



GOVERNANCE FRAMEWORK



NOOSA COUNCIL

ACKNOWLEDGEMENTS

Noosa Shire Council acknowledges the Traditional Owners of this region, the Kabi Kabi People, and pays respect to Elders past, present and future, and the broader Aboriginal and Torres Strait Islander community of Noosa Shire.

Noosa Shire Council thanks all contributors and stakeholders involved in the development of this Framework.

HUMAN RIGHTS

In developing this Framework, the subject matter has been considered in accordance with the requirements of the *Human Rights Act 2019* (QLD). It is considered that the subject matter does not conflict with any human rights and supports a human rights approach to decision-making by Council. As such, Council representatives will endeavour to act and make decisions under this Framework in a manner that is compatible with human rights.

This Framework should be read in conjunction with Council's *Human Rights Policy*.

DOCUMENT USE

This document has been produced as a resource for elected members, employees of Noosa Shire Council and the community.

This Framework is intended to be used as a resource to build an understanding and promote the value of good governance practices at Council. It can be read in full or relevant sections can be drawn upon as needed.

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INTRODUCTION

Noosa Shire Council's (Council, 'we', 'us', 'our') governance approach covers the culture, processes, policies and practices developed to deliver efficient and effective decisions, services and facilities to the community.

The Noosa Council Governance Framework (the Framework) consists of rules, relationships, systems and processes within and by which authority is exercised and decisions are made and actioned within the organisation to optimise Council's performance to achieve its objectives.

A governance framework helps to centre an organisation's approach on common themes, including who has a voice, who makes decisions and who has accountability. It is through governance that organisations stay on the right side of regulators for compliance as well as culture and transparency of operations.[1] Essentially, the Framework gives the community and stakeholders an overview of governance and encourages participation in good governance.

A good governance framework creates a structured environment by which a Council makes good decisions for its community. A lack of good governance ultimately leads to corporate failure and a loss of community confidence in Council.

[1] Diligent, *What is a governance framework?*, 2019



PURPOSE

The Framework sets out the governance principles and the standard for accountability that is expected of all elected members and employees of Council. Therefore, all elected members and employees must demonstrate a commitment to applying the governance principles when undertaking the duties of their roles.

The Framework aims to help build a better understanding of, promote and enhance good governance in Council. Effective governance arrangements and practices can contribute to strong, sustainable and accountable organisational performance whilst building confidence in the organisation.[2]

WHAT IS GOVERNANCE?

Governance is an important concept and impacts on all sectors of the community. Governance encompasses the systems by which Council is controlled and operates, and the mechanisms by which it, and its people, are held to account.[3] Good governance supports councils to make decisions and to act in the best interests of the community.

Furthermore, the practice and promotion of good governance is critical for ensuring that an organisation:

- has a legal and ethical basis to function,
- makes decisions in the interest of its stakeholders and community, and,
- is essentially a good corporate citizen.

The Australian Institute of Company Directors states that good governance underpins good conduct and the good judgement of those who are charged with running an organisation.[4] This is supported by the Queensland Audit Office who advise that good governance is critical to ensuring an entity effectively manages its business operations, programs, projects and risks.[5]

Furthermore, good governance depends on transparency, accountability and equality in ways that are responsive to the present and future needs of the local government community. It also assures that opportunities for fraud, corruption and conflicts of interest, particularly in decision-making processes, are minimised.

[2] Australian National Audit Office, 'Public Sector Governance – Strengthening Performance Through Good Governance' – June 2014.

[3] Governance Institute of Australia, What is governance?, available at:

<https://www.governanceinstitute.com.au/resources/what-is-governance/>

[4] Australian Institute of Company Directors, Guiding principles of good governance, 2017, p.1

[5] QAO, Effectiveness of audit committees in state government entities, 2020.

BENEFITS OF GOOD GOVERNANCE

Having a clear governance framework assists Council to:

- Make good decisions on behalf of the Community.
- Maximise the potential to achieve Council's objectives.
- Perform at an efficient level by ensuring that the appropriate structures are in place to ensure the delivery of programs and services to the community.
- Enhance public confidence in its decisions and operations.
- Ensure Council employees have an understanding of the systems and processes in place to support effective operations.

ESSENTIAL LOCAL GOVERNMENT PRINCIPLES

There are legislative principles and values that Council is required to comply with and that guide this Framework to ensure that Council is accountable, effective, efficient and sustainable. The Queensland *Local Government Act 2009* provides the five core principles:

1. Transparent and effective processes, and decision-making in the public interest;
2. Sustainable development and management of assets and infrastructure, and delivery of effective services;
3. Democratic representation, social inclusion and meaningful community engagement;
4. Good governance of, and by, local government; and,
5. Ethical and legal behaviour of councillors and local government employees.

OUR COMMITMENT TO GOOD GOVERNANCE

The practice of good governance is underpinned by key characteristics which lay the foundation for assessing the extent to which governance is occurring at Council. The following elements are our key governance commitments:

Accountability

Accountability is a fundamental requirement of good governance. Council has an obligation to report, to explain and to be answerable for the decisions it has made on behalf of its community.

Transparency

People should be able to follow and understand the decision-making process. This means that they are able to clearly see how and why a decision was made – what information, advice and consultation Council considered, and, where applicable, which legislation was followed.

Follows the rule of law

Decisions and actions will be made in a manner that is consistent with relevant legislation or common law and are within the powers of Council. Key legislation that impacts a Council includes the Queensland *Local Government Act 2009* and associated *Local Government Regulation 2012*.

Responsiveness

Local government should always represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.

Equity

A community’s wellbeing depends on all of its members feeling that their interests have been considered by their Council in the decision making process. All groups, particularly the most vulnerable, should have opportunities to participate in the decision making process, and all groups should be treated equally by their Council.

Participation and inclusion

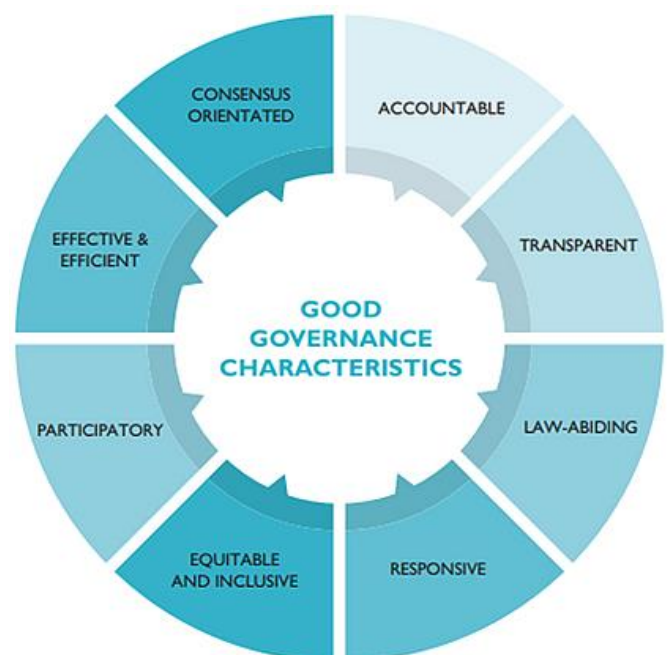
Anyone affected by, or interested in, a Council decision should have the opportunity to participate in the process for making that decision. Participation can happen in several ways – community members may be provided with information, asked for their opinion, given the opportunity to make recommendations or, in some cases, be part of the actual decision-making process.

Effective and efficient

Council will implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for our community.

Consensus orientated

Wherever possible, good governance involves taking into account the different views and interests to reach a decision on what is in the best interests of the whole community, and how it can be achieved.



Source: Tasmanian Government, Department of Premier and Cabinet Local Government Division

GOOD GOVERNANCE IN PRACTICE

Good governance needs to be practiced within the local government, and between the local government, the community and other levels of government. This means governance in local government combines the characteristics of good governance with the roles of local government to deliver the following:

- Councillors being elected by, representative of, and accountable to the community.
- Elected councillors making decisions on behalf of and in the best interests of the community as a whole.
- Policies and programs reflect legislation and the mandate local governments have been given by their electors and relevant legislation.
- Where possible, there is community participation in decision-making.
- Elected members providing leadership to the community and reflecting the community's collective aspirations.
- Council's organisational and management structure implements the local government Corporate Plan objectives in accordance with priorities and approved budget.
- Council's provision of services meets the needs of the community through planning and delivery.
- Local government being well placed to facilitate coordination and integration at a local level.
- Effective and positive working relationships.
- Sound relevant and timely advice provided to councillors, stakeholders and the community.
- Good processes that contribute to good decision-making.
- Decisions that are made by Council are clear, accountable and transparent.
- Long-term planning is undertaken by a local government in a manner that embraces various stakeholders.
- Performance management enables Council to be accountable to its community.
- The community feels engaged, knows what is going on, is included in decision-making, and feels part of the governance process at Council.

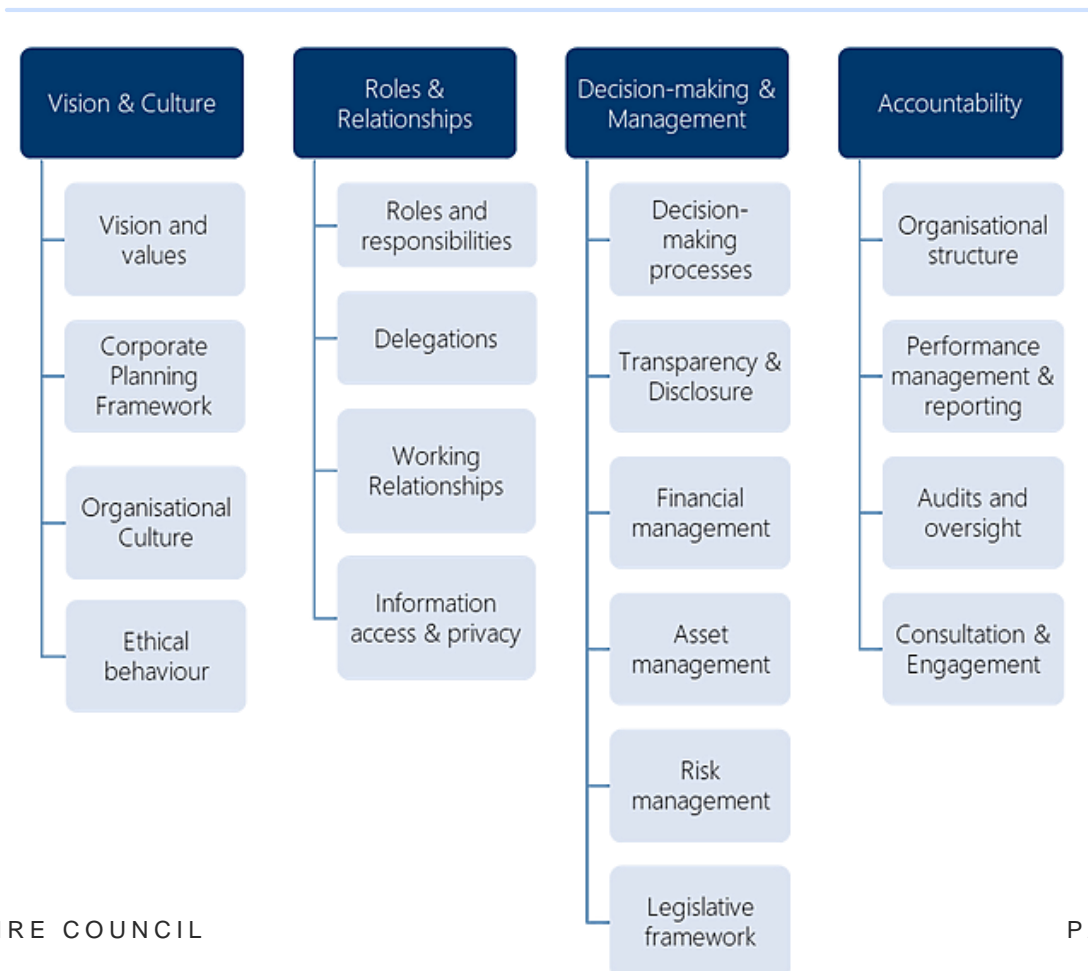
GOVERNANCE FRAMEWORK

The Governance Framework provides the structure through which Council’s vision and objectives are achieved within a context of competing and changing social, economic and environmental issues.

At a high level, the Framework outlines processes and practices to enable good governance and better decision-making for councillors, management and employees of Noosa Shire Council.



GOVERNANCE PRINCIPLES





VISION AND CULTURE

OUR VISION

Council's Corporate Plan 2017 – 2037 articulates Council's vision as being:

"Noosa Shire - different by nature"

The aim of Council's vision is to create an aspirational goal for the future and to set the tone for future planning and thinking. When working towards our vision, we will focus on:

Respect – Respect for the diversity of opinions and beliefs in our community

Responsiveness – As a Council, being connected with our community

Inclusion – Access to participatory and democratic processes

Authenticity – Understanding our history and learning from our past

OUR PURPOSE

Council's purpose is:

"Working with our community to shape Noosa Shire's future"

In practice, Council's purpose means that collectively we will:

- Provide excellence in customer service.
- Engage with our community using best practice.
- Provide quality local government services to the community.
- Provide good governance and act ethically.
- Be transparent in all of our dealings.
- Look after community and natural assets.
- Manage community funds wisely.
- Be as one with our community.



OUR VALUES

Our staff have together defined how we want to operate as a Council and what we value:

"Noosa Council is a supportive and passionate team built around openness and informality"



COMMUNITY

We value working hand in hand with our community



INNOVATION

Striving for better ways to do things



SUSTAINABILITY

Managing environmental, social and economic resources for the future through a strong sustainability commitment

Additionally, there are legislative values that Council is required to comply with and that guide this Framework. The Queensland *Public Sector Ethics Act 1994* identifies four key ethics principles essential to good public administration that guide our behaviour as public officials and underpin our Framework. These principles are:

1. Integrity and impartiality,
2. Promoting the public good,
3. Commitment to the system of government, and
4. Accountability and transparency.

CORPORATE PLANNING

Our corporate planning framework connects the various components of our corporate planning process to illustrate how our teams and individuals contribute to the success of our organisation. Each year Council will focus on its Operational Plan and Budget to ensure that:

- the key focus areas identified in the Corporate Plan are prioritised during Council's annual budget process,
- resources are identified to bring the key focus areas to fruition, and,
- performance measures are identified to monitor progress.

In order to prioritise and identify various projects, initiatives and services to be funded and delivered by Council on behalf of the community each year, Council undertakes a robust process to ensure all proposed initiatives align with Council's long term goals and strategies. The process also involves identifying the risks and opportunities associated with pursuing or not pursuing a specific initiative leading to informed decision-making. This risk-based approach enables Council to appropriately prioritise spending and the allocation of resources each year, whilst at the same time informing possible future resourcing priorities.



Council's *Corporate Plan 2017 – 2037* is the overarching document within Council's planning framework, articulating Council's vision and strategic direction for Noosa Shire for the next twenty years. It outlines strategic priorities around five key themes of:

The Noosa Environment

Our goal: Our environment is protected and enhanced and is valued by the community.

The Noosa Community

Our goal: Our community is connected, safe and happy and able to meet their potential.

The Noosa Economy

Our goal: Our economy is diverse and resilient.

Long-term planning for Noosa Shire

Our goal: Noosa Shire is well managed and sustainable.

Excellence as a Council

Our goal: The Noosa Shire community is proud of its Council.

Our annual budget provides the financial framework for the organisation to deliver outcomes for our community. In accordance with the Local Government Act and Regulation, the annual budget sets out the funding parameters for both the significant projects and initiatives contained in the Operational Plan, as well as our core Council services contained in our Branch Plans. This process ensures every activity undertaken by the organisation is appropriately funded and carefully planned. Our annual budget also assists Council in achieving its long term financial goals as set out in Council's *Financial Sustainability Policy*.

Council's Operational Plan enables the key themes to be more comprehensively articulated and essentially it details the significant initiatives that we will undertake during a financial year to progress our long-term strategic goals.

While the Operational Plan specifies the significant initiatives and projects which Council will undertake over the next 12 months, our 'business as usual' activities and smaller projects must also be subject to careful planning and regular review to ensure the organisation continues to deliver and further improve services provided to our community. All branches within Council are required to have a detailed Branch Plan containing an overview of 'business as usual activities', and projects. Branch plans also include an operational risk register, which are reviewed on a quarterly basis by the relevant Branch Manager and Director.

ORGANISATIONAL CULTURE

A positive culture is critical to promoting openness and honesty, where constructive questioning and sharing of ideas is encouraged while accountability and responsibility is clear. The critical governance role for Council, the CEO, and management is to set the right 'tone at the top' which reinforces Council's values, passion for good governance and focus on performance and accountability across the organisation. Within this context, Council's culture consists of the following key elements that reinforce good governance:

Support for frankness, honest and questioning

Elected members are to debate issues openly and honestly. Equally, employees are to provide frank and timely advice to the Chief Executive Officer (CEO) and senior management, who in turn are to provide professional and frank advice to elected members and Council.

Innovation

Council considers new and better ways of going about its business in the achievement of its goals. Innovation will be assessed critically by using appropriate risk management and other analysis tools.

Effective management structures and practices

Council has a management structure that meets its goals and needs, and the structure is characterised by efficient and effective use of human resources with clear accountability. Management practices reinforce accountability and outcomes and incorporate the nurturing of people's capabilities to do their jobs.

Communication and engagement

Council has effective communications policies, practices and protocols and importantly encourages feedback from all stakeholders and the community. This approach enables Council to successfully engage, educate, inform, communicate to and instruct its community.

Learning

Council invests in training for its employees with a focus on increasing capabilities required to meet operational requirements. Equally, Council invests in training for elected members to build on knowledge and capabilities required to fulfil their roles as elected members.

Commitment to equal opportunity employment

Council promotes the values of a diverse workforce and is an equal opportunity employer. Council's employment practices are aligned to Queensland's *Anti-Discrimination Act 1991* and relevant federal anti-discrimination laws.

Council recognises the importance of workforce diversity and promotes a working environment where people are treated on their merits at every stage of their employment.

Human Rights

Council is committed to protecting and promoting human rights by ensuring that human rights are considered when making, interpreting and applying laws, developing policies, and providing services to our community. Council also recognises that it has an important role in complying with Queensland's *Human Rights Act 2019* through its actions, decisions, proposals and recommendations. This is supported by Council's *Human Rights Policy* which upholds Council's human rights obligations.

Code of Conduct

Council's *Code of Conduct for Employees*, in accordance with the *Public Sector Ethics Act 1994*, is designed to assist employees to understand the standards of conduct expected and to help them decide what they must do when faced with ethical or conduct issues.

Furthermore, the Code outlines the action that can be taken if there is a breach and provides guidance to support ethical decision-making. In accordance with section 187 of the *Local Government Act 2009*, employees who breach the Code may be subject to disciplinary action, and as prescribed in the *Local Government Regulation 2012*, this may include dismissal.

Equally, elected members must adhere to the *Code of Conduct for Councillors in Queensland*.

Leadership capability

To deliver consistently high standards of service to the community, leadership at Council needs to be strong and 'fit for purpose' to suit our needs. To achieve this goal, Council strives to develop leadership capability within Council by:

- Providing elected members with an induction program and ongoing education and development programs.
- Implementing a Leadership Team Development Program which includes reinforcing agreed values and developing the managerial and leadership capabilities required for success.
- Conducting leadership and development reviews to enable constructive feedback to be provided to management for strengthening leadership capabilities.
- Providing ongoing education and development programs to organisational leaders.

Inductions

Inductions for elected members and employees provide a clear understanding of local government and its governance. Inductions focus on:

- The roles and functions of local government,
- Working relationships,
- Decision-making processes,
- Responsibility, accountability and delegations,
- Code of conduct,
- Council values and culture,
- Ethical standards of behaviour, and
- Functions, services and activities of Council.

ETHICAL BEHAVIOUR

A significant part of good governance in local government is when elected members and employees act with the highest ethical standards. In turn, having open and ethical processes and standards which adhere to the law and stand up to scrutiny promotes public trust in the community.

Ethics are standards of behaviour that set out what people ought to do, and are primarily focused on behaviours and actions.[6] Acting in line with high ethical standards means that people are accountable, transparent, law-abiding, responsive, equitable and inclusive, participatory and consensus oriented.

In a public role, ethics are critical to ensuring that people are acting in the public interest. Unethical behaviour can lead to a loss of trust in an individual and a loss of confidence in the council as a whole. Within this context, demonstrating a high ethical standard means elected members and employees must:

- Act within the limits and obligations of their role,
- Comply with their code of conduct,
- Manage conflicts of interest, and
- Make transparent decisions.

Fraud, misconduct and corruption

Council expects elected members and employees to act in accordance with their codes of conduct and behave ethically and honestly when performing their functions and during their interactions with each other, the community and stakeholders. Council has adopted a *Fraud and Corruption Control Policy* which articulates Council's position of "zero tolerance" on fraud and corruption. To support the policy, Council has implemented a *Fraud and Corruption Control Plan* which details internal controls in place to prevent, identify, report and deal with such matters.

Conflict of interest

The nature of Council's business may result in conflicts of interests arising between an individual's personal interests and the performance of their public or professional duties. Conflicts of interest can arise from various sources, including family, friends, investments, past employment etc. Conflicts of interest are not necessarily wrong, rather it is important that when a conflict is declared, they are handled appropriately. To this effect, Council's *Code of Conduct for Employees* and *Organisational Conflict of Interest Policy* outlines how employees are to declare and manage conflicts of interest.

Equally, elected members must also declare any conflicts of interest while performing their duties in accordance with legislative requirements.

[6] *Tasmanian Government, Good Governance Guide, p. 14.*

Related parties

In accordance with Australian Accounting Standards, Council provides a framework, including a *Related Party Disclosure Policy*, for governing related-party transactions and reports related-party transactions, balances and commitments as required by legislation.

Contact with lobbyists

Council has a *Contact with Lobbyists Policy* that applies to elected members and Council employees and which outlines how individuals should deal with lobbyists and associated lobbying activities through decision-making processes and associated declarations. Council's Policy provides elected members and Council employees with ethical guidance to ensure all contact is properly recorded and occurs in accordance with the requirements of the Queensland *Integrity Act 2009*.

Public Interest Disclosure

Council is committed to the disclosure and reporting of information about suspected wrongdoing as part of fostering an ethical and transparent culture. A public interest disclosure (PID) is a disclosure of perceived wrongdoing in the public sector. In accordance with the Queensland *Public Interest Disclosure Act 2010*, people who make a PID are protected and supported throughout the process. Council has a framework in place to manage such disclosures, including a *Public Interest Disclosure Policy* and associated *Public Interest Disclosure Procedures*. This is underpinned by Council's *Public Interest Disclosure Management Program* that outlines key activities for management of PIDs at Council.

Complaints management

Council is committed to delivering exceptional customer service and communicating effectively with our community. Council aspires to provide a level of service that does not attract complaints, however we acknowledge our community's right to provide feedback on services, including the right to lodge a complaint about decisions or actions that Council has taken, or failed to take, where it is considered appropriate to do so. This process is set out in Council's *Administrative Action Complaints Policy* and associated *Administrative Action Complaints Procedures*.

Equally, an individual can also make a complaint about an elected member's conduct through the Office of the Independent Assessor.

Gifts and benefits

Council's *Gifts and Benefits Policy* and supporting *Code of Conduct* provides guidance to staff and elected members on how to declare and manage any gifts and benefits that they may receive in their professional capacity. The provision of gifts and benefits to elected members and employees can create perceptions of a conflict of interest and it is appropriate to question why they are offered and whether they should be accepted. It is not appropriate for elected members or employees to be offered or to accept gift or benefits that affect, may be likely to affect or could reasonably be perceived to affect, the independent and impartial performance of their official duties.

ROLES & RESPONSIBILITIES

Local governments are responsible for the good rule and their local government areas.[7] This responsibility includes the performance of various functions and the delivery of a range of services to the community.

Within this context, an understanding and acceptance of the different roles of the Mayor, Councillors and employees, with cooperation between all parties, underpins good governance for our local government.

It is important to note that elected members and Council employees are tasked with delivering the functions of the local government, and in doing so must adhere to the principles of good governance – equity, transparency, integrity and accountability – to secure the confidence of the communities they serve.[8]

[7] Local Government Act 2009 (QLD) s 9.

[8] Crime Corruption Commission, Operation Belcarra Report Summary, 2017.



ROLE OF COUNCIL

Under the *Local Government Act 2009*, Council is charged with the following responsibilities:

- Governs the local government's affairs,
- Is responsible for the performance of the local government's functions,
- Oversees the allocation of the local government's funds and resources, and
- Determines the local government's policies.

Therefore, the purpose of a system of local government is to ensure that it is fundamentally accountable, effective, efficient and sustainable.

ROLE AND RESPONSIBILITIES OF THE MAYOR AND ELECTED MEMBERS (COUNCILLORS)

Elected members have specific roles and responsibilities to ensure that they have effective control over the management and operation of the local government area. An elected member must represent the current and future interests of the residents of the Noosa Shire which includes:

- Ensuring Council discharges its responsibilities under legislation, achieves its Corporate Plan, and complies with all laws that apply to Local Governments,
- Consulting and engaging with the community on a range of issues to understand the views and feedback of people, businesses and/or groups of the local government,
- Providing high quality leadership and guidance to the local government and the community,
- Participating in Council meetings, policy development, and decision-making, for the benefit of the local government area, and
- Being accountable to the community for the local government's performance.

In addition to the above responsibilities, the Mayor is also responsible for:

- Leading and managing meetings of the local government at which the Mayor is the Chairperson, including managing the conduct of the participants at the meetings,
- Leading, managing, and providing strategic direction to the CEO in order to achieve the high quality administration of the local government,
- Directing the CEO in accordance with local governments policies,
- Conducting a performance appraisal of the CEO at least annually in the way that is decided by the local government,
- Ensuring the local government promptly provides the Minister with the information about the local government area, or the local government as requested,
- Being a member of each standing committee of the local government, and,
- Representing the local government at ceremonial or civic functions.

The diagram[9] below provides an overview of the role of Councillors within local government and outlines how they may exercise their powers and responsibilities in an appropriate way to provide value to the community in the short and long-term. It also highlights the importance of balance between the future-orientated performance roles of elected members, such as setting strategy and policy, and the past and present focused compliance roles of monitoring performance and accountability.



Source: Australian Institute of Company Directors

Furthermore, the Mayor and elected members do not become involved in the day-to-day management and operational functions of Council. This includes making any form of representation on behalf of Council or Noosa Shire, unless they are specifically authorised by Council to do so.

Additionally, elected members have no direct authority over employees with respect to the way in which they perform their duties. Equally, Council’s management cannot establish or pursue strategies and policies that have not been endorsed by Council.

[9] Professor Robert Tricker, *Key ideas and basic models*, available: <http://www.bobtricker.co.uk/key-ideas.html>

ROLE AND RESPONSIBILITIES OF THE CEO AND EMPLOYEES

The *Local Government Act 2009* also prescribes a number of responsibilities for all local government employees based around implementing policies and priorities of the local government in a way that promotes:

- effective, efficient and economical management of public resources,
- excellence in service delivery, and
- continual improvement.

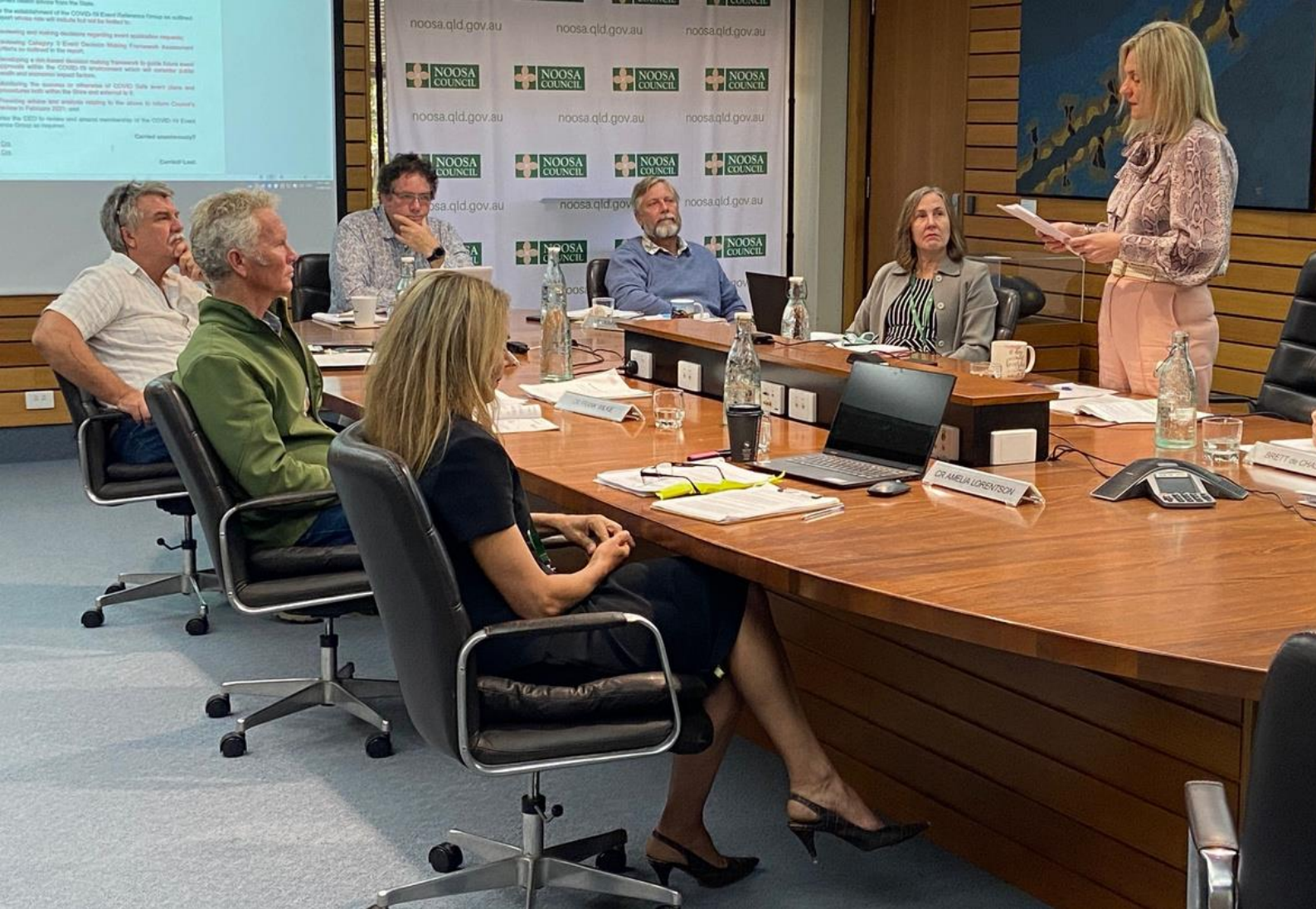
Good governance requires all employees to think carefully about their decisions and actions and to be active participants in Council's management and outcomes. It is not only senior management and Council that is responsible for governance matters – every staff member of Council is also responsible for good governance. As such, this model is heavily reliant on each employee taking individual responsibility as well as being part of a collective team effort.

In addition to the above, the CEO is responsible for the following:

- Advise the Council in relation to the functions of a local government under the *Local Government Act 2009* and other written laws.
- Ensure that advice and information is available to Council so that informed decisions can be made.
- Ensure Council decisions are implemented.
- Manage effectively and efficiently the economic management of public resources. This includes managing the organisation soundly from a financial perspective and reporting the results and performance of Council.
- Manage day to day operations of the local government.
- Liaise with the Mayor on the local government's affairs and the performance of the local government's functions.
- Speak on behalf of the local government if the Mayor agrees.
- Be responsible for the employment, management supervision, direction and dismissal of staff.
- Ensure that records and documents of the local government are properly kept for the purposes of legislation.
- Perform any other function specified or delegated by the local government or imposed under legislation as a function to be performed by the CEO.

As outlined, the CEO has a statutory responsibility to manage the organisation through the implementation of goals and strategies that have been approved by Council.

Essentially, a significant role of the CEO in promoting good governance is through the development of a culture that sees the Council as the peak decision-making body and that the organisation exists to support Council in the delivery of good governance.



WORKING RELATIONSHIPS

Relationships are key to good governance in local government. Good relationships, which are based on respect, understanding and agreement around roles help the different elements of a local government to work together effectively.

Furthermore, it helps if employees recognise the political environment in which elected members operate and acknowledge that the system is based on democratic governance.

Elected members similarly need to understand that to prepare information and provide quality advice on a wide range of issues is a highly complex and resource intensive task.

ELECTED MEMBERS (COUNCILLORS)

Councillors are members of a team, elected by their constituents to work collectively in the best interests of the whole community. Good governance is dependent on a mature and constructive working relationship between councillors. Therefore, councillors should behave in a manner that generates community trust and confidence in them and enhances the role of both the Council and the local government area. The best Council teams are those that have different ideas, opinions and expertise but get on well at a personal level and respect each other's differences.

Councillors are expected to:

- Conduct their ongoing relationship with other councillors, employees and the community with respect and courtesy.
- Act within the law.
- Act in good faith and not for improper or ulterior motives.
- Act ethically.
- Act in a reasonable, just and non-discriminatory manner.
- Undertake their role with reasonable care and diligence.

These expectations are underpinned by the *Code of Conduct for Councillors of Queensland* which is a public declaration of the principles of good conduct and standards of behaviour that councillors must conform to when carrying out their duties. This includes modelling the following standards of behaviour:

- Carrying out responsibilities conscientiously and in the best interests of the Council and the community,
- Treating people in a reasonable, just, respectful and non-discriminatory way, and,
- Ensuring conduct does not adversely reflect on the reputation of Council.

Within this context, it is important that councillors have good relationships with each other so that they are able to persuade, through respectful debate and discussions, sufficient numbers of their fellow councillors to support and prioritise the specific matters or priorities they wish to advance.

The structure of Council, consisting of a group of independently elected councillors, is an environment in which good relationships, mutual respect and a constructive appreciation of differences are required for good decision-making and the capacity of councillors to deliver on their various election platforms. Therefore, Councillors need to keep an open mind and be open to listening to other points of view.

MAYOR AND CEO

The Mayor and CEO relationship is important and should be about working closely together and keeping each other informed about important and relevant issues.

They both have a role in liaising with each other on local and regional affairs and the performance of Council's functions.

Both parties have a crossover of responsibilities in speaking on behalf of Council. As such, the Mayor is the official spokesperson on behalf of Council, primarily concerning policy issues and the decision-making role of Council, and promotion of events, programs and services. The CEO (or delegate) is the official spokesperson for operational or technical matters.

Importantly, the Mayor and the CEO should adopt an approach that suits their needs. The overall essential principles that should be followed are the ability to effectively communicate and to have a large degree of trust in each other as well as respecting each other's opinion and role.

The essential elements of a successful working relationship between these parties is based on the following:

Communication

- Both parties need to brief each other about information that would assist them in performing their respective roles and to ensure neither is caught off guard.
- Regular meetings need to occur to discuss specific issues and to enhance communication and planning.

Role clarity

- Both parties need to understand and respect each other's roles. A clear understanding of their different roles is absolutely crucial and should be subject to ongoing discussion.
- Both parties need to also acknowledge and understand that there is a differentiation in powers. While the Mayor has status and leadership capacity, the CEO has direct authority through legislation. This means elected members, including the Mayor, cannot 'fix' operational problems that come to their attention, which is the responsibility of the CEO.

COUNCILLORS AND CEO

Critical to good governance is the relationship between councillors and the CEO. The CEO is accountable to Council and is a valuable source of support, advice and assistance to Councillors.

Councillors, as a collective representing local government, are responsible for employing the CEO and managing the performance of the CEO in accordance with section 194 of the *Local Government Act 2009*.

While the formal relationship is very important, it is equally important for Councillors and the CEO to create positive working relationships. They are generally in regular contact to share information, discuss issues and action opportunities. As with the relationship between the Mayor and CEO, there needs to be trust between all. This trust should be based on good communication and an understanding and respect of each other's role and responsibilities.

COUNCILLORS AND EMPLOYEES

In order to maintain the integrity of the relationship between councillors and employees, it is important that both parties understand their obligations when interacting with each other. Individual councillors must not seek to foster special relationships with employees for the sole purpose of seeking information that may not otherwise be available to all elected members.

The *Local Government Act 2009* provides a framework for councillors and employee interactions. This is underpinned by Council's *Councillors Acceptable Requests Guidelines* which outlines the way in which a councillor may ask an employee for advice to help them carry out their responsibilities under legislation and reasonable limits on requests that a councillor may make.

Importantly, Council encourages an open information flow between councillors and employees. Councillors and employees are encouraged to interact with each other openly and share ideas and information to enable Council to provide exceptional service to our community. Whilst the legislative roles and responsibilities of the political arm (the Mayor and councillors) and administrative arm (the CEO and employees) of Council differ, both arms are working together towards the same Council vision and objectives.

It must be noted that no councillor, including the Mayor, may give a direction to any local government employee with the exception of the Mayor directing the CEO. However, if councillors are assigned administrative support, then they can direct day-to-day administrative tasks in accordance with any guidelines made by the CEO.

RESOURCE SHARING

Where appropriate, Council shall consider resource sharing opportunities with external bodies, such as other councils or State Government to strengthen external relationships and to take up opportunities to work jointly to deliver services by sharing costs, resources and expertise.



INFORMATION ACCESS & PRIVACY

COUNCILLORS AND ACCESS TO INFORMATION

Under legislation, an elected member can have access to information held by Council that is relevant to the performance of their functions under the *Local Government Act 2009* or other legislation. However, this does not give an elected member an automatic right to have access to all records held by Council as information must be relevant to the performance of an elected member's role.

An elected member must not use information obtained through their role in order to gain a financial or other advantage for themselves, a relative or an associate, or to cause detriment to the local government.

RIGHT TO INFORMATION

Right to Information and Information Privacy gives the community greater access to government information, including from Council, unless contrary to public interest.

Council processes Right to Information (RTI) and Information Privacy (IP) access applications in accordance with the following Queensland legislation:

- *Right to Information Act 2009*
- *Right to Information Regulation 2009*
- *Information Privacy Act 2009*
- *Information Privacy Regulation 2009*

Any person, including elected members and employees, are entitled to be given access to information and records that are accessible to other persons under the *Right to Information Act 2009*. In addition, Council's Disclosure Log provides details of non-personal documents released to the public as a result of access applications made under the *Right to Information Act 2009*. Under legislation, information of a sensitive nature, for example personal information, is removed from documents prior to their release.

PRIVACY

A key aspect of good governance is the responsible handling of personal information. Council is strongly committed to protecting an individual's right to privacy and protecting the personal information of individuals. Queensland's *Information Privacy Act 2009* regulates how personal information is managed within government. The 11 information privacy principles (IPPs) contained in the Act detail Council's obligations about the collection, access, amendment, use and disclosure of information.

Council's *Privacy Policy* outlines how Council will adhere to legislative requirements and essentially how personal information held by Council will be responsibly and transparently collected and managed in accordance with our obligations. This includes the transfer of personal information held by Council to other agencies, other levels of government and to the community and private sectors.

DECISION-MAKING & MANAGEMENT

The *Local Government Act 2009* provides Council with broad decision-making powers for the good rule and governance of its local government area. Decision-making is one of the most important activities undertaken by a council, both by Council and its employees. As part of good governance, effective decision making processes increase the likelihood that decisions will be made in the best interests of the entire community.

It must be noted that Council can only make decisions by resolution, that is, a motion being considered at a formal convened meeting and passed by the required majority vote. On the other hand, many of the decisions made by Council and its employees are subject to administrative law, and may be subject to challenge or appeal.

An important role of effective decision-making is that the CEO ensures Council receives quality and timely advice and relevant information to enable informed and effective decision-making to occur. For example, at meetings this includes ensuring that all reports presented include necessary information and detail, options, financial and legal implications, and associated risk factors.

COUNCIL MEETINGS

Council meetings are an important opportunity in which elected members evaluate plans, motions, strategies and other matters, and make well-informed decisions that benefit the Council and the community. Council decisions can only be made by a resolution at a properly convened meeting. As such, Council's meetings are conducted under the *Local Government Act 2009* requirements and are run in accordance with Council's *Standing Orders for Council Meetings Policy*. This Policy outlines how meetings will be conducted and includes the order of meeting agendas. Elected members attend each month in accordance with the adopted Council meeting calendar available on Council's website.

There are four main types of Council meetings:

- Ordinary meetings
- General Committee meetings
- Standing Committee meetings
- Special meetings

All Council meetings (except confidential sessions of the meeting) are live streamed, recorded and available for view by the public on Council's website. The meetings are open to the public unless otherwise decided by Council in line with relevant legislation.

There are other meetings, such as briefing sessions and workshops, that may involve elected members, but these are not formal, nor open to the public. No decisions are made at these meetings, rather they are held to provide elected members with information or may involve training sessions for Councillors. These meetings are considered to be non-statutory and operate in accordance with Council's *Councillor Briefing Sessions and Workshops Policy*.

Advisory Committees differ from Council committees and membership can include external representatives. These committees can be permanent or established when there is a need and in some instances require adoption by Council in order to satisfy legislative obligations, e.g. Audit and Risk Committee. It is expected that good meeting protocols are maintained, and in some instances Charters are followed to ensure governance standards are met.

COUNCIL MEETINGS

Formal Meetings

- Conducted in accordance with Council's policy and legislative requirements.
- Decisions made.
- Resolutions passed
- Set agenda.
- Available to public.
- Records placed on Council's website.

Informal Meetings

- Conducted in accordance with Council's policy for non-statutory meetings.
- Decisions are not made.
- May involve councillors.
- Good meeting protocols maintained.
- provide councillors with knowledge and expertise.
- For councillors, staff and invited parties.

TRANSPARENCY & DISCLOSURES

As part of the principles of good governance and transparency, Council has legislative guidance, codes of conduct and procedures in place to manage the personal interests of elected members and employees via disclosures. For example, elected members are required to disclose any conflicts of interest on matters to be discussed at a Council or Standing Committee meeting (other than ordinary business matters).

COUNCILLORS AND DECLARING CONFLICTS OF INTEREST

To ensure transparency, accountability and integrity, councillors must manage their conflicts of interest (COI) between the public interest, their personal interests and the interests of their related persons. It is a councillors' responsibility to decide whether or not to declare a COI.

Legislation governing COIs for councillors is covered in the *Local Government Act 2009* and they apply to:

- Decisions made during council meetings; and,
- Any discussion about issues that take place before the council meeting, including workshops, informal meetings, processes followed, or discussions between councillors that could influence the future decision by Council.

There are different types of COIs that apply to councillors. Furthermore, the Queensland Department of Local Government, Racing and Multicultural Affairs (DLGRMA) states that it is important that elected members do not participate in a decision where they could approve council spending, a development, contract or anything else that might specifically help them or people they are close to.

Prescribed Conflict of Interest

A prescribed COI is a specific, clear list of situations where legislation states that councillors must not participate in decisions. This includes:

- Donations (gifts) + loans + sponsored travel or accommodation totaling \$2,000 or more.
- Matter relating to a contract with council for the supply of goods or services, or lease or sale of council assets, including any discussions leading to the establishment of the contract or tender.
- Matter relating to an application or submission to council (e.g. development approval or grant application).
- Appointment/employment matters of CEO, if a close associate.

Declarable Conflict of Interest

A declarable COI is a situation where a councillor might have a conflict of interest, and they must declare the interest, and then either they choose to leave the meeting themselves or other councillors vote to decide whether they can participate in a decision.

Declarable COIs include:

- Donations (gifts) + loans + sponsored travel or accommodation totaling \$500-\$2,000 in a relevant term.
- Interests where a reasonable person might think a councillor could be biased.

Importantly, when declaring a conflict of interest, the DLGRMA suggests that Councillors consider the following questions:

- Could a reasonable person think the councillor has a bias in the decision?
- How much is the gift/contract worth? How long ago was it?
- How close is the councillor's relationship with the other party?
- How big is the impact on the councillor or related party?
- Is the interest unique to the councillor or related party, or an interest shared by the community?
- Is the benefit certain, or a remote possibility?
- How will the councillor's involvement affect the public interest or trust with the community?
- Is the decision consistent with decisions made for other councillors?

When a councillor informs a meeting that they or another councillor have a prescribed or declarable COI in a matter, the Chairperson must ensure that the minutes of the meeting record:

- The name of the Councillor who may have a prescribed or declarable conflict of interest,
- The particulars of the prescribed or declarable conflict of interest provided by the Councillor,
- The actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest,
- The Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision,
- The name of each eligible Councillor who voted and how they voted,
- If the Councillor who declared the conflict voted on the matter, how they voted, and,
- Whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval.

EMPLOYEES AND DECLARING CONFLICTS OF INTEREST

Council employees are also required to declare in writing to their manager any conflict of interest (actual, perceived or potential) that arises in the course of them conducting their public duties. This includes gifts and benefits, secondary employment, connections to people and entities and land/property ownership.

Guidance and procedures are outlined in Council's *Code of Conduct for Employees* and *Organisational Conflict of Interest Policy*. Regular mandatory training is offered to all employees. Disclosures are captured in writing and managed by the Governance Branch.



FINANCIAL MANAGEMENT

Council has a responsibility to ensure that it has sufficient resources now and into the future to provide levels of service that are both affordable and at a level considered appropriate by the community. This responsibility impacts on how decisions are made regarding the allocation of ratepayer funds to Council's day to day operations as well as towards the replacement of existing assets and procurement of new assets.

LONG TERM FINANCIAL PLANNING

As part of Council's long term planning for Noosa Shire and to ensure that Council's strategies, policies and projects are financially responsible and sustainable, a long-term financial forecast is developed which has a ten year horizon outlining allocation of resources for continuing operations, new works and services.

Long-term financial planning is a critical governance tool in supporting:

- development of financial strategies in areas such as revenue, expenditure and borrowings,
- development of the annual budget,
- minimising ad hoc financial decisions,
- transparency with regard to Council's financial position,
- reporting against financial targets and goals,
- capacity of managers to effectively plan and deliver services,
- development of performance measures and target service levels, and
- appropriate levels of inter-generational equity.

Council's *Financial Sustainability Policy* ensures that responsible ongoing financial management achieves the following objectives:

- Council operates in an efficient and effective manner, minimising general rate increases.
- Full cost pricing compliance for Council business activities.
- Ongoing operating surpluses to ensure Council's equity is not degraded and future financial risk can be adequately mitigated.
- Appropriate collection of cash funds for ongoing infrastructure and asset replacement and renewal.
- Future trunk infrastructure financial obligations can be met.
- Informed decisions are made on discretionary new operating or capital investment proposals (i.e. business cases including whole of life cost analysis).
- Infrastructure and assets are maintained to required service levels.
- Debt levels will be minimised, and returns on cash holdings maximised.
- Achieving all of the minimum financial sustainability benchmarks set by legislation.

This Policy is reviewed on an annual basis and re-adopted each year as part of our annual budget process.

CAPITAL EXPENDITURE

Council's Capital Works Program outlines the proposed infrastructure delivery program for the next ten years. The program also responds to asset management plans across various infrastructure classes such as roads, buildings, parks etc. and feeds into our long-term financial planning. As such, expenditure management outcomes will be measured by how Council performs annually against its operating and capital expenditure budget allocations. Subsequently, each year Council reviews its Capital Works Program as part of budget deliberations. During this review process, projects may be deferred, removed or brought forward and estimated project costs may be adjusted.



ASSET MANAGEMENT

Effective asset management is crucial to good governance and the community expects that local government assets are appropriately managed so that they can continue to deliver services to the community in a sustainable manner into the future. Council has an *Asset Management Policy* which states that our priority is to balance the need to maintain existing assets and infrastructure to agreed service levels with the consideration of new assets and infrastructure in a financially viable, efficient and sustainable manner.

Effective asset management is achieved through:

- Good governance,
- Asset planning,
- Decision-making, and
- Capital planning.

As such, Council has adopted several Asset Management Plans that provide strategic direction in the management of Council's assets.

RISK MANAGEMENT

The management of risk is recognised as a fundamental component of our governance model. Council's *Enterprise Risk Management Policy* aligns to our organisational objectives and strategies, processes, people, technology and knowledge with the purpose of evaluating and managing risks and opportunities effectively. Our risk management approach is one which complements and actively encourages innovation by aligning risk reviews with corporate objectives and emphasising a focus on identifying improvement opportunities.

ENTERPRISE RISK & OPPORTUNITY MANAGEMENT

Council has an *Enterprise Risk Management Policy* to assist in the identification, assessment and prioritisation of risks and opportunities identified across Council. Council's Policy and supporting documents align to the international standard for risk management – AS/NZS ISO 31000:2018.

Risk can be broadly defined as any issue that may impact upon desired objectives. The management of risk is not the responsibility of a single branch or a stand-alone function within Council but a shared responsibility across the organisation and is embedded in Council's core business processes and practices.

Council's *Enterprise Risk & Opportunity Management Framework* (currently under development) is an organisation-wide commitment to a consistent approach to managing risks and opportunities beyond traditional silos or barriers. The Framework is integral in ensuring that Council's strategies, processes, people, technology and knowledge align with the purpose of evaluating and managing risks and opportunities.

AUDIT & RISK COMMITTEE

Council's commitment to a risk management program at a policy and strategy level extends through to the establishment of an Audit and Risk Committee, in accordance with the *Local Government Act 2009*. As such, Council conducts Audit and Risk Committee meetings to promote good corporate governance through the provision of independent advice and counsel on audit and risk management issues covering a wide range of Council operations and projects.

The Audit and Risk Committee comprises of two councillor members and two expert independent external members, one of whom is the Committee Chair.

Under Council's *Audit and Risk Committee Charter*, a key duty of the Committee is to provide assurance to Council that its core business goals and objectives are being achieved in an efficient and economical manner, within an appropriate framework of internal control and risk management.

BUSINESS CONTINUITY PLANNING

Council's Business Continuity Plans (BCP) are a suite of recovery plans, comprising of a Master Plan and individual BCPs, that outline the actions to ensure Council services are recovered in the shortest timeframe possible in the event of a significant disruption. Council tests parts of its BCP yearly with a major coordinated test plan at least every two years.

DISASTER MANAGEMENT

Council has primary responsibility to coordinate and manage disasters and emergency events within Noosa Shire. Under the *Disaster Management Act 2003*, Council has the following measures in place:

- Local Disaster Management Group
- Local Disaster Management Plan
- Capability to respond if an event occurs
- Established a thorough approach to disaster management – prevention, preparation, response and recovery
- Capability to lead and enable local disaster recovery.

Council's *Local Disaster Management Plan* and *Local Disaster Recovery Plan* are critical risk management tools to ensure the safety of the Noosa communities and to preserve lives, livelihoods and the environment in the event of a disaster affecting the region. Council's main priority is the preservation of human life.

INSURANCE MANAGEMENT

Insurance is a form of risk management primarily used to hedge against the risk of a contingent or uncertain loss. Insurance is defined as the transfer of a risk of a loss, from one entity to another, in exchange for payment. To adequately protect the interest of Council and the community, Council has several insurance policies in place, ranging from public liability to travel and fleet insurance, which are renewed annually.

Liability insurance protects Council from public liability and professional indemnity claims from third party personal or property damage arising out of a failure of our assets or services from an unintended act of negligence by an employee in carrying out their duties, providing advice or services. Council is insured through Queensland Local Government Mutual Services for public and professional liability.

WORKERS' COMPENSATION

In accordance with the *Workers' Compensation and Rehabilitation Act 2003*, Council is a member of the Queensland Local Government Workers' Compensation Insurance Scheme which provides to Council, best practice claims and injury management solutions so that Council can meet its statutory obligations and contain the cost associated with workplace injury.

LEGISLATIVE FRAMEWORK

Council functions and operates under the *Local Government Act 2009* which states that a local government is an elected body that is responsible for the good rule and local government of a part of Queensland (section 8(1)). Within this context, the general function of Council is to ensure the smooth running of the Noosa Shire and to ensure the social, economic, environmental and cultural wellbeing of the community in accordance with legislative requirements. To that effect, the Act enables for good governance through:

- Better decision-making by Councils
- Greater community participation in the decisions and affairs of Council
- Greater accountability of Councils to their communities
- Greater transparency in the reporting of the affairs of a Council
- More efficient and effective local Councils.

COMPLIANCE

The Governance Branch monitor and communicate on significant legislative changes and emerging legislative issues. Council employees are responsible for satisfying the legislative requirements of their roles through appropriate recruitment, performance management, professional training, and operational risk management and reporting. This approach ensures that appropriate corporate responses to legislative changes are coordinated and enacted as required.

While there are numerous acts, regulations and policies that impact on Council, the following areas require significant operation and focus:

- *Local Government Act 2009*
- *Planning Act 2016*
- *Public Health Act 2005*
- *Industrial Relations Act 2016*
- *Plumbing and Drainage Act 2018*
- *Waste Reduction and Recycling Act 2011*
- *Work Health and Safety Act 2011*
- *Workers' Compensation and Rehabilitation Act 2003*

- *Disaster Management Act 2003*
- *Environmental Protection Act 1993*
- *Information Privacy Act 2009*
- *Right to Information Privacy Act 2009*
- *Public Interest Disclosure Act 2010*
- *Human Rights Act 2019*

LOCAL LAWS

In addition to its policies, procedures and guidelines, Council relies on its statutory powers to make local laws to regulate a broad range of issues and areas in its community, including but not limited to:

- animal management,
- parks, jetties and boat ramps,
- parking,
- short stay accommodation,
- waste management,
- public health,
- roads,
- Council property and other public places, and
- the administration, implementation and enforcement of the local laws and subordinate local laws.

Council adopts its local laws in accordance with the requirements under the *Local Government Act 2009* and regularly reviews its local laws to ensure they are responsive to the specific needs of our community.

DELEGATIONS

Delegations are a statutory power and procedure permitting a person to entrust their statutory authority to another. Delegations entrust certain types of decisions to the CEO, employees or committees. As such, delegates personally hold and possess the powers and responsibilities that they have been given and are accountable for their decisions and actions.

The *Local Government Act 2009* enables Council to delegate to the CEO the capacity to exercise any of its powers or duties conferred on Council. Additionally, the Act provides that Council, the Mayor and the CEO may delegate their powers as follows:

- Council may delegate powers to the Mayor, CEO, a Standing Committee, the chairperson of a Standing Committee or another local government for the purposes of a joint government activity.
- The Mayor may delegate their powers to another elected member.
- The CEO may delegate their powers to an employee or contractor of Council.

These delegations include conditions and limitations on the delegated power and there are some powers that cannot be delegated, which include:

- A power delegated by the local government, if the local government has directed the CEO not to further delegate the power.
- The Mayor cannot delegate power to direct the CEO to another councillor.
- Acceptance of a tender, which exceeds an amount as determined by the Council.
- Appointment of an auditor.
- Acquisition or disposal of any property valued at an amount exceeding an amount determined by the Council.
- Any of the Council's powers in relation to determining fees, allowances and expenses of members and Committee members.
- Borrowing money on behalf of the Council.
- Carrying out any power or duty that requires the approval of the Minister or the Governor.
- A power that an Act states must be exercised by resolution.
- A power to keep a Register of Interests.
- Such other powers or duties as may be prescribed.

The use of delegated authority is necessary for the large volume of routine work of Council to be effectively managed and acted on promptly, which in turn facilitates efficient service delivery for the community. Subsequently, Council can concentrate on policy development, strategic planning and community leadership.

In accordance with section 257(5) of the *Local Government Act 2009*, Council annually reviews its delegations of authority. As a result of this empowerment, the CEO is required to establish a register of delegations containing the particulars prescribed under legislation. Subsequently, as legislation is amended, repealed and introduced, Council is required to update its Delegations Register.

POLICIES

Policies and policy making are an essential element of the governance framework. Policies provide the Council and the organisation with the ability and direction to make decisions that are considered to be consistent and unbiased. Public policy is ultimately about achieving objectives – the policy process helps decision makers clarify their objectives.[10] They include organisational guidelines, rule books and practice manuals, directives, codes of conduct etc. and possess similar characteristics focused on providing decision-making guidance in administering legislation.[11]

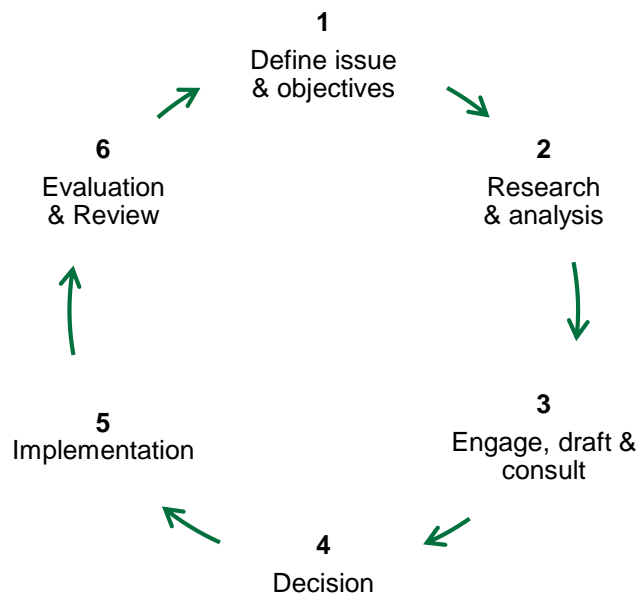
[10] Catherine Althaus, Peter Bridgman and Glyn Davis, *The Australian Policy Handbook*, 5th ed, 2013, p. 8.

[11] Robin Creyke, 'Soft law' and Administrative Law: A new challenge, *AIAL Forum No.61*, p.15.

In local government, policies may be developed to:

- Set the strategic framework for Council’s vision and commitments,
- Guide the implementation of Council’s Corporate Plan,
- Manage Council’s operations and administration,
- Support and enhance service delivery,
- Regulate activities, and
- Guide Council’s planning.

Council aligns to the policy development cycle model based on the Australian Policy Handbook as illustrated below[12] which provides a map of how things can be done through a sequential order and assists policy makers to use the cycle as a way to conceptualise and manage a policy. Policy development is a complex process of related functions, which means the entire cycle may take three to eighteen months, depending on the issue, complexity and urgency of the matter.



Source: Catherine Althaus, Peter Bridgman and Glyn Davis, The Australian Policy Handbook, 5th edition, 2013.

Council’s policy framework comprises of two key levels of policy development:

Level 1: Council

Council policies are adopted by Council. They are strategic and give effect to Council’s vision while also being outward focused, that is, dealing with issues that affect the community. Council’s policies are available for view on our website and range in topic from community grants to financial management.

Level 2: Organisational

Organisational policies are approved by the CEO. These policies are about how Council functions, that is, how it undertakes its business and how Council implements and considers Council's vision and commitments at an operational level. For example, Council's organisational policies range in topic from ICT use to recruitment.



ACCOUNTABILITY

Good governance is based on the fundamental principle that the people involved in providing governance, being the elected members and employees, are held to account for what they do and for the Council's performance.

Council has accountability systems that provide disclosure and review of decision-making and processes. These systems record and support council's accountability to its local government, stakeholders and its legal accountability to the State Government.

ORGANISATIONAL STRUCTURE

Our organisational structure is aligned to the achievement of Council's strategic goals and objectives and is reviewed annually. The organisational structure can also be reviewed when Council reviews its annual Operational Plan and budget to ensure optimal deployment of resources for the delivery of services and appropriate cohesion between departments.

Furthermore, to enable Council to continue to provide high quality services to the community now and into the future it is critical that Council develops and maintains a skilled, flexible and sustainable workforce.

The organisational structure of Council is determined by the CEO, in consultation with executive management, is adopted by Council, and is responsible to the CEO. The structure is updated every six months and re-adopted as part of the budget process every year to ensure alignment between Council's Operational Plan, budget (financial resources) and structure (people resources) to deliver Council's goals and objectives. Essentially, it is the CEO's responsibility to manage the employees of Council. Council's current organisational structure can be found on Council's website.

PERFORMANCE MANAGEMENT & REPORTING

Council is accountable for monitoring performance in the achievement of Council's strategic direction, goals and financial outcomes as set out in Council's Corporate Plan, Operational Plan, the Budget and other relevant strategies. The management of Council's performance is achieved through various reporting mechanisms.

Quarterly reporting

Council is provided with quarterly operational and deep-dive functional topic reports that allows Council to review, assess and rectify any issues that arise, and as such, be accountable to the community. The CEO provides to Council quarterly reporting against Council's Operational Plan and key management KPIs. All quarterly reporting is available for view on Council's website as part of the Council meeting agendas and on Council's "Open Council" website.

Financial reporting

Annual review of progress on achieving Council's Corporate Plan objectives

- The CEO reports annually on what Council has done to advance its progress on its Corporate Plan goals.

Monthly financial report

- Council prepares a monthly statement of financial activity reporting on the source and application of funds across Council.

Budget reviews

- Council reviews the annual budget three times a year and makes any necessary budget updates.

Annual financial report

- In accordance with the *Local Government Act 2009*, Council is required to prepare annual financial statements which provides information about Council's financial activities, income and expenditure. Council's annual financial reports are audited by an external auditor and is considered by Council's Audit & Risk Committee prior to being submitted to Council for adoption. Council also produces a 'plain English' version of the annual financial statements that are included in the Annual Report.

Quarterly Capital Program Works report

- This type of reporting outlines Capital Program Works overall delivery status and spend reporting for the quarter.

Other profit and loss reporting

- This type of reporting applies to Council's commercial business activities such as waste, community facilities, holiday parks and the Peregian Beach Digital Hub.

Annual Report

Pursuant to section 182 of the *Local Government Regulation 2012*, Council must:

- a) Prepare an annual report for each financial year;
- b) Adopt its annual report within one month after the day the Auditor-General gives the Auditor General's audit report about the local government's financial statements for the financial year to the local government;^[12] and,
- c) Publish its annual report on its website within two weeks of adopting the annual report.

The Annual Report is Council's key reporting document that includes our financial performance for the year as well as governance and statutory information. It also highlights a range of achievements and progress made in delivering services to our community in alignment with our Corporate Plan and vision. The Annual Report is available on Council's website.

[12] The Minister may, by notice to the local government, extend the time by which the Annual Report must be adopted.

CEO's performance review

Council is responsible for managing the performance of its CEO. It achieves this by setting and monitoring the CEO's performance plan and communicating its expectations during quarterly performance evaluations.

Our Council has established a Performance Review Committee which undertakes this role. Each year, the CEO is subject to a 360 degree feedback process that informs the Performance Review Committee as part of that process.

Employee performance review

All employees are required to undertake a performance evaluation each year. The evaluations assess specific job performance, behavioural indicators, business planning outcomes as well as determining an employee's training and development needs. The process focuses on three key elements:

- What has gone well – recognise and continue
- What can be improved – opportunity for professional growth
- What are the priorities for the next year – setting clear goals

AUDITS AND OVERSIGHT

Governance compliance audit

Council must comply with a range of governance-related statutory requirements prescribed by the *Local Government Act 2009* to ensure that all policies, processes and records are in place. As such, Council conducts an annual audit of its compliance with legislative requirements and submits results to the Audit and Risk Committee for review and consideration by Council.

Internal audit

Under section 105 of the *Local Government Act 2009*, Council has established an efficient and effective internal audit function that will provide independent, objective assurance and appropriate services designed to add value and improve Council's operations.

Council's *Internal Audit Policy* provides the framework for the conduct of the internal audit function of Council as endorsed by the Audit and Risk Committee. The Policy seeks to achieve the following outcomes in undertaking the annual Internal Audit Plan:

- Assess and evaluate Council's processes, procedures and internal control environment to assist with the management of operational risks.
- Appraise the relevance, reliability and integrity of management, business systems, financial and operating records and reports.

- Assist the CEO and Council in the effective discharge of their responsibilities by providing them with analyses, appraisals, recommendations and information concerning the activities reviewed.
- Review compliance with Council policies and procedures, legislative requirements and regulations.
- Provide outcomes that will generally improve practices across Council.

Council's Internal Audit Plan for each financial year is developed having regard to current operational risks and is reviewed and adopted by the Audit and Risk Committee. Council's internal audits are conducted in accordance with Council's *Internal Audit Policy*. Furthermore, Council has in place a number of systems and processes to ensure that recommendations resulting from its internal audits are appropriately actioned and implemented into day-to-day operations.

External audit

Each year the Queensland Office of the Auditor-General undertakes an independent audit of Council's financial statements and operations with an audit report provided to Council. Any significant issues the Queensland Audit Office (QAO) identify are reported to Council and the Audit and Risk Committee. Essentially, a key role of the QAO is to provide professional audit services and opinion on the accuracy and reliability of the financial statements of public sector entities and local governments.

In addition to financial audits, the QAO may carry out performance audits and provide independent assurance that government programs are delivering on the objectives efficiently, effectively and economically.

Assurance map

Council undergoes assurance mapping which delivers a single organisation-wide view of risk and control derived from assurance activities undertaken across the lines of defence. Assurance mapping is aligned to Council's strategic risks, identifying all assurance providers and indicating the extent and effectiveness of assurance provided. Good assurance mapping does not solely relate to business process and control activities, rather it also identifies other business assurances such as quality control reviews, self-assessments and other audits.

CONSULTATION & ENGAGEMENT

Effective communication and engagement are crucial to responsible decision-making in Council. Council embraces consultation as a two-way process that creates opportunities for the community to participate in matters that interest and affect it and ensures transparency and accountability in Council's decision-making. At its core, communication and engagement supports and encourages the community to participate in civic life.

Community engagement and consultation

There are different ways for the community to have input into Council decisions, including through community engagement reference groups, community consultations, legislatively required consultations and public forums. Equally important, the community can directly engage with Council through our meeting processes in four different ways:

- Petitions
- Deputations
- Presentations, and
- Public question time.

The benefits of effective engagement include:

- Council and the community working together to address local issues and collectively achieving better outcomes.
- A higher level of community ownership of decisions made by Council.
- An improved level of community understanding about Council's processes and services.
- Increased awareness across Council of community views and concerns.
- Opportunities for Council to draw upon community expertise.
- The potential for time and cost savings due to better alignment between community needs and Council decisions.
- Increased social capital due to greater trust and knowledge acquired while working collaboratively with the community, including the sharing of aspirations.
- Stronger relationships between Councillors, Council officers and residents, including stakeholder groups.

Council has adopted the International Association for Public Participation (IAP2) Framework which is recognised as a world leader in the engagement of communities. In conjunction, Council has a *Community Engagement Policy* (under review) that outlines Council's commitment to community engagement governed by key principles of:

- Inclusiveness,
- Transparency,
- Clarity,
- Appropriateness,
- Accountability,
- Consistent and planned messaging, and,
- Understanding our community.

Additionally, Council's *Community Engagement Framework* (under review) further defines community engagement in the Noosa Shire local government context and explains key protocols, techniques and step-by-step process. To support the Framework and provide guidance to elected members and employees, Council has implemented a *Community Engagement Toolkit* which is a manual that provides assistance in the planning, undertaking and evaluation of community engagement activities. The Policy, Framework and Toolkit are regularly updated to remain consistent with community engagement best practice. Where possible, Council seeks to move to the right of the IAP2 spectrum to encourage greater community engagement.

Some examples of when Council uses community engagement include:

- Annual budget
- Major projects / proposals
- Local laws
- Proposed changes to Noosa planning scheme
- Strategic planning

Stakeholder management

Similarly, strong stakeholder relationships are critical to the successful delivery of Council's objectives through various projects and activities which require careful and ongoing management. Council's approach to stakeholder management is to essentially enhance and maximise the benefits of regular stakeholder engagement by managing key relationships.

REVIEW PERIOD & REFERENCES

REVIEW

This Framework will be reviewed at least every four years (per Council term) or in circumstances where a review is required. This may include times of significant organisational or process changes.

REFERENCES

The following references have been used in the development of the Governance Framework for Noosa Shire Council:

- AS8000-2003 Good Governance Principles.
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- Australian National Audit Office, '*Public Sector Governance – Strengthening Performance Through Good Governance*' – June 2014.
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- Bob Tricker, *Corporate Governance*, 3rd edn, 2015.
- C Althaus, P Bridgman & G Davis, *The Australian Policy Handbook*, 5ed, 2013
- Central Highlands Regional Council, *Governance Framework 2019*
- City of Ipswich, *Good Governance Guide*.
- City of Joondalup, *Governance Framework 2020*
- Clayton Utz, *Governance Frameworks: Building the Framework*
- Crime Corruption Commission, *Operation Belcarra Report Summary*, 2017.
- Governance Institute of Australia
- *Local Government Act 2009*
- *Local Government Regulation 2012*
- Logan City Council, *Governance Framework 2020*
- OECD, *Principles of Corporate Governance*.
- OECD, *Corporate Governance Factbook*, 2021
- Penrith City Council, *Governance Framework June 2020*
- Queensland Audit Office, *Better Practice*
- Queensland Government, Department of Local Government, Racing and Multicultural Affairs.
- Robin Creyke, '*Soft law*' and Administrative Law: A new challenge, AIAL Forum No.61.
- Sunshine Coast Council, *Governance Framework, 2022*.
- Tablelands Regional Council, *Corporate Governance Framework*
- Tasmanian Government, Department of Premier and Cabinet, *Good Governance Guide for Local Government in Tasmania*, 2012.
- Townsville City Council, *Governance Framework*, 2021.

Version	Reason/Trigger	Change (Y/N)	Adopted / Reviewed By	Date
1.0	New	N	Council / Executive Team	21/07/2022



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