# COUNCIL POLICY

| Policy name | Policy Framework |
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| Abstract |
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| The Policy Framework establishes the requirements, accountability and responsibility for the approval, communication, enforcement and review of Gunnedah Shire Council Policies and other instruments. |

| Dates | Policy or amendment approved | 16 Aug 2023 |
|---|---|---|
| | Policy or amendment takes effect | 15 Sep 2023 |
| | Policy is due for review (up to 4 years) | 16 Aug 2027 |
| **Endorsed by** | Council's Executive Team at its meeting held 8 August 2023. | |
| **Approved by** | Gunnedah Shire Council, at its Ordinary Meeting of Council held 16th August 2023. Resolution number: 5.8/23 | |
| **Policy Custodian** | Manager Governance & Legal | |
| **Relevant to** | The Community of the Gunnedah Shire Local Government Area and all Councillors and staff | |
| **Superseded Policies** | Policy – Policy Framework adopted 16 Dec 2020 (5.12/20) | |
| **Related documents** | All policies, strategies, plans and subordinate documents Guidelines – Public Exhibition of Council draft policies | |
| **Related legislation** | Local Government Act 1993 Government Information (Public Access) Act 2009 (NSW) | |

**Contents**

## 1.      Purpose

The purpose of the Policy Framework is:

(a)     to define the respective roles of Council, the General Manager, Executive and other Council staff with respect to Gunnedah Shire Council (GSC) Policies and other governance framework instruments;

(b)     to establish responsibilities and accountabilities for developing, approving, communicating, implementing, enforcing and reviewing GSC Policies and other governance framework instruments, and ensuring they comply with the Local Government Act, Regulations, Office of Local Government requirements prescribed in accordance with legislation, other relevant legislation, industrial agreements and awards; and

(c)     to establish standards for the format and content of GSC Policies and other governance framework instruments.

## 2.      Scope

All policies and other instruments that apply to GSC activities at a Council-wide, divisional, departmental or unit level must conform to this Policy Framework.

## 3.      Definitions

| Instrument | Content |
|---|---|
| Policy | A high level statement that establishes the basis and framework for conduct and practice by and at Gunnedah Shire Council. It is the 'what' and 'why' of Council decision-making. Policies will typically be brief and rely on subordinate instruments to give effect to their direction. |
| | Council Policies generally have an external focus. They are a statement of principles that govern the activities of Council in its relationship with the public and/or relate to staff as well as Councillors in an official capacity. |
| Management Directives | Statements setting out prescribed courses of action that must be followed in order to implement policy or ensure the efficient and effective management of Council, or legal, regulatory, industrial and safe work practice compliance. These represent the 'who', 'how' and 'when' of Council decision making. |
| | Management Directives have an internal/operational focus and aim to provide greater efficiencies in terms of decision making by |

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| | the General Manager and staff exercising delegated authority, relating to operational activity. |
| Strategies and Plans | Strategies and Plans assist Council meet any legislative obligations while providing direction in delivering infrastructure and services against the Community Strategic Plan, Delivery Program, Long Term Financial Plan and Operational Plan.<br><br>Strategies & Plans externally focused provide direction on delivering service and infrastructure outcomes to the community, while those internally focused assist Council staff in conducting their operational activities. |
| Procedures | Instructional documents used internally by staff to conduct operational activities:<br><br>• They do not require adoption by the Executive Leadership Team.<br>• They are applicable at an individual divisional, departmental or business unit level because of the factors unique to its disciplines, or defining specific requirements appropriate to the particular processes that are unique to an area, or<br>• While of Council-wide application, they are of a more detailed and technical nature;They are subject to, and must be consistent with, any relevant Council Policies and Management Directives. |
| Guidance documents | Statements aimed at assisting decision makers and others, including the public, to understand the factors that are relevant to the making and application of policies, management directives, procedures, operational standards and decisions.<br><br>They are ancillary to the exercise of specific powers and responsibilities of Council or those that have been delegated to the General Manager and staff. They may include explanatory instruments such as 'fact sheets', 'how to' and 'question and answer' documents. |

## 4. Policy principles

4.1 Policies and subordinate instruments are essential to ensure legal, fair, consistent and transparent decision making across Council. They support Council in achieving its corporate objectives and the delivery of the outcomes identified in the community's strategic plans. They provide a critical guide for staff, Councillors, the Gunnedah community and other stakeholders. In the absence of clear and effective policies and procedures there is a greater risk of inconsistency, confusion and inefficiency.

4.2 Council's aim in adopting a Policy Framework is to:
   (a) Develop a consistent format for all policies and related instruments;
   (b) Ensure that all policies and related instruments at least include relevant information such as purpose, scope, definitions, principles, roles and responsibilities, legislative requirements and review dates;
   (c) Ensure that risk management and corruption prevention issues are taken into account when developing policies and related instruments;
   (d) Ensure that there is a clearly documented process for adoption of policies and directives;
   (e) Maintain an accessible register of Council policies and related instruments, relevant to the stakeholders of the respective level of instrument;

(f)     Ensure that all new policies and related instruments are communicated to relevant stakeholders;

(g)     Ensure that instruments are reviewed in an appropriate timeframe;

(h)     Ensure that relevant stakeholders are involved in policy, directive and procedure development;

(i)     Ensure that appropriate training is provided to staff in order to deliver effective implementation of the instruments.

4.3     Policies will be developed as a high level document, with reliance upon subordinate instruments to give effect to their implementation and provide necessary detail consistent with the Policy. This is in recognition of good corporate governance principles and the distinction between the roles of Council and the administration as set out in the Local Government Act.

## 5.     Policy statement

### 5.1     Governance principles

5.1.1   Good governance at GSC requires:

(a)  The adoption and communication of policy and other instruments which frame and direct the Council's operation at all levels;

(b)  The Council to set and authorise policy and procedural principles for the whole of Council;

(c)  The General Manager, in conjunction with the Executive Team as required, to set and authorise management directives and guiding statements for the whole of Council;

(d)  Other positions and designated groups within Council to set operational standards and procedures to be followed that pertain to their specific areas of responsibility and are consistent with (b) and (c) above.

5.1.2   In addition to the Local Government Act 1993, Local Government Regulations and pronouncements by the Office of Local Government in accordance with Local Government legislation, Council will use the following governance instruments: Policies, Management Directives, Procedures and Guidance Documents. These instruments are defined in section 3 above. The authority for making them is described in section 6.1.

5.1.3   A policy is not required for every Council operation. Routine matters or operations clearly directed by external legislation do not require policy.  They may, however, be usefully guided in the Council context by another type of instrument such as management directive, procedural statement or guiding statement.  If these are of particular use for clarification to external parties of Council operations or practice, consideration should be given to their publication in appropriate formats.

### 5.2     Consistency

5.2.1   All policies and other instruments must be consistent with relevant Federal and State Government legislation, and with existing GSC Policies.  See Annexure A – GSC Policy Framework Hierarchy.

5.2.2   Where there is a conflict with external laws, the new instrument must be amended or repealed to the extent necessary to achieve consistency. Where there is a conflict with Council Policy, immediate steps must be taken to ensure that consistency is achieved with regard to the respective roles and authorities of the relevant authorising bodies.

### 5.3 Format of documents and approval process

5.3.1 All instruments will comply with the relevant templates developed and managed by Councils Governance department.

5.3.2 New and amended Policies, Management Directives, Strategies and Plans must be reported through Council's business paper reporting system for approval subject to the authority table at 6.1.1 within this Policy.

### 5.4 Commencement date

5.4.1 Policies and other instruments must specify the date upon which they take effect (normally at least two (2) weeks after the approval date) to allow sufficient time for communication and implementation.

5.4.2 Unless otherwise specified by the approving authority, existing Policies and other instruments that are to be retired/amended and replaced continue to be in force until the date the new instrument comes into effect.

### 5.5 Registration, communication, education and implementation

5.5.1 All Policies and Management Directives must be forwarded to Council's Governance team for registration and appropriate publication. In the case of Policy, it is a requirement of the Government Information (Public Access) Act 2009 that policies of the Council be made publicly available and therefore will be included on Council's Policy Page on its website where practicable prior to the date the instrument takes effect.

5.5.2 Policies and other subordinate instruments may not be published on other GSC website pages, but should be referenced by a direct link to the Policy Page or subordinate instrument page respectively.

5.5.3 Policies and other instruments must nominate a person who is responsible for the communication and implementation of the instrument and for creating and maintaining an official Council file relating to the instrument, its implementation and subsequent history.

### 5.6 Review cycles

5.6.1 All Council Policies and Management Directives must be reviewed at least once every four (4) years, unless the instrument specifies an earlier date.

5.6.2 Following the review, all Policies and Management Directives including any proposed revisions should be submitted for approval in accordance with paragraph 6.1. Should the outcome be that the Policy or Management Directive is no longer necessary or useful, a submission for formal retirement of the instrument should be made to the relevant authorising body.

5.6.3 Where it is legislated policies must be reviewed against the legislative review cycle (e.g. the process must occur within the first 12 months of each term of Council in relation to Council's Policy – Councillor's and Mayor – Payment of Expenses and Provision of Facilities, as required by section 252 of the Local Government Act 1993.)

5.6.4 For the avoidance of doubt, policies will continue in force until such time as they are replaced or retired. It is not necessary to formally retire a policy in circumstances

where it has been replaced, or nominated as superseded on the covering page of the policy.

5.6.5    An exception to 5.6.4, are Local Policies which, pursuant to section 165 of the Local Government Act 1993 (other than a local policy adopted since the last general election) are automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

## 6. Accountability, roles and responsibilities

### 6.1 Authority

6.1.1    The following table sets out the authorities for approving and reviewing (including amending and retiring) the various types of GSC Policy and other instruments. All authorities are subject to and must be consistent with and be preceded by appropriate instruments of delegation.

| Type of Instrument | Authority |
|---|---|
| Policy | **Council**: All policies must be resolved by Council.<br><br>**Members of the Executive Team:** Council's Executive Team may however, authorise minor amendments to policies in the form of typographical errors, updating or correcting links, position titles and references to regulatory instruments. |
| Management Directives | **Members of the Executive Team:** All Management Directives must be formally endorsed at a meeting of the Executive Team. |
| Strategies and Plans | Strategies<br>**Council**: All strategies must be resolved by Council.<br><br>Plans<br>**Council**: Where required under legislation by Council resolution<br><br>**Members of the Executive Team:** All other plans related to internal operations not required to be resolved by Council must be formally endorsed at a meeting of the Executive Team. |
| Procedures and Guidance documents | **Executive Team:** These documents where they have organisation wide impacts that are purely for guidance and do not meet the criteria for adoption as a Directive, shall be submitted to the Executive Team for approval. This will include publications intended to provide the Community with guidance on the interpretation or operation of Policy and Management Directives.<br><br>**Members of the Executive Team, Managers, or others as set out in Policy or under delegation from the General Manager**: Documents to inform or guide staff, or the Community in relation to Procedures, may be approved by this level of authority. They will require appropriate registration and reference to relevant Policy and Directives, and will be published on Council's website where they form an integral part of providing transparency and understanding of Council's operation at the determination of the Executive Team. |

**6.2    Enforcement**

6.2.1    The General Manager is accountable for ensuring that the Framework is observed in the development of Policy and other instruments, and for the progressive review of existing instruments.

6.2.2    The General Manager is accountable for managing compliance with Policies, unless a particular Policy specifies otherwise. Each Management Directive must nominate a Policy Custodian as the officer accountable for managing compliance with the Management Directive, and monitoring its continuing relevance and impact on Council's operation or delivery of objectives.

6.2.3    The General Manager, not inconsistent with legislation, Policy and Management Directives, may delegate responsibility to other officers of Council for specific instruments or activities associated with these accountabilities.

**6.3 Monitoring**

6.3.1    Council's Governance and Records Management teams will maintain a central database of Council's policies and other governance framework instruments. Directorates will be informed at least six (6) months out from the nominated next review date of all instruments.  As part of Council's internal control and risk management practices, Council's Governance team will report to the General Manager and Executive Leadership Team on any outstanding instruments that have not been reviewed as required.

**6.4 Compliance**

6.4.1    All staff must comply with this Policy. Failure to do so may result in a range of consequences, including disciplinary action.

**7.    Acknowledgements**

7.1    The following acknowledgements are made recognising institutions or documents that have provided a basis, instructive comment or templates that have been used to develop Council's Policy Framework:

(a)    The University of Technology, Sydney and in particular its 'UTS Policy Framework' webpage and related documents;

(b)    The University of Adelaide's University 'Polices and Procedures' and 'University Policy Framework' online documents;

(c)    UNSW, Sydney - 'Policy Framework' webpage and related documents.
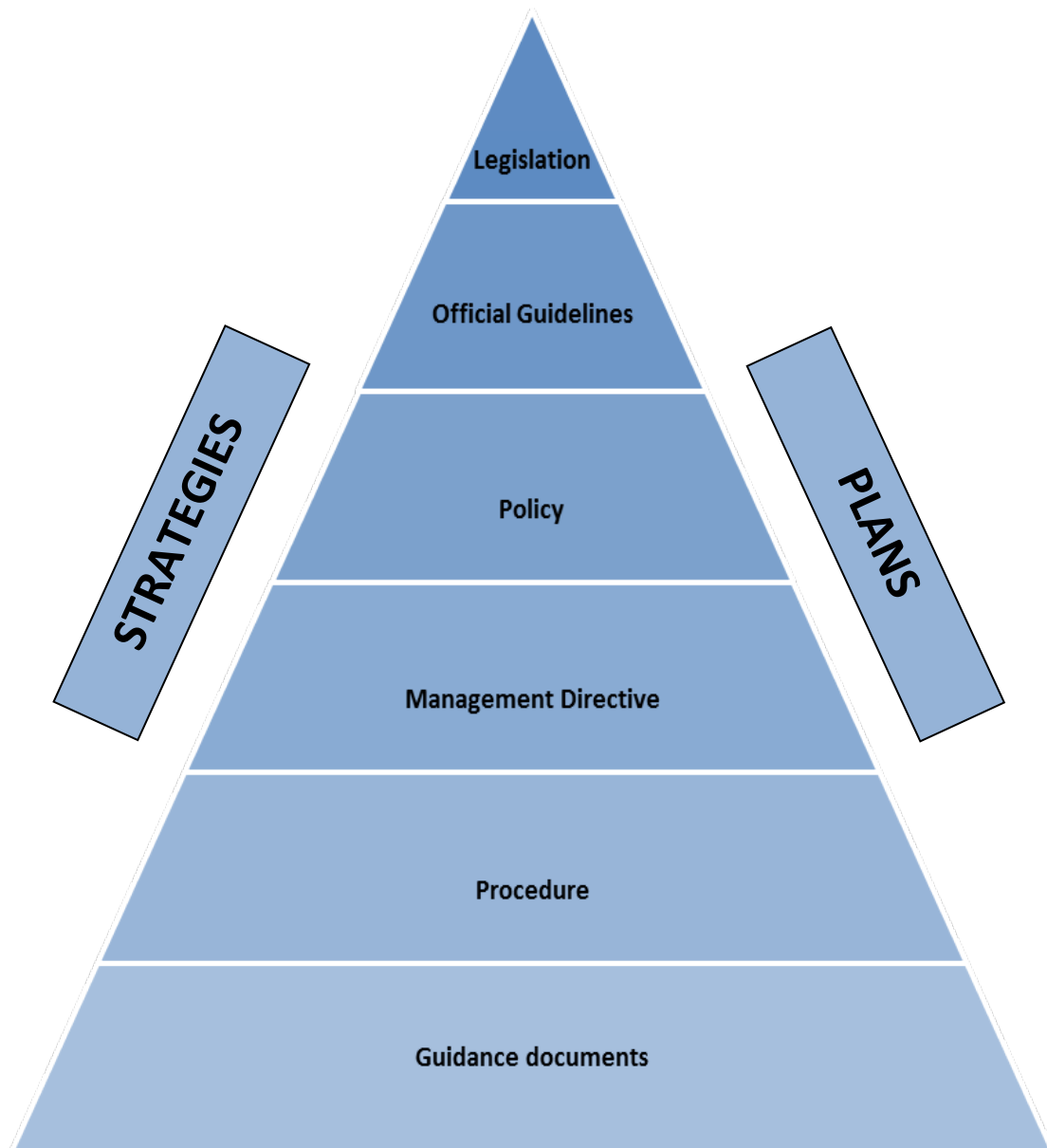
(d)     MidCoast Council - 'Policy Framework'.

**8.    Version control and change history**

| Date | Version | Approved by & resolution no. | Amendment |
|------|---------|------------------------------|-----------|
| 21 Dec 2011 | Draft 1 | 142.5 | Draft submitted by Director Community and Corporate Services for consideration of initial adoption by Council at its Ordinary Meeting scheduled for 21 Dec 2011. |
| 20 Jun 2018 | Reviewed | 6.06/18 | Minor amendments only |

| 10 Oct 2020 | Reviewed | N/A | Amended to achieve uniformity, further clarification in relation to: distinction between instruments and relationship which each other, the approval process and hierarchy; and inclusion of legislative provisions and additional responsibilities. |
| --- | --- | --- | --- |
| 18 Aug 2023 | Reviewed | TBA | Review of policy framework for compliance and addition of Strategies and Plans. |

## 9. Annexures

Annexure A - GSC Policy Framework Hierarchy



This diagram depicts the hierarchy and order of precedence, of instruments listed in GSC's Policy Framework.

The hierarchy requires that each instrument lower in the hierarchy must relate to, and be consistent with, an instrument higher in the hierarchy.