



South Gippsland Shire Council

POLICY FRAMEWORK POLICY (C72)

Policy Number C72
 Council Meeting TBC
 Meeting Item No. TBC
 Next Review Date April 2025

Directorate
 Department
 Primary Author

Performance & Innovation
 Governance
 Coordinator Council Business

GOOD GOVERNANCE FRAMEWORK – Policy Framework Policy

Overarching Principle

The Policy Framework Policy provides a structure for the management of all Council policies. It sits as one element within the wider integrated strategic planning and reporting framework.

The Policy provides this structure through the Good Governance Framework 'Structure, Systems and Policies' pillar.

1. PURPOSE

The power for this policy comes from the *Local Government Act 2020* (Act) s10 – General Power, that subject to any limitations or restrictions by this Act or any other Act, a Council has the power to do all things necessary or convenient to be done in connection with the performance of its role. Various Acts requires each Council to develop and adopt specific policies.

The purpose of this Policy is to:

- 1.1 Provide the framework for the development of Council policies for the South Gippsland Shire Council consistent with the principles of good governance and the *Local Government Act 2020*.(Act)
- 1.2 Ensure that all current and proposed policies undergo a rigorous and thorough review/examination on a regular four-yearly cycle, or earlier if circumstances require more frequent adjustments.
- 1.3 Provide flexibility for the Council in establishing municipal specific, sector generic and operational policies.

2. SCOPE

- 2.1 The scope of this policy applies to all South Gippsland Shire Council policies. These policies incorporate:
 - 2.1.1 Mandatory policies required under legislation or regulation;
 - 2.1.2 Policies required to articulate a matter of public policy, statement or strategic direction of Council for decision making purposes in matters affecting the wider community. These may include establishing Council policies in response to policy or strategy directions established by others;

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2.1.3 Policies that establish the required behaviours, conduct, safety and well-being of Councillors and staff; and

2.1.4 Policies required to give direction to the operational areas of Council in the delivery of services and corporate administration.

It excludes the review of external, regional or policies of other government entities that are not Council or Chief Executive Officer adopted policies.

2.2 Types of Policy

The South Gippsland Shire Council maintains 2 categories of policy as follows:

2.2.1 Council Policy

Council adopted policies include 2 sub categories as follows:

- Municipality Specific – Those which relate to specific matters affecting South Gippsland Shire; and
- Sector Generic – Those which would generally apply to all Victorian municipalities.

2.2.2 Operational Policy

Chief Executive Officer authorised policies which apply to the general governance and management of the organisation's administration.

3. POLICY PRINCIPLES

The *Policy Framework Policy* defines the principles for the development of policies that provide direction for the Council.

South Gippsland Shire Council will:

- 3.1 Develop and adopt policy positions that are consistent with the *Local Government Act 2020* and other relevant Acts of Parliament;
- 3.2 Consider the place of each policy in regard to where it aligns to the Good Governance Framework and Integrated Planning and Reporting Framework.
- 3.3 Maintain a distinction between Council Policy (public policy) adopted by Council and Operational Policy (internal application) authorised by the Chief Executive Officer.
- 3.4 Consider and respond where appropriate to policy recommendations from various Government Departments, the Municipal Association of Victoria, the Victorian Auditor General's Office, the Ombudsman Victoria, the Local Government Inspectorate and other Government Agencies which may be relevant to the municipality or Council.
- 3.5 Establish Council Policies that will assist in effective governance of the municipality.
- 3.6 Establish Operational Policies that will assist in effective governance of the organisation.
- 3.7 Ensure that all Council and Operational Policies will be underpinned by the principles of good governance and natural justice, demonstrating that they are in the wider interests of the South Gippsland Community.

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- 3.8 Require that Council Policies adopted by the Council and Operational Policies authorised by the Chief Executive Officer are referred to and relied upon for strategic decision making.
- 3.9 Require all current Council and Operational Policies are reviewed and updated periodically, as a minimum every four years and/or within 6 months following the anniversary date of the policy's adoption date,
- 3.10 Require all current Council and Operational Policies are reviewed and updated to reflect legislated amendments and alterations to strategic directions determined by Council or the Chief Executive Officer.
- 3.11 Require that Council Policies must be formally adopted by Council and Operational Policies authorised by the Chief Executive Officer.
- 3.12 Formally revoke stand-alone Council and Operational Policies that have been reviewed and are no longer deemed relevant, or have been incorporated into key strategies or other policies adopted by Council (Council Policy) or the Chief Executive Officer (Operational Policy). As far as is practicable the revocation of stand-alone policy(s) would be sought in the same report that seeks the adoption of a key strategy or replacing policy.
- 3.13 Require adopted Council Policies to be publicly available on Council's website.
- 3.14 Be aware of, and consider where appropriate, adopted or authorised policy directions when deliberating on matters before the Council.
- 3.15 Ensure relevant policies are referred to in Council reports and briefing papers.
- Prepare a formal response and/or policy position, when required, to respond to consultation documents, proposals or other documents from State or Federal Government or their respective agencies that could impact South Gippsland Shire, the Gippsland region or the local government sector.

4. RISK ASSESSMENT

In order to comply with its obligations under the *Local Government Act 2020* and maintain the trust and confidence of the community, it is critical that Council demonstrates, through its Councillors and staff, the highest possible standards of good governance, integrity, ethical behaviour and conduct by applying policy requirements in decision making and provision of services.

This Policy mitigate Council's risks of:

- 4.1 Inconsistent and non-transparent decisions being made outside of a determined framework;
- 4.2 Non-compliance with legislation and poor governance practices;
- 4.3 Lack of clarity in respect of key strategic and operational matters affecting Council; and
- 4.4 Out of date and irrelevant policies that add no value to Council and/or the South Gippsland Shire being retained when they no longer serve a useful purpose.



5. IMPLEMENTATION STATEMENT

Council Policies and Operational Policies will be established by the relevant Department where required by various Acts that outline a specific requirement for a formal policy, or where a policy direction has been requested by Council and/or the Chief Executive Officer to address an identified gap.

Periodical reviews of all Council Policies and Operational Policies are required as a minimum every four years, to ensure they are consistent with amendments to legislation and changing circumstances within the Community and/or the organisation.

This timeline ensures all Council Policies will be considered and adopted at least once within the term of each Council.

Identification of the need for new policies may be generated by the Council, by a Councillor request supported in writing by a minimum of three Councillors, or by the Chief Executive Officer. They may arise through Council meetings, Assemblies of Council, strategy or plan reviews, community consultation and/or feedback, staff strategic advice, changes to Government policy direction, amendments to legislation, Ombudsman, Inspectorate and/or Ministerial recommendations.

5.1 Human Rights Charter

This Policy is a key mechanism for providing assurance that the Council meets their obligations as a distinct and essential tier of government to ensure the peace, order and good government of the municipal district as required by the *Local Government Act 2020* and to act in accordance with ways that are compatible with human rights in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

5.2 Publication of Policy

The Policy will be published on Council's website.

5.3 Roles and Responsibilities

5.3.1 Each policy will have a designated Department owner responsible for managing the development, scheduled reviews and currency of the policy in accordance with the review schedule.

5.3.2 Policy owners have responsibility for educating and/or training

5.3.3 The Governance Department will maintain the scheduled review program, provide support to policy owners and provide status reports as required.

5.4 Non-compliance with this Policy

Non-compliance with this Policy may result in policies being developed, or relied upon, that do not align with Council's strategic directions or are not current.

Policy owners are responsible for monitoring any changes to legislation or practice that may trigger an interim policy review, while also scheduling the periodic scheduled review. Policy owners are also required to consider if a policy has reached its effective end-of-life and manage the steps to formally terminate it.

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6 MONITORING, EVALUATION AND REVIEW

Council will undertake a four-yearly periodic review of this Policy to ensure changes required to strengthen or update the policy and meet changing circumstances are made in a timely manner. An earlier review may be required if changes to legislation or practices indicate the need for an earlier intervention.

7 LEGISLATIVE PROVISIONS

This policy has been developed to support the Council to comply with its good governance and conduct obligations in line with various legislation, principally the *Local Government Act 2020*.

REFERENCE DOCUMENTS	
Legislative Provisions	<i>Local Government Act 2020 Charter of Human Rights and Responsibilities Act 2006</i>
Council Supporting Documents	<i>Council Plan 2020-2024 South Gippsland Shire Council Governance Framework Human Rights Policy C52 Public Transparency Policy C75</i>
Related Documents	<i>Nil</i>
File Number	<i>D1723821</i>
File Numbers of previous versions	<i>D8151614</i>

8 DEFINITIONS

Council	<i>South Gippsland Shire Council</i>
Councillor	<i>Is an elected member of the Council as defined by the Local Government Act 2020.</i>
Chief Executive Officer / CEO	<i>Is the Chief Executive Officer appointed by Council as defined by the Local Government Act 2020 (the Act)</i>

REVISION HISTORY			
Version	Approved	Approval Date Range	Sections Modified
1.0	Council Meeting	25 May 2011	New Policy
2.0	Council Meeting / Refer to as a CEO Policy	TBC	Revised Policy

9 ATTACHMENT

Nil