



Bayside Council

Serving Our Community

Governance Framework

24 July 2024



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Governance Framework

File: F11/248 Document: 22/107225[v2]

Policy Register: F16/951 Policy No.: PP23/1

Class of document: Council Policy

Enquiries: Manager Governance & Risk



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Commitment

Bayside Council is committed to our local community.

We know that strong leadership, an ethical culture and quality communication are core to meeting the needs of our community.

The relationship a Council has with its community is one based on good governance including transparency and accountability for the responsibilities we exercise on your behalf.

This Governance Framework is a vital document that provides an outline of the way we do things at Bayside Council to achieve and honour our commitments. It also provides a clear understanding of our roles and responsibilities.

This framework brings together in one place all the policies, procedures and practices that define how Bayside meets its governance commitments. These organisational arrangements flow through to benefits for our community.

Good governance is critical to the synergy between Council and our community. This framework ensures the highest standards are in place in all that we do.

Meredith Wallace
General Manager

1 Introduction

1.1 Background

Local government is often called ‘the third sphere’ of government in Australia. It is an elected system of government directly accountable to the local community. Each Council is an independent, statutory body responsible for administering the local government area (LGA) over which it has jurisdiction. Leadership is provided by the Council, comprising the elected representatives (i.e. the Mayor and Councillors), who work together to provide good governance for the benefit of their local community.

As a local government body in NSW, Council is constituted under and governed by the *Local Government Act 1993* and Regulations. Among other things, the Act:

- a provides the legal framework for an effective, efficient, environmentally responsible and open system of local government
- b regulates the relationships between the people and Councils
- c encourages and assists the effective participation of local communities in the affairs of local government.

The Act also includes a set of Principles¹ that provide guidance to guide Councils in the carrying out of their functions, decision-making, community participation, sound financial management and integrated planning and reporting.

Whether it is carrying out statutory responsibilities or providing other services, the community expects that Council will operate effectively, efficiently and fairly. Having a robust governance framework in place significantly contributes to meeting the community’s expectations and ensures Council decisions are made in an open and transparent way.

1.2 Purpose

This Governance Framework has been prepared to ensure our compliance with relevant legislation including the Local Government Act 1993 (the Act) and in the pursuit of best practice in Local Government.

1.3 Definitions

The definitions of certain terms are:

the Act

Local Government Act 1993

Council

Bayside Council

¹ Chapter 3 *Local Government Act 1993* – refer Appendix 1

OLG

Office of Local Government, NSW Department of Planning, Industry and Environment

EP&A Act

Environmental Planning and Assessment Act 1979

GIPA Act

Government Information (Public Access) Act 2009

ICAC

Independent Commission Against Corruption, NSW

IP&R

Integrated planning and reporting

LGNSW

Local Government NSW

Regulation

Local Government (General) Regulation 2021

1.4 Policy statement

Bayside Council is committed to striving for a robust governance framework through continuous improvement.

1.5 Scope of policy

This framework is applicable to all of Council's functions, and to all Council officers in carrying out those functions.

2 Governance framework

2.1 What is governance?

Governance is the act of governing. It encompasses all the relevant legislation, regulations, policies, procedures, guidance, systems, rules and processes for making and implementing decisions, that define expectations, delegates and grants powers or outlines expectations of performance. Governance is how Council ensures and enhances good Governance principles throughout our organisation, in order to maintain the trust and confidence of the community of Bayside.

2.2 What is good Governance?

Good Governance relates to processes and behaviours essential for Council to achieve its intended purpose, and conforms by complying with all relevant laws, codes and directions while meeting community expectations of probity, accountability and transparency.

Good governance, impacts on all sectors of our community and the practice of good Governance is considered critical in ensuring that:

- Council meets its ethical and legal obligations
- Council establishes and maintains confidence and trust in carrying out its functions
- Council makes decisions that are consultative and are in the best interests of all stakeholders
- Council provides transparency and accountability for all its actions
- Council reviews and improves the services provided to the community.

It is defined by the following principles:

Good Governance is accountable: Accountability is vital. Council has an obligation to report, explain and be answerable for the consequences of decisions we have made on behalf of our community.

Good Governance is transparent: The Community and stakeholders should be able to follow and understand our decision-making process. This means they will be able to clearly see how and why a decision was made, what information, advice and consultation Council considered, and which legislative requirements (when relevant) Council followed.

2.3 What is the Governance Framework?

Among the various definitions, the following one for public sector governance is relevant:

*'... the set of responsibilities and practices, policies and procedures, exercised by an agency's executive, to provide strategic direction, ensure objectives are achieved, manage risks and use resources responsibly and with accountability.'*²

This framework is an overarching policy, or vision, that articulates the corporate approach to 'governance' within Bayside Council. It considers the various governance issues under four main modules:

- Ethics and values
- Risk management and internal controls

² Australian National Audit Office and Department of Prime Minister and Cabinet, 2006, *Implementation of Programme and Policy Initiatives: Making Implementation Matter, Better Practice Guide*, Commonwealth of Australia, Canberra, p.13.

- Decision-making processes
- Monitoring and review.

Each issue comprises the principles of good practice for that particular element, as well as the approach and practices of Council in order to achieve those principles. As part of Council's continuous improvement approach, this framework is reviewed regularly. Refer to *Review* below.

This Framework document is based on the previously published *Governance Health Check: self-audit guide to good governance in local government*, published by the Local Government Managers Australia NSW / ICAC Australian Government, Australian Public Service Commission, Building Better Governance, 2007.

Each element is treated similarly, with:

- A description of the mandatory requirements and/or good practice
- Bayside's approach to each element.

3 A – Ethics and values

3.1 Organisational values

Adopted values shape the culture of organisations. They guide how members act and what they aspire to do; how people interact with each other and with others. All Council officials, including Councillors and senior staff, aspire to give effect and adhere to them. Embraced values support positive attitudes and ethical behaviour that reduce opportunities for corrupt conduct.

3.2 Our Values

Organisational values – Bayside Council's approach

Our values are not just words on a page. They give us a shared purpose, a sense of identity and a vision for the future. They help connect all who work here and inform us as to how to work with our customers and community.

Visionary Leadership

We are all forward-thinking leaders in the community, setting and executing the vision for the Council together,

Empowered People

We are brave and proactive, committed to making a difference in our work.

Meaningful Relationships

We support, invest in and care about each other, creating a collaborative workplace that excels.

Exceptional Service

We go above and beyond, delivering an outstanding customer experience every time.

In order to infuse our *values* throughout the organisation Council publishes them in various locations and mediums to ensure that Councillors, staff, contractors,

suppliers, other stakeholders and the wider community have sustained opportunities to know and understand the behaviours that emulate the values. Council also strives to regularly monitor and review its promotional strategies for effectiveness.

Our values are included in the 'working for Bayside' webpage, position descriptions, key policies, wall posters, the intranet, and the induction program for new employees. Our values also form a key part of the employees' Planning Performance and Review framework: in workplans and the annual assessment reviews.



3.3 Code of Conduct

The Code of Conduct sets the ethical and behavioural standards for Council and its workplace. An effective code not only relies on its form and content, but also on its continued promotion and use as a practical guide to day-to-day behaviour and decision-making.

Council embraces the *Model Code of Conduct for Local Councils in NSW* (and accompanying *Procedures*) that the Office of Local Government (OLG) issues from time-to-time.

It is built around the key principles of integrity, leadership, selflessness, impartiality, accountability, openness, honesty, respect. It covers:

- Ethical decision making
- Standards of conduct
- Conflict of interests
- Personal benefit
- Relationships
- Access to information and Council resources
- Maintaining the Integrity of the Code.

Code of Conduct – Bayside Council’s approach

On certain issues, Council adopts requirements that are more stringent than the OLG Model Code, such as:

- Gifts and benefits – non-acceptance
- Social media – greater prescription
- Political comment – greater prescription
- Volunteers – included as Council officials.

As a principle, Council endeavours to keep to a minimum the number of additional policies that relate to Code of Conduct issues, preferring instead to rely on (and/or strengthen) the Code itself. However, Council has determined that additional guidance (in terms of policies and/or procedures) is appropriate for the following Code of Conduct matters:

- Conflicts of Interest
- Gifts and benefits
- Use of Council electronic communications resources
- Public interest disclosures
- Related party disclosures
- Other employment
- Council officials relationships and access.

Council achieves excellence by:

- Integrating the Code principles into Council's regular activities, such as recruitment, and through documents such as position descriptions
- Requiring all Council officials to declare that they have received and read the Code of Conduct, initially when they commence with Council and each time there is a substantive amendment of the Code.
- Training new employees during their induction.
- Conducting annual mandatory training on Code issues, and when Code requirements change.
- Reviewing the Code and assessing its effectiveness at least within 12 months of the commencement of every new term of Council.
- Actively promoting the Code internally and externally.

Complaints about conduct and reported breaches of the Code is dealt with by the General Manager (or Mayor in the case of a complaint against the General Manager) in accordance with the Code of Conduct Procedures, with assistance from the Manager Governance & Risk as the Complaints Coordinator, who ensures that appropriate information is captured and recorded, the associated administrative processes are followed, and that complaints statistics are reported to Council annually in accordance with the Code of Conduct Procedures.

3.4 Internal reporting

Prompt, sensitive and appropriate resolution of all employee grievances and reporting of wrongdoing is an aspect of sound management.

Certain reporting is covered by the *Public Interest Disclosures Act 2022*, which addresses disclosures of:

- corrupt conduct
- maladministration
- serious and substantial waste of public money
- government information contravention
- local government pecuniary interest contravention.

Apart from the above five issues, other grievances and reporting of wrongdoing are reported under various policies and procedures. Such issues include:

- breaches of the *Code of Conduct*
- bullying, harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, these reports ideally are considered with every attempt to protect the staff member making the report from any form of reprisal.

Internal reporting – Bayside’s approach

Council is committed to dealing effectively with internal reporting and to:

- an ethical workplace; free of corruption, maladministration and wastage, active in providing government information, and full disclosure of pecuniary interests
- guaranteed fully investigated reports of suspected wrongdoing
- guaranteed confidentiality, unless the person making the report has informed others themselves
- supporting its public officials who disclose wrongdoing within Council, including preventing reprisal action against them.
- deals with such disclosure reports in an impartial manner, takes appropriate action to rectify any wrongdoing found, and provides appropriate resources and training

Council’s internal reporting is also covered by:

- *Code of Conduct Procedures*, which outlines the process for reporting and dealing with potential breaches.
- *Prevention of Workplace Bullying Harassment & Discrimination Policy*, which includes grievance and dispute procedures.

3.5 Business ethics

Councils partner with and engage the private sector to implement many of their responsibilities. Appropriate working relationships with the private sector enhance the efficiency and effectiveness of Councils’ many and varied services.

In order to ensure appropriate relationships are in place, it is good practice for Councils to articulate the expectations of the private sector, and what the private sector should expect of Councils.

Business ethics – Bayside’s approach

Council’s *Statement of Business Ethics* clarifies the relationship between the private sector and Council. It provides, in one document, important information about Council’s values, business principles, expectations of staff and private sector entities, and how to report unethical behaviour. In particular, the Statement outlines Council’s position on:

- Gifts and benefits (including hospitality)
- Conflicts of interest
- Confidentiality
- Communications between Council and the private sector
- Other employment
- Modern slavery
- Expectations of contractors and sub-contractors.

Council ensures that the private sector is aware of Council’s ethical standards, by publishing the *Statement of Business Ethics* on Council’s website and actively providing it to tenderers, contractors and other private sector entities with which Council has business dealings.

3.6 Conflicts of interest

Potential conflict of interests arise if it is likely that a private interest could conflict, or be seen to conflict, with a performance of a public or professional duty. Many conflict of interests arise at the individual level due to relationships of Council officials with friends, relatives, close associates, financial investments, past and future employment, and the like.

Conflicts of interest can also occur within Council itself, particularly between regulatory and other areas of the organisation.

The *Code of Conduct* defines ‘pecuniary’, ‘non-pecuniary, significant / non-significant’ conflicts of interest. In relation to pecuniary interests, Councillors and designated persons are to lodge annual disclosure of interests returns in accordance with section 449 of the Act.

All potential conflicts, whether real or perceived, must be managed following the principles of probity and transparency.

In addition, the Australian Accounting Standards Board has determined that AASB124 Related Party Disclosures applies to government entities, including local governments. The objective of the accounting standard is to ensure that annual financial statements contain disclosures necessary for stakeholders to draw attention to the possibly that the financial position and financial performance may have been affected by transactions and outstanding balances with related parties. Any transaction that a Councillor, ‘key management personnel’ or their related parties have with Council (other than ordinary citizen transactions, such as ‘rates’) needs to be disclosed.

Conflicts of interest – Bayside’s approach

As a principle, Council relies on the *Code of Conduct* for policy on conflict of interests. Corporate Procedures, approved by the General Manager, outline the declaration and resolution process for such conflicts.

For the disclosure of interest returns, the list of Statutory and Non-Statutory designated persons is reviewed and approved by the General Manager each year. The list comprises executive members, managers and staff responsible for regulatory, planning and procurement functions, as well as staff with significant financial delegations. The returns are 'open access' documents as defined in the *Government Information (Public Access) Act 2009* and are available on request, however only the Statutory designated persons returns are published on Council's website, in accordance with a Bayside determination made under section 6 of the Act.

For the related parties returns, as required by the Australian Accounting Standards Board, Bayside has determined that the key management personnel include the General Manager, the Directors, the Manager Finance, the Manager Procurement & Fleet and the Manager Governance & Risk.

3.7 Other employment

The term 'other employment (previously secondary employment)' refers to the situation of a Council employee is also engaged in employment (whether paid or voluntary), contract work, or has a business outside the service of Council.

Because employees often seek other employment in the areas of their expertise, there are often potential real and/or perceived conflict of interests – such as working in a sector, which they regulate, or about which they make decisions.

Other Employment – Bayside's approach

In addition to the *Code of Conduct* provisions, Council has adopted a distinct *Other Employment Policy*. It recognises the need to be flexible (rather than imposing unnecessary conditions), provides inappropriate circumstances which could arise, and outlines the process for seeking approval to engage in Other employment. The Policy also reinforces the Code requirement that Council information and resources are not to be used for private purposes.

Council provides annual refresher training on the Policy, as well as it being included in the induction for new employees and sending out regular reminders to the staff at Bayside Council.

3.8 Councillor access to information and resources

Councillors are to be provided with appropriate and sufficient information to enable them to undertake their civic office functions. If information is provided to one Councillor due to a request or any other reason, it should be provided to all Councillors.

If on the other hand, a Councillor has a private interest in a Council matter they have the same rights to that information as a member of the public under the *Government Information (Public Access) Act 2009*.

Councillor information and access – Bayside’s approach

As a principle, Council relies on the *Code of Conduct* for policy on Councillors access to information, appropriate use of resources, and access to Council buildings. The Code emphasises that Council information is only to be used by any Council official for Council business and not for private purpose nor any improper advantage.

Council provides information to Councillors through an extranet portal, which is user-friendly, accessible from any computer, and allows previous communications to be retrieved.

The issue of interaction between Councillors and staff in the *Code of Conduct* is supplemented with a *Council Officials Relationships & Access Policy* that provides further guidance. Councillors direct enquiries on operational matters to the appropriate director, manager or staff who have been authorised by the General Manager, and to the General Manager for strategic or sensitive matters.

Council’s *Expenses and Facilities Policy* also addresses the extent of Council resources provided to Councillors in order to undertake their civic office functions.

4 B – Risk management & internal controls

4.1 Risk management

Councils face many exposures, that need to be assessed, quantified and managed, so as to mitigate and address potential impacts to financial sustainability, reputation, the work, health and safety of the public and employees, volunteers, partners and others.

Risk management is part of corporate governance and operational frameworks. Identification of both strategic and operational risks, along with the appropriate controls help achieve corporate objectives. Such controls minimise operational hazards, and are often focused on policies, practices and procedures.

Clause 216s of the Local Government (General) Regulation 2021 requires Councils to adopt and implement a system for managing risk. The Office of Local Government Guidelines “Risk Management and Internal Audit for Local Government NSW” from 1 July 2024 requires each Council to implement a Risk Management Framework that is consistent with the current Australian Standards for Risk Management i.e. Australian Standard AS/NZS ISO 31000:2018.

Embedding risk management into strategic decision-making helps Councils make informed decisions for the benefit of both the Council and community. The aim is to make organisations more resilient to sudden events or disruptions that impact the delivery of services and our community’s day to day life.

Risk management – Bayside’s approach

Council’s risk management framework has been reviewed and replaced by an Organisational Resilience Framework which includes:

- Risk Management Framework

- Organisational Emergency Management
- Organisational Resilience Framework including Business Continuity Management
- IT Disaster Recovery
- Crisis Management
- insurance with CivicRisk, a local government insurance mutual
- risk Registers, documented risks, controls, actions and responsibilities
- risk reporting on a quarterly basis including ongoing and emerging issues.

In addition, Council:

- reviews Strategic Risks annually to identify emerging risks with lessons learned applied
- considers the external and internal environment changes as they impact upon risks
- provides regular risk, insurance and claims education and awareness training
- reviews risk management practices, policies and procedures as required.
- provides induction and annual refresher training on Risk Management

Business continuity during disruption to services is a significant risk to Council's operations. Its aim is to maintain services and continue to offer customer functions or ensure they are restored to an acceptable level as quickly as possible.

Business Continuity Plans:

- have been reviewed and tested and focus on the restoration of Critical Business Functions at any organisational level
- along with supporting documents and delegations allow for a series of actions to be implemented once an emergency has been declared by the General Manager.

Council's insurance covers legal liability events and loss or damage to insured property and assets.

Council's quality management system:

- includes peer reviews of high-risk regulatory decision-making
- Work Health & Safety management system (including safe work method statements)

Council takes a proactive approach to risk management and is active in the identification of risks. Council makes community risk awareness a high priority and has initiated a number of actions around reporting on incidents online, video explaining responsibilities around trees, pipes and property to raise general community awareness to reduce incidents and claims.

4.2 Fraud and corruption prevention

A vital element of good governance is an effective fraud and corruption strategy. The community and other stakeholders expect Council to be free of fraud and corruption,

which if not controlled, can be a significant drain on Council resources and damaging to its reputation.

Fraud and corruption at any level of Council is NOT acceptable and MUST be reported.

Fraud and corruption prevention Bayside's approach

Council's fraud and corruption strategy includes:

- Fraud & Corruption Framework
- Fraud & Corruption Prevention Policy
- Access to Information Policy
- Code of Conduct and associated Procedures
- Conflict of Interest Procedures
- Delegations – Process and Operational Procedure
- Gifts & Benefits and Other Employment Policies
- Public Interest Disclosures Policy
- Related Party Disclosures Policy
- Statement of Business Ethics

Council encourages all to be vigilant and aware of their responsibilities with regard to identifying, addressing and controlling potential fraud and corrupt situations. Any suspected wrongdoings must be reported under the above-listed *Public Interest Disclosure Policy*.

As outlined in the above-listed *Code of Conduct* and *Gifts & Benefits Policy* stipulate a zero-tolerance to receiving gifts and benefits – a 'Thank You is Enough' – in connection with official duties.

Council strives to progressively monitor fraud and corruption while evaluating best practice approaches.

Fraud and corruption at any level of Council is NOT acceptable and MUST be reported.

4.3 Internal audit

Internal controls are a set of established processes effected by management to provide reasonable assurance of the robustness of Council's internal processes and framework to ensure that Council achieves its strategic and operational objectives with effectiveness and efficiency, and in accordance with legislation and internal policies. Such controls can include a broad range of measures including segregation of duties, approvals, system controls, training, security/access controls. These key controls are supported by secondary controls such as policies and guidelines and soft controls such as culture and management style.

Clause 216O of the Local Government (General) Regulation 2021 from 1 July 2024 requires Councils to have an Internal Audit function to keep under review the Council's operations and risk management and control activities. The Office of Local Government Guidelines "Risk Management and Internal Audit for Local Government

NSW” requires each Council to have an independent Audit function that reports to the ARIC and is consistent with the current International Standards for Internal Audit.

Council is subject to annual performance and financial audits through the Audit Office of NSW, as mandated under the *Government Sector Audit Act 1983 NSW*.

Internal audit – Bayside’s approach

Council has established an internal audit function in accordance with the Local Government (General) Regulations and the Office of Local Government Guidelines

The Council ensures the independence and robustness of its Internal Audit function by :

- Maintaining an Internal Audit Charter
- Developing and implementation a transparent risk based Four Year Strategic Internal Audit Plan
- Engaging Internal Auditor, who reports functionally to the Audit, Risk & Improvement Committee (ARIC) and administratively to the Manager Mayoral & Councillor Support, has unfettered access to the General Manager and ARIC. The Internal Auditor implements the internal audit plan. A system of updates on the progress of audit recommendations with independent audit verification on implementation.
- Reporting the results of all audits and audit verification to the Executive Committee, the Audit, Risk & Improvement Committee (ARIC), and the Council.
- The General Manager’s performance includes an assessment of the implementation of all audit recommendations and the effectiveness of the internal audit function.

Council and Internal Audit undertake reviews of the internal control frameworks governing processes particularly those that are vulnerable to corruption and implements any recommendations arising from those reviews.

These arrangements are in addition to the statutory external audit of the financial reports and associated policies and procedures. Currently, Council is subject to annual performance and financial audits through the Audit Office of NSW, as mandated under the *Government Sector Audit Act 1983 NSW*.

Council supports the Statutory Annual External Audit by working cooperatively to agree on a Letter of Engagement for the Audit, meeting the timeframes agreed to ensure the financial statements are audited by the Statutory Deadlines and monitors and implements recommendations made by the external audit as part of its interim and final management letters.

Council reviews its risk management, internal audit, Audit, Risk & Improvement Committee (ARIC) arrangements as required to comply with the OLG Guidelines for Risk Management and Internal Audit Framework for local government in NSW.

4.4 Audit Risk and Improvement Committee (ARIC)

The Local Government Act 1993, its regulation and the Office of Local Government guidelines require each Council to have an ARIC that continuously reviews and provides independent advice to the Council on how it is functioning and managing risks. The Local Government Regulations prescribes requirements in relation to the membership and operations of ARIC. The Office of Local Government Guidelines provide more detail in relation to the core requirements of ARIC.

ARIC – Bayside’s approach

Council has established an ARIC in accordance with the Local Government Act, its Regulations and the Office of Local Government Guidelines.

The Council ensures the independence and robustness of its ARIC by :

- Appointing an Audit, Risk & Improvement Committee (ARIC) of Council, in accordance with the Regulations and the Guidelines with suitable qualified and experienced independent members
- Ensuring that any councillor representative is a non-voting member.
- Maintaining an Audit, Risk & Improvement Committee (ARIC) Terms of Reference in accordance with the OLG Guidelines
- Ensuring the ARIC has a four-year strategic workplan and an annual workplan
- The ARIC has unfettered access to the General Manager and staff
- Providing reports to ARIC to enable it to fulfil its under the Local Government Act i.e. s428A and cl216M under the Local Government (General) Regulation.
- Periodic review of the Audit, Risk & Improvement Committee’s (ARIC’s) effectiveness and the adequacy of its arrangement risk and audit by an external independent body, on behalf of the General Manager, to ensure that it is fulfilling the responsibilities of its charter and provides sufficient assistance to Council’s governing body on governance processes.
- Providing an annual attestation in accordance with the OLG Guidelines.

4.5 Compliance

Compliance is an essential governance aspect. If not managed effectively, non-compliant actions (or non-action) can result in prosecution, unnecessary expense and loss of reputation.

Legislative compliance – Bayside’s approach

Bayside’s Compliance Management Register outlines its commitment and obligations in:

- relevant Australian and NSW legislation and regulations (statutory)
- industry codes and standards (including ISO 37301:2021)
- Council policies and procedures

- Contracts and agreements with other government agencies, community organisations and private firms.

In terms of the statutory compliance Council identifies applicable legislation in a legislation register. All Council officials are responsible for ensuring their areas of responsibility comply with relevant statutory requirements, as well as Council's policies. Managers are responsible for monitoring legislative changes, implementing consequential changes to Council's policies, procedures and/or processes, and to advise other Council officials impacted by the changes.

Managers are required to provide an Compliance Attestation each financial year.

4.6 Privacy

The NSW *Privacy and Personal Information Protection Act 1998* applies to Council, as does the NSW *Privacy Code of Practice for Local Government*,³ which both provide for the protection of personal information and privacy of individuals generally. The Commonwealth *Privacy Act (1988)* applies to Council's commercial suppliers.

It is noted that the *Government Information (Public Access) 2009* allows release of personal information in certain situation.

When Council collects personal information from an individual, such as their name, address, telephone number or email address, Council must make the individual aware of:

- the purposes for which the information is being collected
- the intended recipients of the information
- whether the supply of the information is required by law or is voluntary • any consequences for the individual if the information (or any part of it) is not provided
- ways the individual can access and correct the information Privacy Management Plan
- the name and address of the unit that is collecting the information and the unit that is to hold the information.

4.7 Councillors' expenses and facilities

A policy on the payment of expenses and provision of facilities for the Mayor and Councillors assists in the efficient and transparent handling of payments, and the provision and return of facilities. It helps protect both Councillors and Council from allegations of improper conduct.

Expenses and Facilities – Bayside's approach

Council's *Councillor Expenses & Facilities Policy* outlines fees, acceptable expenses (such as costs for conferences, training, travel, and carers' expenses) and facilities provided (such as communication devices, office equipment and supplies, meeting rooms, and administrative support).

³ Refer DLG Circular 00/44

Council's policy is prepared in accordance with section 252 of the Act, and includes the following features:

- The annual fees payable to the Mayor and Councillors are the maximum allowable as set by the Local Government Remuneration Tribunal in recognition of their significant contribution
- All expenses paid are for specific approved items – there are no 'general expenses' payments.
- Inclusion of a maximum amount for expenses paid in a particular year
- Provision of a structured Councillor professional development program.

Council's policy is based on industry best practice as outlined in the model policy issued by OLG. It ensures clear and accountable measures.

The Policy is reviewed, exhibited and adopted within twelve months following a general election. Its implementation, including payment of expenses and the provision, use and return of facilities, is subject to internal audit.

4.8 Procurement and disposal

In undertaking its functions, Council expends significant public funds, much of it in procurement of goods and services. It is important that procurement (and disposal) activities are governed by strict considerations of probity, transparency and accountability. Council's procurement is governed by the Act (in particular section 55) and the *Local Government (General) Regulation 2021* (in particular Part 7).

Procurement and disposal – Bayside's approach

In order to achieve best practice aims, Council manages risks by embracing additional requirements:

- OLG *Tendering Guidelines for NSW Local Government*, October 2009
- Council's *Procurement Policy* and associated procedures, which cover: processes for purchases below the statutory tender threshold; standard specifications, requests for tender / expression of interest templates; guidelines for assessment of and reporting on tenders and quotations
- Council's *Statement of Business Ethics*.

Council's centralised purchasing system ensures that only those with delegated financial authority may approve purchases. Such financial limit delegations are defined in Council's *Delegation of Functions* from the General Manager to staff. Approval to commit funds is also constrained by the current operational plan actions, approved budget, and relevant policies.

Changes to financial limits of staff may only be approved by the General Manager, or the Council in the case of the General Manager.

5 C – Decision-making processes

5.1 Roles and responsibilities

Effective decision-making demonstrates to the community and other stakeholders that Councils operate with transparency, probity, and in the best interests of all concerned. Sound decisions withstand scrutiny by regulators, courts and the media.

Decision-making occurs at many levels within Councils – it is normally supported by various forums that comprise Councillors, staff, community members and/or independent specialists. Councils, which have effective decision-making processes in place, reflect transparency and accountability that underpin excellence in governance.

As the Independent Commission Against Corruption (ICAC) outlines, an essential component of good governance in local government is that all people involved in the direction and control of Council are aware of and comply with their roles and responsibilities. The Act provides some guidance on the roles of Councillors, the general manager, the mayor, and the public officer. The roles and responsibilities of other Council officials are defined in contracts of employment, position descriptions, delegations of functions and Council policies and procedures.

Roles and responsibilities – Bayside’s approach

Council strives to have effective working relationships that are promoted and supported among the Mayor, Councillors, General Manager and the administration. Importantly, all roles are understood and accepted by each other. *Bayside’s Council Officials Access & Relationships Policy* supports this objective.

Council

The role of the governing body is to direct and control the affairs of the Council in accordance with this Act. It is similar to a board of a public company as it oversees the activities of Council, rather than being involved in day-to-day matters.

Ideally, the Council-in-meeting focuses on the strategic outcomes and direction, while the administration (general manager and staff) implements Council decisions and policy through its day-to-day operations.

Council’s functions can be classed as service (that is, non-regulatory), regulatory or ancillary. Ancillary functions are those functions that assist the carrying out of a Council’s service and regulatory functions. A Council also has revenue functions, administrative functions and functions relating to the enforcement of this Act. Councils also have other functions conferred on it by other legislation, which is included in Appendix 3.⁴

Council – Bayside’s approach

Bayside Council comprises fifteen Councillors, who elect a Mayor and Deputy Mayor in accordance with the Act.

⁴ Section 21 the Act

Code of Meeting Practice

Councils' Code of Meeting Practice comprise rules for Council and Committee meetings and are based on the model issued by OLG under the Regulation. The objectives of a Council's code is to ensure that Council and Committee meetings:

- are conducted expeditiously in an orderly, efficient and equitable manner.
- promote open government and maximise community access and participation.
- are conducted according to the principles of procedural fairness and due process.
- provide all attending Councillors with an equal opportunity to participate in meetings to the fullest extent possible, with respect being accorded to the expression of differing views.
- proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.
- focus on matters of policy, direction, resource allocation and statutory decisions.

Code of Meeting Practice – Bayside's approach

Council's *Code of Meeting Practice* is based on the OLG Model. It is enhanced by the addition of the following rules:

- Applications of 'request to speak' at the public forum are to be received by Council by 5pm the day before the meeting.
- That items may be considered by exception, that is dealing with multiple items in one resolution where no public speakers and no Councillor wishes to speak against the recommendation.
- Other items, such as opening prayer and acknowledgement of traditional custodians, in the agenda adopted from time-to-time.

The Code is reviewed at least every term of Council.

Notice of Council and Committee Meetings is provided on Council's website.

Mayor⁵

The role of the mayor is:

- (a) to be the leader of the Council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council,
- (e) to preside at meetings of the Council,
- (f) to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the Council,

⁵ Section 226 the Act

- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council,
- (i) to promote partnerships between the Council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the Council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the Councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the Council that the Council determines.

Councillors ⁶

The role of a Councillor is:

- (a) to be an active and contributing member of the governing body,
- (b) to make considered and well informed decisions as a member of the governing body,
- (c) to participate in the development of the integrated planning and reporting framework,
- (d) to represent the collective interests of residents, ratepayers and the local community,
- (e) to facilitate communication between the local community and the governing body,
- (f) to uphold and represent accurately the policies and decisions of the governing body,
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

A Councillor is accountable to the local community for the performance of the Council.

General Manager ⁷

The general manager of a Council has the following functions—

- (a) to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council,
- (b) to implement, without undue delay, lawful decisions of the Council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council,
- (e) to prepare, in consultation with the mayor and the governing body, the Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,

⁶ Section 232 the Act

⁷ Section 335 the Act

- (f) to ensure that the mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the Council that are delegated by the Council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the Council,
- (i) to direct and dismiss staff,
- (j) to implement the Council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

Public Officer ⁸

- (1) The public officer:
 - may deal with requests from the public concerning the Council's affairs
 - has the responsibility of assisting people to gain access to public documents of the Council
 - may receive submissions made to the Council
 - may accept service of documents on behalf of the Council
 - may represent the Council in any legal or other proceedings
 - has such other functions as may be conferred or imposed on the public officer by the general manager or by or under this Act.
- (2) The public officer is subject to the direction of the general manager.

Council staff

Councils employ specialist and administrative staff to carry out the day-to-day operations of the Council, and to implement policies and other decisions as directed by the General Manager. Staff are appointed by the general manager or delegate.

5.2 Council Committee structure

The decision-making process of Councils is normally supported by various Committees / working parties – some are decision-making, others are advisory and support Council-in-meeting, others support the General Manager and the administration. An appropriate Committee / working group structure allocates priorities, builds capacity and shares workload.

Committees and forums supporting Council – Bayside's approach

Council has clear terms of reference for each Committee / working group outlining its function, membership, authority and regular reporting requirements. Apart from the below-mentioned Planning Panel, minutes of Committees / working groups are considered by Council, with a view to adopting the recommendations therein.

Statutory Committees

Statutory Committees are required / allowed under various legislation – they facilitate consideration of specialised matters. Council's statutory Committees include:

⁸ Section 343 the Act

- Bayside Local Planning Panel (both decision-making and advisory) – comprising independent experts and a community representative – operating under the *Environmental Planning and Assessment Act 1979*
- Audit, Risk & Improvement Committee (ARIC) – comprising Councillors and external specialist members – operating under the Act and Regulation, which mandates internal audit and risk management functions, including the Committee
- Bayside Traffic Committee – comprising Councillors, local members of parliament, various government agencies – operating under *Delegation to Councils – Regulation of Traffic* under the *Transport Administration Act 1988*
- Bayside Floodplain Risk Management Committee – comprising Councillors, government agencies and community representatives – operating under the *NSW Flood Prone Land Policy, NSW Floodplain Development Manual 2005*, which recommends the Committee’s objectives and structure.

A Conduct Review Committee may be established (if required) from a panel of independent reviewers – comprising suitably qualified, independent person/s in accordance with the Code of Conduct Procedures. Council normally adopts a panel of independent reviews established by SSROC.

Council Committees

Council establishes various Committees (advisory in nature) comprising Councillors, and may include the General Manager, and community representatives as the need arises. Examples of such Committees include City Services, City Performance, City Works & Assets and City Planning & Environment Committees. Committees comprising only Councillors as members are open to the public.

As part of the Committee category, Council establishes short-term working groups that focus on a specific issue.

All of the above Bayside Committees / working parties are governed by the *Code of Meeting Practice*, include the General Manager as a member and operate as ‘advisory Committees’ under the Code.

Council regularly reviews its Committee system – at least every term of Council.

Councillor Information

To facilitate sound decision-making Councillors rely on advice from the General Manager and specialist staff. Often, staff will provide a detailed presentation to Councillors via the Committee meeting, presenting the report and recommendations. Information to Councillors is also provided through the Councillor portal (extranet).

Administrative Committees– Bayside’s approach

Executive Committee

The General Manager is supported by the Executive Committee comprising the General Manager and Directors.

The Committee develops strategic proposals for consideration by Council, considers policies before submission to Council, and endorses operational policies and proposals for approval by the General Manager.

The Executive Committee also reviews relevant reporting on:

- progress against the adopted Delivery Program and Operational Plan to ensure Council is 'on-track' to achieving the longer-term community outcomes.
- key performance indicators and information that indicate the 'health' of the organisation.

Council strives to implement an intentional structured agenda that covers all aspects of the business in order to identify successes and opportunities for improvement.

Other significant administrative Committees

The Executive may establish other Committees with decision-making ability or with an advisory role. Such Committees include:

- IT Steering Committee (decision-making ability)
- Strategic Asset Management Committee (advisory to Executive Committee)

Leadership Team

In order to consult with non-executive management staff, a Leadership Team, comprising, the executive and the managers meets several times a year.

The Team provides two-way feedback between executive and staff, as well as fulfilling an advisory role on emerging issues and new initiatives. Refer to its terms of reference.

Staff Consultative Committee

This Committee focuses on workplace relations and comprises both staff and management representatives, in order to seek staff input to administration and workplace issues. Refer to the *Staff Consultative Committee Constitution*.

Work Health & Safety Committee

This Committee is established under the relevant legislation to support a safe working environment for staff, customers and visitors. Refer to the *Work Health & Safety Committee Constitution*.

Apart from the IT Steering Committee, the minutes of the above administrative Committees are considered by the Executive Committee with a view to adopting the recommendations therein.

Team meetings

It is a long-standing practice that all staff attend regular meetings in order to support decision-making and to promote communication and sharing knowledge. To complement the senior management meetings, managers regularly meet with their Director, coordinators meet with their manager, and staff meets with the coordinator, team leader and/or supervisor.

5.3 Stakeholder engagement

Because Councils have so many vital roles in the local area, its decisions and operations can have a significant impact on residents, ratepayers, businesses, customers, Council service providers and the like. It is important that such external

'stakeholders' are kept informed and/or consulted on issues affecting them. Giving people the opportunity to be heard, listening to them and providing them with appropriate information helps to ensure that Council's activities meet stakeholders' needs and have a more positive perception of Council.

Stakeholder engagement – Bayside's approach

Bayside Council understands the importance of community engagement as a key driver in our decision-making process. We believe that engagement improves social, environmental, and economic outcomes and increases trust in the democratic process.

Council's commitment to engagement is outlined in the *Communication and Engagement Strategy 2019* and underpinned by the following principles:

- Authentic
- Timely
- Inclusive
- Transparent
- Easy

Bayside's approach to community engagement is tailored to each project. 'Have Your Say Bayside' is Council's online engagement portal. It allows people to participate at a time that suits them, from the comfort of their own home. Information is provided in a variety of formats both traditional, social, and emerging. Council closes the loop on engagement and advises participants and the community on engagement outcomes. Council protects privacy and respects confidentiality in accordance with its *Privacy Management Plan*.

Bayside Council is a member of the International Association for Public Participation (IAP2) Australia who is the peak body for the community and stakeholder engagement sector.

5.4 Delegated authorities

In local Councils, as in other organisations, delegations provide for the expedient exercise and performance of powers and duties and the efficient management of its business and responsibilities.

The Act (s 377) provides for the delegation of functions that may be made by a Council to a General Manager.

In order to give effect to these delegations, the General Manager then sub-delegates (s 378) many of these functions to nominated position-holders. It is normal the practice of Councils that functions are delegated to position holders, rather than persons. It is noted however, that in accordance with the *Interpretation Act 1987*, delegation to a person is achieved by delegating to the position title of the position holder (s 49). Delegations approved in this way do not require re-approval if the position-holder changes, or if another officer is acting in a position.

Delegated authorities – Bayside's approach

It is Council's practice to provide delegations to the General Manager by exception. That is, the position of General Manager is delegated all functions that

a Council is able to delegate except for those specifically mentioned in section 377 of the Act. This approach overcomes the impracticality of identifying every function imposed on Council by legislation and deciding whether or not each function should be delegated. In addition, delegation by exception is the most appropriate approach to deal with frequent changing legislation.

Council's guiding principles of sub-delegating functions (including financial limits) to staff include: consistency across the organisation; the business need of the position-holder; and reference to the delegations in position descriptions. A current register of sub-delegations is maintained and made accessible to staff and the public via the Intranet and Website respectively.

Council utilises an electronic database to maintain the register. Importantly, position-holders are to be formally informed of their delegated authorities, understand them, and know how to apply them.

In accordance with the Act (section 380), the General Manager's delegation of functions are reviewed within the first 12 months of each new Council term. Particular delegations are also reviewed as part of any organisational restructure.

5.5 Integrated Planning and reporting (IP&R)

Effective planning (and reporting) helps organisations to implement (and monitor) actions that are in-line with agreed long-term objectives. It focuses on broad issues to address the questions:

- Where are we now?
- Where do we want to be in ten years' time?
- How will we get there?
- How will we know we've arrived?

Councils are required to embrace and implement the integrated planning and reporting requirements. The Act makes it clear that IP&R should be at the centre of all Council plans, activities, resourcing decisions and improvement strategies (s 8A(2)). The Regulations and the OLG Integrated Planning & Reporting Guidelines and Handbook set out the requirements for IP&R. In summary, the IP&R framework comprises the following elements:

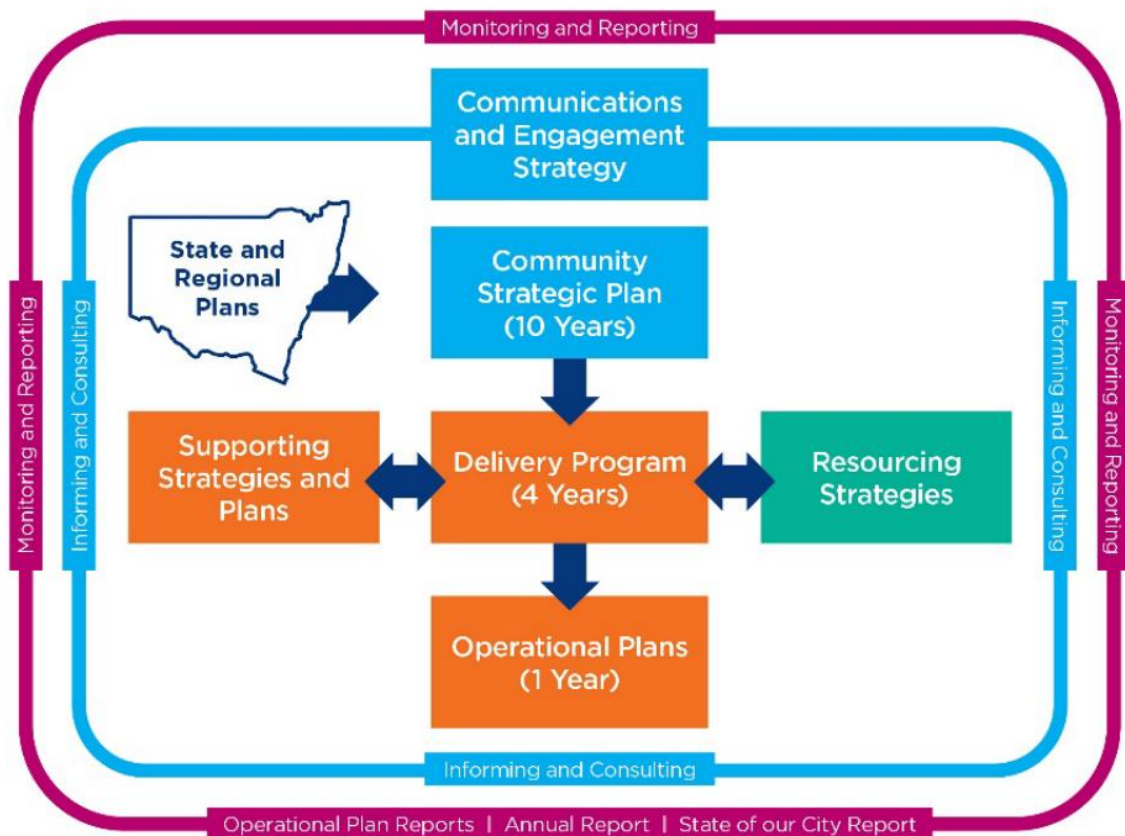
- *Community Strategic Plan* – the highest level of strategic planning undertaken by a Council, covering at least 10 years, and supported by a long-term resourcing strategy (including long-term financial plan), workforce management plan, and asset management plan – indicating how a Council will resource its strategic priorities.
- *Delivery Program* – a Council's four-year commitment to the community detailing the principal activities that contribute to achieving the community strategic plan objectives, for each new term of Council.
- *Annual Operational Plan* – individual projects and activities undertaken in a specific year including budget and revenue policy.
- *Annual Report* – to the community on Council's work and activities.
- *State of our City Report* – presented to the second meeting of a newly elected Council.
- *Community Engagement Strategy* – to support the development of all its plans, policies and programs including the Community Strategic Plan.

Integrated planning and reporting – Bayside’s approach

Council’s current suite of planning documents comprises:

- *Community Strategic Plan*
- *Delivery Program*
- *Annual Operational Plan*
- *Resourcing Strategy* including:
 - *Long Term Financial Plan*
 - *Human Resources Strategy & Workforce Management Plan*
 - *Asset Management Plan*
- *Community Engagement Strategy*

The *Community Strategic Plan* is reviewed every four years by the 30 June following the local government elections. The review includes input from at least: the *State of our City Report*⁹; a review of the information that informed the original plan; and community engagement.



⁹ Refer Reporting, Monitoring and Review

5.6 Policies and procedures

Policies and procedures are essential to ensure legal, fair and consistent decision-making in Councils. They support Councils in achieving their corporate objectives and provide a critical guide for Council officials and other stakeholders. In the absence of policies and procedures there is a greater risk of inconsistency, confusion and inefficiency.

A policy is a statement which expresses Council's position, direction and reasoning on an issue. A procedure describes the steps to implement a policy.

Policies and procedures – Bayside's approach

Normally policies are adopted (and rescinded) by Council, however some may be considered to be policies applicable only to the 'administration' and approved by the General Manager (usually in the context of the endorsement of the Executive Committee). Council-wide procedures are also approved by the General Manager (in the context of the endorsement of the Executive Committee).

Council's policies and procedures aim to be:

- developed in consultation with appropriate external (if appropriate) and internal stakeholders (including reference groups such as Executive Committee, the Leadership Team, WHS Committee, Staff Consultative Group, and business units / work teams) and the community.
- consistent in format and structure
- promulgated formally and communicated effectively, so that stakeholders know and understand the document
- current at all times, and retained within a register (along with rescinded / superseded documents), and accessible to Council officials
- reviewed regularly in accordance with their pre-determined review date, the minimum being once a Council term
- made available to the public through Council's website (if Council policies); and made available to staff through the Intranet
- regularly audited to ensure adherence, as part of the routine internal audits of various functions, in accordance with the internal audit plan,

Depending on the nature of the issue, Council officials are required to acknowledge of significant new policies, such as the Code of Conduct. Training often accompanies the adoption of new and/or significantly varied policies.

Many business units maintain *operational procedures* that prescribe the manner in which activities and processes are undertaken.



6 D – Monitoring and review

6.1 Integrated Planning and Reporting (IP&R)

Progress Report and Annual Report

Effective (planning) and reporting helps organisations to (implement and) monitor actions that are in-line with agreed long-term objectives.

General managers must ensure that progress reports are provided to their Councils, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.

The annual report is the key document to inform the community and other stakeholders about a Council's progress in achieving the objects outlined in the Delivery Program and the annual Operational Plan.

Councils prepare a comprehensive report, primarily for the community, in accordance with the Act (s 428), which refers to guidelines issued by the OLG. The report must also include statutory information as required by the Regulation (Division 6 Annual Financial Reports, and Division 7 Annual Reports).

Reporting – Bayside's approach

Bayside's Annual Report normally comprises the following sections:

- Messages from the Mayor and General Manager
- Bayside LGA and Council Profiles
- Delivery Program Progress
 - Major Projects
 - Actions
- Statutory Statements
- Annual Financial Statements

Council strives to inform the community of achievements in addition to the formal Annual Report.

State of our City Report

The State of our City Report should be presented to the second meeting of a newly elected Council for noting. The report covers the term of the previous Council and objectively track a Council's progress against the Community Strategic Plan (CSP). It provides information that sets the scene for the new Council and may include achievements to date and highlight future work to be undertaken. The report should assist the new Council to undertake a review of the CSP, which is an essential component of IP&R cycle.

State of our City Report – Bayside's approach

Council strives to provide a comprehensive report to inform incoming Councillors and the community.

6.2 Performance management

Performance management provides a means to monitor organisational performance in achieving the strategic and operational objectives. It links and aligns individual, operational and strategic objectives and results. In a sense, performance management of a Council as a whole is monitored by the community through the annual report.

An integrated performance management system is utilised to ensure all reporting against plans is captured in a single tool. The outputs provide the basis of open and accountable reporting of the Council (Councillors and administration) to the community on meeting the outcomes and actions included in the Delivery Program and the Operational Plan.

It is also important to have an effective performance management system for individual employees. The benefits are:

- enhancement of trust within the organisation
- a culture of taking ownership and responsibility for initiatives
- higher standards of behaviour, through linkages with Council's Values.

Employee performance management encourages monitoring of and feedback on performance. It provides a means to recognise and reward good performance and to manage under-performance. It is also a key tool in identifying the learning and development needs of individuals and the organisation as a whole.

Performance management – Bayside's approach

Bayside aims to be an effective, highly skilled and high performing organisation. Managing skills and performance at the organisational, business unit, and individual level supports Council to achieve this goal.

Council has developed a performance management process to assist employees and supervisors to improve performance by providing a clear basis for the

development of individual accountabilities, reviewing performance, and determining training and skills in accordance with the Local Government (State) Award and Bayside's *Performance Planning & Review Policy*. Such a process is based on open and two-way communication between staff and their supervisors.

Council strives for an electronic performance management system for all staff (including the General Manager) that links individual performance (work plans and reviews) with the Delivery Program and Operational Plans.

6.3 Complaints handling

Complaints are a valuable source of information for Councils. They provide feedback for and input to the ongoing improvement of Council services. An effective complaint system gives an assurance to customers (and other stakeholders) that Council is committed to identifying and acting on opportunities for improvement – both the particular complaint at hand, and also any underlying contributing issues. Receiving complaints in a constructive way is therefore part of the review and monitoring arrangements.

Complaints handling – Bayside's approach

Bayside recognises the right of a customer to complain when feeling dissatisfied with Council's policies, procedures, staff or the quality of service provided. Council is therefore committed to receiving, managing and resolving complaints to continually improve customer experience, our services and community satisfaction.

Bayside's *Complaint Management Policy* is based on the NSW Government Ombudsman's *Complaint Management Framework and Model Policy* June 2015 and *Effective Complaint Handling Guidelines* 3rd Edition, February 2017. The objective of this policy is to provide a framework and guiding principles for Councillors, staff and the community in effectively dealing with and managing complaints that enables continuous improvement of customer experience, services and community satisfaction.

The Policy defines a complaint as:

A Complaint is when a person/s expresses dissatisfaction with Council's policies, procedures, staff or the quality of the service as follows:

- a. Policies and Procedures Complaint about policies and procedures are usually related to a person/s dissatisfaction with service charges, policy decisions or an agreed practice covered by a policy or procedure.
- b. Staff Complaints about staff generally refer to dissatisfaction with a staff member/s behaviour.
- c. Quality of service Complaints about quality of service generally relate to a service not being delivered to the expected standard or within a reasonable time frame.

The policy also defines what feedback is not a complaint under this policy.

6.4 Registers

Registers provide a ready reference in determining whether certain actions have been carried out, and whether they have been undertaken in the correct manner and within the correct timeframe. Certain registers are statutory, while others are established for ease of access reasons, or more often it is considered to be a good governance initiative. Effective and accessible registers help to demonstrate a more open access to government information approach.

Registers – Bayside's approach

Council maintains the following registers:

Statutory

- Contributions Register (cl 34 *EP&A Regulation 2000*)
- Land Register (s 53, the Act)
- Planning Decision Register (s 375A, the Act)
- Disclosures of Political Donations (s 147 EP&A Act)
- Records of Approvals (s 113, the Act)
- Register of Pecuniary Interests (ss 449-450A, the Act)
- Rates Record (s 602, the Act)
- Register of Consents and Approvals (s 100, EP&A Act)
- Record of Building Certificates (s 149, G EP&A Act)
- Public Register of Licences Held (s 308, *Protection of Environment Operations Act 1997*)
- Public Spaces (Unattended Property) Act 2021
- Register of Political Donations Declarations advised to Election Funding Authority (s 328A, the Act).

Non-statutory

- Council Policy Register
- Customer Complaints and Compliments Register
- Delegations and Appointments
- Legislative Compliance
- Conflicts of Interest
- Gifts and Benefits
- Legal Document Register
- Quality Procedures Register
- Risk Register.

6.5 Access to information

Members of the public can access government information from Council in a number of ways under the *GIPA Act*, sometimes without even having to ask. The *GIPA Act* provides four ways for government information to be released:

Open access information

Council must disclose certain information, known as open access information, unless there is an overriding public interest against disclosure. Generally, open access

information is available on Council's website, and at least one method of access must be free of charge. Open access information includes such items as:

- A publication guide with information about Council's structure and functions
- Council's policy documents
- A disclosure log of information of general interest to the public that has been released under formal access applications
- The register of contracts with a value of more than \$150,000 that an agency has entered into with private sector entities
- Information in documents tabled in Parliament by, or on behalf of Council
- A record of information that Council will not make public because of an overriding public interest against disclosure
- A list of Council's major assets, guarantee of service and code of conduct, and
- Additional open access information held by local Council as included in Schedule 1 in the Regulation under the *GIPA Act*.

Proactive release

Apart from open access information, Council releases as other information free of charge or at the lowest possible cost. Council reviews the information they release proactively at least every 12 months.

Informal release of information

Members of the public may contact Council and ask for information. This is known as an informal request. Council may release information informally, subject to any reasonable conditions.

Formal access application for release of information

If information cannot be accessed through any of the above ways, a formal access application may be necessary – applicable for a large volume of information, if it involves an extensive search, or if the information sought involves personal or business information about third parties. Applications must be in writing, and accompanied by a fee.

Access to information – Bayside's approach

Council is committed to the following principles regarding public access to information:

- Open and transparent government
- Consideration of the overriding public interest in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals.

Council strives to comply fully with the *GIPA Act*, publish as much information on the website that is practicable and to proactively assist applicants in their requests for information – so as to meet the above principles.

7 Training

Training in good governance is essential to Council achieving the benchmarks outlined in this Framework. Certain elements, such as the *Code of Conduct*, are a necessary component of the induction of new Council officials. The timing and

training in other governance elements depend on the position-holders responsibilities.

Council implements a 'good governance' learning and development strategy through:

- Mandatory 'new starter' training for all new staff – including key aspects of the governance framework
- A comprehensive on-line learning system (including statutory and governance modules), that delivers training for new issues on an as-needs / individual basis
- Mandatory annual training for the Code of Conduct and other key governance aspects for all staff
- Structured face-to-face sessions when significant changes occur in key governance elements
- Annual refresher training on 'Good Governance and Behaviours' for all staff.

Council records all learning and development achievements in a comprehensive data base for all staff.

8 Acknowledgments

It is acknowledged that material has been drawn from the following publications:

- Local Government Act 1993
- Governance Health Check: self-audit guide to good governance in local government, published by the Local Government Managers Australia NSW
- Independent Commission Against Corruption (ICAC) Australian Government, Australian Public Service Commission, Building Better Governance, 2007.
- COSO, Enterprise Risk Management – Integrated Framework, September 2004.
- Office of Local Government (OLG) Becoming a Councillor.
- Local Government NSW Becoming a Councillor.
- Office of Local Government (OLG) Integrated Planning & Reporting (IP&R) Guidelines.

9 Policy implementation

9.1 Policy responsibilities

The General Manager and Executive are responsible for embracing and leading by example, the actions and behaviours that are consistent with each aspect of good governance.

The Manager Governance & Risk is responsible for this document, for reviewing the elements of good governance, and for coordinating the implementation of agreed improvements.

All staff is responsible for relevant aspects of good governance in their own areas of responsibility.

9.2 Procedures

Procedures that support this policy, may be approved by the General Manager and/or Manager Governance & Risk from time to time and address such issues as:

- administrative workflow for approvals.

10 Document control

10.1 Review

Council is committed to continuous improvement, including achieving higher levels of 'good governance'. As part of this approach, Council strives to undertake the following reviews:

- A review using the tool, the *Governance Health Check: self-audit guide to good governance in local government*, published by the Local Government Managers Australia NSW / ICAC – refer to Appendix 3. This rating may be undertaken by a small group of managers: each using the evaluation form independently, and then meeting to establish a consensus position for each element.
- This Governance Framework document is reviewed each term of Council.
- Minor amendments, that do not alter the substance of this Framework, may be approved by the Manager Governance & Risk.

10.2 Related documents

- All relevant legislation
- All Council and Administrative Policies, and Corporate Procedures.

10.3 Version history

Version	Release Date	Author	Reason for Change
1.0	14/06/2017	Coordinator Governance	Harmonised document from former Councils.
1.1	28/10/2021 (Executive) 25/11/2021 (Risk & Audit) 09/02/2022 (Council)	Manager Governance & Risk	Revised from feedback by Risk & Audit Committee in November 2021. Adopted by Council in February 2022.
1.2	31/03/2022 (Risk & Audit)	Manager Governance & Risk	Minor editorial changes from Risk & Audit Committee in March 2022.
1.3	12/5/2022 (Risk & Audit) 22/06/2022 (Council)	Manager Governance & Risk	Further minor editorial changes from Risk & Audit Committee in May 2022 (addition of AONSW) Adopted by Council on 22 June 2022.
2.0	ARIC 24/07/2024 Council Meeting	Manager Governance & Risk Lead Governance	Minor editorial amendment made prior to submission to the Audit, Risk & Improvement Committee (ARIC) and then Council for adoption.

Appendix 1 – Council’s guiding principles

Local Government Act 1993

Chapter 3 Guiding principles for Councils

The following general principles apply to the exercise of functions by Councils—

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Appendix 2 – Functions of Council

This Act classifies certain Council's functions as service, that is, non-regulatory (Chapter 6), regulatory (Chapter 7) or ancillary (Chapter 8). Ancillary functions are those functions that assist the carrying out of a Council's service and regulatory functions.

A Council also has revenue functions (Chapter 15), administrative functions (Chapters 11, 12 and 13) and functions relating to the enforcement of this Act (Chapters 16 and 17).

Some other Acts and some of the functions they confer include:

<u><i>Community Land Development Act 1989</i></u>	planning functions as consent authority
<u><i>Companion Animals Act 1998</i></u>	companion animal registration and control
<u><i>Conveyancing Act 1919</i></u>	placing covenants on Council land
<u><i>Environmental Planning and Assessment Act 1979</i></u>	environmental planning
<u><i>Fire & Rescue NSW Act 1989</i></u>	payment of contributions to fire brigade costs and furnishing of returns
<u><i>Fluoridation of Public Water Supplies Act 1957</i></u>	fluoridation of water supply by Council
<u><i>Food Act 2003</i></u>	inspection of food and food premises
<u><i>Library Act 1939</i></u>	library services
<u><i>Protection of the Environment Operations Act 1997</i></u>	pollution control
<u><i>Public Health Act 1991</i></u>	inspection of systems for purposes of microbial control
<u><i>Public Spaces (Unattended Property) Act 2021</i></u>	impounding of animals and articles
<u><i>Recreation Vehicles Act 1983</i></u>	restricting use of recreation vehicles
<u><i>Roads Act 1993</i></u>	roads
<u><i>Rural Fires Act 1997</i></u>	issue of permits to light fires during bush fire danger periods requiring the furnishing of information to the Rural Fire Service Advisory Council and its Co-ordinating Committee

[State Emergency Service Act 1989](#) recommending appointment of local controller

[Strata Schemes \(Freehold Development\) Act 1973](#) approval of strata plans

[Strata Schemes \(Leasehold Development\) Act 1986](#) approval of leasehold strata plans

[Swimming Pools Act 1992](#) ensuring restriction of access to swimming pools

The exercise by a Council of its functions under this Act may also be modified by the provisions of another Act. Some of those Acts and some of the modifications they affect include:

[Coastal Protection Act 1979](#) limitation on coastal development by Councils

[Government Information \(Public Access\) Act 2009](#) Council required to publish certain information and to grant access to certain documents

[Heritage Act 1977](#) rating based on heritage valuation

[Privacy and Personal Information Protection Act 1998](#) Council required to amend certain records that are shown to be incomplete, incorrect, out of date or misleading

[State Emergency and Rescue Management Act 1989](#) Council required to prepare for emergencies

[Unclaimed Money Act 1995](#) unclaimed money to be paid to the Chief Commissioner of Unclaimed Money

Appendix 3 – Governance health check evaluation

Evaluation form

Element	Rating				
	0	1	2	3	4
A Ethics and values					
Organisational values					
Code of Conduct					
Internal reporting					
Business ethics					
Conflicts of interest					
Gifts and benefits					
Councillors' access to information and resources					
B Risk management & internal controls					
Risk Management					
Quality System					
Internal audit					
Fraud and corruption					
Legislative compliance					
Privacy					
Other employment					
Councillors Expenses and facilities					
Procurement and disposal					
C Decision-making processes					
Roles and responsibilities					
Committee structure					
Stakeholders engagement					
Delegation of functions					
Integrated and planning					
Policies and procedures					
D Monitoring & review					
Reporting					
Performance management					
Complaints handling					
Registers					
Access to information					

Self-rating

Use the above Evaluation form to rank Council against each element in the Governance Framework. The levels of achievement, as defined in the Governance Health Check are outlined below:

Rating	Levels of Achievement
0	Council has no system or policy in place in relation to this element or has a system which fails to meet basic legislative requirements.
1	Council is able to demonstrate the existence of an informal system or policy that addresses this element or the existence of a basic formal policy or system which does not meet legislative requirements.
2	Council has a formal documented system or policy in relation to this element that at least meets a basic standard and all legislative requirements.
3	Rating 2 plus there is evidence that the system or policy has been implemented and communicated to relevant stakeholders, with training and awareness programs, and is generally understood and adhered to.
4	Rating 3 plus there is also evidence that the effectiveness of the system or policy is regularly measured and the system or policy reviewed on a regular basis. This level involves demonstrated continuous improvement.

The Evaluation form has been updated from that originally published to reflect new legislation and Council's emphasis in some areas.