ARMIDALE
Regional Council

External Review of Governance Arrangements
September 2020

Unleash the opportunities

Report on Review of Armidale Regional Council Governance Arrangements

September, 2020

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1. Acknowledgments

The authors of this report would like to thank the Administrator, management and staff of Armidale Regional Council for providing such a warm welcome and friendly hospitality during our short project in the Governance team.

We could not possibly have undertaken this project without the assistance of Leah, Colleen and Stacey who guided us through the governance arrangements here, were very generous with their time and particularly honest with their insights and assessments.

Thank you to Katrina George from the Armidale Visitor Information Centre who provided us with a trove of maps and brochures, and more importantly, local tips on the best places to eat, hike and see the natural beauty of the Armidale and New England area.

To the wonderful customer service team who were our neighbours for the last 2 weeks, thank you for the kind welcome, friendly chats, suggestions on local sights to see and a wonderful parting gift of some local produce. We cannot wait to come and visit your team again.

And finally a thank you to Interim Administrator, Viv May and Acting General Manager, John Rayner for inviting us to Armidale to assist with the development of a Governance Improvement Plan.

2.   Introduction

Over time, through people leaving Council, there is a lack of sufficient knowledge of local government requirements, particularly in the governance area of council.

As part of improving governance arrangements at Armidale Regional Council (ARC), Council has seconded Todd Hopwood, Manager Governance and Customer Service, Wollongong City Council and Samantha Charlton, Governance, Risk and Corporate Planning Manager, Willoughby Council to generally review, report on and make recommendations on ARC governance policies, procedures and systems.

Specifically the review will focus on the following:

1. Generally review, report on and make recommendations on Council's governance policies, procedures and systems.
2. Follow Council's procedures in preparing for, processing reports, preparing Agendas and minuting Council Meetings
3. Review compliance with statutory requirements and timetable of tasks required under the Local Government Act and other Acts
4. Update policies/templates as time permits
5. Review documents referred to as 'Standard Practice Notes', 'Operational Policy' and 'Council Policies' and recommend a standard framework
6. Finally comment on any governance issues identified during your review

This report provides a summary of findings and recommended actions going forward. It is intended that this document and the recommendations contained within will be used as a roadmap to guide the evolution of a governance framework at ARC. It is important to note that for the journey to governance and risk maturity to be successful, any solutions, projects or frameworks put in place must be tailored to the context of the ARC operating environment.

Whilst operating under the same legislation and facing similar problems each council must find its own path towards best practice and tailor solutions to suit individual operating environments and staff approaches. A cut and paste approach is never likely to succeed, and we have strived to avoid that approach in our recommendations. Whilst the key milestones and objectives we have laid forth in this report are considered best practice, the style, content, delivery and in-council ownership of these concepts and projects will be the key to a successful governance framework moving forward for Armidale Regional Council.

3.   Policy Framework

Context and Issues

The management of policies at Council is appropriately resourced via a dedicated staff position within the Governance and Risk Team, via the Executive Policy Advisor Role. The role is currently occupied, and the incumbent of the role is very active in this space and already undertaking a review project to try and identify all current policies and practice notes.

Council has a large number of policy and procedure documents categorised under the following categories:
- Council Policy
- Operational Policy
- Standard Practice Notes

However there is no documentation to define each category of document, nor approval, amendment and revocation procedures for each category. There does not appear to be consistent use of each category of documents and the use of the term 'Standard Practice Note' could potentially cause confusion with official Practice Notes issued by the Office of Local Government

There is lack of clarity around the status, appropriateness and currency of all policy and practice note documents as there has been no completed comprehensive policy review process implemented since the merger of the two councils. The Executive Policy Advisor has proactively commenced such a review.

To guide the policy review project and the future drafting and approval of policies and procedures the Council should adopt a formal Policy Framework that will inform good policy development and management going forward.

The lack of clarity around policy and procedure documents is further compounded by the lack of a single source of truth in relation to policy documents. Some documents are stored in Pathway, some in TRIM, some are accessible on the Council website and Intranet, which makes it difficult for staff to identify and follow correct policy and procedure. There is a need for a system or process to be defined to guide the management of the policy framework and ensure there is a single source for storing/publishing policy documents as well as to oversight the regular review of policy documents.

Additionally, the central storage point for adopted policies needs to be in the TRIM Records Management system to ensure compliance with the State Records Act and to allow easy access by staff, as Pathway is a difficult system to navigate and not understood by a large number of staff.

Actions Undertaken
Policy Framework
A draft Policy Framework has been developed that could apply to all council documents below the level of legislated strategy documents and consist of a hierarchy of five main types of documents.

- Council Policies
- Management Policies
- Procedures
- Procedural Guidelines (Public Facing)
- Work Instructions

The draft framework provides a structure for the development of all policies and associated procedure documents and also references the principles and key considerations for development of all Council policy and

procedure documents. The draft framework also defines the approval mechanisms and review requirements for each category of document. Draft Templates have been created for Policies and Procedures.

Assistance was provided to the Executive Policy Adviser on a current review of the *Use of Public Space by Personal and Group Trainers Policy* to draft in accordance with the new draft policy framework. The existing policy was split into a Council Policy and associated Procedure document in accordance with the draft framework. The draft documents will be forwarded for approval in accordance with normal processes and procedures by staff. The new draft documents are an example of the proposed Policy Framework in action. The draft Policy and Procedure are attached as Appendices "5 and 6" and can be used to guide the type of content that should be in each level of document.

Desktop Policy Review
Assistance has been provided to the Executive Policy Advisor to complete an initial desktop review of all current policy and practice note documents to determine the need for, relevance and currency of each document and also to categorise each document under the new draft framework.

The desktop review will generate a policy status list categorising each document as follows:

- Maintain as Council Policy
- Maintain as Management Policy
- Maintain as Policy with significant review required
- Change from Council Policy to Management Policy
- Amend / Merge with another policy
- Redundant – to be deleted
- Change from Council / Management Policy to Procedure

It is anticipated that the Executive Policy Advisor will generate a report to the Executive recommending the revocation of redundant policy and practice note documents, confirmation of correct categorisation of each document and details of policies requiring significant review.

Recommendations
Recommendation 3.1
A Policy Framework be adopted that provides a structure for the development of all policies and associated procedure documents and defines the principles and key considerations for development of all Council policy and procedure documents. The draft framework should also define the approval mechanisms and review requirements for each category of document.
A suggested Policy Framework is attached as "Appendix 1" to this report.

Recommendation 3.2
Standard templates be adopted for Council Policy, Management Policy and Procedure Documents.
Suggested Policy and Procedure Templates are attached as "Appendices 2, 3 and 4" to this report.

Recommendation 3.3
The Executive Policy Advisor provide a report to the Executive recommending the revocation of redundant policy and practice note documents, confirmation of correct categorisation of each document and details of policies requiring significant review.

Recommendation 3.4
Council investigate the procurement of a business process management system that can register all policy documents and facilitate efficient reviews and staff acknowledgment. Such a system can often also manage council delegations, risk management, corporate reporting and KPI's etc.

Recommendation 3.5

The most up to date version of each adopted Council Policy and public facing Procedural Guideline should be published in a single area of the Council website.

Recommendation 3.6

The most up to date version of all Policy and Procedure documents should be published to a single area of the Council Staff Intranet. Additionally, the central storage point for adopted policies needs to be in the TRIM Records Management system to ensure compliance with the State Records Act.

Recommendation 3.7

A comprehensive awareness and education campaign be provided to staff on the new Policy Framework.

Recommendation 3.8

The Executive of Council demonstrate their commitment to the Policy Framework and consider the implementation of appropriate KPI's to ensure timely review of all policies.

4. Risk Management

Context and Issues

Resourcing

In the structure of council the responsibility for risk management has generally sat with the Coordinator level position in the Governance and Risk area, with duties generally split between governance and risk. This level of resourcing both in terms of hours and seniority in the organisation seem appropriate. However this particular role has not been filled by a staff member competent in both disciplines and experienced in local government for quite some time.

This is a key role that needs to drive a significant amount of current and future initiatives to improve risk management in general, but in particular the overall risk culture and knowledge of appropriate risk management practices in the council staff. Current recruitment action is underway for the role of Coordinator Governance and Risk and it is imperative that this role is filled by an experienced and knowledgeable candidate.

Risk Management Policy and Framework

Council has an existing Enterprise Wide Risk Management Policy and Enterprise Wide Risk Management Framework both documents are based on the based on the Australia/New Zealand Standard for Risk Management (AS/NZS 31000:2009), however this standard has been updated and replaced by the Australian Risk Management Standard (AS ISO 31000:2018 Risk Management). Both documents were appropriately drafted as at the time of adoption (Policy last adopted in mid 2017). However since that time the updated standards have been released and the NSW Office of Local Government has released its Discussion Paper *"A new internal audit and risk management framework for local councils in NSW",* which proposes a mandatory risk management framework for Councils.

The discussion paper features a significant amount of content in relation to requirements for risk management policies and procedures. Whilst the proposed requirements are not mandatory as yet it is recommended that Council review and update its risk documentation in line with the requirements outlined in the OLG Discussion Paper.

A requirement of the Discussion Paper is the development of a Risk Management Plan. This document will replace Councils' current Enterprise Wide Risk Management Framework, however will incorporate much of the same content, but will need to reflect the additional requirements of the proposed OLG Risk Management Framework.

Risk Register

Council engaged a consultancy in 2019 to assist with the development of a Corporate Risk Register This review resulted in the identification of 19 strategic and 25 operational risks. It is noted that this was an initial foundational exercise and did not encapsulate all of Council's strategic and operational risks. It was proposed that the Council Executive/Senior Management undertake further workshops to refine the 19 strategic risks, however, whilst some sessions may have occurred there are no documented outcomes from those workshops and a revised list of strategic risks has never been drafted or adopted by the Council Executive.

The work to date performed on the risk register has been based on the following definition of a Strategic risk as a risk which:

- could prevent ARC from achieving its Community priorities as documented in the Community Strategic Plan or any new ventures or projects approved by Council.
- typically affects the most senior management decisions. As such, they can be missed from inclusion in risk registers if those register are populated at too low a level.

It is recommended that prior to any further review of Council's Strategic Risks that consideration be given to adopting new definitions to the categorisation of risks. This is recommended as the current definition of strategic risk, in the opinion of the authors, has led to too many strategic risks being identified and risks that are not strategic in nature being classified as such.

The major business consultancy, Deloitte[1], consider there to be four main categories of risk that they consider to be broadly consistent with the way most organisations think about risk. In Council's context these would be defined as follows:

- *Strategic risks* are risks that affect or are created by Council's strategy and strategic objectives. They concentrate on uncertainties around where Council wants to go, how it plans to get there and how it can ensure its survival and prosperity.

- *Operational risks* are major risks that affect Council's ability to execute its Community Strategic Plan.

- *Financial risks* include areas such as financial reporting, liquidity, financial sustainability, assets and credit risks.

- *Compliance risks* relate to legal and regulatory compliance.

Any review of strategic risks should aim to identify no more 10 Strategic Risks, that genuinely have the potential to impact on the organisation itself and its ability to deliver services and infrastructure overall, not just the risk of a particular project or delivery plan objective failing.

There are many examples of strategic risk registers developed by other Councils that could be used to guide the formation of the top 10 risks at ARC. Suggested areas of Strategic Risk that could be workshopped by the Council Executive and Senior Management include:

- Strategic Focus
- Financial Sustainability
- Cyber Security
- Strategic Asset Management
- Human Resources (including WHS)
- Environment (including weather)
- Compliance (Legal and regulatory)

- Execution and Innovation
- Government Intervention
- Business Intelligence and Efficiency
- Brand and Reputation
- Procurement and Contract Management
- Fraud and Corruption

Such workshops should identify sources of risk, the potential hazards, the possible causes, and the potential exposure. The key questions to be asked are:

- What can happen?
- When can it happen?
- How can it happen?
- Who is Responsible?

- Where can it happen?
- Why can it happen?
- What is the impact?

[1]https://www2.deloitte.com/content/dam/Deloitte/global/Documents/Governance-Risk-Compliance/dttl-grc-exploring-strategic-risk.pdf

Significant Risk Issues
Based on issues identified in the review of Council's risk management activities, as well as issues identified in our review of other governance activities a number of key risk areas are evident that should be considered by the Council executive.

Cyber Security
Council relies on digital technology to deliver services, organise and store information, manage business processes, and control critical infrastructure. The increasing global interconnectivity between computer

networks has dramatically increased the risk of cyber security incidents. Such incidents can harm Council service delivery and may include the theft of information, denial of access to critical technology, or even the hijacking of systems for profit or malicious intent. In 2020 there have been a large number of malicious attacks on local council digital infrastructure in NSW councils which demonstrates the significant risk this area poses to Council.

In recognition of the importance of Cyber Security to government organisations, including local councils, in 2018 the NSW Audit Office conducted an audit that examined cyber security incident detection and response in the NSW public sector. The continued increase in risk in this area has resulted in the NSWAO undertaking another audit on the same issue at the present time.

At the present time Council does not have a Cyber Security Policy nor an IT Security Strategy or roadmap in place. The NSW Government has adopted the NSW Cyber Security Policy and it is recommended that Council adopt a similar policy. This policy is not mandatory, however it is recommended for adoption in local councils.

Technology Services

Council at present does not have a strategy in relation to the digitisation of services or a defined mobility strategy. Both of these concepts should be considered and advanced at ARC as they provide both significant efficiency enhancement opportunities as well as added protection of services and staff availability to perform duties in scenarios of significant business disruption.

Staff have commenced initial consideration of the merits of developing a Digital Services Strategy to inform technology-based decisions and systems and an initial briefing paper has been provided to the previous Acting General Manager. It is recommended that Council give serious consideration to the development of a Digital Services Strategy as this could help guide the selection and implementation of appropriate systems to enhance the efficiency of Council staff, but also concentrate on a user experience approach to development of online services for customers.

Council should also give consideration to developing a strategy to enable cloud services and mobility, to provide the workforce the capability to work where and when they could add most value to the Council. Such capabilities may also contribute to solving resourcing issues at the council, by opening up options of engaging staff/resources from other areas that can work permanently or semi-permanently from locations outside the Armidale area. This would address an area of significant risk for Council in terms of attracting and retaining talent.

Procurement Issues

A number of staff have expressed council about the lack of permanent and dedicated resourcing in the Procurement function of Council over recent years. Whilst the scope of this review does not cover the procurement function, the lack of a dedicated, permanent and ongoing resource in this area would be a significant risk to Council. When this is combined with the fact that there has been no regular risk management resource at Council for some time, there is a significant lack of oversight of a key risk area that could result in possible fraud or corruption. It is recommended that a review occur of resourcing to the procurement functions in council, to ensure that appropriate oversight of the controls in place to reduce the risks of this high risk activity.

Additionally, it has been identified that the Accounts Payable function of Council is also responsible for the creation of new suppliers in the Council financial system. This is not considered best practice and attracts a significant amount of risk.

It is best practice to separate the functions of creating new suppliers from accounts payable. It is recommended that council give consideration to:

- Implementing a policy requiring that the employee who sets up new vendors or changes vendor information does not have the ability to create vendor payments,
- Ensure that an independent officer reviews and approves the vendor account creation process, this officer is to have no ability to create vendors in the system,
- periodically verifying any changes to vendor master files', and
- a requirement for mandatory vacations, or job rotations, of all key personnel involved in the vendor payment process.

Fraud and Corruption Prevention

With the recent gaps in staffing and resources and the issues identified above it is recommended that Council complete the Fraud Control Checklist contained in the NSW Audit Office Fraud Control Improvement Kit, to provide some assurance in relation to these potential gaps in controls.

Actions Undertaken

Recruitment of Coordinator Governance and Risk

Assistance has been provided to the recruitment process for the Coordinator Governance and Risk position that was recently advertised by Council. As there is a lack of in depth governance and risk knowledge in the council, Todd assisted this process by joining the selection panel for this recruitment. Todd has undertaken many recruitments in the governance and risk fields in both technical and management roles, and used this to assist with the screening and shortlisting of applicants and the development of appropriate interview questions to ascertain the capabilities of applicants. Todd also sat on the interview panel for this recruitment.

Risk Management Policy

A draft Risk Management Policy has been developed for the consideration of Council. The draft policy has been prepared in accordance with the Australian Risk Management Standard (AS ISO 31000:2018 Risk Management) as well as incorporating relevant proposed requirements from the NSW Office of Local Government has released its Discussion Paper *"A new internal audit and risk management framework for local councils in NSW".* This draft policy outlines a high-level approach to ensure decisions are made with an understanding of Council's risk environment and to facilitate the taking of risks and capitalising on opportunities, within council's risk appetite, to assist Council meet its strategic objectives. A copy of the draft Risk Management Policy is attached as "Appendix 7" to this report.

Risk Management Roadmap

To assist the risk management maturity journey of ARC a draft Risk Management Roadmap has been developed that sets out a number of key tasks/projects that will be required over the next 3 years to move ARC towards risk management best practice. The roadmap outlines 8 key steps required to progress the Council's risk maturity, sets indicative timeframes, as well as key deliverables for each step. Whilst there will be many and varied steps in the risk maturity journey, the identified key stages in the roadmap are as follows:

- Update Risk Management Policy
- Review and Update Corporate Risk Register
- Develop/Amend Risk Appetite Statements
- Develop Risk Management Plan
- Fraud and Governance Reviews
- Cyber Threat Security Assessment
- Risk Maturity Assessment
- External Review of Internal Audit

A copy of the Risk Management Roadmap is attached as "Appendix 8" to this report.

Recommendations

Recommendation 4.1

An updated Risk Management Policy be adopted that incorporates the requirements of the NSW Office of Local Government Discussion Paper *"A new internal audit and risk management framework for local councils in NSW"*. This Policy will replace the current Enterprise Wide Risk Management Policy and that policy should be revoked upon adoption of the updated policy.
A suggested Risk Management Policy is attached as "Appendix 7" to this report.

Recommendation 4.2

The existing Enterprise Wide Risk Management Framework be reviewed and replaced with a Risk Management Plan that incorporates the requirements of the NSW Office of Local Government Discussion Paper *"A new internal audit and risk management framework for local councils in NSW"*. This Plan will replace the current Enterprise Wide Risk Management Framework which should be revoked upon adoption of the Plan.

Recommendation 4.3

An urgent review be undertaken of Council's "draft" Strategic and Operational risks to ensure their relevance and appropriateness of proposed control plans for each risk. It is recommended strategic risks should be limited to no more 10 Strategic Risks, that genuinely have the potential to impact on the organisation itself and its ability to deliver services and infrastructure overall, not just the risk of a particular project or delivery plan objective failing.

Recommendation 4.4

Prior to any further review of Council's Strategic Risks that consideration be given to adopting new definitions to the categorisation of risks that will more appropriately guide the categorisation of risk in future. Council should consider the following, or similar, definitions of Strategic and Operational Risks:

- *Strategic risks* are risks that affect or are created by Council's strategy and strategic objectives. They concentrate on uncertainties around where Council wants to go, how it plans to get there and how it can ensure its survival and prosperity.

- *Operational risks* are major risks that affect Council's ability to execute its Community Strategic Plan.

In addition to the above redefinitions, Council could consider additional risk categories as follows:

- *Financial risks* include areas such as financial reporting, liquidity, financial sustainability, assets and credit risks.

- *Compliance risks* relate to legal and regulatory compliance.

Recommendation 4.5

Council consider the adoption of a Cyber Security Policy based on the NSW Cyber Security Policy, and implement the mandatory requirements outlined in Section of that Policy.

Recommendation 4.6

Council consider the development of a Digital Services Strategy as this could help guide the selection and implementation of appropriate systems to enhance the efficiency of Council staff, but also concentrate on a user experience approach to development of online services for customers.

Recommendation 4.7

Consider development of a strategy to enable cloud services and mobility, to provide the workforce the capability to work where and when they could add most value to the Council. This would address an area of significant risk for Council in terms of attracting and retaining talent, by allowing options of engaging staff/resources from other areas that can work permanently or semi-permanently from locations outside the

Armidale area.

Recommendation 4.8
A review of resourcing provided to the procurement functions in council be undertaken, to ensure that sufficient resources are provided to allow the development and appropriate oversight of controls in place to reduce the risks of this high-risk activity.

Recommendation 4.9
An urgent review of arrangements for establishing new suppliers to Council be undertaken to ensure the separation of the functions of creating new suppliers from accounts payable. It is recommended that council give consideration to:

- Implementing a policy requiring that the employee who sets up new vendors or changes vendor information does not have the ability to create vendor payments,

- Ensure that an independent officer reviews and approves the vendor account creation process, this officer is to have no ability to create vendors in the system,

- periodically verifying any changes to vendor master files', and

- a requirement for mandatory vacations, or job rotations, of all key personnel involved in the vendor payment process.

Recommendation 4.10
Council complete the Fraud Control Checklist contained in the NSW Audit Office Fraud Control Improvement Kit (pages 20-23). https://www.audit.nsw.gov.au/sites/default/files/auditoffice/Governance-and-Policies---Current/Fraud_Control_Improvement_Kit_February_2015%20whole%20kit.pdf-updated%20August2015.pdf
Following completion of the checklist, a Fraud and Corruption Prevention Improvement Plan should be presented to the Council Executive outlining actions required to address areas not matching best practice.

Recommendation 4.11
A Risk Management Roadmap be adopted by the Council Executive. The Risk Management Roadmap outlines 8 key steps required to progress the Council's risk maturity, sets indicative timeframes, as well as key deliverables for each step.
A suggested Risk Management Roadmap is attached as "Appendix 8" to this report.

5. Internal Audit & Audit Risk and Improvement Committee

Context and Issues
Internal Audit

The Internal Audit function operates under the auspices of a well documented and recently adopted Internal Audit Charter. The Internal Audit function is resourced via a shared Internal Audit Service with Uralla and Glen Innes Councils, with the Internal Auditor spending about 40% of their time on Armidale Internal Audits. The Internal Audit function appears to be operating well under the above arrangements.

Whilst the Internal Audit function is working well, there is an opportunity to develop a framework around the implementation by staff of the recommendations arising out of internal audit reports. In order to derive their intended benefit, audit recommendations should be effectively implemented in a timely manner and the development of a Procedure for Monitoring and Closing of Audit Recommendations including standard timeframes for implementation and approval process for extensions can ensure this occurs. A draft Procedure for Monitoring and Closing of Audit Recommendations has been developed for consideration by the Council Executive and is attached as "Appendix 9".

Internal Audit Charter

The Internal Audit Charter features an Annexure (Internal Audit Code of Ethics) which appears to be taken from guidance provided by the Institute of Internal Auditors. As an employee/delegate of Council the Internal Auditor is required to abide by the ARC Code of Conduct. Having an alternate/additional Code of Ethics creates an environment that may give rise to inconsistency and/or confusion in expected behaviours. As such it is recommended for removal. The section in the annexure around principles could be incorporated into the main charter document if desired.

The Charter states that the Internal Auditor reports functionally to the ARIC and administratively to the Senior Advisor HR and Governance (soon to be replaced by the Coordinator Governance and Risk role in Council's structure). The discussion paper released by the Office of Local Government in relation to a "New Risk Management and Internal Audit Framework" suggests that the proposed role of "Chief Audit Executive" report administratively to the General Manager. As such the executive should give consideration of having the Internal Auditor report (administratively) much higher in the organisational structure.

Audit Risk and Improvement Committee

An updated ARIC Charter has been adopted by Council in July, 2020. The Charter has been drafted in line with the OLG Discussion Paper, however at this time the new charter has not been endorsed by the ARIC, despite having held meetings since the adoption by Council. This should be rectified at the next available ARIC meeting, pending any further updates to be made.

The Charter indicates that each ARIC meeting is to include as standing items internal audit, external audit, risk management, compliance, fraud and corruption, financial management, governance, strategic planning, service delivery and performance measurement. On review of the Agenda and Minutes of the last 2 ARIC meetings it is evident that not all of the above items a re listed for discussion at each meeting.

The Charter makes provision for the termination of ARIC Committee Members and the Chair by resolution of the Council. However the Charter in this section also includes the following wording:

> "Termination can only occur with the approval of the Chief Executive of the Office of Local Government and is to be reported to the agency which is responsible for administering the Audit, Risk and Improvement Committee prequalification scheme."

Whilst the ARIC Charter has been based on the OLG Discussion paper, and this is an appropriate course of action, the framework is not mandatory as yet and certain proposed components such as the section on termination listed above, are not appropriate for inclusion in the ARIC Charter at this stage. This is because such an approval mechanism has not been established by the OLG at this stage, nor is local government an official participant in the State Audit, Risk and Improvement Committee prequalification scheme. It is recommended that this section be removed from the charter and the charter be re-adopted.

The Internal Auditor has indicated that there is a good working relationship with the members of the ARIC, however this can be further enhanced by ensuring that at each meeting of the ARIC that an In Camera (Confidential) session be scheduled for the Internal Auditor and the members of the ARIC, with all other parties to be excluded. This will provide an opportunity for the Internal Auditor to discuss any relevant areas of concern, including resourcing and access to information and staff.

Internal Audit Assistance for Risk Management

As indicated elsewhere in this report, appropriately skilled risk management staff are a resource that is urgently required at ARC.   This resource is required for day to day management of risk management activities at Council, but also to work with the Executive and Senior Staff to lift the overall knowledge of risk management techniques within management.

It is acknowledged that at present there is recruitment actions underway to try and secure such a resource. If such a resource cannot be acquired in a suitable timeframe there is an opportunity to utilise the expertise of the Internal Auditor to provide some training to appropriate staff on general risk management principles and techniques. Use of the Internal Auditor for such training would need to be limited to training only and the Internal Auditor should not be involved in building the risk management framework in any way to ensure independence in future audits.

If the Internal Auditor was to perform such training it may require additional resourcing (additional hours) or the consideration of varying the Internal Audit Plan to allow the Internal Auditor to provide the training. The Council executive would need to satisfy itself that the delivery of the training by the Internal Auditor in lieu of, or by delaying a future audit, provide an overall greater improvement to Council's risk profile.

Actions Undertaken
Monitoring and Closing of Audit Recommendations
A draft Procedure for Monitoring and Closing of Audit Recommendations has been developed that provides

- Standard timeframes for implementation of Audit recommendations, based on level of residual risk
- Process for approving extension of implementation timeframes
- Process for approving amendments to residual risk ratings
- Requirements for evidencing implementation of recommendations
- Work Instructions

Recommendations

Recommendation 5.1

A procedure should be adopted for the monitoring the implementation and the closing of audit recommendations has been developed that provides a framework to ensure that audit recommendations are effectively implemented in a timely manner. *A suggested Procedure for Monitoring and Closing of Audit Recommendations is attached as "Appendix 9" to this report.*

Recommendation 5.2

Consideration should be given to having the Internal Auditor report (administratively) much higher in the organisational structure to be consistent with the Office of Local Government Discussion Paper "New Risk Management and Internal Audit Framework". It is suggested that the Internal Auditor should report administratively to at least a Director level member of staff.

Recommendation 5.3

The Internal Audit Charter be amended to remove the Annexure (Internal Audit Code of Ethics) as the Internal Auditor is required to comply with the ARC Code of Conduct, and having an alternate/additional Code of Ethics creates an environment that may give rise to inconsistency and/or confusion in expected behaviours. The principles listed in the Annexure could be incorporated into the main charter document if desired.

Recommendation 5.4

The standing agenda of the ARIC be updated to reflect the ARIC Charter to ensure that at each meeting each of the following items is listed and discussed:

- Internal and External Audit
- Risk Management, Compliance and Governance
- Fraud and Corruption
- Financial Management
- Strategic Planning
- Service Delivery and Performance Measurement
- Business Improvement

Recommendation 5.5

The first 15-20 minutes of each meeting of the ARIC should be scheduled for *In Camera* (Confidential) discussion between the Internal Auditor and the members of the ARIC, with all other parties to be excluded.

Recommendation 5.6

Section 3.5 of the Charter of the Audit Risk and Improvement Committee be amended to remove the following sections as an approval mechanism as referenced in the Charter has not been established by the OLG at this stage. The Charter should then be readopted by the Council and ARIC:

> *Termination can only occur with the approval of the Chief Executive of the Office of Local Government and is to be reported to the agency which is responsible for administering the Audit, Risk and Improvement Committee prequalification scheme.*
>
> *Approval is not needed for termination where the Chair or member has become ineligible or removed from the prequalification scheme by the agency administering the scheme. Dismissal is automatic in these situations.*

Recommendation 5.7

If appropriate internal staff are not appointed soon, the Executive and ARIC consider varying the Internal Audit Plan to allow the Internal Auditor to provide risk management training to relevant Managers and Staff. The Council executive would need to satisfy itself that the delivery of the training by the Internal Auditor in lieu of, or by delaying a future audit, would provide an overall greater improvement to Council's risk profile.

6.   Statutory Reporting and Compliance

Context and Issues

Council has a significant number of statutory reporting requirements that it is required to comply with under a multitude of legislation. The NSW Office of Local Government (OLG) provides some assistance with this compliance task by producing an annual Calendar of Compliance and Reporting Requirements for each financial year. This is a very good tool and Council Governance staff are aware of this resource and it is published to the Council Intranet for general staff access. It should be noted however that this resource from the OLG does not cover all statutory reporting requirements and a more comprehensive tool or resource should be developed and maintained to act as a reminder to staff of their reporting requirements. An example of an approach used to monitor statutory reporting requirements at Wollongong City Council is attached as Appendix "10".

Public Registers

According to the Government Information Public Access Act 2009 all public registers of a Council should be made available on their website.   A review of 11 registers required to be held under various pieces of legislation showed that only 2 registers were available and accessible on the Council website, 1 register was available but incomplete, and 8 registers were not available on the Council website. The status of required registers is as follows:

Available on Website
- Contracts Register required under s27 of the *Government Information (Public Access) Act 2009*
- Registers required under s4.58 of the *Environmental Planning and Assessment Act 1979*

Not Available on Website
- Development Contributions Register required under cl34 of the *Environmental Planning and Assessment Regulation 2000*
- Disclosure Log required under s25 of the *Government Information (Public Access) Act 2009*
- Graffiti Removal Register required under s13 of the *Graffiti Control Act 2008*
- Land Register required under s53 of the *Local Government Act 2009*
- Planning Agreements Register required under cl25F of the *Environmental Planning and Assessment Regulation 2000*
- Political Donations Register required under s328A of the *Local Government Act 2009*
- Voting on Planning Decisions Register required under cl11.12 of the *Model Code of Meeting Practice*
- Returns of Interests submitted by Designated Persons required under cl4.27 of the *Model Code of Conduct*

Incomplete on Website
- Council Policy Register required under s18 of *Government Information (Public Access) Act 2009* (A total of 21 Council Policies are linked on the Council Website but many are missing and some old versions are showing).

Appointment of Statutory Officers

The significant staff shortages and high rate of turnover of governance staff has led the omission of the appointment of a variety of statutory appointments under various pieces of legislation. The Acting Director Organisational & Corporate Services has recently been appointed to the role of Public Officer, however there are a number of other statutory appointments that do not appear to have been made following the departure of relevant staff. It is recommended that a review of all required statutory appointments be undertaken to

ensure that all required appointments under various pieces of legislation have occurred. It is further recommended that the Coordinator Governance and Risk be appointed to the following statutory roles:

- Child Protection Officer (Royal Commission requirement)
- Code of Conduct Complaints Coordinator
- Privacy Officer
- Public Interest Disclosures Coordinator

Legislative Compliance Framework

Legislative Compliance is a key governance risk area often highlighted by the NSW Audit Office. The need for Council to establish a legislative compliance framework was highlighted in the NSW Audit Office Management Letter for the year ended 30 June, 2017. It is of serious concern that a recommendation from an Audit has remained outstanding for more than 3 years. The issue of timeliness of implementation of Audit recommendations is dealt with in Section 5 of this report.

The NSWAO identified:

> *"Management should implement a centralised legislative compliance register to ensure*
> - *Completeness of legislative requirements*
> - *Appropriate accountability is assigned to key officers*
> - *Independent exception reporting to the ARIC*
> *The register should, preferably, be maintained in electronic format and reviewed for changes in legislation."*

Staff have commenced work on this framework, however continual vacancies in the governance area have led to continual delays and at present the project is inactive. In February 2020 Council paid a subscription to the Local Government Legal Delegations Database and Legislative Compliance database. It is unclear for what duration this subscription is for, however it appears that it may expire at the end of the calendar year.

Council needs to determine whether it maintains a subscription to this service from Local Government Legal or whether it transitions to a comprehensive business process management system that can manage policy, delegations, legislative compliance, risk management and corporate reporting etc.

Crown Land Plans of Management

The Crown Land Management Act 2016 (CLM Act) came into effect on 1 July 2018. The CLM Act authorises Council to manage certain Crown Land as if it were public land under the Local Government Act 1993 (LG Act).

Under the CLM Act legislation, Council is required to classify and manage Crown Land, where it is the Council Crown Land Manager, as if it were public land under the LG Act. The CLM Act requires Council to:

1. Nominate a classification for the Crown Land as either Community Land or Operational Land (similar to how Council land is classified under the LG Act)
2. Nominate an initial categorisation of the Community Land that reflects the reserve purpose (similar to how Council land is categorised under the LG Act).
3. Prepare Plan(s) of Management for the Community land, over the next three years. Plans of Management are to be prepared by 30 June 2021. A Plan of Management over the land may introduce further categories in addition to the initial category.

All Crown Land that is classified as community land requires a CLM Act compliant Plan of Management (PoM) over the land by 30 June 2021. Council staff have indicated that little progress has been made in this regard in the 2 years since the legislation was introduced. It is recommended that Council expedite the process to review the status of each piece of crown land and prepare plans of management.

Statutory Reporting

With the vacancies in key roles and the lack of appointment of key statutory roles there is a danger that several upcoming statutory reporting requirements may not be met. Council needs to ensure that strict compliance is maintained with governance reporting requirements in the next 3 months, particularly with the commencement of new staff in the governance team. These key requirements are outlined below:

- Annual Report of Obligations under *Public Interest Disclosure Act* to Minister and Ombudsman (PIDA s3.1) – due 30 October, 2020
- Annual Report of Obligations under *Government Information (Public Access) Act* to Minister and Information Commissioner (PIDA s3.1) due 30 October, 2020
- Report to Council and OLG on Code of Conduct Complaint Statistics (11.1 and 11.2 Model Code Procedures) – due 31 December, 2020
- Notify Minister (electronically to OLG with link) that Annual report has been posted to council website (LG Act s 48(5) – due 31 December, 2020

Actions Undertaken

A session was held with the Acting Director Organisational & Corporate Services and Executive Policy Adviser to provide information on the requirements for undertaking various Statutory appointed roles.

Assistance has been provided to the Executive Policy Adviser with the preparation of the appropriate report to Council in accordance with Part 11 of the *Procedures for the Administration of the Model Code of Conduct* in relation to the reporting of annual Code of Conduct Complaint statistics. This report will be provided to the October Council Meeting.

Recommendations

Recommendation 6.1

That an appropriate methodology or system be established to monitor statutory reporting requirements of Council. *An example approach is shown in Appendix "10".*

Recommendation 6.2

That the following public registers be made available on Council's website to ensure compliance with the *Government Information (Public Access) Act 2009*:

- Development Contributions Register required under cl34 of the *Environmental Planning and Assessment Regulation 2000*
- Disclosure Log required under s25 of the *Government Information (Public Access) Act 2009*
- Graffiti Removal Register required under s13 of the *Graffiti Control Act 2008*
- Land Register required under s53 of the *Local Government Act 2009*
- Planning Agreements Register required under cl25F of the *Environmental Planning and Assessment Regulation 2000*
- Political Donations Register required under s328A of the *Local Government Act 1993*
- Voting on Planning Decisions Register required under cl11.12 of the *Model Code of Meeting Practice*
- Returns of Interests submitted by Designated Persons required under cl4.27 of the *Model Code of Conduct*

Recommendation 6.3

A review of all required statutory appointments be undertaken to ensure that all required appointments under various pieces of legislation have occurred.

Recommendation 6.4

The Coordinator Governance and Risk be appointed to the following statutory roles. If the current recruitment for that role is unsuccessful, the unit Manager should be temporarily appointed to each role.

- Child Protection Officer (Royal Commission recommended role)
- Code of Conduct Complaints Coordinator
- Privacy Officer
- Public Interest Disclosures Coordinator

Recommendation 6.5

Conduct an urgent review of the Local Government Legal Legislative Compliance Database to confirm its suitability and cost effectiveness for Council. This should be done in conjunction with recommendation 3.4 and 9.1 in relation to investigating a comprehensive a business process management system that can manage council delegations, risk management, corporate reporting, policies, legislative compliance and KPI's etc.

Recommendation 6.6

Urgently classify and categorise Council Managed Crown Reserves in accordance with the *Crown Land Management Act 2016* and submit those to the NSW Department of Industry – Crown Land for approval.

Recommendation 6.6

Crown Land Management Act 2016 compliant Plans of Management be developed for all Council Managed Crown Reserves by 30 June 2021 to ensure compliance with the Act.

Recommendation 6.7

With vacancies in key governance roles Council must ensure that strict compliance is maintained with governance reporting requirements in the next 3 months. These key requirements are outlined below:

- Annual Report of Obligations under Public Interest Disclosure Act to Minister and Ombudsman (PIDA s3.1) – due 30 October, 2020
- Annual Report of Obligations under Government Information (Public Access) Act to Minister and Information Commissioner (PIDA s3.1) due 30 October, 2020
- Report to Council and OLG on Code of Conduct Complaint Statistics (11.1 and 11.2 Model Code Procedures) – due 31 December, 2020
- Notify Minister (electronically to OLG with link) that Annual report has been posted to council website (LG Act s 48(5) – due 31 December, 2020

7. Disclosures of Interests

Context and Issues
Conflicts of Interests

A review of conflicts of interests made over recent years by Councillors has shown that there was a very low rate of declaration of conflicts, as evidenced by the declarations that are held on file by Council. The relevant hard copy file (ARC16/0010) contained six declarations for the period 2017-to present. The electronic TRIM Record (ARC16/0010) held an additional three forms that were not contained in the hard copy file. No central register of conflicts of interest has been identified. A total of 9 forms over a three year period is very low rate and is an indication of under reporting of conflicts of interests.

Whilst the governance staff seem to be well versed in the requirements of the Code of Conduct in relation to conflicts of interest, there seems to be little cognisance in the wider staff of the importance and significance of effectively and appropriately managing conflicts interests. We have been unable to identify a central register of staff conflict of interests and staff have indicated that generally conflicts of interests are generally on declared around committee activities.

This lack of general staff knowledge in relation to conflicts of interest is particularly concerning as Armidale is a regional area and the NSW Independent Commission Against Corruption (ICAC) has identified in their publication "Managing Conflicts of Interest in the Public Sector" indicate that areas and actions involving regional areas present a greater risk in relation to conflicts of interest.

The ICAC state that it is best practice for regional entities to consider additional controls that go beyond normal policy requirements in the Council Code of Conduct. The Model Code of Conduct has strong provisions surrounding conflicts of interest but does not define policy positions that Councils can take to ensure an effective approach to conflict of interest awareness and management.

The ICAC suggests additional controls and policy positions, such as:

- providing additional, regular training and awareness-raising sessions (for example, probity training in the lead up to a major tender)
- providing additional written instructions, standard operating procedures, checklists and sign-offs
- modifying existing financial delegations
- providing additional information to parties affected by a matter, such as published reasons for the decision or making the decision in a public setting
- randomly allocating matters to staff, or preventing staff from self-selecting the tasks they work on
- enhancing recordkeeping requirements
- ensuring that electronic audit logs are used and monitored
- taking steps to restrict access to confidential information
- implementing additional segregation of duties and supervision
- adopting stricter gift and hospitality procedures for high-risk situations
- using data analytics and review to identify red flags.

It is recommended that Council immediately implement an education campaign to increase staff awareness of their conflict of interest obligations and implement a central register of conflicts of interests.

In recognition of the particular risks that conflicts of interest present in a regional situation the council should give serious consideration to amending the Code of Conduct to revert the limit for gifts and benefits to $50, which would reduce perceptions around influence that may occur in the community.

Designated Officers Returns

All Designated Officer returns required to be submitted in accordance with cl4.21 of the Model Code of Conduct have been duly submitted by the due date of 30 September, 2020. Assistance has been provided to the Executive Policy Adviser with the preparation of the appropriate report to Council in accordance with cl4.25 of the Model Code. This report will be provided to the October Council Meeting.

The OLG has indicated in Circular 19-21 that Councils should be mindful when identifying a position as a designated person, that a consequence of this is that Council will be required to publish information contained in those persons' returns of interests on their website. The circular also notes that positions involving the performance of low-level administrative or regulatory functions that carry limited or no discretion or financial delegations, should not be identified as positions of designated persons. This encompasses enforcement officers and regulatory officers that issue monetary fines or enforcement notices that are non-discretionary.

Upon reviewing the list of designated officer for ARC it appears that there is opportunity to reduce the number of positions determined to be designated officers in accordance with the above guidance from the OLG. The current listing of Designated Officers is shown in Appendix "20" to this report. Removing unnecessary officers from the list reduces the number of returns required to be published to the website to ensure legislative compliance.

It is recommended that a review be undertaken of the current listing of designated officers to ensure that only those roles that deal with matters that have a discretionary component to decision making that could be influenced by perceived or real conflicts of interest are identified as designated officers. It is recommended that the designated officers list be compiled using the following criteria going forward

- Administrator/Councillors
- Senior Staff (GM and Directors)
- Business Unit Managers (Tier 3 Management)
- Staff with financial delegations of $50k or higher
- Staff whose total approved expenditure exceeds $100k per annum
- Planning staff with ability to issue approvals that vary LEP or DCP provisions

Publishing of Designated Officers Returns

As indicated in section 6 of this report, Council up until this time, has not complied with the requirement to publish the annual returns of designated officers on the Council website. In September 2019 the IPC released *Guideline 1: For local Councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons.* The guideline states that Councillors and designated persons' returns of interest must be made publicly available free of charge on Council's website, unless there is an overriding public interest against disclosure of the information contained within them or to do so would cause unreasonable costs to the Council. Returns of Interest are prescribed as open access information for local government under schedule 1 to the Government Information (Public Access) Regulation 2018.

All council staff are required to disclose the nature of any pecuniary interest that they have in a matter they are dealing with as soon as practicable after becoming aware of the interest. The intent of the additional annual reporting requirements for designated officers is to offer more transparency and assurance of appropriate conduct for higher levels of discretionary decision-making authority. The roles that will be identified as designated officers following the review would be considered at higher risk of dealing with matters that have a discretionary component to decision making that could be influenced by perceived or real conflicts of interest.

The Guideline states that Council must publish all details of designated officers on the Council website unless it is not in the public interest to do so, with the primary reason being the designated officer fears for their safety if details are published. Council should be mindful that whilst Council may be in a position to determine any relevant threats to the designated officers' safety at the time of their declaration, if this information is published at that time it cannot know if there will be a change in circumstances in the future that will risk harm to the designated officer if other parties were to ascertain their address.

As Council can never mitigate this risk, it is recommended that it is in the public interest that council redact all designated officer declarations, removing any residential address details and signatures, prior to publishing to the council website. Address details of investment properties however should be published as there is no real risk of personal harm to officers that would arise from publishing these details.

Actions Undertaken

A register of *"Disclosure and Declarations of Interest at Meetings Register"* has been developed and provided to staff to assist with the future management of conflicts of interests.

Assistance has been provided to the Executive Policy Adviser with the preparation of the appropriate report to Council in accordance with cl4.25 of the Model Code in relation to the annual returns of designated officers. This report will be provided to the October Council Meeting.

Recommendations

Recommendation 7.1
An education campaign be commenced immediately to increase staff awareness of their conflict of interest obligations under the Code of Conduct.

Recommendation 7.2
A review be undertaken of the processes for identification and management of conflicts of interest at Council using the NSW Independent Commission Against Corruption (ICAC) publication "Managing Conflicts of Interest in the Public Sector" as a guide.

Recommendation 7.3
A central register of conflicts of interests and gifts and benefits received by established and managed by the governance team. The register should be reported to the Council executive and the ARIC on a quarterly basis to ensure oversight and to identify any trends or areas of concern that need addressing.

Recommendation 7.4
That consideration be given to amending the Council Code of Conduct to revert the limit for gifts and benefits to $50 in recognition of the greater risks of conflict of interest issues in regional areas.

Recommendation 7.5
A review be undertaken of the current listing of Designated Officers under cl4.8 of the Model Code of Conduct to ensure that only those roles that deal with matters that have a discretionary component to decision making that could be influenced by perceived or real conflicts of interest are identified as designated officers. It is recommended that the designated officers list be compiled using the following criteria going forward

- Administrator/Councillors
- Senior Staff (GM and Directors)
- Business Unit Managers (Tier 3 Management)
- Staff with financial delegations of $50k or higher

- Staff whose total approved expenditure exceeds $100k per annum
- Planning staff with ability to issue approvals that vary LEP or DCP provisions

Recommendation 7.6

Returns of designated officers under cl4.8 of the Model Code of Conduct be published to Council's website to ensure compliance with the *Government Information (Public Access) Act* 2009. Prior to publishing, all returns should be redacted to remove the home address details and signature of each designated officer, due to the risks that come from publishing these details. Address details of investment properties however should be published.

8.   Delegations and Approval Processes

Context and Issues

Council utilises the Local Government Legal Delegations to system to manage staff delegations. Our review in this area identified that existing governance staff do not know how to use the delegations system, nor have experience in determining appropriate delegations for staff. There does not appear to be a centralised location from which staff can view their own or delegations of others. In addition the format of instruments of delegation that are generated by the system are convoluted and difficult to interpret and understand for the end user.

Staff need to be aware of their delegations, and those of other officers, and be able to readily access these, as and when required, if effective and efficient decision making is to occur at the correct levels of the organisation.

A number of staff have made comment in relation to the general lack of decision making that occurs at all levels of the organisation. There appears to be a number of factors that contribute to this. Firstly the lack of clarity around staff delegations would obviously lead to some confusion as to appropriate levels of authority, and in such circumstances escalation of issues would be a normal and appropriate action. Secondly there is anecdotal evidence that the prior council executive required a wide range of matters to escalate above normal approval points in council's delegation framework, for determination by the General Manager. Both of these factors are still evident now, as large numbers of issues escalate above delegation points for final approval.

It is recommended that Council immediately implement an education campaign to increase staff awareness of levels of delegated authority and encourage decisions to be made at appropriate levels in the organisation in accordance with the delegation framework. This will increase the speed, efficiency and responsiveness of decision making in the organisation and also empower staff and give them confidence to deliver to the best of their abilities.

Additionally council needs to determine whether it maintains a subscription to this service from Local Government Legal or whether it transitions to a comprehensive business process management system that can manage policy, delegations, legislative compliance, risk management and corporate reporting etc.

Actions Undertaken

A review of the proposed delegation for the General Managers role was undertaken prior to it being considered at the Council Meeting of 23 September, 2020. A new format was proposed for the General Managers delegation that is more streamlined and easier to understand for the reader. This updated format for the instrument of delegation was accepted with the new delegation that was given to the General Manager at the meeting of 23 September, 2020.

Recommendations

Recommendation 8.1
Conduct an urgent review of the Local Government Legal Delegations Database to confirm its suitability and cost effectiveness for Council. This should be done in conjunction with recommendation 3.4 and 6.5 in relation to investigating a comprehensive a business process management system that can manage council delegations, risk management, corporate reporting, policies, legislative compliance and KPI's etc.

Recommendation 8.2
An education campaign be commenced to increase staff awareness of levels of delegated authority and encourage decisions to be made at appropriate levels in the organisation in accordance with the delegation framework to increase the speed, efficiency and responsiveness of decision making in the organisation and also empower staff and give them confidence to deliver to the best of their abilities.

Recommendation 8.3
A review of the format of instrument of delegations to staff be undertaken with a view to providing a clear, simple and easily understood format. The review should be guided by the format of the Instrument of Delegation granted to the General Manager at the council meeting held on 23 September, 2020.

9.   Council Meetings and Business Papers

Context and Issues

A key focus of our engagement is a review of the Council Meeting and Business Paper Process. The conduct of Council meetings prior to the suspension of Council is not an issue the authors can comment on, however a focus has been taken on establishing best practice arrangements for meeting preparation and management going forward, both in the administration period and the return of Councillors at Council meetings, whenever that may be.

Council Meetings

The Council meeting held on 23 September, 2020 was run professionally under the chairmanship of the Interim Administrator, Viv May who was ably supported by the Acting General Manager, as well as Executive Support, Governance and Information Technology staff.   Staff appear well equipped to professionally and capably support council meetings moving forward.

Council Business Papers

A number of issues surrounding report templates, report writing styles and report writing capabilities have been identified and a series of recommendations for improvement, and suggested templates are provided as part of this report.

We have provided a large number of administrative tools and spreadsheets to assist the governance staff manage the business paper preparation and associated procedures, including management of notices of motion, rescissions, mayoral minutes, conflicts of interests.

Staff in general seem to have little understanding of the reasons for writing council reports, and it appears that large numbers of staff in decision making positions have had very little experience in drafting reports to Council. This is indicative of the approach the previous executive had towards Council reports as there appears to have been a definite limitation of the number and type of reports sent to Council for consideration as compared to other councils.

Whilst staff have only had minimal experience in drafting council reports there is a willingness to learn and improve in this area. Staff proactively approached us to run a workshop on best practice report writing techniques. A workshop was held on Wednesday 23 September and was attended by the Directors and about a dozen Managers and Coordinators. The workshop appeared to be a success with a follow up workshop being held on Friday 25 September for an additional 6-10 staff. A copy of the presentation is attached as Appendix "19".

Council Reports

A number of issues surrounding report templates, report writing styles and report writing capabilities have been identified and a series of recommendations for improvement, and suggested templates are provided as part of this report.

The low level of experience in report writing amongst staff is complicated by the fact that staff have difficulty in interpreting the existing report templates which have unclear headings and guidance. The exiting council report templates have inadequate information in regards to financial, budgetary, sustainability, risk, legal and community impacts, and the current template does not assist authors in the provision of this type of information. The lack of guidance and training on report writing has resulted in most reports being quite short and lacking detail sufficient detail to allow the reader to ascertain the facts of a matter and be confident that Council is making well informed, fact-based decisions.

A review of recent business papers has shown that report recommendations have a tendency to be unclear and not drafted in a manner that allows them to be read without the context of the report. The training that has been provided to staff has addressed these issues and guidance and education materials have ben developed to assist staff with writing effective reports going forward.

Actions Undertaken

In accordance with the brief of engagement a thorough review was undertaken of the Council Business Paper for the Council Meeting of 23 September, 2020 with guidance and comments provided to report authors in relation to formatting, language and wording improvements for individual reports. Assistance was provided to draft a number of late reports to Council and assistance was provided to the Interim Administrator who requested advice for wording on a number of motions he wished to move at the meeting.

A range of documents have been developed to provide assistance to the governance team in the administration of council meetings and the production of business papers. Additionally a series of new report templates have been developed for consideration for adoption by the Council executive that are aimed at providing reports that are more appropriate to demonstrate the background and justification for recommended council actions. A series of guidance documents have also been developed to support the implementation of the proposed templates and to increase the report writing expertise of staff.

The following documents have been developed

- Council Agenda and Business Paper Production Cycle Procedure – see Appendix "11"
- Council Meetings Procedure Process Map (Cheat Sheets) – see Appendix "12"
- Guide to Report Writing – see Appendix "13"
- Effective Council Reports – A Directors Guide – see Appendix "14"
- Template –Council General Report – see Appendix "15"
- Template - Council Tender Report– see Appendix "16"
- Template – Confidential Attachment Council Tender Report– see Appendix "17"
- Governance Team – Council report Checklist – see Appendix "18"

Additionally work is being undertaken with the Manager Development and Regulation to develop a template for Council reports on planning matters.

Recommendations

Recommendation 9.1

The format for Council reports be updated to provide a clearer format that easier for the author to populate and provides higher quality information to the report reader. A proposed series of report templates are attached as Appendices "15,16 and 17".

Recommendation 9.2

A comprehensive and ongoing education program be developed and implemented to educate staff on the new report templates, with guidance on how to create effective council reports.

10. Corporate Governance Framework

Context and Issues

As acknowledged in the original brief for this review, over time, through people leaving Council, there is a lack of sufficient knowledge of local government requirements, particularly in the governance area of council. Since the time of the most recent merger of Council there has been an insufficient level of focus placed on the importance of strong corporate governance. Strong governance frameworks and principles underpin any successful organisation, but are especially important in public entities as we must demonstrate rigour and purpose to our efforts and endeavours so as to be open and transparent and maintain the trust of our communities.

Many parts of a good governance framework are already discussed elsewhere in this report, so this section will concentrate on the framework overall as well as any general observations about council resourcing.

Resourcing Issues

The single biggest risk factor to the success of the corporate governance of council, and indeed achieving the objectives of the entire council, is the ability to attract and retain talent to key roles in the organisation. Regional areas are often at a disadvantage in the local government sector when it comes to recruitment, however if key roles can be filled on a steady and ongoing basis with knowledgeable staff, it is possible to still achieve goals by using those key staff to empower, educate and develop others.

Many staff have indicated that over recent years there have been two significant contributors impacting on the success of staff. Firstly an almost continuous level of structural reorganisation, leading to staff being unable to settle in roles, understand their objectives and deliver successful outcomes. The time churn that comes with reorganisation of staff is a significant detractor from staff efficiency and confidence. The second factor is the lack of ability to fill key roles, and when filled, the ability to retain staff in those roles.

In the governance area there has been more than 5 people fill the lead governance role over the past 2 years. In general these staff have lacked sufficient knowledge of local government governance and have not stayed in the role for any significant time period. If council is to maintain any momentum on its governance and risk maturity journey this is an issue that must be resolved.

In addition to the lead governance role, there are long term vacancies in procurement roles and management roles in customer service and information management. All of these areas are critical to embedding a strong base from which to implement a sound corporate governance framework moving forward.

Council should also investigate alternate methods to fill roles, such as remote workers, for suitable roles, as well investigating ways to incorporate the knowledge of the local government sector both in informal and more formal ways. Informally staff should be encouraged to engage with and participate in local government sector networks in key specialist areas, such as governance, internal audit, procurement, integrated planning and reporting etc. It is noted that the Internal Auditor participates in the Local Government Internal Auditors Network.

On a more formal basis Council should consider a greater use of shared resources, partnership agreements and professional development relationships with larger urban councils in NSW. There are a number of examples in NSW Local government of large urban councils and small regional councils forming informal professional development relationships to exchange staff on a regular basis for the mutual benefit of both councils. This can help plug knowledge gaps in small councils but can also be a benefit to large councils who can sometimes have difficulty giving staff professional development opportunities in large inflexible structures.

Business Processes and Business Improvement

Understandably with the high turnover of staff and distraction of other issues, there appears to be little formal focus on ongoing and programmed business improvement initiatives. Council is in need of a consistent annual business planning process. Some units undertake annual planning activities but there is no template or consistent approach and no set requirements for business units to consider and plan for such as risk management and business improvements etc. There is also no defined approach to managing and measuring the effectiveness of business as usual activities and little evidence of appropriate Key Performance Indicators (KPI's) being in place and reported on regularly to council executive in relation to day to activities.

A significant effort has been made to Promapp a lot of processes in council, however the next step of using these process maps as a basis for reviewing and improving business processes has not occurred in any meaningful way. A simple way to commence this journey is to have each business unit simply identify 2 key processes in their area that impact heavily on staff time or the customer, and have these reviewed over time for any efficiency improvements and service enhancements.

Information Management

The difficulties staff face in finding accurate and up to date information in relation to various key governance topics has been a regular theme in this review. Having a single source of truth of information is vital to staff having the ability to do their roles efficiently and with the confidence that they are working with the most up to date information.

As identified previously in the policy section of this report, there is no single source of storage of information, particularly policies. Governance staff have indicated that the process for updating policy information on the staff intranet is more complicated than it needs to be as policies have to be updated in the Pathway system which links to the council Intranet. The official council records management system is HP TRIM and the official version of each policy document should be stored in this system. An additional difficulty with storing official documents in the Pathway system is the general lack of knowledge amongst general staff on how to update documents in this system, staff have also commented on the difficulty in obtaining sufficient training in this system. At present it appears that the principal knowledge point for the Pathway system is the Manager Development and Regulatory Services, and given their obvious time constraints there is inefficiency in the updating of documents in Pathway.

As council moves forward with its information management practices it would be beneficial for council to procure an information management search tool that can identify and retrieve information that might otherwise remain hidden in databases, networks, email and corporate systems including land information, customer service and document management. There are a number of such tools on the market that are used by other councils, including the "iFerret" tool which also has the advantage of having features that assist with the efficient and accurate processing of GIPA applications

Public Access to Information

There is a general lack of understanding of the requirements of the *Government Information (Public Access) Act 2009* and the processes around the management and processing of applications to access information. Clarity of responsibilities within council for processing of applications to access information is required and it is recommended that open access applications are processed by the customer service team and all other applications be processed by the governance team. Given the highly technical nature of this legislation, once appropriate responsibilities have been defined it is critical that staff required to process access to information applications receive appropriate training on their responsibilities under the GIPA Act.

Governance Processes and Procedures

With the recent gaps in staffing and resources and the issues identified above it is recommended that Council complete the Governance Lighthouse Toolkit published by the NSW Audit Office, to provide some assurance in relation to potential gaps in governance policies, procedures and controls. The Governance Lighthouse is a strategic early warning system which provides practical advice and resources to implement successful governance in the public sector. It covers eight principles and 17 key governance components.

Corporate Governance

Upon review of the staff Intranet we were able to identify a definition of Council's Governance Framework, which is shown below

> *Good governance ensures that the community has trust and confidence in the decisions we make together.*
>
> *The Governance Framework at Armidale Regional Council is the systems, processes, policies and practices developed to deliver efficient and effective decisions, services and facilities so that they meet the Council's objectives.*
>
> *The four components of the framework are:*
> - *Strategy and leadership – Integrated Planning & Reporting (IP&R), service plans, purpose, values and culture*
> - *Structure and relationships – organisation structure, roles & responsibilities, policies & management practices, delegations, Code of Conduct, industrial agreements and communications*
> - *Compliance and accountability – External audit, internal audit, annual report, compliance activities, assurance activities and enterprise risk management*
> - *Performance improvement, monitoring & evaluation – continuous improvement, performance management, community indicators, organisational performance and reporting*

The above information does describe a framework that can achieve good governance, however this is little evidence that anything more than defining a framework has occurred over recent years and there is no evidence of an effort to build and implement a structure around the above concepts to embed god governance across Council.

Building a Corporate Governance Framework

There are many different definitions of what good governance is, however the definition from the Organisation for Economic Co-operation & Development probably best suits regional local government:

> *"Good governance is characterised by participation, transparency, accountability, rule of law, effectiveness, equity, etc."*

However needs to do more than just have a definition of corporate governance it needs a robust framework built around the principles of responsible management, regulatory compliance, stakeholder management and proactive disclosure. A well defined corporate governance framework covers the entire organisation not just the traditional governance functions of council. It must define responsibilities in each area of the framework, define the objectives and outcomes of each area, highlight and promote the inter-dependencies and relationships between the pillars, and define strong reporting requirements on the implementation of each component of the framework.

The framework and its performance must be reviewed regularly and reported on to the council executive, ARIC and the wider community.

Council should define, build and implement a genuine corporate governance framework. The suggested components are put forward as a recommended starting point for building the corporate governance framework that is built around the following components.

Setting up for Success	• Community Strategic Plan and IP&R • Business Unit Planning • Stakeholder Management and Engagement
Establishing Boundaries	• Policy Framework • Code of Conduct and Ethics • Control Framework
Aligning Goals	• Budgets and Operating Targets • Accountability and Delegations • Performance Management
Managing and Reporting	• Management Oversight and Information Management • Enterprise Risk Management • Assurance and Legislative Compliance

Actions Undertaken

Assistance was provided with a review of the current Legal Services Panel contract and a recommendation was put forward to Council to seek new expressions of interest to establish a new Legal Services Panel rather than extend the term of the current panel. This recommendation was resolved at the council meeting of 23 September, 2020.

Recommendations

Recommendation 10.1

Alternate methods to fill key knowledge based roles in the council structure, consideration should be given to more flexible recruitment options, such as remote workers, for suitable roles, as the COVID pandemic has demonstrated the ability of staff to work in any location, with only minimal office contact required.

Recommendation 10.2

Staff should be actively encouraged to engage with and participate in local government sector networks in key specialist areas, such as governance, internal audit, procurement, integrated planning and reporting etc., as an informal way to bolster the local government knowledge of specialist staff who may be recruited from other sectors.

Recommendation 10.3

The greater use of shared resources, partnership agreements and professional development relationships with larger urban councils in NSW should be actively pursued. Large urban councils and small regional councils forming informal professional development relationships to exchange staff on a regular basis can be of great mutual benefit of both councils and can assist council plug knowledge gaps.

Recommendation 10.4

A consistent and programmed annual business planning process should be implemented. This should involve the establishment of a consistent business plan template, and include features such as risk management, linkages to CSP objectives, projects, business improvements, services standards and key BAU activities.

Recommendation 10.5

A process and methodology should be established to manage and measure the effectiveness of business as usual activities via the identification of appropriate Key Performance Indicators (KPI's) for each business unit that are reported on regularly to the. The number of KPI's should not be excessive in relation to BAU activities. Two or three measures developed using the 'SMART' principle would be sufficient.

Recommendation 10.6

A program for identifying business process improvements should be implemented. This can be linked to recommendation 10.4 by requiring business units to identify 2 key processes in their area that impact heavily on staff time or the customer, and have these reviewed over time for any efficiency improvements and service enhancements. Annual reporting of all initiatives arising from this process should occur to Council, the ARIC and the community.

Recommendation 10.7

To assist with the identification and retrieval of information from council's many storage points and systems for information storage, council investigate the procurement an information management search tool that can identify and retrieve information that might otherwise remain hidden in databases, networks, email and corporate systems including land information, customer service and document management.

Recommendation 10.8

A review of responsibilities within council for processing of applications to access information under the GIPA Act be undertaken. It is recommended that open access applications are processed by the customer service team and all other applications be processed by the governance team. Once responsibilities under the GIPA Act are determined all Customer Service and Governance staff should undertake the free Access to Information online training module provided by the NSW Information ad Privacy Commission and Governance staff should attend additional GIPA training conducted by the NSW Crown Solicitors Office.

Recommendation 10.9

Council complete the Governance Lighthouse Toolkit published by the NSW Audit Office and following completion of the checklist, a Governance Improvement Plan should be presented to the Council Executive outlining actions required to address areas not matching best practice.
https://www.audit.nsw.gov.au/our-work/resources/governance-lighthouse

Recommendation 10.10

Council should define, build and implement a genuine corporate governance framework following the suggested components on page 34 of this report.

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11. Summary of Recommendations

Recommendations for Immediate Action

Recommendation 3.1

A Policy Framework be adopted that provides a structure for the development of all policies and associated procedure documents and defines the principles and key considerations for development of all Council policy and procedure documents. The draft framework should also define the approval mechanisms and review requirements for each category of document.
A suggested Policy Framework is attached as "Appendix 1" to this report.

Recommendation 3.2

Standard templates be adopted for Council Policy, Management Policy and Procedure Documents.
Suggested Policy and Procedure Templates are attached as "Appendices 2,3 and 4" to this report.

Recommendation 4.3

An urgent review be undertaken of Council's "draft" Strategic and Operational risks to ensure their relevance and appropriateness of proposed control plans for each risk. It is recommended strategic risks should be limited to no more 10 Strategic Risks, that genuinely have the potential to impact on the organisation itself and its ability to deliver services and infrastructure overall, not just the risk of a particular project or delivery plan objective failing.

Recommendation 4.4

Prior to any further review of Council's Strategic Risks that consideration be given to adopting new definitions to the categorisation of risks that will more appropriately guide the categorisation of risk in future. Council should consider the following, or similar, definitions of Strategic and Operational Risks:

- *Strategic risks* are risks that affect or are created by Council's strategy and strategic objectives. They concentrate on uncertainties around where Council wants to go, how it plans to get there and how it can ensure its survival and prosperity.

- *Operational risks* are major risks that affect Council's ability to execute its Community Strategic Plan.

In addition to the above redefinitions, Council could consider additional risk categories as follows:

- *Financial risks* include areas such as financial reporting, liquidity, financial sustainability, assets and credit risks.

- *Compliance risks* relate to legal and regulatory compliance.

Recommendation 4.11

A Risk Management Roadmap be adopted by the Council Executive. The Risk Management Roadmap outlines 8 key steps required to progress the Council's risk maturity, sets indicative timeframes, as well as key deliverables for each step.
A suggested Risk Management Roadmap is attached as "Appendix 8" to this report.

Recommendation 4.9

An urgent review of arrangements for establishing new suppliers to Council be undertaken to ensure the separation of the functions of creating new suppliers from accounts payable. It is recommended that council give consideration to:

- Implementing a policy requiring that the employee who sets up new vendors or changes vendor information does not have the ability to create vendor payments,

- Ensure that an independent officer reviews and approves the vendor account creation process, this officer is to have no ability to create vendors in the system,

- Periodically verifying any changes to vendor master files', and

- A requirement for mandatory vacations, or job rotations, of all key personnel involved in the vendor payment process.

Recommendation 5.6

Section 3.5 of the Charter of the Audit Risk and Improvement Committee be amended to remove the following sections as an approval mechanism as referenced in the Charter has not been established by the OLG at this stage. The Charter should then be readopted by the Council and ARIC:

> ~~Termination can only occur with the approval of the Chief Executive of the Office of Local Government and is to be reported to the agency which is responsible for administering the Audit, Risk and Improvement Committee prequalification scheme.~~

> ~~Approval is not needed for termination where the Chair or member has become ineligible or removed from the prequalification scheme by the agency administering the scheme. Dismissal is automatic in these situations.~~

Recommendation 6.3

A review of all required statutory appointments be undertaken to ensure that all required appointments under various pieces of legislation have occurred.

Recommendation 6.4

The Coordinator Governance and Risk be appointed to the following statutory roles. If the current recruitment for that role is unsuccessful, the unit Manager should be temporarily appointed to each role.

- Child Protection Officer (Royal Commission recommended role)
- Code of Conduct Complaints Coordinator
- Privacy Officer
- Public Interest Disclosures Coordinator

Recommendation 6.5

Conduct an urgent review of the Local Government Legal Legislative Compliance Database to confirm its suitability and cost effectiveness for Council. This should be done in conjunction with recommendation 3.4 and 9.1 in relation to investigating a comprehensive a business process management system that can manage council delegations, risk management, corporate reporting, policies, legislative compliance and KPI's etc.

Recommendation 6.6

Urgently classify and categorise Council Managed Crown Reserves in accordance with the *Crown Land Management Act 2016* and submit those to the NSW Department of Industry – Crown Land for approval.

Recommendation 6.6

Crown Land Management Act 2016 compliant Plans of Management be developed for all Council Managed Crown Reserves by 30 June 2021 to ensure compliance with the Act.

Recommendation 6.7

With vacancies in key governance roles Council must ensure that strict compliance is maintained with governance reporting requirements in the next 3 months. These key requirements are outlined below:

- Annual Report of Obligations under Public Interest Disclosure Act to Minister and Ombudsman (PIDA s3.1) – due 30 October, 2020
- Annual Report of Obligations under Government Information (Public Access) Act to Minister and Information Commissioner (PIDA s3.1) due 30 October, 2020
- Report to Council and OLG on Code of Conduct Complaint Statistics (11.1 and 11.2 Model Code Procedures) – due 31 December, 2020
- Notify Minister (electronically to OLG with link) that Annual report has been posted to council website (LG Act s 48(5) – due 31 December, 2020

Recommendation 7.1

An education campaign be commenced immediately to increase staff awareness of their conflict of interest obligations under the Code of Conduct.

Recommendation 8.1

Conduct an urgent review of the Local Government Legal Delegations Database to confirm its suitability and cost effectiveness for Council. This should be done in conjunction with recommendation 3.4 and 6.5 in relation to investigating a comprehensive a business process management system that can manage council delegations, risk management, corporate reporting, policies, legislative compliance and KPI's etc.

Recommendation 9.1

The format for Council reports be updated to provide a clearer format that easier for the author to populate and provides higher quality information to the report reader. A proposed series of report templates are attached as Appendices 15, 16 and 17.

Recommendation 9.2

A comprehensive and ongoing education program be developed and implemented to educate staff on the new report templates, with guidance on how to create effective council reports.

Governance Improvement Recommendations

Recommendation 3.3
The Executive Policy Advisor provide a report to the Executive recommending the revocation of redundant policy and practice note documents, confirmation of correct categorisation of each document and details of policies requiring significant review.

Recommendation 3.5
The most up to date version of each adopted Council Policy and public facing Procedural Guideline should be published in a single area of the Council website.

Recommendation 3.6
The most up to date version of all Policy and Procedure documents should be published to a single area of the Council Staff Intranet. Additionally, the central storage point for adopted policies needs to be in the TRIM Records Management system to ensure compliance with the State Records Act.

Recommendation 3.7
A comprehensive awareness and education campaign be provided to staff on the new Policy Framework.

Recommendation 3.8
The Executive of Council demonstrate their commitment to the Policy Framework and consider the implementation of appropriate KPI's to ensure timely review of all policies.

Recommendation 4.1
An updated Risk Management Policy be adopted that incorporates the requirements of the NSW Office of Local Government Discussion Paper *"A new internal audit and risk management framework for local councils in NSW".* This Policy will replace the current Enterprise Wide Risk Management Policy and that policy should be revoked upon adoption of the updated policy.
A suggested Risk Management Policy is attached as "Appendix 7" to this report.

Recommendation 4.2
The existing Enterprise Wide Risk Management Framework be reviewed and replaced with a Risk Management Plan that incorporates the requirements of the NSW Office of Local Government Discussion Paper *"A new internal audit and risk management framework for local councils in NSW".* This Plan will replace the current Enterprise Wide Risk Management Framework which should be revoked upon adoption of the Plan.

Recommendation 4.10
Council complete the Fraud Control Checklist contained in the NSW Audit Office Fraud Control Improvement Kit (pages 20-23). https://www.audit.nsw.gov.au/sites/default/files/auditoffice/Governance-and-Policies---Current/Fraud_Control_Improvement_Kit_February_2015%20whole%20kit.pdf-updated%20August2015.pdf
Following completion of the checklist, a Fraud and Corruption Prevention Improvement Plan should be presented to the Council Executive outlining actions required to address areas not matching best practice.

Recommendation 5.1
A procedure should be adopted for the monitoring the implementation and the closing of audit recommendations has been developed that provides a framework to ensure that audit recommendations are effectively implemented in a timely manner. *A suggested Procedure for Monitoring and Closing of Audit Recommendations is attached as "Appendix 9" to this report.*

[Recommendation 5.2](#)

Consideration should be given to having the Internal Auditor report (administratively) much higher in the organisational structure to be consistent with the Office of Local Government Discussion Paper "New Risk Management and Internal Audit Framework". It is suggested that the Internal Auditor should report administratively to at least a Director level member of staff.

[Recommendation 5.3](#)

The Internal Audit Charter be amended to remove the Annexure (Internal Audit Code of Ethics) as the Internal Auditor is required to comply with the ARC Code of Conduct, and having an alternate/additional Code of Ethics creates an environment that may give rise to inconsistency and/or confusion in expected behaviours. The principles listed in the Annexure could be incorporated into the main charter document if desired.

[Recommendation 5.4](#)

The standing agenda of the ARIC be updated to reflect the ARIC Charter to ensure that at each meeting each of the following items is listed and discussed:

- Internal and External Audit
- Risk Management, Compliance and Governance
- Fraud and Corruption
- Financial Management
- Strategic Planning
- Service Delivery and Performance Measurement
- Business Improvement

[Recommendation 5.5](#)

The first 15-20 minutes of each meeting of the ARIC should be scheduled for *In Camera* (Confidential) discussion between the Internal Auditor and the members of the ARIC, with all other parties to be excluded.

[Recommendation 5.7](#)

If appropriate internal staff are not appointed soon, the Executive and ARIC consider varying the Internal Audit Plan to allow the Internal Auditor to provide risk management training to relevant Managers and Staff. The Council executive would need to satisfy itself that the delivery of the training by the Internal Auditor in lieu of, or by delaying a future audit, would provide an overall greater improvement to Council's risk profile.

Recommendation 6.1

That an appropriate methodology or system be established to monitor statutory reporting requirements of Council. *An example approach is shown in Appendix "XX".*

Recommendation 6.2

That the following public registers be made available on Council's website to ensure compliance with the *Government Information (Public Access) Act 2009*:

- Development Contributions Register required under cl34 of the *Environmental Planning and Assessment Regulation 2000*
- Disclosure Log required under s25 of the *Government Information (Public Access) Act 2009*
- Graffiti Removal Register required under s13 of the *Graffiti Control Act 2008*
- Land Register required under s53 of the *Local Government Act 2009*
- Planning Agreements Register required under cl25F of the *Environmental Planning and Assessment Regulation 2000*
- Political Donations Register required under s328A of the *Local Government Act 1993*
- Voting on Planning Decisions Register required under cl11.12 of the *Model Code of Meeting Practice*
- Returns of Interests submitted by Designated Persons required under cl4.27 of the *Model Code of Conduct*

Recommendation 7.2

A review be undertaken of the processes for identification and management of conflicts of interest at Council using the NSW Independent Commission Against Corruption (ICAC) publication "Managing Conflicts of Interest in the Public Sector" as a guide.

Recommendation 7.3

A central register of conflicts of interests and gifts and benefits received by established and managed by the governance team. The register should be reported to the Council executive and the ARIC on a quarterly basis to ensure oversight and to identify any trends or areas of concern that need addressing.

Recommendation 7.4

That consideration be given to amending the Council Code of Conduct to revert the limit for gifts and benefits to $50 in recognition of the greater risks of conflict of interest issues in regional areas.

Recommendation 7.5

A review be undertaken of the current listing of Designated Officers under cl4.8 of the Model Code of Conduct to ensure that only those roles that deal with matters that have a discretionary component to decision making that could be influenced by perceived or real conflicts of interest are identified as designated officers. It is recommended that the designated officers list be compiled using the following criteria going forward

- Administrator/Councillors
- Senior Staff (GM and Directors)
- Business Unit Managers (Tier 3 Management)
- Staff with financial delegations of $50k or higher
- Staff whose total approved expenditure exceeds $100k per annum
- Planning staff with ability to issue approvals that vary LEP or DCP provisions

Recommendation 7.6

Returns of designated officers under cl4.8 of the Model Code of Conduct be published to Council's website to ensure compliance with the *Government Information (Public Access) Act* 2009. Prior to publishing, all returns should be redacted to remove the home address details and signature of each designated officer, due to the risks that come from publishing these details. Address details of investment properties however should be published.

Recommendation 8.2

An education campaign be commenced to increase staff awareness of levels of delegated authority and encourage decisions to be made at appropriate levels in the organisation in accordance with the delegation framework to increase the speed, efficiency and responsiveness of decision making in the organisation and also empower staff and give them confidence to deliver to the best of their abilities.

Recommendation 8.3

A review of the format of instrument of delegations to staff be undertaken with a view to providing a clear, simple and easily understood format. The review should be guided by the format of the Instrument of Delegation granted to the General Manager at the council meeting held on 23 September, 2020.

Recommendation 10.7

To assist with the identification and retrieval of information from council's many storage points and systems for information storage, council investigate the procurement an information management search tool that can identify and retrieve information that might otherwise remain hidden in databases, networks, email and corporate systems including land information, customer service and document management.

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A review of responsibilities within council for processing of applications to access information under the GIPA Act be undertaken. It is recommended that open access applications are processed by the customer service team and all other applications be processed by the governance team. Once responsibilities under the GIPA Act are determined all Customer Service and Governance staff should undertake the free Access to Information online training module provided by the NSW Information ad Privacy Commission and Governance staff should attend additional GIPA training conducted by the NSW Crown Solicitors Office.

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https://www.audit.nsw.gov.au/our-work/resources/governance-lighthouse

Recommendation 10.10

Council should define, build and implement a genuine corporate governance framework following the suggested components on page 34 of this report.

General Recommendations

Recommendation 3.4
Council investigate the procurement of a business process management system that can register all policy documents and facilitate efficient reviews and staff acknowledgment. Such a system can often also manage council delegations, risk management, corporate reporting and KPI's etc.

Recommendation 4.5
Council consider the adoption of a Cyber Security Policy based on the NSW Cyber Security Policy, and implement the mandatory requirements outlined in Section of that Policy.

Recommendation 4.6
Council consider the development of a Digital Services Strategy as this could help guide the selection and implementation of appropriate systems to enhance the efficiency of Council staff, but also concentrate on a user experience approach to development of online services for customers.

Recommendation 4.7
Consider development of a strategy to enable cloud services and mobility, to provide the workforce the capability to work where and when they could add most value to the Council. This would address an area of significant risk for Council in terms of attracting and retaining talent, by allowing options of engaging staff/resources from other areas that can work permanently or semi-permanently from locations outside the Armidale area.

Recommendation 4.8
A review of resourcing provided to the procurement functions in council be undertaken, to ensure that sufficient resources are provided to allow the development and appropriate oversight of controls in place to reduce the risks of this high-risk activity.

Recommendation 10.1
Alternate methods to fill key knowledge based roles in the council structure, consideration should be given to more flexible recruitment options, such as remote workers, for suitable roles, as the COVID pandemic has demonstrated the ability of staff to work in any location, with only minimal office contact required.

Recommendation 10.2
Staff should be actively encouraged to engage with and participate in local government sector networks in key specialist areas, such as governance, internal audit, procurement, integrated planning and reporting etc., as an informal way to bolster the local government knowledge of specialist staff who may be recruited from other sectors.

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A process and methodology should be established to manage and measure the effectiveness of business as usual activities via the identification of appropriate Key Performance Indicators (KPI's) for each business unit that are reported on regularly to the. The number of KPI's should not be excessive in relation to BAU activities. Two or three measures developed using the 'SMART' principle would be sufficient.

Recommendation 10.6

A program for identifying business process improvements should be implemented. This can be linked to recommendation 10.4 by requiring business units to identify 2 key processes in their area that impact heavily on staff time or the customer, and have these reviewed over time for any efficiency improvements and service enhancements. Annual reporting of all initiatives arising from this process should occur to Council, the ARIC and the community.

3. Policy Framework

Appendix 1

Draft ARC Policy Framework

Policy Framework

1.   PURPOSE

This document provides a framework for the adoption, alteration and systematic review of Council policies, procedures and work instructions.

2.   APPLICATION

The Framework applies to the development of all Council and Management Policies and Procedure documents.

3.   POLICY INTENT

The main objectives of this framework are to:

- To provide high quality policy documents that can be easily accessed and readily understood;
- To achieve compliance with legislation and other mandatory requirements;
- To enable Council to achieve enhanced efficiency in its operations;
- To provide appropriate quality assurance and monitoring processes and ensure that the policies are being developed, reviewed and updated appropriately on a rolling schedule
- To ensure policies no longer relevant or no longer in use are promptly deleted
- To ensure policy documents reflect governance best practice

Without an overarching guiding framework, it is common for the policy registers of public authorities to grow over time due to the inclusion of documents that would be more appropriately categorised as procedures or work instructions. The intent of this policy is to guide officers regarding appropriate content and categorisation to ensure administrative burden is reduced.

The framework will provide the structure for the development of all policies and associated procedure documents and will also reference the principles and key considerations for development of all Council policy and procedure documents.

4.   COMMUNITY STRATEGIC PLAN OBJECTIVES

This framework helps deliver the following objective from the Armidale Regional Council Community Strategic Plan 2017 - 2027:

Leadership for the Region
Community Outcome 3:   *Council demonstrates sound organisational health and has a culture which promotes action, accountability and transparency*

5. POLICY FRAMEWORK

The framework will consist of five tiers of corporate documents to inform the public and direct and guide staff. These include:

- Council Policies
- Management Policies
- Procedures
- Procedural Guidelines; and
- Work Instructions

Policies should be shorter in length and generally, a maximum of 2 - 3 pages. Policies should not contain information on how a policy should be implemented or the process or procedure to be followed. These should be contained in accompanying procedure or work instruction documents. Staff should use the adopted Council and Management Policy Templates when drafting a new policy.

Policies relate to the process of making important organisational decisions in areas that are subjective or may have multiple options available to Council. Policies answer the question of what Council is going to do, not how it is going to do it. For example, a policy is not required where Council is mandated by law to take a particular course of action. A procedure document detailing how we implement that action is all that may be required.

The language used when drafting all council and management policies is to be empowering to staff and not limiting and restrictive. Policies shall be written in a manner that states what Council wants to achieve in a particular subject matter and not limit the ways in which these outcomes can be achieved. This will contribute to Council's ability to be innovative, agile and responsive to change in decision making. Associated Procedure documents shall be drafted in a similar manner, however contain sufficient steps to address any known risks for the particular subject area, consistent with any defined risk appetite statements in the subject area.

5.1 Council Policy

A Council policy is a statement of the mandatory principles guiding the Council's operations and decision making. Policies relate to subject areas where Council directly interacts or impacts on the community, rather than operational issues.

Council policies are established by a resolution of Council, they are binding and apply Council-wide. Policies support the Council's Strategic plans and should therefore change relatively infrequently.

5.2 Management Policy

A Management Policy is an administrative policy that is a statement of mandatory principles, however does not require a resolution of Council to be passed. A Management Policy is established by a decision of the Executive of the Council or a directive of the General Manager.

Like Council policies, Management Policies support the Council's Strategic plans however more relate to internal or operational matters.

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5.3   Procedure

A Procedure is a document written to support a Council or Management Policy. A procedure provides for the way in which the principles set out in policies will be implemented. Procedures must not be inconsistent with the policies they support and require approval from the appropriate Business Unit Manager/Director.

Procedures are usually established by a senior officer of the operational area to which they relate, but as they provide more specific detail they change more frequently than policies. Procedures are an interpretive document that provide an interpretation of a policy document and offer broad advice in implementing a function or process. A procedure may apply Council wide or be division specific.

5.4   Procedural Guidelines

At times it may be appropriate for Council to develop guideline documents that are developed to provide additional information to the public on complex legislative, policy or procedural matters.

5.5   Work Instruction

A Work Instruction presents a sequence of steps to execute a task or activity. They come in many formats such as flowcharts or written instructions. A work instruction is usually established by a Team Leader and is a directive to staff in that area as to the steps to be followed in completing a given task.

6.   ADOPTION OF NEW POLICIES

6.1   Council Policies

Prior to drafting a new Council Policy, the author should consider if it would be appropriate to seek community input prior to the development of the draft Policy. New draft policies should be submitted to Council with an accompanying report for Council to consider placing the draft Policy on public exhibition for a period of 28 days. Upon completion of the public exhibition period a further report is to be provided to Council to seek the adoption of the draft Policy. Once adopted, such polices automatically become Policies of Council and will be entered in the Policy Register.

Each policy will identify the Business Unit that has primarily responsibility for the administration of the policy and who will conduct any reviews of the policy as required by this policy.

6.2   Management Policies

New draft Management Polices must be submitted to the Executive with an accompanying report for management to consider. Once adopted, such polices automatically become Policies of Management and will be entered in the Policy Register.

Each policy will identify the Business Unit that has primarily responsibility for the administration of the policy and who will conduct any reviews of the policy as required by this policy.

At the time of initial adoption of any Management Policy, any associated procedures relevant to the implementation of the Policy should be presented to Executive for information purposes.

6.3   Publication of Policies and Associated Procedures

All Council and Management policies will be published on Council's website and/or staff Intranet. When published , the policy will be presented as a single PDF with any associated procedures incorporated into a single PDF for ease of access by public and staff.

7.   ADOPTION, ALTERATION AND DELETION OF EXISTING COUNCIL AND MANAGEMENT POLICIES

Any amendments required to Council and Management policies that are only administrative in nature (i.e. changing position title, legislative details, or organisation references or the correcting of typographical errors) can be made without reference to Council or the Executive for adoption. The Governance team will review all changes and determine whether the policy requires submission to the Executive or Council for adoption of amendments is required.

7.1   Council Policies

Amendments to Council policies that change the policy position of Council or constitute significant re-wording will be submitted with an accompanying report for Council to consider placing the draft amended Policy on public exhibition for a period of 28 days. Upon completion of the public exhibition period a further report is to be provided to Council to seek the adoption of the draft amended Policy.

7.2   Management Policies

Amendments to Management Polices that change the policy position of management or constitute significant re-wording require a report by the Business Unit Manager to be submitted for approval to the Executive.

7.3   Review of Existing Policies

Managers responsible for a policy will carry out reviews of policies under their administration and recommend any changes to Council or Executive. All policies will be reviewed at least every two years following the last adoption of the Policy. This review must be documented in the "Approval and Review" section of the policy and communicated to the Coordinator Governance and Risk upon finalisation. If a Policy is to remain unchanged after the review, it will not be resubmitted for approval, however appropriate notes will be made in the "Approval and Review" section of the Policy.

7.4   Deletion of Existing Policies

Council and Management policies may be deleted from the Policy Register when they are considered no longer appropriate. A report shall be submitted to Council (for Council Policies) or the Executive (for Management Policies) documenting reasoning for the deletion of the policy. Upon Council or Executive resolution to delete a policy, that policy will be removed from the Policy Register.

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8. ADOPTION, ALTERATION AND DELETION OF PROCEDURES, PROCEDURAL GUIDELINES AND WORK INSTRUCTIONS

Procedures, Procedural Guidelines and Work Instructions can be implemented, altered and deleted with approval from the relevant Business Unit Manager / Director as appropriate.

All changes to procedures that support the implementation of a Council or Management Policy, must be notified to the Governance Team. The Coordinator Governance and Risk will determine if the changes are of an administrative nature, and if so approve the publishing of the updated documents to the Intranet / Intranet.

If, in the opinion of the Coordinator Governance and Risk, the changes/approval effectively change the policy position or create a change in procedure that will impact staff in multiple divisions then they will escalate the changes to the Executive for approval.

The Governance team will communicate all adopted changes to policies and associated procedures to the organisation in a manner appropriate and commensurate to the impact of the new or amended policy and/or procedure.

9. POLICY REGISTERS

A register of all Council and Management policies will be maintained in the Corporate Records System by the Governance Team. The register will keep track of all polices, review dates and responsible divisions. Governance must be notified of all approved, deleted and modifications made to Polices.

Procedures that are specifically attached to a Council or Management policy will be included in a central register maintained by Governance. All procedures attached to a Council or Management Policy must be noted in the associated policy and communicated to the Coordinator Governance and Risk.

Each Business Unit is responsible for their own register of all unattached Procedures and Work Instructions. It is the responsibility of the Divisional Managers to ensure these registers are up to date.

10. RESPONSIBILITY FOR POLICY FRAMEWORK

10.1 Business Unit Managers / Directors
Business Unit Managers / Directors will be responsible for their areas policies, procedures and work instructions and ensuring they are reviewed and recorded appropriately.

10.2 Manager Governance, People and Systems, Human Resources
Manager Governance, People and Systems, Human Resources shall be responsible for administering the Policy Framework.

10.3 Coordinator Governance and Risk

The Coordinator Governance and Risk will be responsible for the following:

- Overseeing and managing a process to ensure all Policies are reviewed every two years.

- Overseeing a process that all polices have been approved by the appropriate committee (Council or Executive prior to being publicly published.

- Development of appropriate templates for polices

- Reviewing all changes to policies to determine if the changes are administrative in nature, or are substantive and require higher approval

10.4 Executive Policy Advisor

The Executive Policy Advisor is responsible for the following:

- Maintaining the Council Policy Register

- Maintaining a register of Procedures and Guidelines

- Publishing all Council and Management Policies, as well as procedures that support implementation of policies

- Communicate all adopted changes to policies and associated procedures to the organisation in a manner appropriate and commensurate to the impact of the new or amended policy and/or procedure.

Incorporating changes to policy and associated procedures into the published versions on the Council website or Intranet.

11. LEGISLATIVE REQUIREMENTS

There are no direct legislative requirements that impact upon Council's Policy Framework.

12. REVIEW

This Framework will be reviewed every two years from the date of each adoption, or more frequently as required.

13. RELATED TEMPLATES

Please see attached templates for use when drafting the following polices:

- Council Policy Template
- Management Policy Template
- Procedures Template

APPROVAL AND REVIEW		
Responsible Business Unit	[Name of Business Unit]	
Responsible Officer	[Name of Responsible Officer]	
Date/s adopted	*Executive Management* [updated by policy owner]	*Council* [DD Mmmm YYYY]
Date/s of previous adoptions	[Dates of previous adoptions]	
Date of next review	[Two years from last adoption]	
TRIM Reference		

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3. Policy Framework

Appendix 2

Policy Framework - Draft Council Policy Template

Council Policy Template

DRAFTING GUIDANCE (DELETE AFTER READING)

When drafting a policy use language that is empowering to staff and not limiting and restrictive. Policies should be written in a manner that states what Council wants to achieve in a particular subject matter and wherever possible, not limit the ways in which these outcomes can be achieved. This will contribute to Council's ability to be innovative, agile and responsive to change in decision making.

1. PURPOSE

Document the purpose of this policy. This should be brief and to the point. Around 1-2 lines maximum.

2. APPLICATION

Defines the circumstances and to whom this policy would apply.

3. POLICY INTENT

- Policy objectives should relate to management intent.
- The policy should be consistent with other policies adopted by Council.
- Should include statements that represent policy positions.
- Can restate Council's commitment to the particular issue/topic
- Reference can be made to the Council's Organisational Values

The main objectives of this policy are to:

1. [List objective/s of policy]

2. [List objective/s of policy]

4. COMMUNITY STRATEGIC PLAN OBJECTIVES

Link the policy to Council's strategic plan and deliverables and document what outcomes it hopes to achieve. Give particular focus to any direct links to a Community Outcome listed in the CSP

5. POLICY

Details of Policy – what is the actual policy? Most of the content should be in this section of the policy.

6.   LEGISLATIVE REQUIREMENTS

Document any instruments of Legislation (Acts, Regulations etc.) that need to be followed as part of the policy.

7.   REVIEW

This Policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required.

8.   REPORTING

Are there any reporting requirements? I.e.: Annual Report requirements, reporting to the ARIC, external reporting to other agencies etc. required under this policy.

9.   RESPONSIBLE OFFICER

- Nominate an Individual (by Role) as the Responsible Officer for the Policy and explain the functions that they will perform in relation to the policy, such as:

    - Maintaining records/ register

    - Reporting

    - Keeping the policy current

    - Investigating breaches and enforcing compliance

    - Implementing communications, education and monitoring strategies.

- Providing a point of contact about the meaning and application of the policy.

- The individual responsible officer should be senior enough to make any decisions needed to maintain the Policy and give effect to any decisions made.

10. ROLES AND RESPONSIBILITIES

Document what roles are responsible for implementation of actions under this policy. Do not detail the steps / procedures staff will undertake, just specify the officer details and the outcomes they are responsible for.

Break down the responsibilities for the implementation, application and review of the policy across the organisation e.g.

Responsibilities of:

    - Staff

    - Councillors

    - Managers

    - Directors

    - The Organisation as a whole

11. RELATED PROCEDURES

Document title of related procedures and their location. Do not document the procedure here. Procedures are related to task orientated areas and are not to be included in the policy. Procedures may require Executive approval in accordance with the Policy Framework.

APPROVAL AND REVIEW		
Responsible Business Unit	[Name of Business Unit]	
Responsible Officer	[Name of Responsible Officer]	
Date/s adopted	*Council Executive* [updated by policy owner]	*Council* [DD Mmmm YYYY]
Date/s of previous adoptions	[Dates of previous adoptions]	
Date of next review	[Two years from last adoption]	
TRIM Reference		

Unleash the opportunities

ARMIDALE
Regional Council

3. Policy Framework

Appendix 3

Policy Framework - Draft Management Policy Template

Management Policy Template

ADOPTED BY EXECUTIVE: [DATE TO BE COMPLETED BY GOVERNANCE]

DRAFTING GUIDANCE (DELETE AFTER READING)

When drafting a policy use language that is empowering to staff and not limiting and restrictive. Policies should be written in a manner that states what Council wants to achieve in a particular subject matter and wherever possible, not limit the ways in which these outcomes can be achieved. This will contribute to Council's ability to be innovative, agile and responsive to change in decision making.

1. PURPOSE

Document the purpose of this policy. This should be brief and to the point. Around 1-2 lines maximum.

2. APPLICATION

Defines the circumstances and to whom this policy would apply.

3. POLICY INTENT

- Policy objectives should relate to management intent.
- The policy should be consistent with other policies adopted by Council.
- Should include statements that represent policy positions.
- Can restate Council's commitment to the particular issue/topic
- Reference can be made to the Council's Organisational Values

The main objectives of this policy are to:

1. [List objective/s of policy]

2. [List objective/s of policy]

4. COMMUNITY STRATEGIC PLAN OBJECTIVES

Link the policy to Council's strategic plan and deliverables and document what outcomes it hopes to achieve. Give particular focus to any direct links to a Community Outcome listed in the CSP

5. POLICY

Details of Policy – what is the actual policy? Most of the content should be in this section of the policy.

6. LEGISLATIVE REQUIREMENTS

Document any instruments of Legislation (Acts, Regulations etc.) that need to be followed as part of the policy.

7. REVIEW

This Policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required.

8. REPORTING

Are there any reporting requirements? I.e.: Annual Report requirements, reporting to the ARIC, external reporting to other agencies etc. required under this policy.

9. RESPONSIBLE OFFICER

- Nominate an Individual (by Role) as the Responsible Officer for the Policy and explain the functions that they will perform in relation to the policy, such as:

    - Maintaining records/ register

    - Reporting

    - Keeping the policy current

    - Investigating breaches and enforcing compliance

    - Implementing communications, education and monitoring strategies.

- Providing a point of contact about the meaning and application of the policy.

- The individual responsible officer should be senior enough to make any decisions needed to maintain the Policy and give effect to any decisions made.

10. ROLES AND RESPONSIBILITIES

Document what roles are responsible for implementation of actions under this policy. Do not detail the steps / procedures staff will undertake, just specify the officer details and the outcomes they are responsible for.

Break down the responsibilities for the implementation, application and review of the policy across the organisation e.g.

Responsibilities of:

    - Staff

    - Managers

    - Directors

    - The Organisation as a whole

11. RELATED PROCEDURES

Document title of related procedures and their location. Do not document the procedure here. Procedures are related to task orientated areas and are not to be included in the policy. Procedures may require Executive approval in accordance with the Policy Framework.

APPROVAL AND REVIEW		
Responsible Business Unit	[Name of Business Unit]	
Responsible Officer	[Name of Responsible Officer]	
Date/s adopted	*Executive Management Committee* [updated by policy owner]	*Council* [DD Mmmm YYYY]
Date/s of previous adoptions	[Dates of previous adoptions]	
Date of next review	[Two years from last adoption]	
TRIM Reference		

3. Policy Framework

Appendix 4

Policy Framework - Draft Procedure Template

Procedure Template

Unleash the opportunities

APPROVED BY: [MANAGER/DIRECTOR] DATE: [DATE ADOPTED]

DRAFTING GUIDANCE (DELETE AFTER READING)

Council and Management Policies are drafted in a way that states what Council wants to achieve in a particular subject matter and wherever possible, not limit the ways in which these outcomes can be achieved. This will contribute to Council's ability to be innovative, agile and responsive to change in decision making.

Associated Procedure documents should be drafted in a similar manner, however contain sufficient steps to address any known risks for the particular subject area, consistent with any defined risk assessments or appetite statements.

1.   CONTEXT

Document the context of the procedures.

2.   PARENT POLICY

These Procedures are to be read in conjunction with the [Name of Policy] Policy (the Parent Policy). (delete if a stand-alone procedure)

3.   STATEMENT OF PROCEDURES

Document procedures here. Should be the majority of document.

4.   REVIEW

These Procedures will be reviewed every two years or in-line with the review of the parent policy and at other times as required. Changes to the Procedure that are consistent with the parent policy can be approved by the Coordinator Governance and Risk.

APPROVAL AND REVIEW		
Responsible Business Unit	[Name of Business Unit]	
Responsible Officer	[Name of Responsible Officer]	
Date/s adopted	*Executive Management Committee* [updated by policy owner]	*Council* [DD Mmmm YYYY]
Date/s of previous adoptions	[Dates of previous adoptions]	
Date of next review	[Two years from last adoption]	
TRIM Reference		

3. Policy Framework

Appendix 5

Draft Policy – Group and Personal Trainers

Use of Public Space by Personal and Group Trainers Policy

ADOPTED BY COUNCIL: [DATE TO BE COMPLETED BY GOVERNANCE]

1. PURPOSE

While Council recognises the valuable service personal and group trainers provide in maintaining the health and wellbeing of Armidale residents, it is important that these activities are conducted in a safe manner that does not place a potential liability burden on the community.

The purpose of this policy is to ensure that these activities are conducted in a manner that is consistent with Council's requirements to effectively manage the use of public open space in accordance with the Local Government Act 1993 and the values contained within the Community strategic plan 2017-2027. With

2. APPLICATION

This policy applies to the following personal and group trainers:

- Personal trainers and/or health and fitness related professionals including, but not limited to, group fitness instructors, yoga and pilates' instructors, etc. who instruct health and fitness activities or provide health and fitness services to one or more clients/people as a registered business.

- Individual persons who instruct health and fitness activities or provide health and fitness services to one or more clients/people as a registered business.

This policy applies to the following Council owned land:

- Parks and reserves
- Ovals and sporting grounds
- Walking tracks
- Any public open space
- Crown land under Council's trusteeship

2.3 The following groups are excluded from the personal and group training policy and procedure:

- Individuals in groups of three or less undertaking recreational fitness activities within the municipality

- Community groups conducting recreational activities i.e. walking groups, scouts or parent groups.

- Local school groups conducting interschool sports and activities under the supervision of a teacher. School groups must have an approved sports field booking.

- Local sporting clubs and sports associations partaking in sporting competition and training activities for their respective sports. Sporting clubs must have an approved field allocation/booking.

- Government Agencies promoting heathy lifestyles

3.   POLICY INTENT

The intent of the policy is to define the condition of use for personal and group trainers of council owned land and define the scope of activities permitted on public open space and recreational reserves.

The main objectives of this policy are to:

- Ensure equity of access to public open space and regulate the use of Council land by personal and group trainers.

- Reduce the impact of commercial fitness activities on public open spaces and reserves including asset condition and maintenance.

- Ensure personal and group trainers are appropriately covered by public liability insurance and professional indemnity insurance.

- Ensure orderly and proper conduct of activities within the municipality without nuisance or disturbance to other reserve users.

- Ensure that activities conducted by personal and group trainers do not clash with field maintenance programs or adversely affect the condition of public open space and sports fields i.e. increased training activities may deteriorate surface conditions.

- Ensure that Personal and group trainers apply to conduct their commercial fitness activities on public open space.

- Formalise a use agreement between Council and the Personal and Group Trainer.

4.   COMMUNITY STRATEGIC PLAN OBJECTIVES

This framework helps deliver the following objective from the Armidale Regional Council Community Strategic Plan 2017 - 2027:

Our People and Community
Community Outcome 4:   *Services and activities are provided for all ages and segments of our community to promote life-long learning, healthy living and community well-being*

5.   POLICY

Personal and group trainers are required to apply for the use of a reserve or area of public space by completing the Council, Personal and Group Trainers, application form and submitting all other relevant documents as required by the accompanying procedures.

All applications will be assessed against the following eligibility criteria:

- Appropriately insurances and qualifications are held.
- Availability and suitability of requested reserve or public open space.
- The trainer does not have any outstanding debts to Council.
- The trainer's compliance history in meeting the terms and conditions outlined within previous or existing approvals or compliance history within other local government areas, if known.
- The purpose of use for the requested reserves i.e. one on one personal training or group fitness training.

All approved trainers will be required to enter into a formal use agreement between Council and the Personal and Group Trainer.

No fitness training will be permitted in high activity areas and/or areas of cultural, environmental or natural significance

6. LEGISLATIVE REQUIREMENTS

Compliance with section 68 of the *Local Government Act 1993* which states that:

(1) A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.

7. REVIEW

This Policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required.

8. RESPONSIBLE OFFICER

The Sport and Recreation Development Officer is responsible for:

- ensuring that the policy is current and is reviewed as and when required
- implementing communications, education and monitoring strategies
- providing a point of contact about the meaning and application of the policy.

9. ROLES AND RESPONSIBILITIES

9.1 Sport and Recreation Development Officer

The Sport and Recreation Development Officer will be the Responsible Officer for the Policy and will coordinate the following functions in relation to the Policy:

- Develop and Implement appropriate procedures to guide staff and applicants on the application process
- Assessing applications made by trainers in accordance with this policy
- The investigation of any breaches of the policy

9.2 Council Rangers

Council Rangers will be Responsible Officer for enforcing compliance with the conditions of usage of any approvals.

10. RELATED PROCEDURES

This Policy should be read in conjunction with the associated procedure document *"Use of Public Space by Personal and Group Trainers"*.

APPROVAL AND REVIEW		
Responsible Business Unit	Public and Town Spaces	
Responsible Officer	Sport and Recreation Development Officer	
Date/s adopted	*Council Executive* [updated by policy owner]	*Council* [DD Mmmm YYYY]
Date/s of previous adoptions	[Dates of previous adoptions]	
Date of next review	[Two years from last adoption]	
TRIM Reference		

3. Policy Framework

Appendix 6

Draft Procedure – Group and Personal Trainers

Use of Public Space by Personal and Group Trainers Procedure

APPROVED BY: [MANAGER/DIRECTOR] DATE: [DATE ADOPTED]

1.   CONTEXT

These Procedures guide the implementation of the *Use of Pubic Space by Personal and Group Trainers Policy*, and define the process and requirements for making an application for use of public space in accordance with the Policy.

2.   PARENT POLICY

These Procedures are to be read in conjunction with the Use of Pubic Space by Personal and Group Trainers Policy.

3.   STATEMENT OF PROCEDURES

Personal and group trainers are required to apply for the use of a reserve or area of public space by completing the Council, Personal and group trainers, applications form and submitting all other relevant documents as detailed below.

When an applicant receives approval from Council the applicant is authorised to use a specified sports field, reserve or area for fitness activities in accordance with these terms and conditions outlined in this document on a non-exclusive basis. Council officers may inspect Personal and Group Trainers conducting their activities and programs to ensure they are complying with the conditions outlined in this document.

3.1 QUALIFICTIONS

The applicant must be appropriately qualified, hold adequate public liability and professional indemnity insurance. Evidence of the following must be provided at the time of application:

- Current public liability insurance - a minimum of $10 million
- Current professional indemnity insurance – a minimum of $10 million
- A registered professional association membership/affiliation (Fitness Australia, Kinect Australia, Physical Activity Australia, Centrality.)
- Current First Aid Certificate

3.2 ELIGIBILITY CRITERIA

- Applicants have submitted an application and are appropriately qualified as detailed above.
- Availability and suitability of requested reserve or public open space.
- The personal or group trainer does not have any outstanding debts to Council.
- The personal or group trainer's compliance history in meeting the terms and conditions outlined within these guidelines or compliance history within other municipalities.

- The purpose of use for the requested reserves i.e. one on one personal training or group fitness training.
- The number of participants.

3.3 FEES AND CHARGES

Approved personal and group trainers are required to pay a standard fee to conduct their health and fitness business or program activities on Council land. The fees and charges applicable to Personal and Group Trainers have been developed to be fair and equitable and to ensure personal and group trainers continue to provide their valuable service to the Armidale and surrounding communities.

Details of fees and charge for the use of Councils public open space or sports fields are contained in the relevant financial years Schedule of Council Fees and Charges. Fees and charges will be levied in the financial year in which the application is made.

3.4 SESSION TIMES AND SIZE OF GROUPS

- Council officers will determine the maximum number of persons permitted per training session this will be dependent on the nature of the activity, equipment used and area requested. However group size must not be more than 18 participants (as recommended by Fitness Australia).
- Training sessions must not commence prior to 6am and must finish by 9pm.
- Priority for use of space will be granted to community based sporting events. However every effort will be made to find an alternative location.

3.5 RISK MANAGEMENT

Personal and group trainers are required to adhere to the risk management and work health and safety legislation requirements as outlined below:

- The personal and group trainer is responsible for implementing compliant work health and safety and risk management programs and procedures that are considered acceptable practice by their insurer and/or recognised industry body to minimise risk to clients, members of the public and Council workers.
- The personal and group trainer is required to acknowledge that the Council reserves the right, following consultation with the personal and group trainer and/or anybody representing the personal and group trainer, to withdraw the ground allocation, or any part thereof from use and to cancel their permit if Council considers the sporting reserve or allocated space is unsafe and/or is unsuitable for use by the personal and group trainer.
- Council will not be liable for any costs incurred by a personal and group trainer related to risk management provisions of the policy.
- Personal and Group trainers will maintain relevant industry memberships, insurances, First Aid training certification and other requirements as determined by the Policy for the durations of an approved permit.
- Council does not accept liability for any activities undertaken in accordance with any approval provided to a personal or group trainer by Council, including loss or damage to property of the trainer or any other person associated with the activities of the trainer.

3.6 EXCLUSION ZONES

No fitness training will be permitted in high activity areas and/or areas of cultural, environmental or natural significance. Specific areas where these activities are prohibited include but are not limited to the following:

- Picnic and BBQ facilities
- Playgrounds or play equipment
- Within 20 metres of any neighbouring residential property
- Any designated sports fields or facility without a specific booking.
- Trees, garden beds and vegetation
- Park furniture, building and structures
- Environmentally sensitive areas such as bushland
- Socially or culturally sensitive areas, including memorials, shrines and public art works
- Stairways within open spaces and public footpaths (These may only be used for transit but not used for training activity)
- Any other areas that may be nominated by Council at any time
- Any areas that may be temporarily closed by Council
- Sporting pavilions or any other sporting facilities managed by Council, i.e. tennis courts, sports club rooms/pavilions

Personal and group trainers are only permitted to use the ground/location as specified in their booking. Council will cancel a trainers booking if they are found using areas not specified by Council.

3.7 PERMISSIBLE ACTIVITIES

The following activities are permitted:

- Resistance training
- Boxing and pad training
- Organised aerobic activity
- Yoga, Tai Chi and Pilates classes and like activities
- Circuit Training
- A combination of any of the above
- Other industry endorsed fitness activities having been submitted and approved by Council.

3.7 EXCLUDED ACTIVITIES

The following activities are not permitted:

- Aggressive, intimidating or military style activities will not be permitted.
- Amplified music or use of amplified audio voice equipment
- The setting up of gymnasium type equipment (e.g. weight benches, weight stacks, stationary bikes, treadmills, steppers etc.).

- Personal and group trainers shall not suspend boxing, kick boxing bags or signage from trees and/or structures in the public reserves.

3.8 GENERAL TERMS AND CONDITIONS

Each personal and group trainer approved by Council is required to comply with the following terms and conditions:

- Shall not assign their rights under agreement with Council or attempt in any other manner to transfer their rights under agreement with Council to any other person or business, it being clearly understood that the permit is issued to a particular person and/or business is not transferable.

- When conducting training on Council reserves shall always conduct themselves in a proper and orderly manner and be considerate to other reserve users and adjacent residents.

- Personal and group trainers must ensure all members of the training group are aware and comply with these conditions.

- Personal and group trainers are not permitted to conduct their activities in a manner that dominates, monopolises and/or obstructs any stairway or pathway.

- Personal and group trainers must not create any noise from training activities that would unreasonably disturb other uses and adjacent residents. Furthermore, no sounds such as music, loud speakers or mega phones are to be used throughout a training session. The noise from a personal training session should not be heard from outside of the reserve proximity.

- Personal and group trainers are only authorised to provide the training sessions specified in their booking.

- Personal and group trainers must only provide activities for which they are suitably qualified and have been approved by Council.

- Personal and group trainers must make good any damage to Council assets that has occurred as result of the activities of the personal and group trainer and will be liable for all costs incurred by Council. Misuse or damage to Council assets must be reported to Council on 1300 136 833.

In the event that the following incidents occur, Council will not be held responsible for any loss of income or earning related to the personal and group trainers operations:

- Council suspends or terminates the personal and group training permit and/or booking for any breach of these terms and conditions.

- The personal and group trainer is relocated to another location or area.

- Ground conditions are deemed to be unsafe or unusable.

- Council temporarily closes a sporting reserve or areas in an effort to conserve ground conditions.

3.9 TERMINATION, BREACHES AND CANCELLATIONS

Council reserves the right to cancel a personal and group trainers booking without further notice if in its sole opinion it had determined that the trainer had:

- Failed to comply with the reasonable direction of an authorised Council Officer.

- Breached the terms and conditions outlined in Council's Personal and Group Trainers Policy and/or Procedure.

- Breached the terms contained within the application form.

- Any overdue payments or outstanding debts to Council.

Should Council receive numerous or serious complaints about a particular group/trainer or site; Council reserves the right to restrict or cancel the permit. Council will advise the trainer in writing of the nature of the beach, the conditions of the restriction or cancellation of the booking and effective date.

Personal and Group Trainers must provide a copy of their permit if requested by a Council Officer/Ranger. If a personal or group trainer fails to provide a copy of their confirmed booking request to conduct activities on Council owned land, the trainer will be advised to cease activities until an approved booking request has been confirmed. Repeated breaches of the terms outlined within this policy will incur an on the spot fine of $110 under section 68 of the Local Government Act 1993.

Personal and Group Trainers that use public open space without approval from Council will receive one warning and be informed of Council's Policy. After this time if the same personal and group trainer is found to be using Council grounds without approval a fine of $220 will be issued under section 626 of the local Government Act 1993.

3.10 APPLICATION FORM

Once you have read and understand the conditions outlined in the policy and procedure please complete the separate application form and submit along with payment to Council - 135 Rusden Street, Armidale NSW 2350.

4. REVIEW

These Procedures will be reviewed every two years or in-line with the review of the parent policy and at other times as required. Changes to the Procedure that are consistent with the parent policy can be approved by the Coordinator Governance and Risk.

APPROVAL AND REVIEW		
Responsible Business Unit	Public and Town Spaces	
Responsible Officer	Sport and Recreation Development Officer	
Date/s adopted	*Council Executive* [updated by policy owner]	*Council* [DD Mmmm YYYY]
Date/s of previous adoptions	[Dates of previous adoptions]	
Date of next review	[Two years from last adoption]	
TRIM Reference		

4. Risk Management

Appendix 7

Draft Risk Management Policy

Risk Management Policy

1. PURPOSE

This document outlines a high-level approach to ensure decisions are made with an understanding of Council's risk environment and to facilitate the taking of risks and capitalising on opportunities, within council's risk appetite, to assist Council meet its strategic objectives.

2. APPLICATION

Risk management is a fundamental component of decision making in all Council activities. As such all Councillors and Officers should be guided by this Policy and associated procedures when making any decisions, and such decisions should consider the risks involved in taking those decisions and the impact of those decisions on the achievement of Council's objectives.

3. POLICY INTENT

Council maintains a strong commitment to embedding effective risk management into all activities and as such is a core responsibility of management. Management has the responsibility to evaluate the risk environment, to put in place appropriate controls and to monitor the effectiveness of these controls, as well as communicate the risk management framework, plan and procedures throughout Council.

The objectives of this policy are to facilitate Council striking a balance between risk management and opportunity taking, whilst achieving the objectives set out in Council's strategic plan by:

1. Ensuring Enterprise-Wide Risk Management is integrated into Council's strategic and operational planning processes in order to avoid, eliminate or minimise harm and/or loss.

2. Supporting and enabling effective delivery of equitable and appropriate services and facilities for the community whilst creating an environment of innovation and business improvement

3. Implementing risk management practices that lead to a risk aware culture

3. Having regard to long-term and cumulative commitments by Council to environment, economic, social and governance objectives aligned with its Integrated Planning and Reporting framework.

4. COMMUNITY STRATEGIC PLAN OBJECTIVES

Successful implementation of a risk management framework will enhance the delivery of all Community Outcomes listed in the Armidale Regional Council Community Strategic Plan 2017 – 2027.

5. POLICY

Details of Policy – what is the actual policy? Most of the content should be in this section of the policy.

5.1   Council's Risk Management Framework

Council identifies, assesses and manages risk at both an enterprise ('top-down') and a business ('bottom-up') level. This process covers the full spectrum of risks including policy, strategic, financial and operational risks, including compliance. This Policy aims to achieve the proper identification and oversight of all the risks Council faces. Council's risk management approach will encompass the following key elements:

- Risk Management Policy
- Risk Appetite
- Risk Management Plan
- Risk Management Policies and Procedures

This framework is consistent with the accepted Australian Risk Management Standard (AS ISO 31000:2018 Risk Management) and comprises several important steps:

- *Identifying* and *analysing* the main risks facing the Council
- *Evaluating* those risks and making judgements about whether they are acceptable or not
- *Implementing* appropriately designed control systems to manage these risks in a way which is consistent with Council's risk appetite
- *Treating* risks by formulating responses following the identification of unacceptable risks, including actions to reduce the probability or consequences of events and formulation of contingency plans
- *Documenting* these processes, with summary tables (risk registers) the main forms of documentation, supplemented by risk manuals or related documents as appropriate
- Ongoing *monitoring, communication* and *review*

The approach aligns with and incorporates the principles of the 'three lines of defence' model, which is based on a set of layered defences that align responsibility for risk taking with accountability for risk control.

Business Units of Council (the first line) own and manage risks and are responsible for implementing controls to keep risks within the appetite of the organisation; the second line provides specialised risk and compliance management services; and the third line, primarily via the Internal Audit function, provides assurance to senior management on the effectiveness of governance, risk management and internal controls.

5.2   Risk Management Culture

Risk Management Culture refers to the set of shared values and behaviours that characterise how Council considers risk in its day-to-day activities. Risk Management Culture should be embedded into and not separate from the organisational culture. Risk culture is the glue that binds all the elements of risk management together, because it reflects the shared values, goals, practices and mechanisms that embed risk into an organisation's decision-making processes and risk management into its operating processes.

Council fosters a positive risk management culture where risk management is seen as a positive attribute of decision-making rather than a corrective measure. Staff are encouraged to have a willingness to engage effectively with risk.

5.3   Risk Profile and Appetite

Council seeks to manage its risk profile carefully. This reflects the view that satisfactory fulfilment of its important public responsibilities could be seriously jeopardised if poorly managed risks were to lead to significant impairment of operations, financial losses, harm to the environment and/or damage to Council's reputation.

In support of this, Council will develop a risk appetite for Council's most significant risks. This will define the amount of risk Council is willing to accept in pursuit of its strategic goals and will form the basis of Council's approach to managing risk and taking opportunities in day to day operational activities as well as strategic decision making.

5.4   Risk Management Plan

A risk management plan will be developed to provide structure for how Council will implement the Risk Management Policy and conduct its risk management activities. The primary purpose of the plan is to ensure that the Council's arrangements for managing risks are clearly understood and practiced, and identifies where, when and how different types of decisions relating to risk are made across the Council and by whom.

The Risk Management Plan will include:
- roles, accountabilities and responsibilities in relation to risk management
- the timeframes for risk management activities
- the activities that Council will undertake to implement its risk management policy
- how risk management processes will be implemented and maintained
- resourcing requirements (people, IT and physical assets)
- training and development requirements
- performance measures used to evaluate the success of the risk management framework, and
- how and when the Council's Risk Management Framework will be reviewed

5.5   Risk Management Procedures

Risk management procedures shall be developed to provide a systematic way of identifying, assessing and prioritising risks, deciding how they will be managed, and documenting and communicating this across the Council. All risk management procedures are to be performed in accordance with AS ISO 31000:2018, using qualitative, semi-quantitative or quantitative methods and techniques that best suit the Council's operations, risk management maturity and decision-making needs.

5.6   Decision Making

To ensure its success, the Risk Management Framework will be integrated within all Council's decision-making processes, governance structures, operational procedures and integrated planning and reporting processes.

5.7 Risk Management Framework – Continuous Review

The Council executive is responsible for ensuring the effectiveness of the risk management framework can be assessed. This will be achieved by ensuring that:

- any approved risk treatment plans have performance targets and timelines that can be measured against goals and objectives, and
- a methodology is implemented to obtain the data needed to measure the impact of the Council's risk management framework.

An annual assessment that identifies that Council's risk register and risk profile should be undertaken to ensure that they are current and appropriate.

6. LEGISLATIVE REQUIREMENTS

Risk management is a fundamental component of decision making in all Council activities. As such all policies and procedures of Council should be guided by this Policy and any associated risk management procedures to maintain appropriate risk management considerations at the heart of all decisions and processes.

This policy and council's risk management approach are informed by the Risk Management Guidelines (AS ISO 31000:2018) issued by Standards Australia.

7. REVIEW

This Policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required. This policy will be reviewed within one year of any significant restructure or change to Council's operating environment.

8. REPORTING

The General Manager will publish an attestation statement in the Council's Annual Report indicating, for the prior financial year, whether Council has complied with its risk management requirements.

9. RESPONSIBLE OFFICER

The Coordinator Governance and Risk is the Responsible Officer for the Policy and will be the principle point of contact for interpretation or queries on the policy. They will have responsibility for maintaining appropriate records relating to the Risk Management Framework and its application. The Coordinator Governance and Risk has additional responsibilities for implementation of actions under this policy which are defined in the next section.

10. ROLES AND RESPONSIBILITIES

10.1 Council

The elected Council is responsible for determining Council's Risk Appetite. The elected Council is also responsible, as part of the approval of the annual budget, for the provision of the resources needed to:

- implement an appropriate risk management framework, and
- deliver risk treatments and internal controls needed to ensure risks are appropriately managed.

10.2 General Manager

Consistent with the General Manager's role under section 335 of the *Local Government Act 1993* to conduct the day-to-day management of the Council, the General Manager has ultimate responsibility and accountability for risk management in the Council. This includes:

- approving the Council's risk management plan, risk treatment plans, risk register and risk profile
- overseeing the Council's risk management framework and ensuring it is effectively communicated, implemented and reviewed regularly
- ensuring council operates within its risk appetite
- promoting and championing a positive risk culture
- ensuring that all Council managers and staff (permanent, temporary or contract) understand their risk management responsibilities and that these are included in all job descriptions, staff induction programs, performance agreements and performance appraisals
- annually attesting that Council's risk management framework complies with statutory requirements and remains contemporary and in line with best practice; and
- approving the Council's implementation of corrective actions recommended by the Council's internal audit function, external audit and ARIC.

10.3 Directors and Managers

Directors and Managers have the responsibility for managing specific policy, project and program risks across the Council. This includes being responsible, within the sphere of their authority, for:

- promoting awareness of risks and risk treatments that must be implemented
- ensuring Council staff are implementing the Council's risk management framework as developed and intended and performing their risk management responsibilities
- identifying risks that will affect the achievement of the Council objectives
- establishing and/or implementing specific policies, operating and performance standards, budgets, plans, systems and/or procedures to manage risks, and
- monitoring the effectiveness of risk treatment and internal controls.

10.4   Coordinator Governance and Risk

The Coordinator Governance and Risk Manager will be the Responsible Officer for the Policy and will coordinate the following functions in relation to the Policy:

- implementing effective risk management communication mechanisms within Council

- developing and maintaining a risk reporting framework to enable regular advising/reporting of key risks, and the management of those risks, to the senior management group and ARIC

- supporting Directors and Managers by co-ordinating and providing clear and concise risk information, advice and/or reports that can be used in planning and decision-making

- undertaking regular reviews of both the policy and associated procedures

- helping to build a risk management culture within the Council, including facilitating and driving risk management at the strategic and operational level and ensuring consistency in practice

- train and educate relevant employees with respect to policy and procedures and ensure documents, tools, templates and user guides are current and readily available.

- coordinating the various activities relating to risk management within the Council

- ensuring there are easily accessible systems and processes in place to enable all staff to conveniently undertake risk management in their day-to-day work

- supporting Council staff with their risk management obligations and providing staff with advice and tools to ensure risk management compliance

- establishing and maintaining an ongoing monitoring system to track the risk management activities undertaken within Council and assessing the need for further action, and

- assessing risk management information for completeness, accuracy and consistency (for example, risk registers, risk treatment plans)

10.5   Staff

All Council staff are responsible for:

- helping to identify risks in their business unit

- implementing risk treatment plans within their area of responsibility

- following standard operating procedures (where applicable), and

- communicating or escalating new risks that emerge to their manager.

10.6   Council Executive

The Council executive have responsibility for reviewing and monitoring existing and emerging corporate risks, possible improvements and business continuity arrangements. An annual review of Council's corporate risk register will be undertaken which will be reported to the ARIC.

10.7   Internal Audit

The Internal Audit function develops and implements a risk-based audit program to provide assurance that risks are identified and key controls to mitigate these risks are well-designed and working effectively and that overall good governance is evident. Internal Audit reports are reported to the ARIC to ensure independent oversight of the effectiveness of controls and any recommendations that are made for improvement.

10.8   Audit, Risk and Improvement Committee (ARIC)

The ARIC will be responsible for providing independent assurance to the General Manager and Council that the risk management framework is appropriate and working effectively and provide advice on an annual basis that Council has complied with its risk management requirements. This includes advising whether:

- Council's risk management framework operates effectively and supports the achievement of the council's strategic goals and objectives
- Council's risk appetite is appropriately reflected in the Council's internal control framework
- Council is operating within the risk appetite determined by Council
- risk management covers all relevant risk categories including strategic, operational, compliance, reputational and reporting risks
- Council takes an enterprise risk management approach that is fully integrated into all aspects of the Council, including decision-making processes and operations
- risks are formally considered when developing and implementing all Council policies, programs, projects and other activities, including procurement
- major risks have been identified and assessed by the council and appropriate risk treatments have been implemented that reflect the Council's risk criteria
- internal controls are effective and appropriate
- Council's risk management framework complies with AS ISO 31000:2018
- resources provided for risk management are sufficient for managing risks facing Council
- risk management policies, procedures and plans are being complied with.

11   RELATED PROCEDURES

A Risk Management Plan and associated Procedures will be developed, consistent with any guidance from the Office of Local Government, to support the implementation of this Policy.

ARMIDALE
Regional Council

APPROVAL AND REVIEW		
Responsible Business Unit	Governance, People and Systems	
Responsible Officer	Coordinator Governance and Risk	
Date/s adopted	*Council Executive* [updated by policy owner]	*Council* [DD Mmmm YYYY]
Date/s of previous adoptions	[Dates of previous adoptions]	
Date of next review	[Two years from last adoption]	
TRIM Reference		

4. Risk Management

Appendix 8

Draft Risk Management Roadmap

Risk Management Roadmap 2020 – 2023

ARMIDALE Regional Council

Update Risk Management Policy	Review and Update Corporate Risk Register	Develop/Amend Risk Appetite Statements	Develop Risk Management Plan	Fraud and Governance Reviews	Cyber Threat Security Assessment	Risk Maturity Assessment	External review of Internal Audit
Timeframe for completion December 2020	**Timeframe for completion** December 2020	**Timeframe for completion** March 2021	**Timeframe for completion** March 2021	**Timeframe for completion** June 2021	**Timeframe for Completion** December 2021	**Timeframe for completion** June 2022	**Timeframe for completion** June 2023

Deliverables

- Risk Management Policy - Report to Council for adoption	- Updated Risk Register, including strategic and operational risks - Updated Controls for identified corporate risks	- Risk Appetite Statement - Risk Tolerances - Report to Council for adoption	- Risk Management Plan - Staff Education Plan - Implementation Plan for changes to risk management approach	- NSWAO Fraud Toolkit Review - NSWAO Governance Toolkit Review - Fraud and Corruption Prevention Improvement Plan - Governance Improvement Plan	- Project Plan - Cyber Threat Risk Register - Cyber Security Capability Assessment - Cyber Security Improvement Plan	- Current Maturity State Assessment - Improvement Plan towards the desired maturity state	- Scope and Methodology document - Final external review report - Improvement Plan for recommendations

Milestones

- Draft Policy developed - Draft presented to ARIC for comment - Briefing to Councillors / Administrator - Report to Council - Place Policy on exhibition - Final report to Council for adoption	- Review of current risk register - Identification of Top 10 Strategic Risks - Review/Develop Control Plans for identified risks - Report to Council Executive for adoption of register - Report to ARIC for notation - Education program with impacted staff	- Workshop session with Council executive - Draft documents confirmed by Executive - Workshop session with ARIC - Briefing to Councillors / Administrator - Adoption by Council	- Review of current risk management approach & documents - Develop draft Risk Management Plan in accordance with OLG Discussion Paper - Report to Council Executive for adoption - Report to ARIC for notation - Education program with impacted staff	- Completion of NSWAO Fraud Toolkit - Completion of NSWAO Governance Toolkit - Results and Improvement Plans reported to Executive - Improvement Plan action items referred to staff for implementation	- Engagement of appropriate consultant - Workshops with key staff - Draft documents from consultant - Final documents from consultant - Incorporate risks into corporate risk register as appropriate - Include capability recommendations into IMT Strategy	- Completion of maturity assessment (e.g. see NSW Treasury example) - Identification of desired maturity state - Develop Improvement Plan to achieve desired state - Report to Council Executive for adoption - Report to ARIC for notation	- Develop scope for review - Select independent external provider to perform review - Review of sample audits - Interviews with key stakeholders - Final report delivered to Council Executive - Results reported to ARIC

Unleash the opportunities

ARMIDALE Regional Council

5. Internal Audit and Audit Risk and Improvement Committee

Appendix 9

Procedure for Monitoring and Closing of Audit Recommendations

Procedure for Monitoring and Closing of Audit Recommendations

1.   CONTEXT

Adoption of a comprehensive procedure for the entire lifecycle of audit recommendations ensures appropriate monitoring can occur and fact-based decisions are made in relation to the closing of audit recommendations.

To ensure the quality and accuracy of internal processes for monitoring the implementation of audit recommendations Council has developed a system that:

- records clear deliverables and timeframes for the implementation of all audit recommendations;
- requires responsible officers to formally request extensions to agreed implementation timeframes;
- seeks appropriate assurance from responsible officers supporting requests for the closure of audit recommendations as implemented; and
- records the basis for all decisions to close audit recommendations as implemented
- ensures effective monitoring and reporting of audit tasks.

Outlined below is a defined process and methodology for the monitoring and closing out of audit recommendations. This procedure applies to all internal and external audit findings and should also be used as a guide for accepted recommendations from independent reviews by external consultants and internal improvement focussed reviews.

2.   PARENT POLICY

These procedures are to be read in conjunction with the Internal Audit Charter and the Audit Risk and Improvement Committee Charter.

3.   STATEMENT OF PROCEDURES

Timeframes for Implementation

In order to derive their intended benefit, audit recommendations should be effectively implemented in a timely manner.

As a general rule, significant recommendations designed to address the highest categories of risk exposure should be acted on immediately and implemented within one to three months. Where recommendations involve a long lead time to address, for example where changes to policy, purchases of new equipment or services are involved, better practice suggests that the action plan and timeframe could be broken up into stages with the first stage implemented within three months.

Delays in implementation can impact on Council performance as audit recommendations are designed to address risks to Council's successful delivery of its programs and responsibilities. The early implementation of measures recommended in audits should be accompanied by a clear senior management focus on accountabilities at the Director and Business Unit Manager level.

The timeframes for implementation of audit recommendations are as follows:

Risk Rating	Suggested Timeframe for Implementation	
	Plan of Action Developed	Implementation Complete
Extreme	30 days	3 months
High	60 days	3 months
Medium	90 days	6 months
Low	12 months	12 months

These timeframes are a suggested baseline approach that should be adhered to wherever possible, however there will be occasions when implementation of the timelines is not feasible nor desirable. If these issues are known at the time of the release of the audit report the management comment should identify the appropriate time frame for completion and these dates will be confirmed by the Audit Risk and Improvement Committee (ARIC) when they consider the final internal audit report.

The extension process outlined below allows for the alteration of implementation deadlines in scenarios where it becomes apparent that the implementation timetable is not appropriate after acceptance of the audit report.

Extension of Timeframes for Implementation

The process for extension of timeframes for implementation of audit recommendations is as follows:

1st Extension

The General Manager may approve a one-off extension of timeframe of 1 month for actions with an extreme or high-risk rating and 3 months for actions with a medium or low risk rating. Any extensions granted must be reported to the Audit Risk and Improvement Committee.

Additional Extensions

All subsequent requests for extension of timeframe must be considered by the Audit Risk and Improvement Committee for approval. For actions with an extreme or high-risk rating, requests shall be considered out of session by the Committee.

Amendment of Risk Ratings

On occasion there may be circumstances that require the re-rating of the risk attributed to an outstanding audit recommendation, either to increase or more likely decrease a risk rating based on partial implementation.

In such instances, the Business Unit will be required to provide evidence of the change in circumstances that gives rise to a change in the risk rating of the action. The Coordinator Governance and Risk will facilitate an appropriate risk assessment to occur and make a determination about 're-rating' of the outstanding recommendation, in consultation with the ARIC Chair. The outcomes from these discussions will be documented in a clear and consistent manner recording the basis for all decisions to re-rate any audit recommendations to a different risk rating.

Monitoring and Closing Out of Audit Recommendations

The ARIC will maintain oversight of the implementation of all internal audit recommendations, via reporting of status of each recommendation via the following process:

More than six weeks before ARIC	Six weeks before	Two weeks before		One week before	ARIC Meeting
1. Outstanding recommendations added to the register of outstanding audit recommendations	2. Register sent to Business Units to update status and estimated implementation date	3. Governance team ensure all items in register are updated two weeks prior to meeting with appropriate management	4. For items recommended for closure, Governance team ensure all tasks are supported by appropriate management comments and evidence of completion	5. Governance prepares and provides meeting papers to ARIC detailing the status of audit recommendations for consideration	6. Review by the ARIC of the Status of all audit recommendations including those closed by Directors.

When a Business Unit is satisfied that an audit recommendation has been fully, or as much as possible, implemented the relevant Director shall authorise the action to be referred to the Governance and Risk Branch for progression under the close out process.

Before referral to the Director for completion the following is required:
- The status of the audit task be changed to "Completion by Business Unit" in the monitoring spreadsheet or system by the responsible Business Unit Manager
- The monitoring spreadsheet/system shall have a notes section for each audit task, which is to be updated with notes summarising the actions taken to adequately complete / implement the task including evidence of implementation of corrective actions by linking and documenting appropriate TRIM Records numbers of files that provide evidence of corrective actions. This allows the Business Unit Manager, Director, General Manager and Audit Risk and Improvement Committee to see the evidence to support the closure of a corrective action.

For consistency, only the following categorisations will be used by Business Units when recommending an action for closure to the responsible Director:

Implementation Categorisation	Explanation
Adequate Implementation	The action taken met the intent of the recommendation, and sufficient evidence was provided to demonstrate action taken.
Partial Implementation	This category encompasses three considerations: • Action taken was less extensive than recommended by the Audit. Action either fell short of the intent of the recommendation, or only addressed some of the identified risks. • Council may have established a separate process or procedure that addresses the identified issue or risk, however, the specific action noted in the recommendation was not complete at time of assessment. • Council may have commenced action to address a recommendation, but subsequent policy changes may influence how it might be implemented.
Not Adequate Implementation	This category encompasses two considerations: • Lack of supporting evidence that action has been undertaken. • The action taken does not address the recommendation.

To be marked as complete an audit recommendation must be assessed as:

- Adequately complete, or
- Partially complete but action addresses issue or risk.

Adequately Implemented Actions recommended for Closure

When a Business Unit believes that an audit action has been adequately implemented the following procedure will be followed:

1 Business Unit will update the Audit Task with commentary on how the recommendation has been "adequately implemented" and include links to all supporting documentation providing evidence of implementation.

2 Audit Task is referred to Governance and Risk Branch to ensure that all appropriate referenced documentation is linked to the Audit Task.

3 The Audit Task is referred to relevant Director for consideration of approving task for closure. Tasks cannot be closed without supporting documentation providing evidence of implementation being linked to the task and evidence of support for closure from the Business Unit Manager.

4 All audit tasks approved for closure by the Director, will be referred to the Audit Risk and Improvement Committee for noting.

Partially Implemented Actions recommended for Closure

When a Business Unit believes that an audit action has been partially implemented but should be closed out the following procedure will be followed:

1 The Business Unit Manager will update the Audit Task with commentary on what actions have been taken to date and include links to all supporting documentation. The recommendation for closure shall address the following:

   a. Actions are considered sufficiently completed from a risk and cost benefit perspective, or

   b. An alternate action is deemed more appropriate to address the risk, or

   c. The underlying risk that gave rise to the audit task is no longer present or reduced.

2 The Audit Task is referred to the Governance and Risk Branch to ensure that all appropriate referenced documentation is linked to the Audit Task.

3 The Audit Task is referred to relevant Director for consideration of supporting the recommendation of closing the audit task.

4 If support is gained by the Director, the task is referred to General Manager to approve the closure of the audit task.

5 All audit tasks approved for closure by the General Manager, will be referred to the Audit Risk and Improvement Committee for noting.

Reporting on status of Audit Recommendations

Reporting on the status of Audit Recommendations (internal, external and accepted consultant recommendations) is the responsibility of the Governance and Risk Branch. Centralised reporting provides oversight of outstanding audit tasks and the appropriate actioning and follow up from an independent viewpoint.   The Governance and Risk Branch will prepare a report for each ARIC meeting on the status of all Audit Recommendations including overdue and extended items. Periodic reports will also be prepared for Executive as requested.

4.   REVIEW

These Procedures will be reviewed every two years or in-line with the review of the Internal Audit or ARIC Charter and at other times as required. Changes to the Procedure that are consistent with the parent policy can be approved by the Coordinator Governance and Risk.

APPROVAL AND REVIEW		
Responsible Business Unit	[Name of Business Unit]	
Responsible Officer	[Name of Responsible Officer]	
Date/s adopted	*Executive Management Committee* [updated by policy owner]	*Council* [DD Mmmm YYYY]
Date/s of previous adoptions	[Dates of previous adoptions]	
Date of next review	[Two years from last adoption]	
TRIM Reference		

6. Statutory Reporting and Compliance

Appendix 10

Statutory Reporting Requirements – WCC

The following reporting requirements and tasks are required to be fulfilled by the General Manager:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Investigate reported breaches of the Code of Conduct, implement investigation action and actions arising from completed investigations	LG Act & Code of Conduct	
	Report suspected corrupt conduct to ICAC	ICAC Act (sec. 11)	
	Report suspected maladministration to NSW Ombudsman	Ombudsman Act	
	Report suspected serious and substantial waste of public money to OLG	OLG & Code of Conduct	
	Report suspected indictable criminal offences to NSW Police	Crimes Act	
	Notify reportable child-related allegations or convictions against employees to NSW Ombudsman	Ombudsman Act	
	Investigate public interest disclosures, ensure confidentiality of persons who have made a public interest disclosure, protect such persons from reprisal action in the workplace and implement actions arising from completed investigations	Public Interest Disclosures Act & Internal Reporting Policy	
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	
		Model Code of Meeting Practice	
	Notify the Environment Protection Authority of any pollution incident, causing or threatening material harm, occurring in the course of Council's activities.	POEO Act	
	Take all reasonable steps, and put systems and processes in place to review areas of non-compliance, to prevent environmental harm occurring in the course of Council's activities	POEO Act	
	Ensure Council's commercial operations comply with consumer protection law	Trade Practices Act (Cth) & Fair Trading Act (NSW)	
	Maintain public registers of -		
	Gifts and Benefits	ICAC Publication 2006 & Code of Conduct	
	Development Applications and associated documents	EP&A Act	
	Development contributions (s 94) plans and statements	EP&A Reg	
	Planning Agreements	EP&A Reg	
	Voting at Council Meetings	LG Act	
	Declarations of Conflict of Interests (*not a public register*)	ICAC Publication 2004 & Code of Conduct	
	Sub-Delegations to Staff Positions	LG Act	
	Council Policies	LG Act	
	Public Interest Disclosures (*not a public register*)	PID Act	

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
	Primary and Annual Pecuniary Interest Returns	LG Act	
	Public roads for which Council is the roads authority	Roads Act	
	Building Certificates	EP&A Act	
	POEO Act – various matters under Section 308	POEO Act	
	Investments	LG Act	
	Land Register (land owned by Council)	LG Act	
	Graffiti Removal Work	Graffiti Control Act	
	Disclosure of Political Donations & Gifts – DA's	EP&A Act	
	Government Contracts ($150,000 or more)	GIPA Act	
	Maintain a record of rates and charges of all land	LG Act	
	Maintain a link on Council's website to the website of the Election Funding Authority in relation to political donation declarations.	LG Act	
	Maintain a register of related entities (not a public register)	LG Act s413	
	Maintain a register of related party transactions (not a public register)	LG Act s413	
	Provide a safe and harassment-free workplace	WH&S Act	
	Maintain the register of library borrowers	Library Regulation	
	Adopt Councillors' Expenses and Facilities policy within first 12 months of each term of Council	LG Act s252	
	Report notifiable workplace injuries and incidents to WorkCover	WH&S Act	
	Ensure services are provided without discrimination	DDA (Cth) ADA (NSW)	
	Implement EED Management Plan	LG Act	
	Advise Council of details of fines, penalties and costs orders made against Council by any Court or Tribunal	LG Reg	
	Assist and comply with directions of the Planning Assessment Commission, Joint Regional Planning Panel and Independent Hearing and Assessment Panels	EP&A Act	
	Report as required on investigations by NSW Ombudsman	Ombudsman Act	
	Report draft Strategic Plan to Council for endorsement of public exhibition	LG Act	
	Report public comments on draft Strategic Plan to Council for adoption of Plan	LG Act	
	Public Interests Disclosures annual report sent to Minister (via OLG) and Ombudsman (by 30 October)	PID Act (s.31)	
	GIPA Annual report to Minister (via OLG) and Information Commissioner (by 30 October)	GIPA Act (s.125)	
	Public Interest Disclosure report sent to NSW Ombudsman (by 31 July)	PID Act (s.6CA)	

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
	Code of Conduct Complaints Statistics Report reported to Council and OLG (by 30 December)	OLG Model Code Procedures (cl12.1) and (cl12.2)	
2 CORPORATE MANAGEMENT	Conduct quarterly review of Management Plan	LG Act	
	Submit Annual Report to Minister	LG Act	
	Ensure review of General Manager's performance by Council	LG Act	
	Consult with Council prior to appointment or dismissal of senior staff	LG Act	
	Ensure employment screening for appointments to child-related employment positions	Child Protection Act	
	Appoint staff in accordance with organisation structure	LG Act	
	Report to Council to make and issue rates	LG Act	
	Arrange half yearly inspection of accounting records by Auditor for audit of financial reports and submission to OLG and ABS	LG Act	
3 FINANCIAL MANAGEMENT	Report to Council on Council's investments	LG Reg	
	Conduct quarterly budget reviews and report to Council	LG Act	
	Notify OLG of new, and further advances on existing, loan contract borrowings	LG Reg	
	Ensure Council's financial obligations, operations and keeping of accounts are lawful, effectively controlled, accurate and properly authorised and that lines of authority are clearly defined	LG Reg	
	Submit General Data Return to Grants Commission	LG Act	
	Ensure payment of Council's contribution to Fire Brigade costs	Fire Brigades Act	
	Ensure payment of Council's contribution to NSW Rural Fire Fighting Fund	Rural Fires Act	
	Submit required information to Illawarra Bushfire Management Committee and Rural Fire Service	Rural Fires Act	
	Submitting required information to Illawarra Bushfire Management Committee and Rural Fire Service	Rural Fires Act	
	Submit GST Certificates to OLG and ATO	LG Act (NSW) and GST Act (Cth)	
	Report all known dog attacks to OLG	Companion Animals Act	
4 MISCELLANEOUS	Submit Roads and Bridges Data Return to Grants Commission	Grants Commission	
	Notify OLG of declaration of dangerous or restricted dog	Companion Animals Act	

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
	Submit ALGA Local Road Data Return to Grants Commission	Grants Commission	

Name of Person completing the Statement:

Position:

Date completed:

Comments:

Signed: Date signed:

PLEASE COMPLETE YOUR RETURN AND THEN:
1   PRINT
2   SIGN
3   SCAN AND
4   REGISTER IN TRIM CONTAINER GCS-50.01.02.010, CLASSIFICATION GI-50.01.053

STATUTORY REPORTING REQUIREMENTS
DIRECTOR CORPORATE SERVICES

The following reporting requirements and tasks are required to be fulfilled by the Director Corporate Services:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Report suspected maladministration to NSW Ombudsman	Public Interest Disclosures Guideline B2	Yes
	Investigate reported breaches of the Code of Conduct, implement investigation action and actions arising from completed investigations	Model Code of Conduct (Clause 9.9, 9.16)	Yes
	Report suspected serious and substantial waste of public money to OLG	OLG Pecuniary interest guidelines	Yes
	Investigate public interest disclosures, ensure confidentiality or persons who have made a public interest disclosure, protect such persons from reprisal action in the workplace and implement actions arising from completed investigations	PID Act	Yes
	Report suspected corrupt conduct to ICAC	ICAC Act (s11)	Yes
	Notify reportable child related allegations or convictions against employees to NSW Ombudsman	Omb. Act (Part 3A, s 25C(a))	Yes
	Review adopted Codes of Conduct within 12 months of ordinary election	LG Act (s440)	Yes
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act, (s335 (b))	Yes
		Model Code of Meeting Practice (Cl19.12)	
	Maintain public registers of -		
	Voting on Planning Matters	LG Act (s375A)	Yes
		GIPA Reg (schedule 1 1(3)(c)	
	Voting at Council Meetings	Model Code of Meeting Practice (11.10/11.11)	Yes
	Disclosures of Interest of Designated Persons (Primary and Annual Returns)	Model Code of Conduct (Cl 4.24)	Yes
		IPC Guideline 1	
		LG Act (s440AAB)	
	Sub-Delegations to Staff Positions	GIPA Reg (Sched 1 1.3d)	Yes
	Council Policies	GIPA Reg (Sch 1)	Yes
	Investments	LG Act (S53)	Yes
		GIPA Reg (Sched 1 1.3(b))	
	Government Contracts (value $150,000 or more)	GIPA Act (P3,	Yes

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
		Div5, 27)	
	Maintain *non-public* registers of -		
	Public Interest Disclosures	PID Act	Yes
	Maintain a register of related entities	LG Act (s413)	Yes
	Maintain a register of related party transactions	LG Act (s413)	Yes
	Maintain a link on Council's website to the website of the Election Funding Authority in relation to political donation declarations	LG Act	Yes
	Maintain a record of rates and charges of all land	LG Act (s602)	Yes
	Provide a safe and harassment-free workplace	WH&S Act (P2 Div 2, s19)	Yes
	Adopt Councillors' Expenses and Facilities policy within first 12 months of each term of Council	LG Act (S525(1))	Yes
	Code of Conduct Complaints Statistics Report reported to Council and OLD (by 30 December)	Model Code Procedures (clause 12.1, Clause 12.2)	Yes
	Code of Meeting Practice	Model Code Procedures	Yes
	Report notifiable workplace injuries and incidents to WorkCover	WH&S Act (P3 s35-38)	Yes
		Workplace Injury Management and Workers Compensation Act 1998 No.86	
	Ensure services are provided without discrimination	DDA (Cth) (Div 2, Cl 24)	Yes
		ADA(NSW) (Div 3, Cl 19)	
	Implement EEO Management Plan	LG Act (s345)	Yes
	Advise Council of details of fines, penalties and costs orders made against Council by any Court or Tribunal	LG Reg (Cl 413A)	Yes
	Public Interest Disclosures annual report sent to Minister (via OLG) and Ombudsman (by 31 October)	PID Act (s31)	Yes
	GIPA Annual report to Minister (via OLG) and Information Commissioner (by 31 October)	GIPA Act 2009 (s.125)	Yes
	Public Interest Disclosure 6 month report sent to NSW Ombudsman (by 31 January and 31 July each year)	PID Act (s6CA)	Yes
2 CORPORATE MANAGEMENT	Ensure employment screening for appointments to child-related employment positions	Child Protection Act	Yes
	Ensure review of General Manager's performance by Council	OLG Guidelines for Appt (E(4))	Yes

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
	Appoint staff in accordance with organisation structure	LG Act	Yes
	Provide 6 monthly report to Council on implementation of Delivery Program	LG Act s404	Yes
	Submit Annual Report to Minister	LG Act	Yes
	Report to Council to make and issue rates	LG Act	Yes
3 FINANCIAL MANAGEMENT	Arrange half yearly inspection of accounting records by Auditor for audit of financial reports and submission to OLG and ABS	LG Act	Yes
	Report to Council on Council's investments	LG Reg	Yes
	Conduct quarterly budget reviews and report to Council	LG Act	Yes
	Notify OLG of new, and further advances on existing, loan contract borrowings	LG Reg	Yes
	Ensure Council's financial obligations, operations and keeping of accounts are lawful, effectively controlled, accurate and properly authorised and that lines of authority are clearly defined	LG Reg	Yes
	Submit General Data Return to Grants Commission	LG Act	Yes
	Make arrangements for adequate public liability and professional indemnity insurance	LG Act (s382)	Yes
	Submit GST Certificates to OLG and ATO	LG Act and GST Act	Yes

Name of Person completing the Statement:

Position:

Date completed:

Comments:

Signed: Date signed:

TRIM DOCUMENT: Z20/154283

The following reporting requirements and tasks are required to be fulfilled by the Director Community Services:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Maintain public registers of -		
	Graffiti Removal Work	Graffiti Control Act	Yes
	Library Borrowers	Library Regulation	Yes
	Land Register (land owned by Council)	LG Act	Yes
	Ensure Council's commercial operations comply with consumer protection law	Trade Practices Act (Cth) & Fair Trading Act (NSW)	Yes
	Maintain the register of library borrowers	Library Regulation	Yes
	Notify the Environment Protection Authority of any pollution incident, causing or threatening material harm, occurring in the course of Council's activities	POEO Act	Yes
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	Yes
		Model Code of Meeting Practice	
	Take all reasonable steps, and put systems and processes in place to review areas of non-compliance, to prevent environmental harm occurring in the course of council's activities	POEO Act	Yes
	Ensure Council's commercial operations comply with consumer protection law	Trade Practices Act	Yes
		Fair Trading Act	

Name of Person completing the Statement:

Position: Director Community Services

Date completed:

Comments:

Signed: Date signed:

STATUTORY REPORTING REQUIREMENTS
MANAGER GOVERANCE AND CUSTOMER SERVICE

The following reporting requirements and tasks are required to be fulfilled by the Manager Governance and Customer Service:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Investigate reported breaches of the Code of Conduct, implement investigation action and actions arising from completed investigations	LG Act (S462)	Yes
		Model Code of Conduct (Clause 9.9, 9.16)	
	Review adopted Codes of Conduct within 12 months of ordinary election	LG Act (s440)	Yes
	Report suspected corrupt conduct to ICAC	ICAC Act (s11)	Yes
	Report suspected maladministration to NSW Ombudsman	Public Interest Disclosures Guideline B2	Yes
	Report suspected serious and substantial waste of public money to OLG	OLG Pecuniary interest guidelines	Yes
	Investigate public interest disclosures, ensure confidentiality of persons who have made a public interest disclosure, protect such persons from reprisal action in the workplace and implement actions arising from completed investigations	PID Act	Yes
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act (s335)	Yes
		Model Code of Meeting Practice (P19.12)	
	Maintain public registers of:		
	Voting on Planning Matters	Model Code of Meeting Practice (11.10/11.11)	Yes
		LG Act (s375A)	
		GIPA Reg (schedule 1 1(3)(c)	
	Sub-Delegations to Staff Positions	GIPA Reg (schedule 1 1(3)(c)	Yes

STATUTORY REPORTING REQUIREMENTS
MANAGER GOVERANCE AND CUSTOMER SERVICE

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
	Primary and Annual Pecuniary Interest Returns	LG Act (Section 440AAB)	Yes
	Government Contracts ($150,000 or more)	GIPA Reg (P 3, Div 5, 27)	Yes
	Declarations of Conflict of Interests	Model Code of Conduct (Cl 4.24)	Yes
	Maintain *non-public* registers of:		
	Public Interest Disclosures	PID Act	Yes
	Maintain a link on Council's website to the website of the Election Funding Authority in relation to political donation declarations.	LG Act (s328A)	Yes
	Adopt Councillors' Expenses and Facilities policy within first 12 months of ordinary election	LG Act (s252(1))	Yes
	Report as required on investigations by NSW Ombudsman	Ombudsman Act	Yes
	Public Interests Disclosures annual report sent to Minister (via OLG) and Ombudsman (by 30 October)	PID Act (s31)	Yes
	GIPA Annual report to Minister (via OLG) and Information Commissioner (by 30 October)	GIPA Act (s125)	Yes
	Public Interest Disclosure report sent to NSW Ombudsman (by 31 July)	PID Act (s6CA)	Yes
	Code of Conduct Complaints Statistics Report reported to Council and OLG (by 30 December)	Model Code Procedures (cl. 12.1, cl. 12.2)	Yes
	Code of Meeting Practice	Model Code Procedures	Yes
2 COROPORATE MANAGEMENT	Ensure review of General Manager's performance by Council	OLG Guidelines for Appt (E(4))	Yes

Name of Person completing the Statement:

Position: Manager Governance and Customer Service

Date completed: Comments:

Signed:

Date signed:

TRIM DOCUMENT: Z20/154639

The following reporting requirements and tasks are required to be fulfilled by the Manager Community Cultural and Economic Capacity:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Maintain public registers of:		
	Graffiti Removal Work	Graffiti Control Act 2008 No. 100	No
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	No
		Model Code of Meeting Practice	

Name of Person completing the Statement:

Position:

Date completed:

Comments:

Signed: Date signed:

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STATUTORY REPORTING REQUIREMENTS
CHIEF INFORMATION OFFICER

PERIOD:
1 JULY 2019 TO
30 JUNE 2020

TRIM DOCUMENT: Z20/154255

The following reporting requirements and tasks are required to be fulfilled by the Chief Information Officer:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE			
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	No
		Model Code of Meeting Practice	
	GIPA Annual report to Minister (via OLG) and Information Commissioner (by 30 October each year)	*GIPA Act (s125)*	*N/A 2019/20 Applicable next reporting period.* *With Manager Governance + Customer Service for 2019-2020*

Name of Person completing the Statement:

Position:

Date completed:

Comments:

Signed: Date signed:

The following reporting requirements and tasks are required to be fulfilled by the Manager Property and Recreation:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Notify the Environment Protection Authority of any pollution incident, causing or threatening material harm, occurring in the course of Council's activities.	POEO Act (S147)	Yes
	Take all reasonable steps, and put systems and processes in place to review areas of non-compliance, to prevent environmental harm occurring in the course of Council's activities	POEO Act (S3)	Yes
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	Yes
		Model Code of Meeting Practice	
	Ensure Council's commercial operations comply with consumer protection law	Trade Practices Act	Yes
		Fair Trading Act	
	Maintain public registers of:		
	Land Register (land owned by Council)	LG Act (S53)	Yes

Name of Person completing the Statement:

Position: Manager Property & Recreation

Date completed: Comments:

Signed:

Date signed:

STATUTORY REPORTING REQUIREMENTS
MANAGER PROJECT DELIVERY

PERIOD:
1 JULY 2019 TO
30 JUNE 2020

TRIM DOCUMENT: Z20/154718

The following reporting requirements and tasks are required to be fulfilled by the Manager Project Delivery:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Notify the Environment Protection Authority of any pollution incident, causing or threatening material harm, occurring in the course of Council's activities.	POEO Act (Section 147)	No
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	No
		Model Code of Meeting Practice	
	Take all reasonable steps, and put systems and processes in place to review areas of non-compliance, to prevent environmental harm occurring in the course of Council's activities	POEO Act (Section 3)	No

Name of Person completing the Statement:

Position:

Date completed:

Comments:

Signed: Date signed:

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STATUTORY REPORTING REQUIREMENTS
MANAGER DEVELOPMENT ASSESSMENT + CERTIFICATION

PERIOD:
1 JULY 2019 TO
30 JUNE 2020

TRIM DOCUMENT: Z20/154706

The following reporting requirements and tasks are required to be fulfilled by the Manager Development Assessment and Certification:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Maintain public registers of:		
	Development Applications and associated documents	EP&A Act (s4.58)	No
	Building Certificates	EP&A Act (P4 Div 4.10 s4.58)	No
	Disclosures of Political Donations and Gifts (relating to DA's)	EP&A Act (s10.4)	No
	Assist, and comply with directions of, the Planning Assessment Commission, Joint Regional Planning Panel and Independent Hearing and Assessment Panels	EP&A Act (P 2, Div 2.7, s2.27)	No
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	No
		Model Code of Meeting Practice	

Name of Person completing the Statement:

Position:

Date completed:

Comments:

Signed: Date signed:

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STATUTORY REPORTING REQUIREMENTS
MANAGER CITY WORKS

The following reporting requirements and tasks are required to be fulfilled by the Manager City Works:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Notify the Environmental Protection Authority of any pollution incident, causing or threatening material harm, occurring in the course of Council's activities – (also applies to IS&P and P&R Divisions)	POEO Act	No
	Take all reasonable steps, and put systems and processes in place to review areas of non-compliance, to prevent environmental harm occurring in the course of Council's activities	POEO Act	No
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	No
		Model Code of Meeting Practice	

Name of Person completing the Statement:

Position:

Date completed:

Comments:

Signed: Date signed:

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STATUTORY REPORTING REQUIREMENTS
MANAGER CITY STRATEGY

The following reporting requirements and tasks are required to be fulfilled by the Manager City Strategy:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Notify the Environment Protection Authority of any pollution incident, causing or threatening material harm, occurring in the course of Council's activities.	POEO Act (S 147 (Duty to Report))	Yes
	Take all reasonable steps, and put systems and processes in place to review areas of non-compliance, to prevent environmental harm occurring in the course of Council's activities	POEO Act (S 3 (Objects of Act))	Yes
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	Yes
		Model Code of Meeting Practice	
	Maintain register of -		
	Development contributions (s 94) plans and statements (Public)	EP&A Reg (P 4, Div 5 – 34)	Yes
	Planning Agreements (Public)	EP&A Reg (25f)	

Name of Person completing the Statement:

Position: Manager City Strategy

Date completed:

Comments:

Signed: Date signed:

STATUTORY REPORTING REQUIREMENTS
MANAGER INFRASTRUCTURE STRATEGY AND PLANNING

The following reporting requirements and tasks are required to be fulfilled by the Manager Infrastructure Strategy and Planning:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Notify the Environment Protection Authority of any pollution incident, causing or threatening material harm, occurring in the course of Council's activities.	POEO Act (Section 147)	No
	Take all reasonable steps, and put systems and processes in place to review areas of non-compliance, to prevent environmental harm occurring in the course of Council's activities	POEO Act (Section 3)	No
	Ensure the implementation, without undue delay, of decisions of the Council	LGA Act	No
		Model Code of Meeting Practice	
	Maintain public registers of:		
	Public roads for which Council is the roads authority	Roads Act 1993 (Section 163)	No
3 FINANCIAL MANAGEMENT	Ensure payment of Council's contribution to Fire Brigade costs	Fire Brigades Act	No
	Ensure payment of Council's contribution to NSW Rural Fire Fighting Fund	Rural Fires Act	No
	Submit required information to Illawarra Bushfire Management Committee and Rural Fire Service	Rural Fires Act (Section 47 & 48)	No
4 MISCELLANEOUS	Submit Roads and Bridges Data Return to Grants Commission	Grants Commission	No
	Submit ALGA Local Road Data Return to Grants Commission	Grants Commission	No

Name of Person completing the Statement:

Position:

Date completed:

Comments:

Signed: Date signed:

PLEASE COMPLETE YOUR RETURN AND THEN:

STATUTORY REPORTING REQUIREMENTS
MANAGER OPEN SPACE AND ENVIRONMENTAL SERVICES

PERIOD:
1 JULY 2019 TO
30 JUNE 2020

TRIM DOCUMENT: Z20/154717

The following reporting requirements and tasks are required to be fulfilled by the Manager Open Space and Environmental Services:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	Yes
		Model Code of Meeting Practice	
	Notify the Environment Protection Authority of any pollution incident, causing or threatening material harm, occurring in the course of Council's activities.	POEO Act	Yes
	Take all reasonable steps, and put systems and processes in place to review areas of non-compliance, to prevent environmental harm occurring in the course of Council's activities	POEO Act	Yes
	Provide a safe and harassment free workplace	WH&S Act	Yes
	Ensure services are provided without discrimination	DDA	Yes
		ADA	
3 FINANCIAL MANAGEMENT	Submit required information to Illawarra Bushfire Management Committee and Rural Fire Service	Rural Fires Act	Yes

Name of Person completing the Statement:

Position: Manager Open Space and Environmental Services

Date completed:

Comments:

Signed: Date signed:

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STATUTORY REPORTING REQUIREMENTS
DIRECTOR PLANNING AND ENVIRONMENT

PERIOD: 1 JULY 2019 TO 30 JUNE 2020

TRIM DOCUMENT: Z20/154295

The following reporting requirements and tasks are required to be fulfilled by the Director Planning and Environment:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Notify the Environment Protection Authority of any pollution incident, causing or threatening material harm, occurring in the course of Council's activities	POEO Act	Yes
	Take all reasonable steps, and put systems and processes in place to review areas of non-compliance, to prevent environmental harm occurring in the course of Council's activities	POEO Act	Yes
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	Yes
		Model Code of Meeting Practice	
	Maintain public registers of -		
	Development Applications and associated documents	EP&A Act	Yes
	Development contributions (S 94) plans and statements	EP&A Reg	Yes
	Building Certificates	EP&A Act	Yes
	Planning Agreements	EP&A Reg	Yes
	POEO Act – various matters under Section 308	POEO Act	Yes
	Disclosure of Political Donations and Gifts – DAs	EP&A Act	Yes
	Assist, and comply with directions of, the Planning Assessment Commission, Joint Regional Planning Panels and Independent Hearing and Assessment Panels	EP&A Act	Yes
4 MISCELLANEOUS	Report all known dog attacks to OLG	Companion Animals Act	Yes
	Notify OLG of declaration of dangerous or restricted dog	Companion Animals Act	Yes
	Notify OLG of declaration of restricted breeds of dogs	Companion Animals Act	Yes
	Reporting of Pool Fence / Barriers Inspections and Certificates	Swimming Pools Act	Yes

Name of Person completing the Statement:

Position: Director Planning and Environment

Date completed: Comments:

Signed:

Date signed:

PLEASE COMPLETE YOUR RETURN AND THEN:
1   PRINT

The following reporting requirements and tasks are required to be fulfilled by the Manager Regulation and Enforcement:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Maintain Public Registers of -		
	POEO Act – Various matters under Section 308	POEO Act (s308)	No
	Planning Agreements	EP&A Reg (cl 25F)	No
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	No
		Model Code of Meeting Practice	
4 MISCELLANEOUS	Report all known dog attacks to OLG	Companion Animals Regulation 2018	No
	Notify OLG of declaration of dangerous or restricted dog	Companion Animals Act 1998	No
	Notify OLG of declaration of restricted breeds of dogs	Companion Animals Act 1998	No
	Reporting of Pool Fence / Barriers Inspections and Certificates	Swimming Pools Act 1992	No

Name of Person completing the Statement:

Position:

Date completed:

Comments:

Signed: Date signed:

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STATUTORY REPORTING REQUIREMENTS
CHIEF FINANCIAL OFFICER

TRIM DOCUMENT: Z20/154246

The following reporting requirements and tasks are required to be fulfilled by the Chief Financial Officer:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Maintain public registers of:		
	Investments	LG Reg 2005	Yes
	Maintain non-public register of:		
	Related entities	LG Act	Yes
	Related party transactions	LG Act	Yes
	Maintain a record of rates and charges of all land	LG Act	Yes
	Report to Council to make and issue rates	LG Act	Yes
	Arrange half yearly inspection of accounting records by Auditor for audit of financial reports and submission to OLG and ABS	LG Act	Yes
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	Yes
		Model Code of Meeting Practice	
3 FINANCIAL MANAGEMENT	Report to Council on Council's investments	LG Reg	Yes
	Conduct quarterly budget reviews and report to Council	LG Act (IPR Report Manual (Premier and Cabinet)	Yes
	Notify OLG of new, and further advances on existing, loan contract borrowings	LG Reg	N/A
	Ensure Council's financial obligations, operations and keeping of accounts are lawful, effectively controlled, accurate and properly authorised and that lines of authority are clearly defined	LG Reg	Yes
	Submit General Data Return to Grants Commission		Yes
	Submit GST Certificates to OLG and ATO		Yes

Name of Person completing the Statement:

Position: Chief Financial Officer

Date completed:

Comments:

Signed: Date signed:

STATUTORY REPORTING REQUIREMENTS
MANAGER HUMAN RESOURCES

PERIOD:
1 JULY 2019 TO
30 JUNE 2020

TRIM DOCUMENT: Z20/154713

The following reporting requirements and tasks are required to be fulfilled by the Manager Human Resources:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Notify reportable child-related allegations or convictions against employees to NSW Ombudsman	Omb. Act, Part 3A (sect. 25C(a)	No
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act (sect.335(b))	No
		Model Code of Meeting Practice (P 13.12)	
	Provide a safe and harassment-free workplace	WH&S Act 2011 No. 10 (sect. 19)	No
	Report notifiable workplace injuries and incidents to WorkCover	WH&S Act 2011 No.10	No
		Workplace Injury Management and Workers Compensation Act 1998 No.86	
	Ensure services are provided without discrimination	DDA (Clause 24)	No
	Implement EEO Management Plan	LG Act (s3450	No
	Advise Council of details of fines, penalties and costs orders made against Council by any Court or Tribunal	LG Reg (S335)	No
2 CORPORATE MANAGEMENT	Ensure employment screening for appointments to child-related employment positions	Child Protection Act (Clause 12 & 13)	No
	Appoint staff in accordance with organisation structure	LG Act (S332)	No

Name of Person completing the Statement:

Position:

Date completed:

Comments:

Signed: Date signed:

STATUTORY REPORTING REQUIREMENTS
MANAGER LIBRARY AND COMMUNITY SERVICES

PERIOD:
1 JULY 2019 TO
30 JUNE 2020

TRIM DOCUMENT: Z20/154714

The following reporting requirements and tasks are required to be fulfilled by the Manager Library and Community Services:

FUNCTION	TASK	REFERENCE	COMPLIANCE YES/NO
1 GOVERNANCE	Maintain the register of library borrowers	Library Regulation	YES
	Ensure the implementation, without undue delay, of decisions of the Council	LG Act	YES
		Model Code of Meeting Practice	

Name of Person completing the Statement:

Position: Manager Library & Community Services

Date completed:

Comments:

Signed: Date signed:

9. Council Meetings and Business Papers

Appendix 11

Council Agenda and Business Paper Production Cycle Procedure

Council Agenda & Business Papers Production Cycle Procedure

1. Council Meeting and Briefing Cycle

Meetings of the Council are held on the fourth Wednesday of the month, on the XXX of the preceding week a councilor briefing session is held to brief council on reports that will be listed on the council agenda. The forward planner includes details of all reports and briefings and will be reviewed monthly as part of the agenda review process.

2. Agenda Production Cycle

The following deadlines have been endorsed by the Executive:

Reports to be finalised by COB for director review	Agenda review by Executive	Business Paper Review by CEO	Final Edits to Reports to be finalised by	Business Paper locked and reviewed by Governance	Business Paper Production & Publishing	Council Meeting Date
9 October	14 October	19 October	21 October	22 October	23 October	**28 October 2020**
6 November	11 November	16 November	18 November	19 November	20 November	**25 November 2020**
20 November	25 November	30 November	2 December	3 December	4 December	**9 December 2020**
5 February	10 February	15 February	17 February	18 February	19 February	**24 February 2021**
5 March	10 March	15 March	17 March	18 March	19 March	**24 March 2021**
9 April	14 April	19 April	21 April	22 April	23 April	**28 April 2021**
7 May	12 May	17 May	19 May	20 May	21 May	**26 May 2021**
4 June	9 June	15 June	16 June	17 June	18 June	**23 June 2021**

3. Executive Agenda Review Meeting

3.1 Participants

- General Manager
- Directors
- Manager Governance, People and Systems, Human Resources
- Coordinator Governance & Risk

3.2 Pre Meeting requirements

Prior to the Executive Agenda Review Meeting, Directors are required to have completed the following:

- an initial review of reports from their Division and arrange for any necessary amendments and edits.

- ensured staff from their Division have made necessary updates to the Outstanding Resolutions Register.

3.3 Purpose

The purpose of the Executive Agenda Review Meeting is to:

- Identify any reports that will be contentious as these will require further consideration by the relevant Director in consultation with the General Manager.

- Confirm that the reports listed for consideration in the current round of Council have been provided.

- Review the Forward Planner to determine if any adjustments/additions are required.

- Identify reports that will require a councillor briefing.

- Review and update the Outstanding Resolutions Register.

- Review reports with input and direction provided by the Directors and General Manager.

A copy of the standard agenda for the Executive Review meeting is contained in Attachment 1.

3.4 Standard Agenda for Executive Agenda Review Meeting

The agenda to be used for all review meetings, subject to change by the General Manager, is as follows:

1. Strategic Review – identification and discussion of reports that may have political and/or public interest

2. Review of Forward Planner:

    a. Adjustments to report schedule as required

    b. Identification of reports that require a Councillor briefing

3. General review of reports for the current round of Council

4. Review and update the Outstanding Resolutions Report

3.5 Outcome of the Agenda Review Meeting

The following outcomes will be generated from the Executive Agenda Review Meeting

1. Summary of Actions Required

The Coordinator Governance & Risk will distribute to the Directors and report authors a summary of any amendments or additional information requested by the General Manager.   Refer to Attachment 1 for template.

2. Outstanding Resolutions Register

The Coordinator Governance & Risk will collate additional updates or variations made at the Agenda Review Meeting by the Directors. These will inform the monthly Outstanding Resolutions Report to Council. Refer to Attachment 2 for template.

3. Forward Planner

The Coordinator Governance & Risk will make amendments as required to the Forward Planner and circulate to Directors and report authors. Refer to Attachment 4 for template.

Attachment 1

Agenda Review – Actions Required		
Directorate – Organisational and Corporate Services		
Responsible Officer	Report Title	Action Required
Directorate – Businesses and Services		
Responsible Officer	Report Title	Action Required

Attachment 2

Outstanding Resolutions Register					
Directorate – Organisational and Corporate Services					
Meeting Date	Report No. and Title	Resolution	Responsible Officer	Status 1.Not started 2.Action Underway 3.Further report to be provided to Council 4.Completed	Commentary
Directorate – Businesses and Services					
Meeting Date	Report No. and Title	Resolution	Responsible Officer	Status 1.Not started 2.Action Underway 3.Further report to be provided to Council 4.Completed	Commentary

Attachment 3

Forward Planner

Councilor Briefing XX October 2020

Directorate	Responsible Officer	Briefing Title

Council Meeting 28 October 2020

Directorate	Responsible Officer	Report Title
Statutory Reporting and Compliance		
		Cash and Investment Report
		Designated Returns
		Code of Conduct Complaints Statistics Report
Policy Review Program		
Other Reports		
		Monthly Outstanding Resolutions Report
		Minutes Traffic Advisory Committee

Councilor Briefing XX November 2020

Directorate	Responsible Officer	Briefing Title

Council Meeting 25 November 2020

Directorate	Responsible Officer	Report Title
Statutory Reporting and Compliance		
		Cash and Investment Report
		Quarterly Budget Review – September Quarter
		Annual Report
		Public Presentation of the Financial and Audit Reports

Policy Review Program		

Other Reports		
		Monthly Outstanding Resolutions Report
		Minutes Traffic Advisory Committee

Councilor Briefing XX December 2020		
Directorate	**Responsible Officer**	**Briefing Title**
Council Meeting 9 December 2020		
Directorate	**Responsible Officer**	**Report Title**
Statutory Reporting and Compliance		
		Cash and Investment Report
Policy Review Program		
Other Reports		
		Monthly Outstanding Resolutions Report
		Minutes Traffic Advisory Committee

Councilor Briefing XX February 2021		
Directorate	**Responsible Officer**	**Briefing Title**
Council Meeting 24 February 2021		
Directorate	**Responsible Officer**	**Report Title**
Statutory Reporting and Compliance		
		Cash and Investment Report

		Quarterly Budget Review – December Quarter
		Delivery Program – 6 Monthly Progress Report
	Policy Review Program	
	Other Reports	
		Monthly Outstanding Resolutions Report
		Minutes Traffic Advisory Committee

Councilor Briefing XX March 2021		
Directorate	**Responsible Officer**	**Briefing Title**

Council Meeting 24 March 2021		
Directorate	**Responsible Officer**	**Report Title**
Statutory Reporting and Compliance		
		Cash and Investment Report
Policy Review Program		
Other Reports		
		Monthly Outstanding Resolutions Report
		Minutes Traffic Advisory Committee

Councilor Briefing XX April 2021		
Directorate	**Responsible Officer**	**Briefing Title**

Council Meeting 28 April 2021		
Directorate	**Responsible Officer**	**Report Title**
Statutory Reporting and Compliance		

		Cash and Investment Report
		Public Exhibition of Operational Plan; Budget; Schedule of fees and charges (28 days required under the LG Act)
	Policy Review Program	
	Other Reports	
		Monthly Outstanding Resolutions Report
		Minutes Traffic Advisory Committee

Councilor Briefing xx May 2021		
Directorate	**Responsible Officer**	**Briefing Title**

Council Meeting 26 May 2021		
Directorate	**Responsible Officer**	**Report Title**
Statutory Reporting and Compliance		
		Cash and Investment Report
		Quarterly Budget Review – March Quarter
		Councillor Remuneration – Setting of Annual Remuneration
Policy Review Program		
Other Reports		
		Monthly Outstanding Resolutions Report
		Minutes Traffic Advisory Committee

Councilor Briefing xx June 2021		
Directorate	**Responsible Officer**	**Briefing Title**
Council Meeting 23 June 2021		

Directorate	Responsible Officer	Report Title
Statutory Reporting and Compliance		
		Cash and Investment Report
		Adoption of Operational Plan; Budget; Schedule of fees and charges
		Delivery Program – 6 Monthly Progress Report
Policy Review Program		
Other Reports		
		Monthly Outstanding Resolutions Report
		Minutes Traffic Advisory Committee
		Councillor Attendance Local Government NSW Annual Conference
		Council Meeting Schedule: note on the website the last meeting date listed is the 23 June 2021. A meeting date will need to be set for July and thereafter. This will be impacted on whether you have councilors (no meetings can be held during caretaker period August prior to the LG election). If you are to elect councilors a date will need to be set for the first meeting of council after the election or an Extraordinary meeting called.

9. Council Meetings and Business Papers

Appendix 12

Council Meeting Procedure Process Maps

13. Dealing with Items by Exception

Council can resolve a number of reports by exception.
c13.1

This is where Council resolves to adopt the recommendations contained within staff reports with no discussion on the matter.

Chair asks each Councillor, in turn, to call for staff reports on the agenda they wish to discuss
c13.2

Councillor that calls the item, shall have the call when the item is discussed later in meeting.

Any reports not called for consideration are included in one motion which identifies the items and states that they are adopted as recommended in the business paper.
c13.6

If a Councillor has a pecuniary / significant interest in a report, they must leave the chamber and not vote on the items by exception motion.

For any confidential reports dealt with by exception, once adopted the General Manager will read out the resolutions of those confidential reports

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10 Rules of Debate: Motion Flowchart (No Amendment)

Motion Moved	A motion cannot be debated until it has been seconded. c10.1
Motion Seconded	
Motion Debated	Councillors cannot speak for more than 5 minutes at any one time. c10.22
Councillors to identify speaking for or against the Motion	Chair to prompt Councillors on how they are speaking. Chair to keep tally of Crs speaking for and against
Mover's right of reply	Mover can reply to debate and speak for up to 5 minutes. c10.20
Motion put to vote	

10. Rules of Debate:
Motion and Amendment Flowchart

Motion Moved → **Motion Seconded** → **Motion Debated** → **Amendment Moved**

Amendment Moved → Amendment must relate to subject matter, and shall not have the effect of negating the motion. Mover can speak for up to 5 minutes

Amendment Seconded → Seconder can speak for up to 5 minutes.

Amendment Debated → Any Councillor may speak for up to 5 minutes. They must speak strictly to the Motion / Amendment

Mover of Motion right of reply → **Amendment Put to vote**

Amendment Put to vote → **Amendment Lost**
Amendment Put to vote → **Amendment Carried**

Amendment Lost → **Mover of Original Motion - Right of Reply** → **Vote on Original Motion**

Amendment Lost → **Another Amendment can now be moved**

Amendment Carried → **Amended Motion becomes Substantive Motion** → **Mover of Motion - Right of Reply on Substantive Motion** → **Vote on Substantive Motion**

10 Rules of Debate: Moving a Motion that a Motion or Amendment be put to a vote

Councillor Moves that the Motion / Amendment be Put

Can only be moved if:
(i) The mover o the motion or amendment has spoken and no Cr expresses an intention to speak against it; or
(ii) at least 2 Crs have spoken in favour and at least 2 have spoken against.   c10.25

Crs other than the mover of an original motion, have the right to speak once on the motion and once on each amendment to it. c10.21

A Seconder is not required

Chair must immediately put to the vote without debate

This is a vote on whether the original motion is put to the vote. No debate allowed. c10.26

Motion Passed

Motion Rejected

Original Mover of Motion / Amendment given Right of Reply

Debate resumes

Original Motion / Amendment Put to Vote

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17 Decisions of the Council: Re-committal to correct an error

A motion of dissent cannot be moved against a ruling of the Chair under c17.15

Procedural Motion to recommit a resolution

Can only be moved:
(i)   To correct an error, ambiguity or imprecision in the resolution; or
(ii) To confirm voting on the resolution. c17.15

Chair to put the recommit motion to the vote

Before proceeding (i) the Cr must propose the alternative wording and the Chair must be satisfied that the alternative wording will not alter the substance of the resolution.

Only the mover of the motion can speak to the motion.

Motion Passed

Motion Rejected

Resolution is recommitted. Proposed resolution put to meeting; or voting on previous resolution confirmed.

Original Resolution stands. Agenda Continues

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9. Consideration of Business at Council Meetings - Urgency Motions

Motion to deal with matter urgently is moved

Mover must state the subject to be discussed and the reason that it is of great urgency. The Cr cannot enter into general debate on the substantive motion.

Motion Seconded

Seconder can not speak on the urgency of the matter

Motion Put to vote

If passed, the Chair must rule that the item to be brought forward is of great urgency. c9.3

Substantive Motion Moved

Mover can speak for up to 5 minutes

Substantive Motion Seconded

Motion put to vote

14.16 Representations from Members of the Public - Moving into Closed Session

Motion (Needs Mover and Seconder) to close the meeting → General Manager invites representations from the public under clause 14.9 → The General Manager is to permit no more than 2 speakers on a matter in an order determined by them. → Vote on moving into confidential meeting

CAUTION: Moving a confidential item in conjunction with an open report means that the report will become public.

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15. Keeping Order at Meetings - Point of Order

Is it a Point of Order?

Must be dealt with immediately . Does not require a seconder. c15.1 and c15.3

Action for Chair

NO

OR

YES
Procedural Point (Minor)

OR

YES – Act of disorder
(5 types) (comp 9.7)

One of below or procedural point

Move on with Business of Meeting

Request Cr to follow protocol

Contravenes the Act or regulation in force under the Act c15.11(a)

Cr Response

Cr takes requested action

Cr does not comply

Request apologies without reservation c15.12(a)

Assaults or threatens to assault another Cr or person present. c15.11(b)

Request withdraw motion and where appropriate apologise c15.12(b)

Moves or attempts to move a Motion or amendment that is outside the jurisdiction of the Council or Committee, or attempts to address it. c15.11(c)

Chair repeats request - Denied

Insults or makes personal reflections on or imputes improper motives to any other person. c15.11(d)

Request retract and apologise without reservation c15.12(c)

Warning / Adjournment / Expulsion

Says or does anything inconsistent with maintaining order at meeting or likely to bring meeting into contempt.   c15.11(e)

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15. Adjournment for disorder

Chair moves adjournment – this does not require a seconder. Maximum 15 minutes c15.13

On resuming meeting Chair puts question to the whether the business is to be proceeded with or not.

Decided without debate

Decision to not proceed meeting is closed / adjourned to new time

Decision to move on with business (no further action re disorder) OR Proceed to expulsion

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15. Expulsion from meetings

```
Chair repeats request for the
action for the disorder
          │
          ├──────────────► Councillor completes the
          │                 requested action              ──────►  Move on
          │                 i.e. apologises
          │
          └──────────────► Councillor Refuses to comply with
                            request under c15.12
                                      │
                                      ▼
                            Chair moves motion to expel:
                            "That on the grounds that x has
                            failed to follow instruction of
                            Chair when required, in            ──────►  Expulsion c15.16
                            accordance with Council's Code of                    │
                            Meeting Practice, that they be                       ▼
                            expelled from this meeting."       Expulsion and name of the Cr is
                                                               recorded in the minutes. c15.17
                                                                                 │
                                                                                 ▼
                                                               Failure to leave the meeting – may
                                                               use force to remove and prevent
                                                               re-entering.     C15.20
```

15. Motions of dissent

Motion of dissent moved

→ Only Mover and Chair can speak on the motion before it is put. Mover of the motion of dissent has no right of reply. c15.10

→ Vote

→ If the motion of dissent is carried the Chair must proceed with the business that they ruled could not proceed.

→ If the motion of dissent is not carried the Chairs original ruling is upheld.

A Cr can move a motion of dissent from the Chairs ruling on a point of order or a question of order. The Chair must suspend business until a decision is made on the motion of dissent.

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9. Council Meetings and Business Papers

Appendix 13

Guide to Report Writing

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Guide to Report Writing

1. Report Cycle

Council reports are one of the most important documents that we produce. They commit Council to action, comply with legislation and communicate to the community – it is essential that reports are well written, informative, accurate and consistent.

To ensure that these standards are met, deadlines have been put in place to allow sufficient time for Managers/Executive Managers/Directors or General Manager to review reports and consider any implications prior to them being published. Refer to the Council Agenda and Business Paper Production Cycle for the deadlines for each upcoming meeting.

2. Reports

- Must present information clearly and concisely – be up front about the point or the 'so what' of the report.

- Aim for the most concise way to outline background/context: use sub-headings, tables, and/or provide quantitative and comparison data where possible.

- Be at the standard of a public document – our agenda is a public record.

- Be created from the template in infocouncil. Don't copy and paste reports

2.1 Report Title

- In INFOCOUNIL – always use Title Case with the first letters of words in capital letters, articles and connecting words can begin with lower case letters

- How to name the report – use the convention of "Decision – Name" to set the scene for what the Councillors are about to read and make a decision on

  Example:

  Planning Proposal - XXX

  Adoption for Public Exhibition - XXX

  Outcome of Public Exhibition and Adoption of – XXX

2.2 Attachments

- Reference to attachments will always be in CAPITAL LETTERS in the Attachments section of the report

- Title attachments with the same name in which they are referred to in the report

  Example:

1.   DRAFT XXXX POLICY

   2.   DRAFT XXXX STRATEGY

- Ensure all names of these documents are written in *italics* within the report

2.3   Meeting Date

Choose the meeting date at which the report is being considered by Council.

2.4   Report Purpose

The purpose should be a maximum of one to two sentences long stating the purpose of the report. For example:

- To seek Council's consideration and endorsement for the recommendation to proceed with XXX.

- To seek approval to place the draft XXX on public exhibition.

- To consider submissions received during the public exhibition of the XXX and seek Council's adoption of XXX.

- To report on the XXX in accordance with section XXX of the XXX *Policy*.

- To report the minutes / meeting notes of the XXX meeting held XXX.

- To inform the Council of XXX.

- To report back to Councillors on XXX and endorsement for the recommendation to proceed with XXX.

2.5   Officers Recommendation

- A Council report must include a recommendation. Once Council has made a decision on the matter (they may agree with or amend the recommendation or change it completely) this then becomes a resolution of Council.

- A recommendation must always start with "That Council" and followed usually by an action. This is because a recommendation is an instruction for Council to do something – otherwise why is this report coming to Council if not for some kind of action?

- A recommendation must be able to stand alone – what this means is that a decision of Council as printed in the minutes can be understood and actioned without reference to other documents. It is also necessary for someone looking through the minutes in 10 years time to be able to understand the decision. For this reason references to Attachments are not encouraged in the recommendation – spell out the unique title of the attachment itself – "Planning Proposal for Land at XX Street" or "That Council adopt the XYZ Strategy dated 1 April 2013".

- Always spell out the full title of policies or documents that are being adopted or referred to. These should be written in italics.

- Do not use abbreviations in a recommendation – you can use them throughout the report once you have established them but the recommendation must have the name spelt out in full.

- Keep the recommendations as simple if possible – if there are options and alternative actions

in the recommendation then Council cannot adopt the recommendation without debate and it may become difficult at the meeting to get the correct decision noted – (eg If Item 1. gets approved then we do X, if Item 2. doesn't get approved then we do Y)

- Council is a single entity – 'That Council exercises **its** powers.......'

- Council can only delegate powers to the General Manager – not any Directors – further delegation happens through the normal business process and does not need to be in the recommendation.

- You do not need to write "That Council resolves to write to......." because the decision is a resolution itself – i.e. "That Council write to......"

- If in any doubt over the wording for a recommendation contact the Governance Team.

- Be clear and concise and, where appropriate, facilitate Council's ability to consider adopting the item by exception (i.e. look to avoid a recommendation requiring Council to 'discuss the report'; and only include an open-ended set of options which the Council must decide on at the meeting where it is appropriate – discuss this with your Director).

Examples:

Report Type	Example of Preferred Title	Example of preferred recommendation
Public Exhibition- Plan or Policy	Public Exhibition of XXX	That Council: a. Endorse the public exhibition of the *XX* for a minimum of XX days. b. The outcomes of the public exhibition be reported to Council.
Reporting outcomes from a public exhibition period and adoption of Plan or Policy	Outcome of Public Exhibition and adoption - XXX	That Council: a. Note the submissions received during the public exhibition period. b. Adopt the *XXX*. c. Delegate authority to the General Manager to make any minor amendments to the *XX* which do not alter the intent.
Adopting a Plan or Policy and rescinding obsolete documents	Adopt XXX Policy	That Council: a. Adopt the XX. b. Council rescind the XX. c. Delegate authority to the General Manager to make any minor amendments to the *XX* which do not alter the intent.
Planning Proposals	Planning Proposal - XXX	That Council: a. Support / Not support XXX d. Advise XXX e. Delegate authority to the General Manager to

		execute all necessary documentation to give effect to this resolution. *(If required)*
Meeting minutes	Minutes – XXXX meeting held on XXX	That Council receive and adopt the recommendations of the XXX meeting held on XXX.

2.6 Background

The background of the report should be a few paragraphs at most. It is to include an overview of the history of the report and refer to adopted plans, polices, exhibition periods and Council decisions etc.

Format

- Reference to Council decisions to be indented and referenced in italics.

- Write in paragraph format, no bullet points.

Acronyms

- In a report you must have the full phrase written first followed by the acronym in brackets, For example, Strategic Reference Group (SRG). An acronym **cannot** be used in the recommendation and attachment reference it must be expanded and be written as the full name/phrase/act.

References to Acts / Legislation:

- Write in full with no comas

- References are to be in italic

2.7 Discussion

The discussion includes information regarding:

- Give strategic context and specify how the report links to our Community Strategic Plan, Delivery Plan, Operational Plan and/or other relevant strategies, plans, policies or charters endorsed by Council.

- If a recommendation from a previous Council Meeting is quoted it has to be in italics and indented beginning from 1"pt.

2.8 Implications

2.8.1 Policy

Include details of relevant council policies and outline any policy implications or impacts of the proposed course of action.

2.8.2 Risk

Outline any legal and risk implications with the report's contents/actions and how they will be mitigated. Reference may be made to Council's risk management policies and risk registers in this area. Examples of areas that could be considered include:

- Economic risk,
- Social risk,
- Operational risk,
- Reputational risk,
- Corporate risk and
- Legislative and Regulatory Risk

2.8.3   Sustainability

Sustainability Implications are not just limited to environmental sustainability. This section could include information on:

- Promoting more efficent and improved service delivery through collaboration and innovation

- Demonstrating potential efficenceies to be gained through service delivery

- Sustainable/Social Procurement

- Sustainability outcomes (environmental and ecconomic) to be achieved through Council's engagement with its suppliers, vendors and partners

- Use of sustainable materials and practices during development, delivery and evaluation of projects. For example, use of digital technology (iPads and laptops) rather than paper, sustainable materials used for activities and catering.

- Location of services/potential works in structures already owned by Council to create efficiencies in the long term

2.8.4   Financial

Outline financial implications of the recommendations or actions in this report, items to be included are:

- What is the estimated cost/savings/revenues of the actions within the report by Financial Year? Note this should be a whole of life cost/savings over all applicable years.
    - Is there is existing budget to cover the resourcing required for the project/proposal? or if not,
    - What is the proposed source of funding for the actions required?

- If the project is an initial stage of a larger project of works, provide some explanation of the future potential commitments.

Also consider and include where applicable:

- Is there a financial risk involved that may significantly vary cost during implementation?

- Is this project linked to other projects that may affect the timing of delivery?

Note:

Any proposed change to budget or funding requires resolution of Council, please include in recommendations

2.9   Consultation and Communication

- Provide information of consultation that has been undertaken and the outcome and if appropriate respond or address issues that were raised through this process. Include details of who was consulted and the time period over which the consultation was undertaken.   This should include both internal and external stakeholder consultation.

- Additionally any proposed community consultation should be identified in this section.

2.10   Conclusion

This is a thorough and concise outline of what the report is recommending. This section tells the reader the main point /outcome of the report and the summary of the conclusions drawn and why it is recommended.

3. Confidential Reports

- Authors have to populate confidential area with the reason.

- Confidential reports should be accompanied by a brief report in open council.

- Authors must complete the confidential section when selecting this option and provide a reason as to why this report is confidential and what section of the Act that this is applicable to.

Confidential·Item¶

That, ·in·accordance·with·the·requirements·of·Section·10A(2)·of·the·Local·Government·Act·1993·and·Council's·Code·of· Meeting·Practice·this·report,·RFT·2019/014·-·Building·Refurbishment·Works·and·Fit·Out·for·Manly·Community·Preschool· &·Youth·Centre,·Kangaroo·Street·Manly,·is·recommended·to·be·considered·in·closed·session·on·the·basis·that·it·involves· the·receipt·and·discussion·of··¶

(d(i))→ commercial·information·of·a·confidential·nature·that·would,·if·disclosed,·prejudice·the·commercial·position·of·the· person·who·supplied·it¶

This·report·discusses·details·of·tender·submissions·and·the·disclosure·of·this·matter·in·open·meeting·would,·on·balance,· be·contrary·to·the·public·interest·in·maintaining·openness·and·transparency·in·council·decision-making·because·the· disclosure·of·this·information·would·prejudice·the·commercial·position·of·the·person·who·supplied·it.·¤

End of Protected Section

4. Tenders

Tenders will be reported to the open meeting, confidential information will be provided as a confidential attachment.

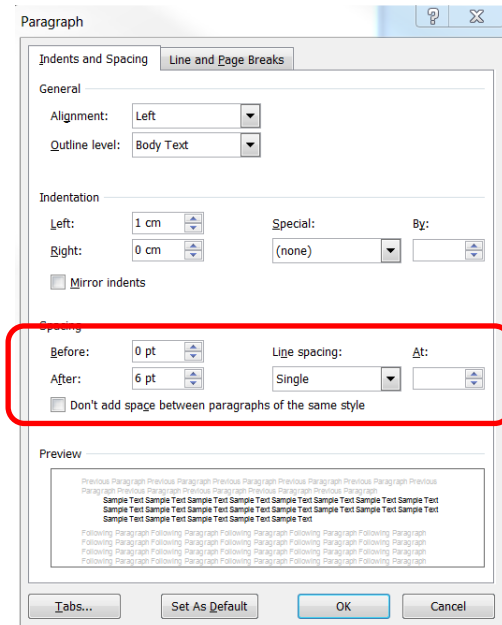## 5. Report Style

5.1   Formatting

6.   Font has to be Calibri 11 "normal" - (Ctrl+Shift+N)

7.   Left aligned

7.1   Bullet points

- All bullet points are to be indented at o - 1" then 1" to 2" and so on

- Spaced at 0 and 6pt. Ensure that you untick the don't add space between paragraphs of the same style.

7.2   Tables

- Font size should be 11pt to 9pt
- Legend underneath table should be 8pt and in italics

7.3   Charts and Diagrams

- Please try not to use too many pictures and formatted data as this provides complications. Do not use hidden links.

8.   Attachments

- CHECK THE SIZE - Documents must be limited to XX size
- Title of attachment must be clear and in title case with connecting words in lower case
- Do not attach PowerPoint presentations or excel spread sheet directly but PDF them and attach to Infocouncil
- Page sizes should be A4 not A3 (no letterhead)

8.1   Document Size

- Any attachments over 100 pages or 30mb please contact your Governance officer for assistance.

8.2   Attaching a document

- You have the option to attach documents from your desktop or Trim. It is the preferred preference that you use TRIM however if you attach the document from your desktop, please put the Trim Reference Number in the title in case the Governance team has any issues. Be mindful that if you attach from your desktop, any amendment to the attachment will have to be saved and be re-attached.

- PDF any word document with page numbers, headers or footers (the report template will strip any headers and footers in the attachment)

8.3   Track Changes

- **Can only be used in attachments and must be attached to the report as a PDF version.** Amendments in red font within attachment documents are also acceptable if approved by your Manager/Directors noting that red font has been used to reflect a change/update done to the policy, document etc.

8.4   Personal Information

- No personal information (names, emails) should be recorded in the attachments if so blurred them as this may be a breach of the *Privacy and Personal Information Protection Act 1988*.

8.5   Page sizes

- The only page sizes acceptable is:
    o   A4 8.3 x 11.7
    o   A3 11.7 x 16.5
    o   **Do not use - Letter 8.5 x 11**

9. Helpful tips

- Do NOT cut/paste from old report as this may corrupt your report.

- When writing your reports always have your '*show/hide*' function on. It will ensure you don't delete formatting that Infocouncil uses to extract information to build the agenda. Bookmarks, heading, section breaks etc. are there for a reason.

Glossary of Meeting Terminology	
Absolute majority	The number of votes required to achieve a majority if everyone who could be present was present, whether present or not. E.g. Council has 11 members; the absolute majority would be 6 regardless of how many Councillors actually present.
Adopt	Formally approve or accept a report, document or suggestion
Amendment	In relation to an original motion, means a motion moving an amendment to that motion.
Casting Vote	Additional vote given to the Chair of a meeting when the vote is tied. It is accepted meeting practice the Chair will exercise the casting vote to preserve the status quo, however is not obliged to do so.
Chair	The person who chairs the meeting, usually the Mayor for Council Meetings.
Deputy Chair	A Deputy Chair is chosen to Chair in the absence of the appointed Chairperson, or when a motion involving the Chair is being discussed and requires the Chair to depart the meeting.
Endorse	To declare Council's approval or support of an action, document or suggestion. If the endorsement is conditional Council should offer In Principle support instead.
In Principle Support	A statement of support for a proposed action. Providing in principle support to an action does not bind Council to undertake that action. Often accompanied by a statement that something needs to occur before the action is undertaken.
Legal Privilege	Is a rule of law protecting communications between legal practitioners and their clients from disclosure under compulsion of court or statute. Councillors should refrain from discussing contents of legal advice in public meetings as this can waive legal privilege.
Mayoral Minute	The Mayor, by minute signed by the Mayor, is entitled to put to a meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge. The Mayor may move the adoption of the minute without a seconder.
Minutes	The minutes are the written record of what took place at a meeting. They are final only when they have been confirmed at a subsequent meeting.
Motion	A proposal to be considered by council at a meeting. It is a request to do something or to express an opinion about something. Motions should be worded in the affirmative.
Mover	The person who proposes the original motion or amendment.
Nominate	Propose for election.
Non-Pecuniary Interest	Private/Personal interests a Councillor has that do not amount to a pecuniary interest. These commonly arise out of family or personal relationships or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
Pecuniary Interest	Is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.
Point of Order	Drawing a meeting's attention to a breach or irregularity in the proceedings. The Chairperson must rule on the issue.
Procedural Motion	A motion which is used to decide on a particular procedure within a meeting. For example a Councillor can move to suspend Standing Orders to change the order reports are considered in.
Quorum	Minimum number of people required for the meeting to transact business. The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office. At the present time that is 6 Councillors.
Receive and Note	Council can move a resolution to "receive and note" a report to place on record that the information has been received and understood, however no further action is required.
Resolution	A term used to refer to a decision of Council. A motion once carried becomes a resolution.
Returning Officer	The person during the course of a ballot or poll, charged with the responsibility to announce the voting method, ensure eligibility of persons voting, collect votes, count or supervise counting of votes, and advise the result to the chair or make an announcement. In the case of an election for Mayor / Deputy Mayor, this is usually the General Manager.
Seconder	The person who endorses a motion or amendment to allow a discussion or vote
Standing orders	The set of rules detailing how meetings will run and the order in which business is conducted.
Status Quo	Means "previous position" or "nothing changed". Often used in a tied vote so the status quo is maintained. In other words, the previous position remains unchanged.
Sub Judice	A matter that is still under judicial consideration and is not yet decided. It is generally considered inappropriate to comment publicly on cases sub judice, which can be an offence in itself, leading to contempt of court proceedings.
Terms of Reference	Set of rules about how a Committee is run. Can also be referred to as a Charter or Constitution.
Urgency Motion	A motion that proposes a meeting consider business not listed on the Agenda due to the matter being of great urgency. Generally a matter should only be deemed urgent if a decision is required prior to the next scheduled meeting.

9. Council Meetings and Business Papers

Appendix 14

Effective Council Reports – A Directors Guide

Effective Council Report – A Directors Guide

1. CONTEXT

Writing an effective Council report is a critical skill. An effective report will enable you to get clear direction from the Council with a minimum of fuss so you can get on with doing your job. It will take the Council where you want them to go and leave them thinking what a great job you are doing.

In contrast, an ineffective report may result in a long, frustrating meeting that will leave the Councillors questioning the quality of information being provided to them and can often result in the Council resolving to do exactly what you didn't want to do.

So how do you produce an effective report? Here are ten tips.

2. THINK LIKE A COUNCILLOR

The starting point is to think like a Councillor. Put yourself in the shoes of a Councillor and ask what you would want in a Council report? Most Councillors are busy people. They want Council reports to be clear, concise and easy to read. Councillors need to be able to drill into all relevant detail. So, the report needs to be short, sharp and to the point but contain all relevant information for Councillors to make their decision. Attachments should be used for supportive material only.

Remember that Councillors will be seeking to act in the best interest of the community and will in most instances be looking for a careful, low-risk approach to their decision making.

It follows that reports will generally need to be couched in these same terms - incremental, planned, logical, and with key milestones specified. While the Councillors will publically base their decisions on rational thinking, don't forget that they are human and have to be engaged at an emotional level if persuasion is to take place. Ask yourself what are Council and individual 'hot buttons' that have to be addressed? What is each Council member's relationship to the status quo? What political factors come into play? The challenge is to work out the best approach to sell your idea.

3. CLARIFY THE KEY QUESTIONS

Before you start writing, you need to sit down and clarify what are the key questions for consideration by the Council. Ask yourself what are the 3-4 critical questions the Council needs to answer in relation to this topic at this point in time.

4. CLARIFY WHAT YOU WANT TO SAY AND WHAT IT IS YOU WANT THE COUNCIL TO DO

You need to think about what it is you actually want to say to the Council. What are the key messages you want to communicate on this subject? What is going to be the best way to make your point? Do you adopt the position of the solution provider, the petitioner, the questioner, or some other stance? What information will you need to support your position? You also need to think about what it is you want the Council to do. **They won't do what you don't ask them.**

5. CANVAS SUPPORT

Don't make the mistake of thinking that a well written and argued Council report will inevitably deliver the outcome you desire. For more controversial or significant reports engaging with Councillors is a necessary part of preparing the report.

Use the Councillor briefing process to explore the issues with Councillors. Councillors don't like surprises. By canvassing and talking through the issues with them before they receive a report, you will get an

understanding of what they see as being important and have the opportunity to educate and influence their thinking so that they will be more receptive to your position.

6.   MAKE THE REPORT EASY TO READ

Make sure the report title is clear and easily understood. The title should enable the Council to immediately get what the report is all about. The Summary section should spell out what the report is about and what you want the Council to do. It is useful to spell out what are the key questions the Council needs to consider up front. This will keep Councillors focussed on the real issues and reduce the risk of them being side-tracked.

Use headings to make it easy to understand what's going on. Write succinctly. Don't waffle. Short paragraphs are better than long paragraphs. Tables and graphs will often make it easier for the reader to digest complex information.

7.   SPELL OUT THE OPTIONS AND THE PROS AND CONS

Councillors like to understand what the options are. Make it easy for them by spelling them out. Go through each option and outline the pros and cons. Identify the key decision making criteria and note how each option performs against that criteria. Use tables and charts if this helps communicate the position.

8.   ANTICIPATE QUESTIONS

Always anticipate the sort of questions Councillors are likely to ask. Imagine you are a Councillor reading the report. What are some of the questions you would ask? Have you made any suggestions or comments that beg a question? If you have, make sure you amend the report so you answer them. Don't assume Councillors will accept suggestions that are obvious to you. They will want you to provide the rationale for your position.

9.   SHARE YOUR VIEWS

In most instances, Councillors want to know what the author's view is. If you don't have a clear position and are looking for guidance from the Council, that's fine, just make sure you tell them that. If you do have a position, let them know what it is. Councillor's recognise that you will have spent a great deal of time thinking about the issue and in most instances will respect your view so long as it is well presented and backed up by relevant explanation and facts.

10.   WRITING FOR MULTIPLE AUDIENCES

Whilst drafting reports with Councillors in mind is the principal factor for successfully having your recommendations adopted, you must remain mindful that the residents of the Council area also have a significant interest in our activities and the decisions we make and therefore all reports must be written in a tone and language that makes it easily digested by the public. Refrain from using industry or internal Council jargon and fully explain all concepts and non-standard terms used in the report.

11.   ENSURE THE PROPOSED RESOLUTION IS CLEAR AND UNAMBIGUOUS

Finally, make sure you specify exactly what you want the Council to resolve. You want to walk out of the Chamber confident that you and the Council are crystal clear on what it is that will be done following the meeting.

9. Council Meetings and Business Papers

Appendix 15

Template – Council General Report

Unleash the opportunities

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Item: **Auto generated report number**

Title: **Follow Decision Naming Convention**

Responsible Officer: **Director –**

City Outcome: **Chose from drop down list**

Attachments:

1. Report Purpose:

The purpose should be a maximum of one to two sentences long stating the purpose of the report.

2. OFFICERS RECOMMENDATION:

That Council:

The recommendation must start with words That Council… and should clearly state what you want council to do i.e. that they approve, endorse or delegate.

If there is more than one recommendation the format of the recommendation should be:

That Council:

a. XXXX XXXX

b. XXXX XXXX

3. Background

The background of the report should be a few paragraphs at most. It is to include an overview of the history of the matter that is the subject of the report and refer to adopted plans, polices, exhibition periods and previous Council decisions etc.

4. Discussion

The discussion should include the subject matter of the report, next steps and information leading to the recommendation. It should also give strategic context and specify how the report links to our Community Strategic Plan, Delivery Plan, Operational Plan and/or other relevant strategies, plans, policies or charters endorsed by Council.

5. Implications

5.1 Policy

Include details of relevant council policies and outline any policy implications or impacts of the proposed course of action.

5.2 Risk

Outline any legal and risk implications with the report's contents/actions and how they will be mitigated. Reference may be made to Council's risk management policies and risk registers in this area. Examples of areas that could be considered include:

- Economic risk,
- Social risk,
- Operational risk,
- Reputational risk,
- Corporate risk and
- Legislative and Regulatory Risk

5.3 Sustainability

Ref:
Container:

Sustainability Implications are not just limited to environmental sustainability. This section could include information on:

- Promoting more effcent and improved service delivery through collaboration and innovation

- Demonstrating potential efficenceies to be gained through service delivery

- Sustainable/Social Procurement

- Sustainability outcomes (environmental and ecconomic) to be achieved through Council's engagement with its suppliers, vendors and partners

- Use of sustainable materials and practices during development, delivery and evaluation of projects. For example, use of digital technology (iPads and laptops) rather than paper, sustainable materials used for activities and catering.

- Location of services/potential works in structures already owned by Council to create efficiencies in the long term

5.4   Financial

Outline financial implications of the recommendations or actions in this report, items to be included are:

- What is the estimated cost/savings/revenues of the actions within the report by Financial Year? Note this should be a whole of life cost/savings over all applicable years.

  o Is there is existing budget to cover the resourcing required for the project/proposal? or if not,

  o What is the proposed source of funding for the actions required?

- If the project is an initial stage of a larger project of works, provide some explanation of the future potential commitments.

Also consider and include where applicable:

- Is there a financial risk involved that may significantly vary cost during implementation?

- Is this project linked to other projects that may affect the timing of delivery?

Note:

Any proposed change to budget or funding requires resolution of Council, please include in recommendations

6.   Consultation and Communication

Provide information of consultation that has been undertaken and the outcome and if appropriate respond or address issues that were raised through this process. Include details of who was consulted and the time period over which the consultation was undertaken. This should include both internal and external stakeholder consultation.

Additionally any proposed community consultation should be identified in this section.

7.   Conclusion

This is a thorough and concise outline of what the report is recommending. This section tells the reader the main point /outcome of the report and the summary of the conclusions drawn and why it is the recommended course of action.

9. Council Meetings and Business Papers

Appendix 16

Template - Council Tender Report

Item:	Auto generated report number
Title:	**Follow Decision Naming Convention**
Responsible Officer:	**Director -**
City Outcome:	**Chose from drop down list**
Attachments:	**Confidential Evaluation Criteria**

1. Report Purpose:

To award Tender **number** to **Organisation Name** for **Tender Name**, with an estimated total contract value of $ **value**.

2. OFFICERS RECOMMENDATION:

That Council:

a. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of **Organisation Name** for the **Tender Name** in the sum of $ **value,** excluding GST.

b. Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.

3. Background

Tenders were invited for this project by the open tender method with a close of tenders of XX.XX am/pm on **day, date**.

Number tenders were received by the close of tenders, with **number** tenders deemed to be **nonconforming (delete if not applicable).** However, the remaining **number** tenders have been assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the **Unit; Unit; Unit.**

4. Discussion

The discussion should include the subject matter of the report, next steps and information leading to the recommendation. It should also give strategic context and specify how the report links to our Community Strategic Plan, Delivery Plan, Operational Plan and/or other relevant strategies, plans, policies or charters endorsed by Council.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

4.1 Mandatory Criteria

1. Satisfactory references from referees for previous projects of similar size and scope

2. Financial assessment acceptable to Council which demonstrates the tenderer's financial capacity to undertake the works

4.2 Assessable Criteria

1. Cost to Council – **40%**

2. Appreciation of Scope of Works and Construction Methodology – **15%**

3. Experience and Satisfactory Performance in undertaking Project of Similar Size, Scope and Risk Profile – **15%**

Ref:
Container:

4. Staff Qualifications and Experience – **5%**

5. Proposed Sub-Contractors – **5%**

6. Project Schedule – **5%**

7. Demonstrated Strengthening of Local Economic Capacity – **5%**

8. Workplace Health and Safety Management System – **5%**

9. Environment Management Policies and Procedures – **5%.**

The mandatory assessment criteria have been met by the recommended tenderer.

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 –SUMMARY OF TENDER ASSESSMENT

Name of Tender	Ranking

5. Proposal

Council should authorise the engagement of **Organisation Name** to carry out the works in accordance with the scope of works and technical specifications developed for the project. The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification. An acceptable financial capability assessment has been received in relation to the recommended tenderer. Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel and expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

6. Implications

6.1 Policy

Include details of the relevant council policy and outline any policy implications or impacts.

The tender proposal contributes to the delivery of Armidale Regional Council Community Strategic Plan 2017-2027 – 5 Environment and Infrastructure:

> *Community Outcome 3:*
>
> *The community is provided with the essential and resilient infrastructure it requires for daily life, and has access to a prioritised schedule of infrastructure works.*

6.2 Risk

Outline any legal and risk implications with the report's contents/actions and how they will be mitigated. Reference may be made to Council's risk management policies and risk registers in this area.

Examples of areas that could be considered include:

- Economic risk,

- Social risk,

- Operational risk,

- Reputational risk,

- Corporate risk and

- Legislative and Regulatory Risk

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993. The risk of the project works or services is considered low based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented. There is safety, financial and reputational risks that should be considered if Council does not **(details of tender).**

6.3   Sustainability

Sustainability Implications are not just limited to environmental sustainability. This section could include information on:

- Promoting more effcent and improved service delivery through collaboration and innovation

- Demonstrating potential efficenceies to be gained through service delivery

- Sustainable/Social Procurement

- Sustainability outcomes (environmental and ecconomic) to be achieved through Council's engagement with its suppliers, vendors and partners

- Use of sustainable materials and practices during development, delivery and evaluation of projects. For example, use of digital technology (iPads and laptops) rather than paper, sustainable materials used for activities and catering.

- Location of services/potential works in structures already owned by Council to create efficiencies in the long term

6.4   Financial

Outline financial implications of the recommendations or actions in this report, items to be included are:

- What are the estimated cost/savings/revenues of the actions within the report by Financial Year? Note this should be a whole of life cost/savings over all applicable years.

  o   Is there is existing budget to cover the resourcing required for the project/proposal? or if not,

  o   What is the proposed source of funding for the actions required?

- If the project is an initial stage of a larger project of works, provide some explanation of the future potential commitments.

Also consider and include where applicable:

7.   Consultation and Communication

Consultation has been undertaken with:

- Members of the Tender Assessment Panel.

- Nominated Referees.

8.   Conclusion

Organisation Name was the top ranked Tenderer. Having assessed all submissions, it is recommended that **Organisation Name** have the capacity and capability to **details of tender.**

As such, it is recommended that Council accept the tender of **Organisation Name** for Tender **Tender Name**.

9. Council Meetings and Business Papers

Appendix 17

Template – Confidential Attachment Council Tender Report

Item:	Auto generated report number
Title:	Follow Decision Naming Convention
Attachment:	Confidential Evaluation Criteria

REASON FOR CONFIDENTIALITY

This attachment is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it.

1.   Tender Evaluation

The tender assessment and details of prices submitted are detailed below in **Figures 1**, **2** and **3**.

Figure 1: Tenderer's Submitted pricing

COMPANY	TENDERED AMOUNT
Organisation Name	
Organisation Name	
Organisation Name	
Organisation Name	

A summary of the assessment of the tender submissions against the evaluation criteria is detailed within the ordinary section of the business paper.

The criteria scoring were weighted according to each criterion and the individual scores averaged between the panel members to achieve a final score out of 100 for each submission.

The average weighted scoring is summarised in Figure 2.

Figure 2: Averaged Tenderer Criteria Scores

	Organisation Name	Organisation Name	Organisation Name	Organisation Name	Organisation Name
Cost to Council (points out of XX)					
Appreciation of Scope of Works & Construction Methodology (points out of XX)					
Experience & Satisfactory Performance under - taking Project Similar Size, Scope & Risk Profile (points out of XX)					

Staff Qualifications and Experience (points out of XX)					
Proposed Sub-Contractors (points out of XX)					
Project Schedule (points out of XX)					
Demonstrated Strengthening of Local Economic Capacity (points out of XX)					
Workplace Health & Safety Management System (points out of XX)					
Environment Management Policies & Procedures (points out of XX)					
TOTAL					
RANK					

Organisation Name was the top ranked Tenderer.

2.   Risks

An assessment of the potential risks, consequences and their corresponding control measures is provided in **Figure 3**.

Figure 3: Risks

	RISK	CONSEQUENCES	CONTROLS	EFFECTIVENESS	CONSEQUENCE RATING	LIKELIHOOD	RISK RATING
1	Company failure	Significant delay to project	Financial checks undertaken	Effective	Four	D	moderate
2	Weather	Significant delays	Buffer built in	Effective	Three	D	low
3	Breakdown of Equipment	Delays	Buffer built in – contractor responsibility	Effective	Two	C	low

The identified risk with the highest consequence is company failure of the successful tenderer. To mitigate this risk, a financial check of the top two (2) ranked tenderers was carried out by Corporate Scorecard.

Ref:
Container:

- Based on its eg 2016/2017 financial statements, Organisation Name was assessed as having a sound financial rating to undertake the works, scoring a   score out of a possible 10.
- Based on its eg 2016/2017 financial statements, Organisation Name failed the corporate scorecard and were assessed as having an unsatisfactory financial rating to undertake the works, scoring   out of a possible 10.

Ref:
Container:

9. Council Meetings and Business Papers

Appendix 18

Governance Team Council Report Checklist

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Checklist: Council Reports

1. REPORTS

☐ Format all paragraphs as 'Normal' (Ctrl+Shift+N)

☐ Check spelling and grammar (F7)

☐ Are there dates running over two lines

☐ Are Peoples Titles correct

☐ Have Acronyms been defined in the first instance

☐ Is the Recommendation split over two pages or contain any acronyms

☐ Are the Headings spaced 6pt before and 9pt after (or 9pt and 9pt if there is no above text)

☐ Are the bullet points at 0, 1, 2, and spaced at 9pt

☐ Has the "Don't add space between paragraphs of the same style" box been unticked

☐ Is the bullet point grammar neat and consistent (; : , . a A etc)

☐ Are the page numbers correct

☐ Is a report confusing or require special subject matter knowledge to understand

☐ Is there any personal information such as names or emails in the report

☐ Are the Considerations heading in the right spot and properly addressed (no Nils)

2. INFOCOUNCIL REPORT DATA

☐ Is the Reporting Manager the correct Executive Manager (this is always at EM level)

☐ Are Report Titles in title case, consistent, correct and related to the report content (check in Report Data)

☐ Check the spelling (spell check doesn't apply to this section and won't highlight mistakes)

3. ATTACHMENTS

☐ Check length of attachments (1-10 pages - in report, 11 + pages - in separate attachment

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document)

☐ If there is more than one attachment, the rule is - one in, all in (if one attachment is in the separate attachment document, then all attachments are)

☐ Are attachment titles clear, written in title case, and consistent with the report

☐ Are there blank pages that could be deleted

☐ Check the size of attachments (A4 or A3 only)

☐ PDF any word documents with page numbers, headers or footers (the report template will strip any headers and footers in the attachment)

☐ Is there any personal information such as names or emails in the attachments

☐ Do all of the attachments open the correct document

9. Council Meetings and Business Papers

Appendix 19

Business Paper Workshop – Presentation

EFFECTIVE COUNCIL REPORTS

Why?

- To inform

- To engage your audience

- To seek support

- To meet a legislative requirement

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THINK LIKE YOUR AUDIENCE

- Reports should be clear, concise, planned, logical

- Key milestones specified

- Consider key issues, political and/or community factors

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CLARIFY KEY QUESTIONS & WHAT YOU WANT TO SAY

- Before drafting identify the 3-4 critical questions the Council needs to answer

- Think about what you actually want to say to the Council

- Identify key messages

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WHAT IT IS YOU WANT THE COUNCIL TO DO

- What do you want them to do?

- Do you provide the solution? Petition them? Ask questions?

They won't do what you don't ask them.

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SPELL OUT THE OPTIONS

- Go through each option - outline the pros and cons

- Identify key decision making criteria - discuss how each option performs against that criteria

ANTICIPATE QUESTIONS

- What are some of the questions you would ask?

- Have you made any suggestions or comments that will cause a question to be asked?

- Make sure you include answers in the report

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SHARE YOUR VIEWS

- If you do have a position – share it!

- Remember you are the expert on the subject matter that is why you are writing the report

- If you don't have a clear position and are looking for guidance from the Council - tell them

WRITING FOR MULTIPLE AUDIENCES

- Write in a tone and language that makes it easily understood by multiple audiences

- Do not use industry or internal Council jargon

- Explain all concepts and non-standard terms

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REPORT - TITLE

Should enable the reader to immediately get what the report is all about

- "Decision – Name" style:

Planning Proposal - XXX

Adoption for Public Exhibition - XXX

REPORT - RESOLUTION

- Specify exactly what you want the Council to resolve

- Recommendations should 'stand alone'

- Clear and unambiguous

RESOLUTION - EXAMPLE

That Council:

a. Endorse the public exhibition of the *XX* for a minimum of XX days.

b. The outcomes of the public exhibition be reported to Council.

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RESOLUTION - EXAMPLE

That Council:

a. Note the submissions received during the public exhibition period.

b. Adopt the XXX.

c. Delegate authority to the General Manager to make any minor amendments to the XXX which do not alter the intent.

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REPORT - CONTEXT

Should be a few paragraphs at most

Includes an overview of the history of the subject matter:

- Background information
- Previous Council decisions

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REPORT - CONTEXT

- Recap of the workshops or briefings

- Details if considered by a Committee of Council or working group (if applicable)

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REPORT - PURPOSE

- Should be a maximum of three sentences.

- Advises why

Examples:

To seek Council's consideration and endorsement for the recommendation to proceed with XXX.

PURPOSE – EXAMPLES

To seek approval to place the draft XXX on public exhibition.

To consider submissions received during the public exhibition of the XXX and seek Council's adoption of XXX.

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REPORT- IMPACT

Assess the impact of proposal:

- Financial / budgetary

- Sustainability

- Risks

- Legal / policy

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REPORT- IMPACT

- The Community

- Progress on the Operational Plan

- Progress on the Delivery Plan

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REPORT - SUMMARY

Sum it up!

Spell out what the report is about and what you want the Council to do

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MAKE THE REPORT EASY TO READ

- Use headings

- Tables

- Graphs

- Be succinct

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7. Disclosures of Interest

Appendix 20

Listing of Designated Officer

Designated Officers Listing

Listing of Officers determined to be Designated Officers in accordance with cl4.8 of the Model Code of Conduct

Allan Cooper - Project Management Office - Manager
Amanda Campbell - Preschool Nominated Supervisor
Ambrose Hallman - Manager Development and Regulatory Services
Andrew Levingston - Regional Infrastructure - Transport
Billy Gleeson-Barker - Regional Services - Airport
Darren Schaefer - Manager Communications and Marketing
Kelly Stidworthy - Manager Financial Services
Manish Khadgi - Operations Engineer - Water and Sewer Services
Mark Byrne - Project Officer EAM/WSS
Mike Brooks - Senior Engineer
Sharn Woolnough - Project Officer
Scot MacDonald - Director Businesses & Services
Leah Cook - Acting Director Organisational & Corporate Services
Sally Schofield - Coordinator People and Community Services
Aimee Hutton - Coordinator Libraries, Museums and Visitor Information Centre
Hannu Akerman - Coordinator Knowledge
Hayley Ward - Interim Executive/Cultural Projects Officer
Katrina George- Visitor Information Centre Manager
Kim Oschadleus- Principal Advisor Strategic Infrastructure Planning
Ian Chetcuti - Acting Team Leader Rangers
Brett Hopkinson - Ranger
Daryl Kliendienst - Ranger
Richard Mayled - Ranger
Leah Kliendienst - Rangers Companion Animals Shelter
Ned Mozzel - Coordinator Construction and Maintenance - Internal
Richard Morsley - Coordinator Public and Town Spaces
Larissa Bittencourt - Acting Coordinator Infrastructure Projects and Design
Don Nilantha Sandaruwan - Project manager - Civil Infrastructure
Colleen Cutts - Acting Manager Governance, People and Systems
Matt Rees - Building Surveyor Planning And Environment
Chris Bonning - Environmental Health Officer
John Rayner – Acting General Manager
Viv May – Interim Administrator