



**NAMBUCCA VALLEY COUNCIL
GOVERNANCE FRAMEWORK
POLICY NO. G 02**

Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

‘The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.’

**NAMBUCCA VALLEY COUNCIL
GOVERNANCE FRAMEWORK**

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Introduction

Purpose

Nambucca Valley Council has developed this Corporate Governance Framework to ensure compliance with legislation and best practice democratic local government. It provides readers with an overview of the governance program that has been put in place in order to assist elected members, management and employees in meeting their governance responsibilities. Council is committed to high standards of corporate governance and accountability and seeks continuous improvement in this regard.

Principal Stakeholders

The Corporate Governance Framework delivers the following outcomes to its key stakeholders:

- **Council:** a high level of assurance that desired strategic priority outcomes are being achieved efficiently and effectively within an acceptable level of risk
- **Audit, Risk and Improvement Committee:** a high level of assurance that the appropriate control mechanisms are in place to ensure effective delivery of services within an acceptable level of risk
- **General Manager:** a high level of assurance that the organisation is consistently delivering community value and Council's strategic priority outcomes
- **Organisation/staff:** a broad-based understanding of corporate governance and its link to ensuring community value

What Is Governance

Governance is an important concept and impacts on Council as a whole and on all sectors of the community. The practice of good governance is increasingly seen as critical for ensuring that:

- the organisation meets legal and ethical compliance
- decisions are made in the interests of stakeholders
- the organisation behaves as a good corporate citizen should

Good governance encompasses authority, accountability, stewardship, leadership, direction and control. It allows Council to evaluate, direct and monitor its activities.

Good governance generally focuses on two main requirements:

- **performance**, whereby the organisation uses its governance arrangements to contribute to its overall performance and the delivery of its goods, services or programs; and
- **conformance**, whereby the organisation uses its governance arrangements to ensure it meets the requirements of the law, regulations, published standards and community expectations of probity, accountability and openness.

The Australian National Audit Office describes Corporate Governance as:

“Formalising and making clear and consistent the decision-making processes in the organisation. An effective system of corporate governance will help facilitate decision making and appropriate delegation of accountability and responsibility within and outside the organisation. This should ensure that the varying needs of the stakeholders are appropriately balanced; that decisions are

made in a rational, informed and transparent fashion; and that those decisions contribute to the overall efficiency and effectiveness of the organisation.”

Whilst good governance starts at the top to the extent of a person’s role it is the responsibility of every person covered by Council’s Codes of Conduct, ie employees, councillors and volunteers

Why Is Good Governance Important

Without good governance processes, Council can have little confidence that it is being run efficiently and is carrying out the objectives and policies set out in its suite of Integrated Planning Documents. Good governance is important because:

- it underpins the confidence that the community has in Council and its services
- it affects the quality of outputs
- it is a value adding activity
- it ensures that Council meets its legislative responsibilities
- it is a strong reminder to Council that it is ultimately accountable to the community it serves

About This Framework

There are a range of benefits that can be derived from the development and implementation of an effective Governance Framework. These include:

- 1 Quality decision making founded on adequate, timely and relevant information disclosure. This means:
 - minimal unintended consequences of decisions
 - quadruple bottom line (social, environmental, economic, responsible governance) impacts are clearly enunciated and understood
- 2 Assurance of desired outcomes or results. This means:
 - decisions are not ambiguous
 - the accountability of carrying out decisions to required standards is mandated
 - controls and monitoring are effective
- 3 Effective management of risk and opportunities. This means:
 - new or previously unforeseen risks and opportunities are routinely identified, assessed and managed
- 4 Effective and widespread stakeholder commitment and support for good corporate governance. This means:
 - Corporate Governance Framework elements are clearly defined and understood
 - stakeholder roles and responsibilities are understood
 - support for good corporate governance is reflected in behaviours
 - stakeholders have access to relevant information to support and fulfil their roles and responsibilities
 - stakeholders take part in, and are informed on, corporate changes

- 5 The system of corporate governance is streamlined and flexible to meet emerging demands or needs. This means:
 - integrated information management and support systems
 - internal controls
 - the overall system is regularly reviewed
- 6 Strong ethical, performance and values based culture. This means:
 - behaviour reflects endorsed values
 - robust performance monitoring and evaluation
- 7 Transparency and disclosure. This means:
 - accurate, complete and timely information provided to Council and the General Manager
 - high level of community understanding of Council policies, decisions, performance, etc.
 - a transparent process with the appropriate checks and balances and separation of powers

For Council to demonstrate good governance there needs to be a clear understanding about responsibilities and accountabilities. This Framework sets out the roles of elected members and administration, their relationships, along with financial, legal and ethical considerations.

Implementation and Review

To ensure compliance and best practice governance, Council will conduct an annual review of the Governance Framework to ensure continuous improvement of corporate governance in the organisation. The review will ensure the accuracy of the document in line with changing legislation and organisational responsibilities.

1.0 Transparent and Effective Processes and Decision-making in the Public Interest

1.1 Decision Making and Management Structure

1.1.1 The Role of Local Government

Council is responsible for providing transparent and accountable local government to the Nambucca Valley community. Local Government in New South Wales is established under the *Local Government Act 1993*.

Local governments have legislative responsibility for many functions and activities that are relevant to local communities. As the level of government often seen as 'closest' to the community, local government activities relate to matters that are fundamental to people's lives and impact strongly on their quality of life.

The Act gives Council flexibility in making decisions and delivering services, generally without intervention by the State Government or the Minister responsible for Local Government.

1.1.2 The Composition of Nambucca Valley Council

The Nambucca Valley Council comprises 9 Councillors including the Mayor. The Mayor is elected by popular vote from throughout the electorate. Local Government elections are conducted every four years on a fixed date prescribed by the State Government, with Councillors elected for a term of four years (Note: Due to the COVID-19 Pandemic the current term of Council was extended by a further 15 months, with the next Council term from December 2021 to September 2024).

Details of the current Councillors are available on Council's website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-DGA-00-84-65

Details about the role and responsibilities of the Governing body, Mayor, Deputy Mayor, Councillors and the General Manager can be found in Section 2.1.

1.1.3 Decision Making Framework

Elected members' most important function is their contribution to the decision making process of Council. Decisions made by Council give direction and authority for the General Manager and staff to act upon.

The decision making process is based on a twice a month cycle of an Ordinary Council Meeting. Council meetings are held on the last Thursday of the month and on the Thursday two weeks preceding the last Thursday of the month.

1.1.4 Organisational Structure

The Management Executive Team (MANEX B) partner with staff and Councillors to deliver expected outcomes to the community.

Council's organisational structure is designed to support the achievement of the Council's vision and key plans. Reviews of the organisational structure ensure the optimal deployment of

resources to deliver identified corporate priorities. Proposals for organisational structure changes below the Senior staff level are approved by the General Manager. Senior staff positions comprise the two Assistant General Manager positions and this structure must be approved by Council.

Council's Management Executive Team (MANEX B) comprises the General Manager, Chief Financial Officer, Manager Human Resources and two Assistant General Managers. The Leadership Management Team (MANEX A) comprises the Management Executive Team plus the individual section Managers. Details about the role and responsibilities of the General Manager and staff can be found in Section 2.1.

A link to the Organisational Structure on Council's website is:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-VQM-76-51-32

1.1.5 Ordinary Council Meetings

Ordinary Meetings of Council are held on the last Thursday of each month and on the Thursday two weeks preceding the last Thursday at 5.30pm and are open to the public (unless closed to discuss confidential matters under Section 10A of the Act).

Meetings are generally held at the Council Chambers in Princess Street, Macksville however some Council Meetings are held at other locations within the Valley throughout the year.

Council meetings ensure the relevant legislation is complied with, the appropriate checks and balances are carried out and decisions are made in an open and transparent manner.

A list of agenda items, business papers and minutes from the Ordinary Council meetings can be found on Council's website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-KUT-82-76-57

1.1.6 Section 355 Committees

Council recognises the important part volunteers and community groups play in providing and managing Council facilities and services. There are a number of community committees which are constituted under *S355 of the Local Government Act 1993* and which are delegated certain functions of Council. The committees mainly manage building, parks, cultural facilities and sporting facilities. The committees are subject to comprehensive guidelines on the management responsibilities, functions and operations of a community committee and to Council's Code of Conduct and Code of Meeting Practice. The Guidelines for S355 Committees along with a list of the various committees and their Terms of Reference can be found on Council's website at:

[Committees of Management :: Nambucca Valley Council \(nsw.gov.au\)](https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-KUT-82-76-57)

1.1.7 Advisory Committees

In addition to S355 committees Council also has other committees which act in an advisory role to the elected members with their meeting Minutes being referred to Council for adoption.

Advisory Committees include:

- Access Committee
- Audit Risk & Improvement Committee

- Business Advisory Committee
- Clean Energy Committee
- General Manager's Performance Review Committee
- Land Development Committee
- Library Service Strategic Plan Committee
- Local Traffic Committee
- Plant Committee
- Vehicular Access to Beaches Committee

The Advisory Committees are a key connection for Council and the community to provide input, insight and identify collaborative opportunities between Council and the community. They serve as a means of promoting equity of access and identifying and advising Council on current and emerging issues and policy matters within the Nambucca community.

1.1.8 Representation on External Committees

Elected members are often appointed to represent the Council on various external committees and organisations. Their role is generally to provide advice, identify strategic opportunities and act as a conduit with the Council and the community. The process for appointment of a Councillor to an external committee or organisation is via nomination, followed by adoption by Council. The committees include:

- Arts Mid North Coast
- Estuary and Coastline Management Committee
- Lower North Coast Bushfire Management Committee
- Lower North Coast Service Level Agreement Liaison Committee
- Nambucca Bushfire Management Committee
- Nambucca District Water Supply Bowraville Off River Storage River Monitoring Committee
- Nambucca Emergency Operations Centre Committee of Management
- NSW North Coast Weed Advisory Committee
- Mid North Coast Weight of Loads Group Management Committee

1.1.9 Strategic Planning Framework

Council's Strategic Planning Framework is the overarching framework used to assist Council and the community to plan for the future. It is a continuous, systematic process for engaging the community to identify intended future outcomes, monitor how outcomes are being achieved and report how success will be measured.

The Strategic Planning Framework ensures that efficiencies are achieved through coordinated planning and budgeting and that systems and arrangements are undertaken in an integrated manner to inform a well-considered asset, workforce, capital and financial strategic direction for the Council.

The Strategic Planning Framework comprises a hierarchy of cascading and interconnecting documents, which when taken together allows Council to turn its long term aspirations, goals and plans into reality. It assists in planning for a sustainable future for the Council, the community, the environment and the economy. It also ensures methodologies are in place for measuring performance against desired outcomes.

Further information about the various planning documentation referenced in the Strategic Planning Framework can be found in Sections 3.1 and 5.1 of this document.

2.0 Ethical and Legal Behaviour of Councillors and Staff

2.1 Ethical Oversight of Council

Ethics applies to all aspects of Council business and is relevant to the conduct of individuals and entire organisations. Council's core values include professionalism, accountability, community focus, teamwork, safety, value for money and leadership.

It is good governance to provide a framework or guidance in situations where there are no specific rules or where matters are unclear. These often involve elements of discretion and personal judgement and as such, provide a risk that certain decisions may not be viewed by the public to have been made in its best interests but may be perceived to have been made with a degree of self-interest, dishonesty or lack of independence.

Council's Codes of Conduct applies to all employees, Councillors and delegates of Council. *Section 440 of the Local Government Act 1993* prescribes that every Council must have a Code of Conduct that incorporates the provisions of the Model Code of Conduct.

The Code of Conduct plays a key role in demonstrating Council's commitment to the highest levels of integrity and accountability and identifies consistent standards of conduct for all employees. Nambucca Valley Council's Codes of Conduct can be found on its website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-WDZ-27-11-73

Council is also accountable to a range of external bodies that may independently review, investigate or monitor Council's performance, which in turn helps to ensure ethical decision-making. These include the Office of Local Government, The NSW Ombudsman, NSW Treasury, NSW Auditor General and the Independent Commission Against Corruption (ICAC).

The reputation of the Council in general relies upon our staff acting with integrity. Council's Fraud Management and Prevention Strategy, Fraud Risk Register and Fraud Policy reinforces ethical practices, including management's actions to eliminate or mitigate incentives or opportunities that might prompt personnel to engage in dishonest, illegal or unethical behaviour.

To assist Council's employees and Councillors to make decisions in the public interest there is a range of frameworks, policies and standards that complement the legislative requirements for local government. These are designed, in part, to achieve good governance and ultimately, to guide Council towards providing value to the community and enhancing public trust and reputation. They include but are not limited to:

- Codes of Conduct (applicable to all staff, Councillors and delegates)
- Related Party Disclosure Policy
- Councillor & Staff Relationships Policy
- Enterprise Risk Management Plan
- Code of Meeting Practice
- Fraud and Corruption Strategy, Risk Register and Policy
- Statement of Business Ethics
- Council's values and expectations in relation to behaviour and decision making
- The Customer Service Charter, Community Engagement Strategy and Councillor/staff Interaction Policy provide clarity on the expectations of staff when interacting with the community, Councillors and fellow staff
- Maintaining pecuniary interest registers and minutes of meetings for disclosure of material pecuniary and conflict of interests, that are accessible to the public

- Council's Annual Report providing a statement of compliance with policies and procedures that address ethics and integrity
- Internal Reporting (public interest disclosure) Policy
- Providing appropriate induction and training for councillors and new employees, with regular ongoing training for all employees at all levels in core policies such as Code of Conduct and Workplace Harassment and Bullying
- National Competition Policy – Competition and Consumer Act 2010

2.2 Roles and Responsibilities

2.2.1 Role of governing body

The role of the governing body under S223 of the LG Act 1993 is as follows:

- to direct and control the affairs of the Council in accordance with this Act,
 - to provide effective civic leadership to the local community,
 - to ensure as far as possible the financial sustainability of the Council,
 - to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the Council,
 - to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the Council,
 - to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the Council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,
 - to keep under review the performance of the Council, including service delivery,
 - to make decisions necessary for the proper exercise of the Council's regulatory functions,
 - to determine the process for appointment of the General Manager by the Council and to monitor the General Manager's performance,
 - to determine the senior staff positions within the organisation structure of the council,
 - to consult regularly with community organisations and other key stakeholders and keep them informed of the Council's decisions and activities,
 - to be responsible for ensuring that the Council acts honestly, efficiently and appropriately.
- (2) The governing body is to consult with the General Manager in directing and controlling the affairs of the Council.

2.2.2 Role of Councillors

The role of a Councillor under S232 of the LG Act 1993 is as follows:

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

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

2.2.3 Role of the Mayor

The role of the Mayor under S226 of the LG Act 1993 is as follows:

- (a) to be the leader of the Council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the council,
- (e) to preside at meetings of the Council,
- (f) to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the Council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council,
- (i) to promote partnerships between the Council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,
- (k) in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the Councillors, to lead performance appraisals of the General Manager,
- (o) to exercise any other functions of the Council that the Council determines.

2.2.4 Role of the Deputy Mayor

- (1) The Councillors may elect a person from among their number to be the Deputy Mayor.
- (2) The person may be elected for the Mayoral term or a shorter term.
- (3) The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.
- (4) The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

2.2.5 Functions of the General Manager

The General Manager of a Council under S335 of the LG Act 1993 has the following functions:

- (a) to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council,
- (b) to implement, without undue delay, lawful decisions of the Council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council,

- (e) to prepare, in consultation with the mayor and the governing body, the Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the Council that are delegated by the Council to the General Manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the Council,
- (i) to direct and dismiss staff,
- (j) to implement the Council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the General Manager by or under this or any other Act.

2.2.6 Employees

In undertaking its functions and responsibilities, Council is supported by the General Manager and a Management Executive Team comprising the two Assistant General Managers, Manager Human Resources and Chief Financial Officer.

The Executive Management Team (MANEX B) meets fortnightly as a basis for ensuring effective co-ordination of the Council's operations and implementation of Council resolutions.

These meetings are complemented by regular monthly Operational Management Team (MANEX A) meetings. Such forums are considered important, both in enabling management information dissemination and feedback by staff, thereby promoting a *whole of organisation* approach for the Council in the fulfilment of its functions and responsibilities.

An induction program for new employees has been developed and is usually conducted by various staff members over a number of sessions within the first month of the employee commencing employment.

Ongoing training and professional development is a joint responsibility of the Human Resources Section and the relevant manager. HR monitors and coordinates mandatory safety training for outdoor staff as well as organisation-wide training such as Code of Conduct and Customer Service. Managers are responsible for ensuring their staff receive training in key skill areas. Training needs are identified via the annual performance review process and on an ad-hoc basis throughout the year. Each employee is able to initiate training via an application to their manager.

2.2.7 Delegations

Council has a register of delegations, as required by the Act and it records all delegations by the Council, Mayor or the General Manager. The Delegations Register covers all possible delegations from Council to the Mayor, Deputy Mayor and the General Manager and from the General Manager to employees or contractors.

The Register of Delegations is maintained by Corporate Services and is available for inspection on Council's website at:

[Delegations of Authority :: Nambucca Valley Council \(nsw.gov.au\)](https://www.nambucca.nsw.gov.au/delegations)

Section 377 of the Act also states what cannot be delegated and this is as follows:

General power of the Council to delegate:

- (1) A Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council under this or any other Act, other than the following:
 - (a) the appointment of a General Manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the Council,
 - (j) the adoption of an Operational Plan under Section 405,
 - (k) the adoption of a Financial Statement included in an annual Financial Report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the Council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,
 - (o) the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
 - (p) the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the Council.
- (1A) Despite subsection (1), a Council may delegate its functions relating to the granting of financial assistance if:
 - (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the Council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the Council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the Council's area or to a significant proportion of all the persons within the Council's area.

Delegation of functions:

- (2) A Council may, by resolution, sub-delegate to the General Manager or any other person or body (not including another employee of the Council) any function delegated to the Council by the Office of Local Government Chief Executive except as provided by the instrument of delegation to the Council.

- (3) A Council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

Delegations by the General Manager:

- (1) The General Manager may delegate any of the functions of the General Manager, other than this power of delegation.
- (2) The General Manager may sub-delegate a function delegated to the General Manager by the Council to any person or body (including another employee of the Council).
- (3) Subsection (2) extends to a function sub-delegated to the General Manager by the Council under section 377 (2).

2.2.8 Employee Performance Management

Performance management for Council employees below the contracted Senior Staff level is managed utilising the Pulse software system. This system is a mandatory council-wide process designed to measure and drive employee improvement and offer career and skills development.

The Pulse system aims to provide each employee with the capability, resources and direction to identify work that will contribute to achieving Council goals, managing workloads, and developing future capability. The General Manager's performance review is conducted annually by a Performance Review Committee made up of the Mayor and Councillors and facilitated by an independent Consultant. The General Manager conducts the Performance Review of the two Assistant General Managers and reports the outcomes to Council.

2.2.9 Organisation Values

The following values and behaviours are considered to be core requirements of our organisation. All staff working for Nambucca Valley Council are expected to demonstrate these values and behaviours in their dealings with each other and with our community.

Professionalism	Show drive and motivation, innovation, an awareness of strengths and weaknesses and a commitment to learning.
Accountability	Take responsibility for own actions, act in line with legislation and policy, be open and honest
Community Focus	Delivering customer and community focused services in line with strategic objectives
Teamwork	Be a respectful, inclusive and reliable team member, collaborate with others and value diversity
Safety	Strive towards a safety focused workplace culture to ensure the well-being of staff, their families and the community
Value For Money	Achieve results through the efficient use of resources and a commitment to quality outcomes
Leadership	Engage and motivate staff, develop capability and potential in others and champion positive change

Council reinforces these values at inductions, monthly staff newsletters and training.

2.3 Review and Control Mechanisms

2.3.1 Codes of Conduct

All employees and Councillors of the Council must seek to achieve the highest standards of behaviour when dealing with customers and each other and must encourage a culture where ethical conduct is recognised, valued and followed at all levels and ensure appropriate action is taken to prevent fraud and corruption.

Council has developed Codes of Conduct for delegates, staff and Councillors which are based on the Model Code of Conduct established by the Office Local Government. Staff and Councillors are introduced to the Codes of Conduct at the point of induction/election and review its content on a scheduled basis via Council's policy review system. The Codes of Conduct are available for inspection on Council's website as detailed previously.

2.3.2 Access, Equity and Equal Opportunity

Council is committed to diversity, equality and fair treatment in the workplace. Council's Annual Report, Disability Action Inclusion Plan and Workforce Management Plan direct the organisation's efforts in recruitment, promotion and staff development procedures to ensure equal opportunities which are free from any unlawful discriminatory practices. The documents outline how the Council will eliminate discrimination and actively promote inclusion. The documents can be found on Council's website.

2.3.3 Complaints Management

Council has a Request and Complaints Policy which ensures an effective, transparent and timely method of responding to complaints regarding the Council's services, administrative actions, competitive neutrality, the conduct and performance of Councillors or staff behaviour.

In order to facilitate the effective management of complaints, Council has committed to:

- maintaining policies and procedures and ensuring that training is provided to staff
- ensuring that potential complainants are aware of the avenues available to lodge a complaint with Council particularly through the MERIT customer request management system
- providing an environment of continuous improvement through reporting and customer feedback

The Request and Complaints Policy is available for inspection via the Council's website at:

[Council Policies :: Nambucca Valley Council \(nsw.gov.au\)](https://www.nambucca.nsw.gov.au/council-policies)

2.3.4 Fraud and Corruption

Council has a Fraud and Corruption Prevention Strategy, a Fraud Risk Register, a Fraud and Corruption Prevention Policy and an Internal Reporting Policy that commits to rigorously manage the risk of fraud and corruption, and to investigating and dealing with cases of fraud or corruption affecting the Council, to the fullest extent possible under the law. The Public Interest Disclosures

Act 1994 offers additional legislative protection to an employee that makes a protected disclosure concerning corrupt conduct. The Strategy, Register and Policies can be accessed on Council's website.

2.3.5 Confidentiality, Councillor Interaction with Staff and Conflicts of Interest

Council employees will have access to confidential information in the course of their duties. Council is committed to preserving the confidentiality of information held by it in accordance with its Codes of Conduct. Councillors and staff must not access Council information except to the extent that is necessary in order for them to perform their official duties.

There are a number of laws which require Council to make available information to members of the public or government bodies. Council will comply with its obligations under those laws.

The Codes of Conduct also provide guidance in relation to the provision and exchange of information and advice between staff and Councillors. The Code ensures that requests for information comply with the intent and purpose of the *Local Government Act 1993*.

Staff are to provide reasonable assistance to Councillors in the exercise of their role and the performance of their duties. Interaction must be carried out in a professional manner at all times with respect and regard for Councillor and staff positions. Please refer to the Councillor/Staff Interaction Policy located on the website.

Conflicts of interests must be declared by Councillors and staff at Council meetings and recorded in the minutes. A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty. A private interest can be either a pecuniary interest or a non-pecuniary interest. These are explained in more detail in the Codes of Conduct.

2.3.6 Related Parties Disclosures

Council is committed to complying with the disclosure requirements for related party transactions under the Australian Accounting Standards. Disclosure of relevant related party information will provide greater transparency and improve the quality of the financial reporting process. A system has been implemented to identify, monitor and disclose related party transactions to manage the risk of non-compliance with the related party disclosure objectives of the Australian Accounting Standards.

2.3.7 Register of Pecuniary Interests

As required by Part 8 of the *Local Government (General) Regulation 2021*, Council maintains a register of interests for Councillors, the General Manager, senior contract staff and designated staff in management positions. The register is tabled at the first meeting in October each year and is kept by the General Manager. It is available to the public to inspect free of charge and a redacted copy is available on the website or on request.

2.3.8 Audit, Risk and Improvement Committee

The Internal Audit function is an independent and objective review and advisory service, established within Council to provide assurance to the Audit, Risk and Improvement Committee and management that Council's controls are designed to manage Council's risks and achieve objectives by operating in an efficient, effective and ethical manner.

In accordance with Guidelines issued by the Office of Local Government (still being revised as at 11 October 2022), Council has established an Audit, Risk and Improvement Committee which provides an independent forum where representatives of Council, independent specialists and management work together to fulfil specific governance responsibilities that contribute to the improved performance of the organisation. It plays a key role in assisting Council to fulfil its governance and oversight responsibilities in relation to a number of areas including financial reporting, internal control systems, risk management, legal and regulatory compliance, governance and audit functions.

The Audit, Risk and Improvement Committee consists of up to seven members with one to be a Councillor and at least three persons independent of Council who have significant experience and skills in financial and governance matters. One independent member is to be appointed as the chairperson of the committee. Other non – voting members or observers are the Mayor, General Manager, Manager Human Resources, Assistant General Manager Corporate Services, Assistant General Manager Engineering Services and Chief Financial Officer.

The primary objectives of the independent Internal Auditor (contracted out) are to evaluate Council's systems of internal control in order to provide assurance that:

- Council is achieving its goals and objectives efficiently, effectively and in an ethical manner
- financial and operating information produced is accurate, timely and complete
- there is compliance with relevant laws, regulations and other external requirements and with Council policies, directives and other internal requirements
- Council's assets and liabilities are competently managed and protected against loss or other negative consequences.

The Committee generally meets quarterly or as required and must submit to Council a copy of the Minutes of each Audit Committee meeting.

2.3.9 External Audit

Each year, the NSW Auditor General, or contractors appointed on its behalf, audit all councils' financial statements and provide an independent audit report to each council. Any significant issues the Auditor General identifies are made public through the Auditor General's Reports to Parliament.

The individual audit report identifies financial and compliance issues as well as control issues and categorises them into high, medium and low risks. These risks are reviewed and addressed by Council's management via the coordination and stewardship of the Corporate Services department and then reviewed by the Audit, Risk and Improvement Committee. In addition to financial and compliance audits, the Auditor General carries out performance management system audits and information systems audits.

2.3.10 Recording of Gifts and Benefits Register

Council's Codes of Conduct deal with gifts in Part 5. Generally staff members are to refuse gifts and benefits offered to them or to their immediate family members.

The Codes of Conduct require that:

You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

By way of further clarification of clause 5.5, you must not accept any gift or benefit, even where the gift or benefit is of token value, that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty.

You must not accept a gift or benefit of more than token value of \$50.00.

By way of further clarification of clause 5.7, where you receive a gift or benefit of less than \$50 (token value) you must record the gift or benefit in the Council's Gifts and Benefits Register, particularly where there is likely to be an ongoing business relationship with the person who offered you the gift or benefit.

By way of further clarification of clause 5.7, where a gift or benefit of more than token value is offered you must refuse or return the gift or benefit.

The Gifts and Benefits Register is accessible to the public. It contains the name of the persons who gave and received each gift, the date of receipt of each gift, a description of each gift and the estimated value of each gift.

3.0 Sustainable development and management of assets and infrastructure and delivery of effective services

3.1 Planning

3.1.1 Local and Regional Planning

The NSW Government's Department of Planning and Environment has released a North Coast Regional Plan 2036 which includes Nambucca Valley and is a 20 year blueprint for the future of the north coast. Details of the Regional Plan may be viewed at:

<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Regional-Plans/North-Coast>

Council adopted its Local Environmental Plan (LEP) in 2010 which was subsequently gazetted in July 2010.

The particular aims of this Plan are as follows:

- (a) to promote development that is ecologically sustainable,
- (b) to encourage growth in a planned and coordinated manner which will be economically and ecologically sustainable,
- (c) to protect, manage and enhance areas of high quality landscape, natural and scenic resources and environmental values, including water resources, wildlife habitat and corridors,
- (d) to protect and promote the use of rural resources for agricultural and primary production and related processing service and value adding industries,
- (e) to provide opportunities for rural, residential and hobby farm lifestyles on suitable land that is accessible and provided with adequate infrastructure,
- (f) to protect places and buildings of archaeological or heritage significance, including Aboriginal relics and places.

While the LEP tells you what you can and can't do on your land, the Development Control Plan (DCP) guides **how** to carry out development on your land, for example what parking is required for a development or what minimum building setbacks need to be met. The DCP helps to make sure development is consistent, sustainable and meets the community's expectations.

Copies of the LEP and DCP can be viewed on Council's website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-OSF-44-28-00

In March 2018, amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) introduced new requirements for councils to prepare and make Local Strategic Planning Statements.

Local Strategic Planning Statements (LSPS) will set out:

- 1 The 20-year vision for land use in the local area
- 2 The special characteristics which contribute to local identity
- 3 Shared community values to be maintained and enhanced
- 4 How growth and change will be managed into the future

Councils will show how their vision gives effect to the regional plan, based on local characteristics and opportunities, and the council's own priorities in the community strategic plan it prepares under local government legislation.

Informed by the strategic and community planning work undertaken across regions, districts and local government areas, the LSPS will be the key resource to understand how strategic and statutory plans will be implemented at the local level.

Nambucca Valley Council's LSPS has been completed and may be viewed on its website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-EKI-10-04-65

3.1.2 Development Applications

When Council considers a development or planning application, it undertakes a quasi-judicial role. It is required to consider the information the applicant has provided and test it against the provisions of the Local Environmental Plan and Development Control Plan and any other relevant planning instruments or policies. It is guided in its consideration by the professional advice of its specialist Town Planning staff. The Council has particular responsibilities under the *Environmental Planning and Assessment Act 1979*.

Council is required to decide on planning matters in an unbiased manner that satisfies the principles of administrative law and natural justice/procedural fairness. While it is recognised that councils are comprised of members of the community, they must exercise their discretion over planning matters in a way that is mindful of this quasi-judicial role.

Council employs specialist Town Planning staff to draft reports and provide Council with the information it needs to consider a development or planning application and the relevant law that is applicable. When deciding on planning matters, Council must take reasonable care to ensure that the following principles are adhered to:

- a) Councillors must read the staff member's Report on the matter and declare any conflicts of interest before participating in the decision making process at a Council meeting. A Councillor who has not declared a conflict of interest and then participates in the decision making process, may jeopardise the validity of the decision making process.
- b) Councillors must ensure that when they debate a planning matter under consideration that they restrict themselves to the relevant matters of fact and law. These relevant matters will be contained and addressed in the staff member's Report. Where Council conducts a debate on a matter that is based on irrelevant considerations, or fails to take into account relevant considerations, this may also jeopardise the decision making process.
- c) If Council resolves a planning matter contrary to the recommendation made by its professional staff, **then the reason for resolving differently must be recorded in the resolution**. The reasons must be based upon valid planning considerations.
- d) Council has a responsibility to ensure neighbours who may be significantly adversely affected by a development have had an appropriate opportunity to be heard on the development proposal. The Council Report will include details of any neighbour notification or consultation that has occurred. Council must ensure that neighbours that may be adversely affected by a proposed development have had an adequate opportunity to put their case, and that any relevant matters that they raise have been considered in the decision making process. An opportunity to make a written submission is generally significant, though an opportunity to make a submission in person to a relevant meeting may be appropriate, where it is requested by a person with a significant interest.

Council has the role of testing submissions, whether made by the applicant or another party, and the applicant must be given the right of reply.

Generally, Council as a body, and each Councillor individually, must be certain that they have a clear understanding of the relevant facts and law before making a decision. This decision must be based on the relevant considerations and should not take into account irrelevant considerations. The individual voting of Councillors on planning and development matters must be recorded in the Council Minutes for transparency reasons.

3.1.3 Financial Planning

Council's Long-Term Financial Plan supports the implementation of Council's other long term plans. Long-term financial planning is an essential governance tool, which supports:

- fiscal responsibility and financial sustainability
- transparency and accountability to the local community and other stakeholders
- appropriate levels of inter-generational equity
- the delivery of reporting against financial targets and goals
- the capacity of managers to effectively plan and deliver their services
- the development of performance measures (qualitative and quantitative) and target service levels
- the development of Council's annual operational plan or budget

Section 402 of the Local Government Act 1993 provides the following:

- (1) Each local government area must have a community strategic plan that has been developed and endorsed by the council. A community strategic plan is a plan that identifies the main priorities and aspirations for the future of the local government area covering a period of at least 10 years from when the plan is endorsed.
- (2) A community strategic plan is to establish strategic objectives together with strategies for achieving those objectives.
- (3) The Council must ensure that the community strategic plan:
 - (a) addresses civic leadership, social, environmental and economic issues in an integrated manner, and
 - (b) is based on social justice principles of equity, access, participation and rights, and
 - (c) is adequately informed by relevant information relating to civic leadership, social, environmental and economic issues, and
 - (d) is developed having due regard to the State Government's State Plan and other relevant State and regional plans of the State government.

The Community Strategic Plan is a suite of integrated documents and includes an annual Operational Plan, four year Delivery Program and a Resourcing Strategy which includes an Asset Management Plan, Workforce Plan and ten year Long Term Financial Plan. The Operational Plan is reviewed quarterly by Council while the Delivery Program progress must be reported to Council every 6 months.

Access to these plans can be found on Council's website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-CPJ-80-63-45

3.1.4 Procurement Management

Council maintains a Procurement Policy and Procurement Procedures Manual to ensure transparency and accountability in the procurement of all goods and services in line with the *Local Government Act 1993 and the Local Government (General) Regulation 2021 Part 7 Tendering*. The Procurement Policy objective is:

To establish the administrative framework required for the implementation of Council's procurement arrangements as follows:

- a) To facilitate the procurement of goods and services in the most timely, cost effective and environmentally sustainable manner
- b) To ensure Nambucca Valley Council meets its legal and statutory obligations
- c) To ensure all purchasing activities are carried out in a professional manner
- d) To ensure all delegated officers have a clear understanding of their responsibilities
- e) To allow flexibility to departments provided that all activities are completed within Council's guidelines, instructions and legal obligations and approved budget allocations
- f) That all practices and procedures regardless of the size of the transaction be open and transparent and able to withstand public scrutiny.

The Procurement Procedures Manual sets out the approved processes and methods for purchasing goods and services within the Council. Council may also have to comply with other procurement requirements, particularly in the expenditure of grant monies received from other government departments. A copy of the Procurement Policy is available on Council's website at:

[Council Policies :: Nambucca Valley Council \(nsw.gov.au\)](https://www.nambucca.nsw.gov.au/council-policies)

3.1.5 Asset Management Planning

Asset management planning is an essential tool for the long-term provision of asset based services to the community. The Office of Local Government's Integrated Planning and Reporting Manual for Local Government in NSW requires that Council prepare and adopt a long-term asset management plan covering a period of at least 10 years. The Plan must provide strategies to ensure the sustainable management of Council's infrastructure and the assets mentioned in Council's Asset Register. It must also state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan and be consistent with Council's Long Term Financial Plan.

Council's Asset Management Policy outlines how Council will deliver on its commitment for the provision and upkeep of infrastructure and associated services. Council has also developed Asset Management Plans for:

- Water Supply
- Sewerage Services
- Unsealed Roads
- Buildings
- Sealed Roads
- Stormwater
- Footpaths
- Bridges

Council's Asset Management documentation supports the Community Strategic Plan and informs the Long Term Financial Plan by providing financial projections for asset capital investment (i.e. renewal and new and upgrade works) and asset operational and maintenance costs for Council's

current and future asset portfolio. A copy of each of the Council Asset Management Plans is available on the Council's website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-CPJ-80-63-45#Resourcing

3.1.6 Project Management Framework

Council's Project Management Framework was developed to assist all staff involved in the management or delivery of projects, to undertake project management effectively and efficiently. The Framework is tailored to Council's project management needs and supports the consistent application of sound project management to the wide range of projects in the Council's portfolio of capital programs.

The Framework explains the key project management concepts and the importance of project management in the Council's annual business cycle and its project lifecycle. It specifically provides the following benefits:

There are multiple benefits of having the methodology for staff and for Council:

- The needs of stakeholders are defined
- Provides consistent approach to managing projects
- Provides a corporate snapshot of projects
- Provides mechanism for delegating project roles and responsibilities
- Provides staff with simple and practical tools to do their work
- A common language is established and understood by the team, so they know what's expected of them
- Every task is done using a common methodological approach
- Build staff knowledge and skills
- Most conflicts are spotted and resolved early
- Helps build a team approach to projects – collaborative decision making and support
- More likely to improve project deliverables
- Shared responsibility for work
- Increased awareness of projects and improved communication
- Documents the journey so lessons (positive and negative) can be learned by many – not just the project manager

The Project Management Framework is only available to staff on:

<file:\\N:\ot\Asset\Project Management\Documents\NSC>

4.0 Democratic representation, social inclusion and meaningful community engagement

4.1 Communicating with the Community

4.1.1 Community Engagement

Nambucca Valley Council is committed to ensuring inclusive and effective community engagement. Council believes that fostering democratic representation, social inclusion and meaningful community engagement greatly assists in the delivery of high quality local government.

The Council has adopted a Community Engagement Strategy to guide efforts to enhance the planning and delivery of services and programs. The Community Engagement Strategy is based upon the following principles:

- Provision of inclusive opportunities for informed community involvement in Council's decision making.
- Ensuring that all groups in the community are provided with opportunities to engage with Council.
- Commitment to the provision of culturally appropriate processes to encourage increased access by Aboriginal people and Torres Strait Islanders, and people from culturally and linguistically diverse backgrounds to participate in discussions about Council initiatives.
- Adherence to an engagement strategy to achieve meaningful community engagement.
- Fostering a Council-wide culture of community engagement.

The Community Engagement Strategy is available for inspection on Council's website at:

[Council Policies :: Nambucca Valley Council \(nsw.gov.au\)](#)

4.1.2 Customer Service Charter

Council's Customer Service Charter is the organisation's commitment to always provide customers with the highest standards of customer service. The Council commits to provide customers with prompt and efficient services, easy access to services and friendly, professional service and will consider customer needs when developing products and services and making decisions. Within the Charter Council has adopted Customer Service Standards. These Standards provide details about the level of service to be provided by Council when dealing with our customers.

The Customer Service Charter is available for inspection on Council's website at:

[Council Policies :: Nambucca Valley Council \(nsw.gov.au\)](#)

4.1.3 Community Surveys

Council commissions a Community Survey every three years to gain independent feedback on the views and expectations of the community. The surveys seek a range of resident satisfaction and opinions on the importance of various services that Council provides and residents' satisfaction with the standard of these services.

The surveys allow Council to trend community satisfaction and benchmark with other local governments. The results provide valuable information for Council's ongoing strategic planning and quality improvement processes.

The results of the Community Surveys are available for inspection on Council's website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?c=671

4.1.4 Media Relations

Media relations is an important component in achieving Council's mission and goals through effectively informing, educating and promoting Council's programs, services and facilities to residents. Council is committed to maintaining a professional, informative and courteous relationship with all levels of the media.

Council's spokespersons to the media include the Mayor, General Manager and the two Assistant General Managers. The General Manager may also delegate media contact to any of the managers within Council.

4.2 Councillor Training

Councillors frequently engage with community members and are required to have an induction following an election and ongoing training and development throughout their term of office.

At the start of each Council term, a full induction program is conducted. The program comprises:

- Training in Code of Conduct and Code of Meeting Practice;
- A series of short, one-hour briefings on matters such as housekeeping arrangements, Information & Communication Technology, Records Management, Finance, Asset Management, Integrated Planning & Reporting Framework and Town Planning Law.
- Tours of Council facilities including the Works Depot, Bowra Dam, Sewerage Treatment Plants and other Council facilities are also undertaken.

Ongoing professional development for Councillors is now mandatory under the Local Government (General) Regulation 2021. A Training Plan has been developed for each Councillor over the term of office. Attendance at Conferences and seminars is also of benefit to Councillors in assisting with their development although these are attended infrequently.

5.0 Good governance of, and by, local government

5.1 Performance and Reporting

5.1.1 Annual Report

Council must adopt its Annual Report by 30 November each which is one month after the day the Auditor-General must be provided with the audit report about Council's financial statements for the financial year. The Annual Report is one of Council's key planning and accountability documents. It provides a comprehensive assessment of Council's performance in implementing the long-term Community Strategic Plan, 4 year Delivery Program and annual Operational Plan. The Annual Report also provides a report on Council's financial performance throughout the preceding financial year.

The Report provides Council with a tool to market achievements to potential investors and Council partners and demonstrates to stakeholders that the Council has delivered its committed outcomes.

The Annual Report is available for inspection on Council's website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-WLN-56-41-22

5.1.2 Annual Financial Statements

Council's general purpose financial statements are prepared pursuant to the Local Government Act and Regulations. The statements must accurately reflect Council's financial performance and position for the financial year, must be prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting and Australian Accounting Standards, and must present a true and fair view of the Council's financial position and of its financial performance and cash flows for the financial year ended on that date.

The financial Statements are audited by the NSW Auditor General and are included in the Council's Annual Report which is available for inspection on Council's website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-DMU-30-24-85

5.1.3 Quarterly Budget Reviews

Section 203 of the Local Government (General) Regulation 2021 requires the responsible accounting officer to prepare and submit to the Council a budget review statement that shows by reference to the estimate of income and expenditure a revised estimate of that income and expenditure, not later than 2 months after the end of each quarter (except the June quarter).

The Council's quarterly budget reviews are presented to Council in the form of a Council Report. These Reports are available for inspection on the Council's website under business papers.

5.1.4 Half Year Delivery Program Reviews

Section 404 (5) states that the General Manager must ensure that regular progress reports are provided to Council reporting as to its progress with respect to the principal activities detailed in its delivery program.

Progress reports must be provided at least every six months and can be found in the business papers section on the website.

5.2 Risk Management

5.2.1 Enterprise Risk Management Plan (ERM)

Council has an Enterprise Risk Management Plan which demonstrates that Council understands and manages risk and seeks to ensure there is consistency to the methods used in assessing, monitoring and communicating risks across the organisation.

Council's Risk, Audit and Improvement Committee is responsible for:

- Overseeing the implementation of the risk management process, decide direction in consultation with the General Manager, monitor and review.
- Reviewing strategies, policies and processes for the management of risk (including governance and compliance risk).
- Conducting annual reviews of the Council's ERM Plan to ensure that risks are identified, evaluated and managed and report failings to the General Manager.
- Actions are being taken promptly to remedy any significant failings.

Council's risk management approach and process follows that outlined by the Australian Standard for Risk Management, AS/NZS ISO 31000:2018.

The Enterprise Risk Management Plan, Business Continuity Plan and Disaster Recover Plan along with a new Pandemic Plan are available for inspection on Council's website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-ZPT-57-42-23

5.2.2 Business Continuity Plan

Council recognises the importance of organisational resilience to ensure the uninterrupted availability of all key business resources and critical business functions. Effective business continuity management helps to prevent and mitigate the severity of potential business interruptions on the organisation and its stakeholders.

Council has developed a Business Continuity Plan in the event of a significant business interruption to:

- ensure key critical business functions are restored and maintained as soon as possible
- endeavour to ensure the confidence of staff, the community and stakeholders
- fulfil regulatory and contractual requirements and obligations
- mitigate financial, legal/regulatory, service delivery, well-being and reputation/brand consequences.

5.2.3 Emergency Management Plan (EMPLAN)

In accordance with *Section 28 of the State Emergency and Rescue Management Act 1989* Council has established a Local Emergency Management Committee, the Chairperson of which is the General Manager or his nominee.

A Local Emergency Management Committee is responsible for the preparation and review of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the local government area for which it is constituted.

The Chairperson is also a member of the Regional Emergency Management Committee which endorsed Council's EMPLAN in May 2021.

The primary aim of the EMPLAN Group is to ensure that the community can return to normal functioning as quickly as possible following a disaster event. This involves ensuring that critical infrastructure and essential services are restored as soon as possible, providing longer-term psycho-social support and welfare to those in need, minimising and redressing environmental impacts and facilitating recovery of the business sector.

The EMPLAN which is currently under review is available for inspection on Council's website at:

https://www.nambucca.nsw.gov.au/cp_themes/default/page.asp?p=DOC-IEU-72-65-47

5.2.4 Insurance

Council's insurance program provides protection against public liability claims, third party property damage claims, motor vehicle and plant damage claims and Council property damage claims. Workers compensation insurance is also managed by Council's Human Resource Department.

The following insurance covers are in place to protect Council, Councillors and its employees:

- Public Liability
- Professional Indemnity
- Motor Vehicle
- Fidelity Guarantee
- Councillors and officers liability
- Personal Accident
- Property
- Casual Hirers
- Workers Compensation

5.3 Information Management

5.3.1 Information Communication Technology (ICT)

Council's ICT section comprises the Manager ICT, Senior GIS Officer and two ICT Officers.

Their role is to ensure that the planning and investment in ICT as approved by Council is implemented so as to support other areas of Council in their efficient operation as well as Council's strategic and operations goals.

5.3.2 Records Management

Council is committed to ensuring that all records relating to Council business activities and decisions are retained; are complete and accurate and can be identified, accessed and retrieved in a useable format that preserves the record's evidential integrity and disposed of appropriately. Council's Records Management Policy and Plan provides guidance to staff to ensure mandatory compliance with the State Records Act 1998 and the principles of ISO 15489-1:2016 – Records Management. Council has adopted a Councillor Record Keeping Policy to provide guidance for Councillors which is also available on Council's website in the Policy section.

5.3.3 Access to Information

The Government Information (Public Access) Act 2009 (the GIPA Act) creates new rights to information that are designed to meet the community's expectations of more open and transparent government. It encourages the routine and proactive release of government information, including information held by providers of goods and services contracted by government agencies. Any person has the right of access to most documents held by Council. Documents held include paper files, print-outs, computer records, files, visual material and audio recordings.

5.3.4 Information Privacy

The protection of personal information which can identify an individual is a matter of great significance to the Council. Council is committed to protecting the privacy of individuals and in accordance with the Privacy and Personal Information Protection Act 1998 (the PPIPA Act) has developed a Privacy Management Plan to facilitate this.

Council will take all reasonable steps to ensure that the collection, use, disclosure and handling of all personal information by Council comply with all relevant legislation.

The Privacy Management Plan is available for inspection on Council's website at:

[Council Policies :: Nambucca Valley Council \(nsw.gov.au\)](http://www.nambucca.nsw.gov.au/Council-Policies)

It is now mandatory for all Australian businesses to report eligible data breaches of its private information to the Office of the Australian Information Commissioner (OAIC). Once a breach has been discovered, Council has 30 days to notify all individuals affected by the breach.

Council will reduce this risk by providing funding for the engagement of security specialists to undertake penetration testing of our internal and external information technology network.

5.4 Legal Framework

5.4.1 Policies and Procedures

Council maintains a number of policies, administrative directives and procedures which provide guidance to the organisations decisions and actions. Corporate policies are statements, formally adopted by Council that describe the Council's position on a particular issue. All corporate policies are consistent with Council's long, medium and short term planning outcomes and some will directly support the delivery of the Council's Community Strategic Plans. Policies provide guidance for future action by clearly stating the objectives, scope and responsibilities for policy implementation.

Procedures assist in the implementation of Council policies. A procedure may establish a set of steps to be undertaken in implementing a policy. Such procedures describe how decisions or actions must be undertaken. Procedures do not have to be approved by the General Manager or adopted by Council, however managers of the responsible department may refer a procedure to the General Manager.

All approved policies are included in a policy register on Council's website. All policies have review dates and are reviewed and evaluated in accordance with a schedule, ensuring that corporate policies are up-to-date, accurate and continuing to achieve their objectives.

Policies can be found on Council's website at:

[Council Policies :: Nambucca Valley Council \(nsw.gov.au\)](http://www.nambucca.nsw.gov.au/Council-Policies)

5.4.2 Legislative Compliance

Council has a Legislative Compliance Policy with its main objective being to provide a framework for legislative compliance across all aspects of the Council's operations in order to achieve the highest standards of good governance.

Council utilises Reliansys Software Compliance Service as a compliance management tool that can be used as a checklist, a compliance tool and a total risk management suite.

The complete register comprises numerous pieces of State and Federal legislative obligations relevant to local government. Council is notified of any changes to legislation as the system is updated. The compliance program is designed to:

- identify and reduce the risk of breaching the extensive range of legislative obligations of Council;
- remedy any breach that may occur;
- raise awareness of the extensive range of legislative obligations of Council;
- assist Council to meet community and staff expectations that appropriate measures are in place to ensure legislative compliance;
- create a culture of compliance within Council.

The Legislative Compliance Policy can be found on Council's website at:

[Council Policies :: Nambucca Valley Council \(nsw.gov.au\)](http://www.nambucca.nsw.gov.au/Council-Policies)

5.4.3 Legal Services

Council utilises an independent debt collector to follow up outstanding rates, charges and sundry debtors. The full procedures are documented in Council's Debt Recovery Policy on its website.

For minor legal transactions such as the sale and purchase of land, leases, tax advice, etc. Council utilises local legal firms. For more significant legal matters Council utilises major legal firms that specialise in Local Government matters.

6.1 Glossary of Terms

Act	Local Government Act 1993.
Advisory Committee	A committee made up of Councillors and representatives from the community that report to Council.
Benchmarking	A process of comparing performance with standards achieved in a comparable environment, often with the aim of improving performance.
Business Continuity	Business Continuity Management is a management and governance process, which ensures the impact of a potential disruption to Council's critical operations is minimised and that critical operations are sustained until normal services are restored.
General Manager (GM)	The most senior officer in the administration. He or she is directly accountable to the Council.
Community	The entire population of the local government area made up of numerous local and shared interest groups e.g. residents, ratepayers, business investors.
Community Engagement	The process of formally engaging the community either through seeking input in a particular area or through providing information to the community on the organisation's plan, activities and performance.
Community Strategic Plan	A minimum ten-year plan identifying the priorities and activities that are planned for delivering the Council's Vision. It is developed in collaboration with the community and other partners to reflect the actions and activities required to deliver the Vision.
Corporate Governance	Corporate Governance is how decisions are taken and implemented; how organisations are controlled and managed to achieve their objectives; and how organisations are directed, reviewed and held to account.
Corporate Government Framework	Council's Corporate Governance Framework details the various instruments used in Council to ensure exemplary standards of corporate governance. It aims to reinforce the accountability standards within Council and ensure that the organisation's objectives are being achieved efficiently and effectively to ultimately deliver community value.
Corporate Values	Council's approved corporate values are: Professionalism, Accountability, Community Focus, Teamwork, Safety, Value For Money and Leadership
Council	The Elected Members of Council under the <i>Local Government Act 1993</i> .
Councillor	An individual elected representative of a Local Government.
Council Meeting	The Elected Members meeting formally in accordance with legislation.
Delegation	The Council routinely delegates its powers to the General Manager who is empowered under the Local Government Act, with certain exceptions, to further on-delegate these powers to other Council officers.
Elected Member	An elected representative of the Local Government; also referred to as Councillors or Mayor.
Employee	An employee of the Council including casual or contract employees.

Ethics	A system of moral principles, by which actions and proposals can be judged.
External Audit	External auditors appointed by the NSW Auditor General, or contractors appointed by the Auditor General, audit Council's financial statements and provide an independent audit report.
Internal Audit	Council's Internal Auditor provides an independent evaluation of the adequacy and effectiveness of the systems of internal control established and implemented by management.
Mayor	A person elected by the community to hold the position as the elected leader of the Council.
Operational Plan	Council's Operational Plan translates strategic and operational aims and objectives into actions to give effect to a one-year portion of the Corporate Plan.
Outcomes	The effect, impact and result on, or consequence for the community, environment or organisation, of strategies services, policies or activities.
Performance	The results of activities and progress in achieving the desired outcomes over a given period of time.
Quadruple Bottom Line	A framework for reporting an organisation's performance against social, economic, environmental and internal governance outcomes.
Risk Management	A risk is the effect of uncertainty of Council achieving its objectives. It may be the chance of something occurring that has the potential to cause loss, damage or injury.
Stakeholder	A person or organisation with an interest in the outcome or output or is affected by services, activities, policies, services, programs, or strategies.
Stewardship	Public officials exercise their power on behalf of the community. Officials are therefore stewards of those powers and associated resources and are responsible for ensuring that the public interest is always maintained or improved over time.
Strategic Planning	The process by which the organisation envisions its future and develops strategies, goals, objectives and action plans to achieve that future.
Terms of Reference	A document which defines the purpose, scope, stakeholders and high level deliverables from a particular activity, requirement or Working Group.
Vision	A statement that embraces the desired future the organisation is working towards.