



BERRIGAN SHIRE  
BAROOGA • BERRIGAN • FINLEY • TOCUMWAL



# Governance Framework

**Adopted 19 June 2024**





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# Introduction

The purpose of this document is to meet Council's obligations under Division 3 of the *Local Government Act 1993*

The document is intended to be a guide and assist Councillors, members of staff and key stakeholders to familiarise themselves with relevant obligations. The document does not, however, provide a substitute for any applicable statutory or other rules or guidelines. While some guidelines are referred to in this document, it does not provide a substitute for the applicable laws and conditions. For further information on governance matters, please refer to:

- [Council's website](#), or
- [Office of Local Government's website](#)

Berrigan Shire Council ("Council") is committed to our communities' vision of "our diverse population and productive natural landscape fuel a vibrant economy and a harmonious and thriving community." Good governance is critical to Council's success in delivering this vision.

This framework ensures Council's compliance with relevant legislation, as well as maintaining good governance. The principles of good governance assist Council to discharge their duties effectively, prudently and efficiently, whilst enhancing trust, inclusion, accountability, legitimacy, responsiveness, transparency and fairness. These principles ensure the Elected Body, with oversight of the Council, will realise effective performance, responsible stewardship and ethical behaviour.

By ensuring good governance principles and practices are in place, Council can assure stakeholders and the community that Council (both as the Elected Body and the Organisation) are responsible, accountable, fair, and transparent and that they act at all times with probity. Application of good governance principles brings the benefit through the ability to ensure decisions made are risk-based and informed through:

- the provision of credible information and reliable data,
- consideration of stakeholder and community expectations,
- understanding ethical and societal expectations, include those anticipated for future generations and
- attention to the impacts, and reliance on, the natural environment.

## **1. What is a Governance Framework**

A governance framework outlines the rules, relationships, systems and processes that conceptualise how an organisation is managed and controlled. The overarching aim of the framework is to provide transparency about how decisions are made, documented and who holds accountability.

A governance framework allows for the effective operation of Council through clearly defined structures, systems, processes, procedures and responsibilities. This involves more than having clearly defined documents in place, it includes continually embedding governance and reviewing Council processes and practices to ensure governance forms a critical underpinning to Council's culture.

An effective governance framework can be achieved through the following principles:

- Rules and processes are documented, followed and reviewed to ensure legal and ethical compliance.
- Development of strategic and operational plans are undertaken at least four yearly to provide a sound organisational planning structure.
- To guide decision making, processes are implanted to ensure decisions are made in an informed and transparent manner.
- Organisational roles, responsibilities and relationships are clearly outlined.
- Ethical responsibilities are followed and Council is actively engaged in fostering an ethical culture.

## **2. Role of Local Government**

“Governance” and “management” are distinct, necessary, and complementary activities that interact and influence one another.

Governance involves setting and being accountable for the Organisation's successful achievements of its goals.

Management is about fulfilling the associated objectives by making choices within those parameters.

The Council should therefore ensure the clarity of roles and responsibilities of all involved and hold accountable those to whom they delegate authority.

The degree of separation of duties between the Council and the Executive Leadership Team will vary according to Organisational needs and circumstances.



## 2.1 Council

Local government in New South Wales is based on the principle of representative democracy. This means eligible voters elect representatives to their local Council to make decisions on their behalf. In New South Wales, elections are held every four years.

Berrigan Shire Council is represented by a publicly elected Council, responsible for providing leadership in the development and implementation of a program of actions that contribute to the Shire delivery of the Community Strategic Plan.

Council is governed by eight elected members (councillors), headed by a Mayor. Berrigan Shire Council is a unitary body and is not divided into wards. Each Councillor is elected by, and represents, the Shire as a whole.

The role of the Mayor is set out at [section 226](#) of the *Local Government Act 1993* (NSW) (“**LG Act**”). The Mayor is the leader of the Council and in the local community, presides over Council meetings, promotes the implementation of Council’s programs and policies, as well as the other roles set out in section 226.

Berrigan Shire Council elects its Mayor from among their members as per section 227(a) of the LG Act. Under [section 230](#) of the LG Act, the Mayor may be elected for either a 2 or 4 year period. Under [section 231](#) of the LG Act, Council may choose to elect a Deputy Mayor. The position of Deputy Mayor should be considered as a mechanism for succession planning within the Elected Body.

[Section 334](#) of the LG Act states the Council must appoint a [general manager](#). At Berrigan Shire, this position is called the Chief Executive Officer.

## 2.2 Roles of the Council

### 2.2.1 Representation

The role of the Councillors is set out at [section 232](#) of the LG Act. The Councillors are responsible for being a contributing member of the governing body, making well informed decisions, representing the interests of the local community, as well as the other roles as set out in section 232.

### 2.2.2 Service Delivery

The Council must ensure the efficient delivery of good quality services, in line with service levels developed in consultation with the community and informed by Council’s capacity to deliver these services.

Council has adopted a *Service Reviews – Program Guideline and Plan*. The Executive Leadership Team are responsible for reviewing the document annually and undertaking the agreed service reviews.

### **2.2.3 Policy Development**

The activities of the Organisation are guided by policies. Developing and implementing strategic policies, and those affecting the community is a key function of the Elected Body.

The LG Act sets out a broad range of guiding principles for the Council to consider when exercising its functions and making decisions.

In order to give effect to these functions, a range of policies and procedural directives are required to ensure uniformity in approach, understanding, and administration. This approach also underpins accountability and transparency.

Council has a framework for the development of policy documents for Berrigan Shire Council that assist the Council to:

- exercise its functions and make decisions inside its legislative obligations;
- deliver on the shared vision identified by its community and stakeholders; and
- fulfil the Council's purpose.

Council has a Policy Development Manual which should be followed when developing or reviewing policies and procedures.

Council's Executive Leadership Team are responsible for developing and ensuring compliance with operational (or internally facing) policies.

#### **Types of Policy**

Council policies are divided into three categories:

**Statutory** – Statutory policies are those policies adopted by Council due to a legislative requirement. These policies influence the strategic direction of Council's business.

**Strategic** – Strategic policies are those policies adopted by Council due to its' desire to influence the direction of an issue or assist in the delegated decision making for Council staff. Strategic policies should follow the jurisdiction provided to Council through its Community Strategic Plan and management plan. These may include, but are not exclusive of the cultural, arts and economic development policies of Council.

**Administrative** – These policies or procedures are approved by the Chief Executive Officer and outline the way operational issues should or may occur. These policies should reflect the delegations approved for various levels of Council staff and influence the day-to-day operations of the Council.





## **Review**

All policies must be reviewed on a recurring basis.

As a guide, at a minimum, policies should be reviewed at least once in each term of the Council. Policies may require more regular reviews for statutory or other reasons. The Council may call for a review of any Council policy at any time.

Council staff will endeavour to present all statutory and strategic policies to Council for consideration within the first 12 months of each term of the Council.

### *2.2.4 Advocacy*

The Council has a role advocating on behalf of the community to other levels of government, statutory authorities and other agencies.

Council has aligned its advocacy to the outcomes of the Community Strategic Plan.

### *2.2.5 Law Making and Enforcement*

The Council legislates and makes decisions in areas over which it has legislative authority. The local laws made by the Council cover such issues as the activities permitted on public land and the use of infrastructure. It enforces laws made by the State Government in many areas including public health and building regulation.

### *2.2.6 Stewardship*

Effective stewardship of all Council assets exists as a key element of ensuring the Council optimises the use of its financial, physical and intellectual resources for the benefit of its residents and ratepayers.

## **2.3 Executive Leadership Team**

The Executive Leadership Team is responsible for implementing the Council's strategic objectives and instilling and reinforcing its values, all while operating within the Code of Conduct, budget and risk appetite set by the Council.

The Executive Leadership Team are also responsible for providing the Council with accurate, timely and clear information regarding the Organisation's operations to enable the Council to perform its responsibilities. Information is not limited to the financial performance but must include its compliance with material legal and regulatory requirements and any conduct that is materially inconsistent with the values or Code of Conduct of the entity.

The Executive Leadership Team is led by the Chief Executive Officer ("CEO"). [Section 335](#) of the LG Act sets out the functions of a general manager, which is known as the Chief Executive Officer, at Council. Their functions include conducting the day-to-day management of Council, implementing the lawful decisions of Council and advising the Mayor, as well as the other functions as set out at section 335.

The relationship between the CEO and the Mayor is of significant importance to the Organisation as a whole. The Mayor and CEO should be able to work together well to ensure lines of communication between the Council and the Organisation are always open. The CEO and Mayor should be able to trust each other with information they could not share elsewhere and be able to process events prior to information being provided to the Council, the Organisation, or the public where required. The positions are the face of Council to the community and broader region. How they present as a team will be reflected in the community's perception of how Council runs as a whole Organisation.

The Council and Executive Leadership Team are responsible for preparing and implementing Council's plans and policies. These include Council's [Integrated Planning and Reporting](#) plans, such as the Community Strategic Plan 2040 and the Long Term Financial Plan 2024-2034.

## 2.4 Delegation

Under [section 377](#) of the LG Act, Council can delegate certain functions to the general manager (CEO). These delegations allow the Council staff to exercise duties required under legislation instead of the Councillors and must be performed in accordance with Council policy and any applicable laws. Pursuant to [section 378](#) of the LG Act, the CEO can also delegate their functions to any person or body.

Council's Instrument of Delegation was adopted by resolution on 18 May 2022 and is available on [Council's website](#).

Although its functions have been delegated to allow for the operational functioning of Council, it remains accountable for what has been delegated and always remains responsible for the Organisation as a whole.

When delegating, the Council should delegate in a manner which increases trust and transparency. For delegation and accountability to be effective, the Council should ensure the following conditions are fulfilled:

- (a) delegations are understood and limits applied where required,
- (b) required resources are available,
- (c) authority matches the level of responsibility, which includes the autonomy to make and fulfil plans to achieve the agreed outcomes within the established parameters and
- (d) consequences, such as sanctions, for the non-fulfilment of a responsibility or non-adherence to established parameters are enforced.



Delegation must be formalised together with the appropriate assurance processes. Limits of decision making authority should be applied in response to assessed risk.

## 2.5 Volunteer Committees of Council

[Section 355\(b\)](#) of the LG Act provides Council the ability to exercise some its functions through committees of Council.

In Berrigan Shire, Council works with volunteer committees to manage many of its recreation reserves and public facilities to provide this service to the community. Section 355 committees in this way act under the authority of Council and are therefore bound by the rules, regulations and legislation as it applies to Council. The monies they raise are community monies and are subject to the same audit requirements as required of Council.

Council's [Volunteer Committee Guide to Operations](#) is currently under review to ensure it remains consistent with the legal and legislative requirements expected of volunteer committees.

## 3 Governance Principles

The LG Act sets out the following guiding principles for councils at [section 8A](#):

*“... The following general principles apply to the exercise of functions by councils--*

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.*
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.*
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.*
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.*
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.*
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.*
- (g) Councils should work with others to secure appropriate services for local community needs.*
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.*

*(i) Councils should be responsible employers and provide a consultative and supportive working environment for staff. ...*

*...The following principles apply to decision-making by councils (subject to any other applicable law)—*

- (a) Councils should recognise diverse local community needs and interests.*
- (b) Councils should consider social justice principles.*
- (c) Councils should consider the long term and cumulative effects of actions on future generations.*
- (d) Councils should consider the principles of ecologically sustainable development.*

*Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions. ...”*

Council’s [Delivery Program 2022 – 2026](#) further sets out that good government is:

*Good government is about making good decisions over time. Decisions, which consider that what we do today, will influence future generations. Moreover, those decisions also involve managing associated financial, economic and environmental risks, and the social implications of decision-making.*

*Local government is the level of government that other agencies and levels of government look to for localised knowledge, information, allocation of resources, implementation of programs and policies and the maintenance of effective local and regional relationships. There are also many ways to define corporate governance and good government. Factors that influence good government include:*

- Technical and managerial competence*
- Organisational capacity*
- Decision making that is reliable and predictable and in*
- accordance with the rule of law*
- Accountability*
- Transparency and open information systems*
- Participation by elected representatives and constituents*

*In the context of the Shire’s Delivery Program the Berrigan Shire Council is responsible for:*

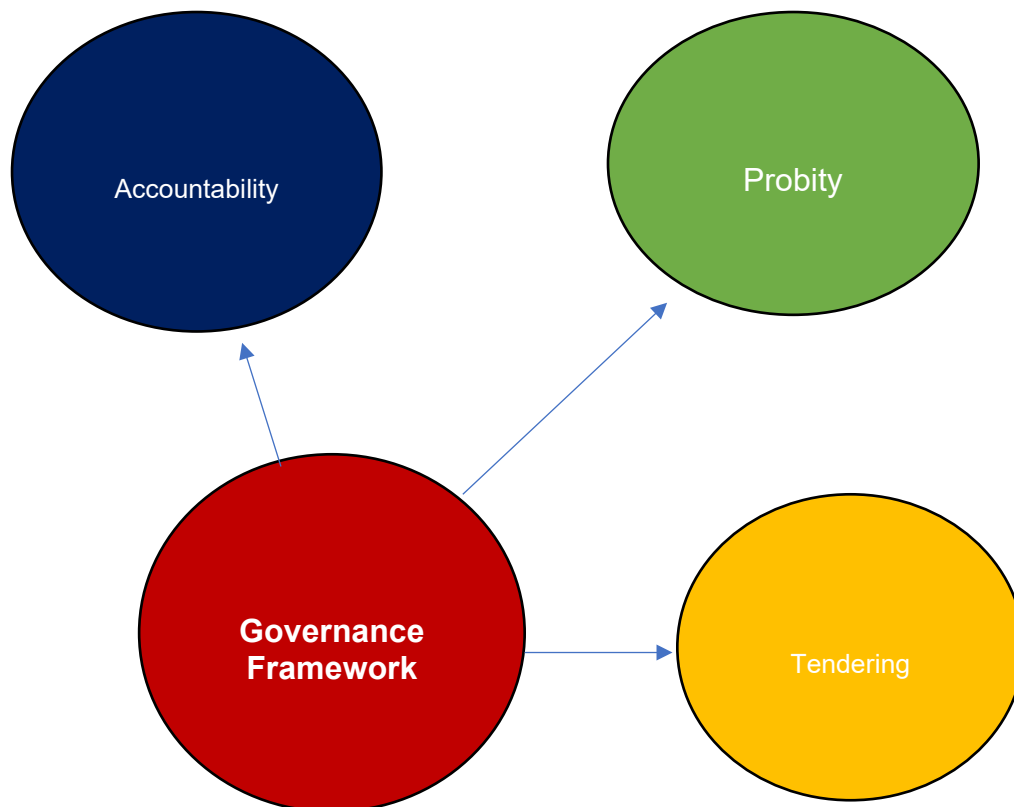
- Council roads and paths*
- Water, sewerage, and drainage Environmental health*
- Animal control*
- Land use planning and development Community and*
- library services Business and economic development*
- Social planning*



*Council governance, enterprise risk management and business operations*

#### **4 Elements of the Governance Framework**

Council's Governance Framework considers important issues as indicated in the diagram below.



A Governance Framework also relies on numerous supporting Council policies, guidelines and plans.

In addition to those referenced throughout this Framework, OLG sets out the Mandatory Guidelines and Codes, as well as Practice Notes. These can be found on the [OLG website](#).



## 5 Strategy and Leadership

Leadership includes strategic planning. The Council's roles it so set the strategic goals and the Council's policies to oversee service delivery and operational performance.

### 5.1 Vision, Values and Purpose

#### 5.1.1 Vision

Berrigan Shire Council believes an engaged workforce is central to achieving its vision of

*Our diverse population and productive natural landscape fuel a vibrant economy and a harmonious and thriving community.*

Berrigan Shire Council as an organisation is tasked with assisting the community to deliver on this vision.

#### 5.1.2 Values

Council's staff are custodians of public trust and confidence. In recognising this, Council is committed to building a high performing culture built on the values of team work, honesty, reliability and service. These values guide Council officials in how they work, interact with each other and the community, and how they make decisions.



### TEAMWORK.

A collegiate workforce who are passionate about their community, are approachable to internal and external stakeholders and who are flexible enough to support the service delivery outcomes of Council, regardless of position title.



### RELIABILITY.

Trust is generated by a knowledgeable and competent workforce who are willing to help others as necessary and within their skill sets, abilities and delegations.



### HONESTY.

A working environment where loyalty and integrity are rewarded and staff are brave enough to question why, allowing everyone space to commit fully to agreed service delivery outcomes.



### SERVICE.

Service is the core of our commitment to the community and is well considered and strategic in its delivery.

#### 5.1.3 Purpose

The aim of the Berrigan Shire Council is to develop our community and assist where we can, to help it grow and achieve the community's vision. We work alongside our community and use our skills, our staff, and our resources to contribute to the improvement of the entire Shire.

We are one team focused on one purpose.

*Working together to build a better future for Berrigan Shire*

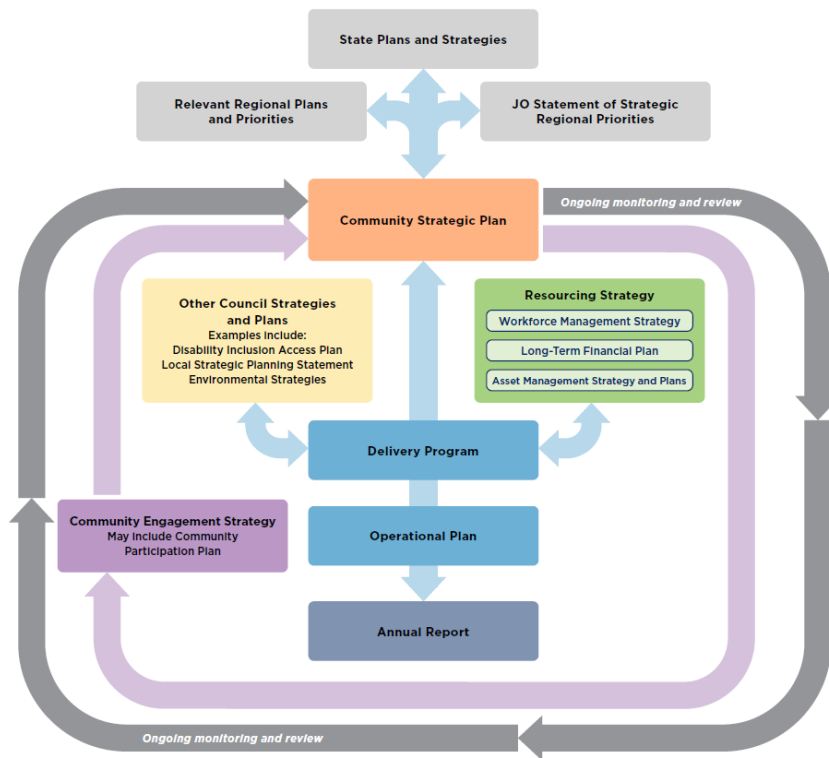
#### 5.2 Integrated Planning and Reporting

[Part 2 of the LG Act](#) sets out the Integrated Planning Reporting framework to be followed by Council. Section.

In essence the IP&R Framework begins with the community's, not councils, aspirations for a period of at least 10 years. It includes a suite of integrated plans that set out a vision and goals and strategic actions to achieve them. It involves a reporting structure to communicate progress

to council and the community as well as a structured timeline for review to ensure the goals and actions are still relevant.

Council uses the following integrated planning and reporting framework, based on OLG’s [\*Integrated Planning & Reporting Guidelines for Local Government in NSW\*](#) dated September 2021:



The key components of this framework are:

1. Community Strategic Plan,
2. Resourcing Strategy, including long-term financial planning, workforce management planning and asset management planning,
3. Delivery Program,
4. Operational Plan and
5. Annual Report.

Council recognises the importance of these plans and reports, and they can be found at [Council’s website](#).



### 5.2.1 Community Strategic Plan

Berrigan Shire's preferred future is established in Berrigan Shire 2040, the Shire's Community Strategic Plan. This plan was developed in conjunction with our community under the Integrated Planning and Reporting framework established by the Office of Local Government.

The Community Strategic Plan consists of five themes and strategic objectives.

- CO. Our community**  
An inclusive, resilient community with a strong sense of belonging and pride.
- EC. Our economy**  
A resilient and prosperous economy that supports employment and learning opportunities.
- EN. Our environment**  
Our natural assets are protected and enhanced for future generations.
- IN. Our infrastructure**  
Reliable and efficient infrastructure that meets the growing needs of our community.
- CL. Our civic leadership**  
Transparent and responsible leadership that actively engages with and serves the community's interests.

### 5.3 Risk Management

Effective risk management requires taking an integrated and balanced approach to risk and reward and helps us to both optimise financial opportunities and mitigate potential loss or damage.

The Berrigan Shire Council has adopted a Risk Appetite Statement which provides Council staff with the overall parameters in which to assess Council's exposure to risk. The Risk Appetite Statement is reviewed at the first Corporate Workshop after each election cycle.

The Council's Risk Management Framework incorporates the following:

- [Berrigan Shire Council Strategic Risk Plan](#)
- [Risk Management Policy and Framework](#)
- [Audit Risk and Improvement Committee](#)
- Risk Management training
- Risk Management Planning (undertaken as part of annual business planning)
- Risk register
- Risk reporting
- [Fraud Control Policy](#)
- [Code of Conduct](#)
- Local Emergency Management Committee
- Business Continuity Plan (including Adverse Events Plan)
- Southern Riverina Drought Resilience Plan
- Insurance Program
- [External Audit](#)
- [Internal Audit](#)

The risk management framework involves Council collating and reporting on all identified risk management initiatives to ensure adoption of a coordinated approach aimed at effectively minimising business, financial and physical risks to Council's assets and operations.

The Council's performance in implementing effective risk management strategies and following sound business practices is reinforced through access to independent legal advice, the conduct of annual compliance audits and the annual financial audit undertaken by professional, external auditors.

#### **5.4 Audit Risk and Improvement Committee**

Pursuant to [section 428A](#) of the LG Act, Council has an Audit, Risk and Improvement Committee (ARIC). The Committee provides independent assurance to Council by monitoring, reviewing and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

The role of ARIC is set out in the [Terms of Reference](#) provided by Council to ARIC.

## **6 Structure and Relationships**





Policies are most effective when they are linked with appropriate management practices and work processes. Berrigan Shire Council staff exercise their responsibilities through delegations of authority and following an appropriate organisational structure ([Appendix 17.2](#)). Policies set the standards for Councillors and staff and inform decision making.

## 6.1 Code of Conduct

Council has a [Code of Conduct](#) adopted on 19 January 2022, which can be found on Council's website. The Code of Conduct is reviewed at the first Ordinary Meeting of Council after each election.

The Code of Conduct sets out the minimum standards of conduct for Council's officials and is required by [section 440](#) of the LG Act. The Code of Conduct prescribes that Council's officials must not conduct themselves in a matter that is likely to bring Council or other Council officials into disrepute, is contrary to statutory requirements, is improper or unethical, is an abuse of power, or other matters set out at Part 3.1 of the Code of Conduct. It also sets out rules for declaring pecuniary interests at Part 4, as well as other non-pecuniary interests at Part 5.

## 6.2 Code of Meeting Practice

The [Code of Meeting Practice](#) sets out the procedures for all Council and Council Committee Meetings. The Code incorporates the meeting procedure requirements set out in the LG Act and the [Local Government \(General\) Regulation 2021](#).

The Code of Meeting Practice is designed to provide for:

- better decision making,
- orderly conduct,
- better understanding of the process of conducting meetings dealing with Council business and
- more efficient and effective use of time at meetings.

## 6.3 Support for Councillors

To support Councillors, the CEO ensures they are given the opportunity to undertake a comprehensive induction program. The program details the governance framework, relevant legislative requirements, Council's organisation structure and operations and the respective roles and responsibilities of Councillors and staff.

The [Councillor Expenses and Facilities Policy](#) provides the appropriate resources required to be supplied to Councillors to allow them to undertake their civic duties while representing ratepayers, businesses and residents of the Berrigan Shire.

Additionally, Councillors are provided opportunities for new and continuing Councillors to participate in tailored training and ongoing learning and development programs as per the [Councillor Induction and Professional Development Policy](#).

## 6.4 Procurement and Disposal

Council has a [Procurement and Disposal Policy](#) adopted on 15 March 2017, which can be found on Council's website.

The Policy creates a framework for Council to meet legislative requirements for procurement, manage any risks and achieve the best results in procurement.

The Policy sets out that, when undertaking procurement, Council will:

- *comply with its statutory obligations;*
- *act in an ethical, transparent and accountable manner;*
- *act fairly and even-handedly with suppliers and potential suppliers;*
- *maintain commercial confidentiality in line with legislation and Council policy*
- *seek "best value" outcomes.*

*At all times, Council officers must be aware of their responsibilities to act in the best interests of the Council and the community when handling public funds.*

## 7 Planning and Development

An important facet of Council's role is in the planning and development of the community. Council has a [Berrigan Shire Local Strategic Planning Statement 2020-2040](#), which can be found on Council's website. This Statement sets out Council's twenty-year vision for land use planning in Berrigan Shire and recognises the special characteristics of our area.

### 7.1 Local Environmental Plan

Council has a [Local Environmental Plan](#) ("LEP") which makes local environmental planning provisions for the Berrigan local government area. The LEP operates in conjunction with the State Regional Environmental Plans and the State Environmental Planning Policies, and other relevant plans, acts and regulations.

The LEP is currently under review and will be updated as soon as approval is received from the Department of Planning and Environment.

## 8 Lobbying of Councillors

Lobbying is a term used to cover the types of communication between local government councillors and the community that include representations to councillors by special interest groups, individuals with a direct interest in a council decision and by advocates acting on behalf of others.



The most common form of lobbying is when a group or individual makes direct contact with a councillor in an attempt to influence a council decision. Councillors are generally lobbied over such issues as:

- development matters,
- the upgrading of local facilities, including playgrounds and sporting amenities and / or
- revenue decisions, including the setting of business, mining, farming of special rates.

Appropriate lobbying of councillors is normal and part of the democratic process. Section 232(2) of the *Local Government Act 1993* makes it clear councillors have a representative role in considering the view of constituents.

To ensure transparency in lobbying matters (particularly those surrounding development applications), and to ensure no conflicts of interest arise as a result of lobbying, there are a number of ways councillors can ensure that transparency whilst being lobbied. These include:

- documenting meetings with proponents,
- generally conducting meetings in official locations such as council premises,
- having other people present during meetings,
- inviting applicants who have approached them for a meeting to discuss a significant development to write to council seeking a meeting with all councillors and relevant staff,
- providing copies of information presented during lobbying meetings to council officers for consideration and assessment (if required), distribution to other councillors and filing as part of council's records,
- asking people who have requested a meeting to put their arguments in writing and / or
- making a declaration at a council meeting about lobbying activities they have been engaged in that are not part of council's formal processes.

For more information on lobbying, the Independent Commission Against Corruption (ICAC) have provided an excellent [fact sheet](#) for guidance of councillors in these matters.

## **9 Compliance and Accountability**

Council is accountable for establishing and maintaining an integrated governance framework across the Organisation and must maintain oversight of this framework to ensure the Organisation realises effective performance, responsible stewardship and ethical behaviour.

It is essential therefore the governance framework provides decision makers with appropriate authority, competence and resources for the responsibilities given to them. Effective delegation and transparent decision making empower personnel to act appropriately, resulting in a more resilient and agile organisation. Controls and subsequent actions should be planned and implemented to ensure governance systems remain adequate for Council's purpose.

The Council should oversee organisational performance by assessing and taking corrective action based on:

- (a) whether the organisational values and governance policies are effectively guiding the Organisation, its culture and ethical behaviour,
- (b) managerial reporting and performance, ensuring it appraises the results against applicable measurement criteria and its intentions and expectations,
- (c) risk information regarding the Organisation's assessment and treatment of its key threats and opportunities in consideration of the organisational risk framework and risk appetite,
- (d) compliance regarding the Organisation's compliance culture and meeting of its compliance obligations,
- (e) the Organisation's identification of, and engagement with stakeholders,
- (f) the Organisation's financial results and financial resources, ensuring the Organisation remains financially sound,
- (g) resource allocations, capacity and capabilities (including people and their development) ensuring the Organisation is enabled to meet its Operational, Delivery and Long Term Strategic Plans,
- (h) the Organisation's controlling and processing of data, ensuring data are recognised as valuable and strategic organisational resources,
- (i) the Organisation's responsible use of, and adequate investment in, technology and technological systems and
- (j) the Organisation's management of change and other substantial transformations as well as responses to unplanned events and incidents.

## 9.1 Legislative Compliance

Legislative compliance ensures Council meets all obligations under applicable laws, regulations, and relevant guidance material. In an environment of continuous legislative change, creating a risk of non-compliance, it is vital for accurate decision-making, Council develops strategies to ensure conformity with applicable legislation.

To assist with this, Council has a [Legislative Compliance Policy](#).

The policy demonstrates a clear commitment by the Council to ensuring compliance with all applicable legislation.

To facilitate this, the policy provides guidance on:

- the obligations of staff members in ensuring legislative compliance,
- the consequences of non-compliance,
- the application of legal requirements,
- moral and ethical objections and



- strategies for ensuring compliance.

## 9.2 Financial Audit

A primary way Council is accountable to its community is through regular financial audits. [Section 416](#) of the LG Act requires Council's financial reports to be audited yearly. Council publishes the audited yearly financial statements on its website and form part of Council's annual reports.

The [audited financial statements](#) can be found on Council's website.

## 9.3 External Audit

The External Audit function:

- provides independent audit opinions on both the general and special purpose financial reports of Council (see [Financial Audit](#) above),
- audits statutory returns related to a number of Council activities (including the ratings return, domestic waste return etc) and
- reports to the Council and the CEO of the conduct of audits, issues a management letter detailing any matters that arise during the course of audits and provides any supplementary reports where required.

The External Auditor also contributes to Council's Audit, Risk and Improvement Committee meetings when required.

## 9.4 Internal Audit

Internal audit is an important part of the Council's risk management processes. Council's ARIC has oversight of its internal audit planning and provides advice to Council staff regarding internal audit findings.

Internal audit is directed to identify performance or compliance gaps to enable improvements to the Council's efficiency, effectiveness and compliance. It also helps to improve processes and makes them more rigorous and corruption resistant.

# 10 Performance Improvement, Monitoring and Evaluation

Improving, monitoring and evaluating the performance of the Council's operational functions against strategic goals is essential and underpins a continuous improvement culture.



### 10.1 Customer Requests

Council welcomes community feedback and strives to meet the needs of its customers. Council has a [Customer Requests Policy](#) adopted 21 September 2022, found at Council's website.

### 10.2 Community Feedback

Council also has a ["Have Your Say" online engagement platform](#) to allow for anyone to help inform the decisions Council make and guide the future of Council, found on Council's website.

Council also seeks community feedback on its plans, such as the Draft Strategic Framework and District Plans, as well as the *"Community Strategic Plan | 2040 Create your Future"*.

### 10.3 Complaints Handling

There are a number of ways in which Council may receive complaints from the community or internally.

Complaints from the community are generally received in the following categories. Clicking on the links provided will take the reader to the section of the website which explains how to lodge a complaint under each category:

- [Food Business Complaints](#)
- [Beauty and Skin Premises Complaints](#)
- [Problem Animals Complaints](#)
- [Building and Planning Complaints](#)
- [General Complaints regarding services etc](#)

Council will be required to meet a number of statutory guidelines to respond to some of the above complaint types including:

- [Food Act 2003](#)
- [Public Health Act 2010](#)
- [Companion Animals Act 1998](#)
- [Uncollected Goods Act 1995](#)
- [Environmental Planning and Assessment Act 1979](#)
- [Water Act 1912](#)
- [Water Management Act 2000](#)
- [Waste Avoidance and Resource Recovery Act 2001](#)

Council has a number of policies and procedures which outline the ways which consider the how many general complaints should be handled. These policies include:

- [Access to Council Information](#)
- [Contaminated Land Management Policy](#)
- [Contributory Footpath and Kerb and Gutter Schemes](#)



- [Customer Requests](#)
- [Grievance](#)
- [Public Interest Disclosures](#)
- [User Fees and Charges](#)
- Complaints Handling (under development)

## 10.4 Registers

Registers serve as important evidence to show individual Council employees, Councillors and the Council are doing the right thing.

Registers are a critical component to show transparency in the way Council conducts its affairs.

Some registers are required to be kept by law, whilst others are kept as a result of Council's policy decisions, for example, requiring declarations by staff of gifts and benefits they have been offered.

Council's public registers and their purposes include:

Public Register	Act	Purpose
Land register	LG Act	<p><b>Primary</b></p> <p>Identify all land vested in Council, or under its control.</p> <p><b>Secondary</b></p> <p>Consideration of public accountability as to the land held by Council.</p> <p>Third party access in accordance with GIPA Act</p>

Public Register	Act	Purpose
Contracts with the private sector valued from \$150,000	LG Act	<p><b>Primary</b></p> <p>Identify all large contracts entered into by Council.</p> <p><b>Secondary</b></p> <p>Consideration of public accountability as to the contracts entered into by Council.</p> <p>Third party access in accordance with GIPA Act</p>
Register of investments	LG Act	<p><b>Primary</b></p> <p>Identify all Investments made by Council.</p> <p><b>Secondary</b></p> <p>Consideration of public accountability as to the investments made by Council.</p> <p>Third party access in accordance with GIPA Act</p>
Register of disclosures of interest	LG Act	<p><b>Primary</b></p> <p>Determine whether or not a Council official has a pecuniary interest in any matter with which the council is likely to be concerned.</p> <p><b>Secondary</b></p> <p>Public accountability</p> <p>Third party access to pecuniary interest returns in accordance with GIPA Act</p>



Public Register	Act	Purpose
Register of development applications and approvals	EPA Act 1979	<p><b>Primary</b></p> <p>Identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.</p> <p><b>Secondary</b></p> <p>Third party access in accordance with GIPA Act</p>
Register of complying development applications	EPA Act 1979	<p><b>Primary</b></p> <p>Identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates</p> <p><b>Secondary</b></p> <p>Third party access in accordance with GIPA Act</p>
Register of planning agreements	EPA Act 1979	<p><b>Primary</b></p> <p>Identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.</p> <p><b>Secondary</b></p> <p>Third party access in accordance with GIPA Act</p>

Public Register	Act	Purpose
Records of approvals under Chapter 7 Part 1 of the Local Government Act 1993	LG Act	<p><b>Primary</b></p> <p>Identify all approvals granted under the LG Act</p> <p><b>Secondary</b></p> <p>Third party access in accordance with GIPA Act</p>
Records of impounding.	Impounding Act 1993	<p><b>Primary</b></p> <p>Identify any impounding action by council in accordance with section 30 &amp; 31 of the Act.</p> <p><b>Secondary</b></p> <p>Third party access in accordance with GIPA Act</p>

## 11 Information Management

### 11.1 Privacy and Personal Information

Berrigan Shire Council has obligations to effectively manage personal information and privacy under the following legislation.

- [Privacy and Personal Information Protection Act 1998](#) (PIIP Act)
- [Health Records and Information Privacy Act 2002](#) (HRIP Act)

Both Acts include a set of Privacy Principles with which Council must comply:

- [Information Privacy Principles](#)
- [Health Privacy Principles](#)

#### 11.1.1 Privacy Management Plan

Section 33 of the PPIP Act requires Council to develop a [Privacy Management Plan](#). Council's Privacy Management Plan was adopted by Council in 2024.

This Plan includes:

- information about Council's policies and practices to ensure compliance with the PPIP Act and the HRIP Act;



- how employees, contractors and volunteers are made aware of these policies and practices;
- the internal review procedures; and
- anything else considered relevant to the Plan in relation to privacy and the personal and health information Council holds.

The Privacy Management Plan will be reviewed every two years. It will be reviewed earlier if any legislative or administrative changes affect the management of personal and health information by Council.

### *11.1.2 Privacy and Personal Information Protection Notice*

Under [section 10](#) of the PPIP Act, when Council collects personal information from an individual, such as their name, address, telephone number or email address, Council must make the individual aware of:

- the purposes for which the information is being collected,
- the intended recipients of the information,
- whether the supply of the information is required by law or is voluntary,
- any consequences for the individual if the information (or any part of it) is not provided,
- ways the individual can access and correct their personal information and
- how to contact Council or the Council section that is collecting and holding their information.

In compliance with the PPIP Act, Council includes a Privacy and Personal Information Protection Notice on all forms, letters and documents when collecting personal information from individuals. Council's Privacy and Personal Information Protection Notice appears below:

#### *Privacy and Personal Information Protection Notice*

- *this information is voluntarily required to process your request and will not be used for any other purpose without seeking your consent, or as required by law;*
- *your information may comprise part of a public register related to this purpose;*
- *your application will be retained in Council's Records Management System and disposed of in accordance with the Local Government Disposal Authority;*
- *your personal information can be accessed and corrected at any time by contacting this Council*

## 11.2 Access to Information

The [Government Information \(Public Access\) Act 2009](#) (GIPA Act) sets out Council's obligation to provide the public with access to information held by Council.

Section 20 of the GIPA Act requires Council to develop and publish an Agency Information Guide to inform the public, community organisations, the media, and government agencies can interact with Council, access information held by Council and change information believed to be incorrect.

The Council's [Agency Information Guide](#) is available on Council's website.

### 11.2.1 Open Access Information

[Section 18](#) of the GIPA Act sets out a series of documents that are deemed "Open Access Information" and will be released without the need for a Formal Access Application under this Act:

These documents are listed in the Information Guide and are available on [Council's website](#).

### 11.2.2 Informal and Formal Access to Information

Open Access information that Council does not publish on the website can be accessed by completing an [Informal GIPA Request application](#). Council will allow access to this information unless there is an overriding public interest against disclosure of the requested information.

Access to other Council information, such as information of a personal or commercially sensitive nature, can be applied for by completing the [Formal GIPA application](#).

## 12 Information Technology Governance

Information Technology (IT) are systems critical to the success of the organisations that use them. IT Governance is an element of corporate governance aimed at improving the overall management of IT and deriving improved value from investment in IT.

Council is currently developing and IT Governance Framework to enable Council to manage its IT risks effectively and to ensure the activities associated with IT are aligned with Council's overall business objectives.

IT governance is a process used to monitor and control the IT capability decisions made to deliver value to the organisation. IT governance is a process. IT governance aims to ensure the delivery of business results and therefore is not:

- IT systems performance
- IT risk management or
- an end in itself.



As with all other governance it is about monitoring and controlling key IT decisions which may have an impact – positive or negative – Council’s results.

The IT Governance Framework will therefore:

- articulate and communicate Council’s strategic direction to which IT should be aligned,
- consider the latest developments in IT from a business and risk perspective,
- ensure IT is well managed in a structure manner,
- inform staff how and how much the organisation invests in IT and the value (risk vs return) intended from these investments,
- ensure progress reports are provided on major IT projects and
- ensure suitable IT resources, infrastructure and skills are available to meet the Council’s strategic objectives.

Finally the IT Governance Framework will ensure the Executive Leadership Team has process to accomplish:

- continuous evaluation of the alignment of strategic goals to the IT systems in use,
- identification of changes or improvements to the IT systems that may enhance Council’s ability to meet strategic organisational objectives,
- prioritise the necessary changes to IT systems,
- develop plans to design and implement IT changes that are of high priority and
- implement and maintain IT systems.

## **13 Related Legislation, Policy and Strategies**

### **13.1 Legislation and External Guidelines**

- ISO 37000:2021 Governance of organizations – Guidance
- ISO 37002:2021 Whistleblowing management systems – Guidelines
- ISO 37301:2021 Compliance management systems – Requirements with guidance for use
- [Privacy Governance Framework](#)
- [Corporate Governance Principles and Recommendations 4<sup>th</sup> Edition](#)
- [Councillor Handbook – December 2021](#)
- [Councillor Induction and Professional Development Guidelines – 2018](#)
- *Local Government Act 1993*

### **13.2 Council Policies and Guidelines**

- Code of Conduct
- Code of Meeting Practice
- Procedures for the Administration of the Model Code of Conduct



- Statement of Business Ethics
- Policy No. 10 – Public Interest Disclosures
- Policy No. 14 – Investment
- Policy No. 17 – Risk Management Policy and Framework
- Policy No. 24 – Legislative Compliance
- Policy No. 33 – Councillor and Expenses and Facilities
- Policy No. 50 – Council Operated Enterprises
- Policy No. 54 – Fraud Control
- Policy No. 100 – Access Control Policy
- Policy No. 104 – Councillor Access to Information and Interaction with Staff
- Policy No. 105 – Councillor Induction and Professional Development
- Policy No. 106 – Strategic Partnerships Framework and Policy
- Policy No. 117 – Council Seal and Execution of Legal Documents
- Risk Appetite Statement
- Privacy Management Plan

## **14 Records Management**

All Records must be kept in accordance with Council’s Records Management Policy and destroyed as per the General Retention and Disposal Authority: [Local Government Records \(GA39\)](#).

## **15 Review and Evaluation**

This framework will be reviewed by the Chief Executive Officer annually. It will be evaluated and reviewed by the Council every four (4) years or as required.

## **16 Document Availability**

A number of legislative instruments require Councils to have the policy available for inspection at Council’s principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council’s principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council’s website <https://www.berriganshire.nsw.gov.au/>



Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

*Berrigan Shire Council*  
*56 Chanter Street*  
*BERRIGAN NSW 2712*

*Ph: 03 5888 5100*

*Email: [mail@berriganshire.nsw.gov.au](mailto:mail@berriganshire.nsw.gov.au)*

## **17 Version Control**

<b>Version Number</b>	<b>Date</b>	<b>Summary</b>	<b>Responsible Officer</b>
1.0		New framework	Chief Executive Officer

# Appendices

## Appendix A - Definitions

**Accountability** – means Council can explain and justify its decisions

**Asset Management Strategy** – describes the process of planning, purchase, operation, maintenance and disposal of assets in a formalised planning document. Asset Management Planning takes into account desired community outcomes, the durability of assets and the available financial resources needed to enable Council to meet their service delivery objectives efficiently and effectively.

**CEO** – mean the Chief Executive Officer (referred to in the LG Act as the General Manager). The CEO is responsible for the day to day operations of Council and is appointed by and accountable to, the Councillors.

**Code of Conduct** – defines the way Councillors and Employees are expected to behave in relation to all aspects of their roles.

**Committee of Council** – is a committee established by Council to assist in carrying out statutory functions under section 355 of the LG Act.

**Community / Communities** – in the context of this document are the residents of the Berrigan Shire Council area including the townships of Berrigan, Finley, Tocumwal and Barooga.

**Community Strategic Plan** – is part of the Integrated Planning and Reporting process. The Community Strategic Plan is designed to reflect the aspirations of the community, not Council, for at least the next 10 years.

**Conflict of Interest** – arises from a conflict between the performance of a public duty and a private or personal interest.

**Council** – means the Berrigan Shire Council, including its staff and employees

**Councillor** – is an individual who is elected to Council to represent their community

**Council Meeting** – when Councillors meet formally as a Council

**CSP** – see Community Strategic Plan

**Elected Body** – are the elected representatives of Council – i.e. councillors

**Delivery Program** – is part of the Integrated Planning and Reporting suite of documents. The Delivery Program sets out the program of projects and deliverables Council intends to achieve over a rolling four year period. The effect of the deliver of the Delivery Program is reflected in the Long Term Financial Plan.

**Governance** – is the process and culture of decision making that guide the activities of an organisation beyond basic legal obligations.

**Integrated Planning and Reporting** – is a legislated process that begins with the community's, not Council's aspirations for a period of at least 10 years. The process includes a suite of integrated plans that set out a vision, goals and strategic action to achieve those aspirations. The reporting



structure is designed to communicate Council's progress to the community to ensure Council is meeting its goals and that its actions remain relevant.

**LG Act** – is the Local Government Act 1993

**Long Term Financial Plan** – is the plan which outlines how Council will fund projects identified in its Delivery and Operational Plans. Long Term Financial Plans must cover at least 10 years and are a tool to ensure Council can stay financially viable delivering agreed projects and maintaining service levels across its responsibilities and asset classes.

**Operational Plan** – is part of the Integrated Planning and Reporting suite of documents. The Operational Plan is a one-year plan that spells out the detail of the Delivery Program, identifying the individual projects and activities that will be undertaken in a specific financial year to achieve the commitments made in the four year Delivery Program.

**Organisation** – is Berrigan Shire Council and consists of the Elected Body and the Administrative and Operational arms of Council.

**Stakeholders** – for the purposes of this document are any individuals or groups who have a vested interest in the success or failure of Council's operations. Stakeholders may include State or Federal agencies, other Local Councils, businesses, community groups or organisations including sporting groups. Stakeholders are individuals or organisations who can affect, are affected by, or perceive themselves to be affected by the decisions or activities of Council.

**The Organisation** – is the paid staff of Council, including the Chief Executive Officer

**Workforce Management Strategy** – is part of the Integrated Planning and Reporting suite of documents. The Workforce Management Strategy is a four year plan, addressing the human resources required to achieve the activities identified in the Delivery Program.

## Appendix B - Organisational Structure

