councillors' access to information and interactions with staff

4.1.2 Risk Management and Internal Control

In order to achieve its objectives and operate effectively and in accordance with sound governance principles, Council needs to be aware of key risks that it faces and needs to have appropriate controls in place to deal with those risks. Key areas are:

- Risk management
- Internal controls
- Fraud and corruption prevention plan
- Legislative compliance
- Privacy
- Secondary employment
- Payment of expenses and provision of facilities to Councillors
- Procurement and disposal procedures
- Records management

4.1.3 Decision- making Processes

Sound decision-making processes that comply with the principles of good governance will help Council's individual decisions to withstand scrutiny by regulators, courts, the media and those affected by the decisions. Key areas are:

- Code of meeting practice
- Committee system
- Involvement of stakeholders
- Delegations of authority

- Management Plan
- Policies and procedures
- Provision of advice

4.1.4 Monitoring and Review

These processes are important to ensure that Council is operating appropriately and that Council and people at Council are accountable for their actions. Monitoring and review also helps to ensure that Council can react to changes in its environment efficiently and effectively. Key areas are:

- Council policies
- Annual report
- Performance management
- Complaints handling
- Access to documents