



Good Governance & Administrative Practice Policy





Good Governance and Administrative Practice Policy

Name of Council	District Council of Franklin Harbour
Responsibility	Governance
Revision Number	1.2
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Applicable Legislation	Local Government Act 1999 and Regulations Behaviour Management Policy Employee Code of Conduct Freedom of Information Act Fraud, Corruption Misconduct and Maladministration Prevention Policy Public Interest Disclosure Act 2019 Internal Financial Control Policy

1. **POLICY OBJECTIVE**

1.1 Excellent governance is important in local government particularly because

- it underpins the confidence that people have in their local council and its service delivery;
- it affects the quality of Council's outputs by better planning, decision making, and implementation;
- it is a value adding activity and Council, as an organisation that practices excellence in governance, is more likely to be productive, efficient and effective;
- it significantly contributes to Council meeting its legislative responsibilities and minimises the risks of non-compliance; and
- it reminds Elected Members, Chief Executive Officer, Senior Management and Council employees that they are ultimately accountable to the Franklin Harbour community which they serve.

1.2 Council has broad roles to play as defined by the Local Government Act 1999, but the fundamental meaning of that Act is clear. That is, that the primary role of Local Government, and the Council in particular, is to provide excellent governance for its community and stakeholders.



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1.3 Four key principles to achieve excellence in governance are:

1.3.1 Culture and Vision

A positive culture built on clear policies, an owned vision as espoused in Councils Strategic Management Plan and supporting strategies and procedures.

1.3.2 Roles and Responsibilities

An acceptance of the different but complementary roles of the various elements within local government and the synergy produced by positive working relationships between these elements.

1.3.3 Decision Making and Management

Effective decision making and related management processes that reflect transparency and accountability.

1.3.4 Accountability, Sound Administrative Practices & Internal Control

Council to account for the need for its activities and have systems in place which support and reinforce this accountability.

1.4 Council will use self assessment tools (such as the LGA's Governance Audit), as well as external audits and other feedback to further review and develop its governance practices, this process will also be used as a mechanism for continuous improvement.

2. SCOPE

This policy applies to the Elected Members, Chief Executive Officer, Senior Management, all employees and agents of the District Council of Franklin Harbour in all aspects of their responsibilities.

3. POLICY STATEMENT

Consistent with the objectives of the Local Government Act 1999, the District Council of Franklin Harbour is required to ensure good governance and appropriate, administrative practice and systems of internal control are in place, complied with and maintained. These systems for good governance and sound administration and internal controls include policies, procedures and practices that provide a framework to ensure Council:

- functions and activities are provided in a planned, efficient and effective way;
- internal management policies are observed;
- assets are secured and protected from unauthorised use or loss; and
- records are complete, accurate and reliable.

In a constitutional democracy such as Australia, local councils have been given considerable power, authority and ability to influence or control the lives and conduct of individuals within their community. A key condition of that authority is that Local Government agrees to be, and is, held accountable for its performance.



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Community members are entitled to expect that their Council officials, both elected members and officers, perform their duties to a high standard. This includes the right to expect the conduct of all of the District Council of Franklin Harbour's officials to be in accordance with the accepted principles of good conduct in public administration which are:

- competence;
- courtesy and respect for individuals;
- efficiency;
- ethical behaviour and integrity;
- fairness;
- openness and accountability; and
- responsibility;

and are as detailed in Council's respective Codes of Conduct for Elected Members and Employees.

Under these headings the following will apply at the District Council of Franklin Harbour.

3.1 Responsibilities

Complying with the law.

A fundamental principle of good public administration is that public (and Council) officials comply with both the letter and the spirit of applicable law and policies. No Council officer or Elected Member has an unfettered power or discretion.

3.1.1 Responsibilities

All Council members and officers are under an obligation to know and understand the law relevant to the performance of their official duties. Any failure to comply with the law could be a criminal act or result in a breach of the law or a breach of discipline.

To facilitate compliance with legal requirements, Council and its Senior Officers should ensure that:

- management commitment to compliance is clear and unequivocal;
- the legal requirements which apply to each area of activity for which a manager is responsible are:
 - identified (including updates reflecting changes to the law), and
 - documented with reference to relevant provisions where required.
- staff are kept informed, briefed and/or trained about the key legal requirements relevant to their work;
- Elected Members and staff are made aware of the potential repercussions of non-compliance with legal requirements that apply to Council;



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- record keeping systems and practices which capture evidence of compliance and non-compliance are in place; and
- if the law gives Council a specific discretion, it should be exercised in a fair and reasonable way.

3.2 Complying with Council resolutions and employment directions

A principle of good public administration, and a fundamental requirement of the employment relationship, is that officers of Council must comply with the lawful and reasonable directions and instructions of their employer relating to matters of that employment.

3.2.1 Responsibilities

Officers must not wilfully disobey or disregard any lawful and reasonable direction or instruction given to them by any person or the Council, having authority to make such directions. By the same token officers must decline to follow any unlawful order or instruction.

3.3 Complying with policies

A primary function of Council (and effectively the reason for its existence) is to create and give effect to relevant policies of the elected body and to legislative requirements of the government of the day.

3.3.1 Responsibilities

- Elected Members and officers should give effect to a lawful policy whether or not they personally agree with or approve of it;
- Policies, codes and the like should not be applied inflexibly but on the basis of merit, with proper consideration being given to the particular circumstances of each individual case;
- Officers should have regard to circulars, practice notes, codes, guidelines and the like issued by the LGA, or State Government or other agencies. They should comply with their terms unless there are justifiable grounds for taking another course of action within the scope of the specific discretion available to the decision maker.

3.4 Officers owe an obligation of fidelity to their employer, the Council

3.4.1 Responsibilities

- There is a common law obligation of fidelity on all employees of Council that they will act in good faith and will assist the employer by supplying information known to the employee, which concerns Council's business and operations;
- The Elected Members, Chief Executive Officer and Senior Management must comply with all statutory reporting obligations that apply to them which include:



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- corporate reporting;
 - reporting corrupt conduct to the police; and
 - reporting on children and other vulnerable groups if at risk.
- 3.5 Elected Members, officers and employees must act ethically and with integrity in the performance of their functions and duties and avoid any conduct which could suggest or give the perception of any departure from honesty and integrity
- 3.6 Officers of Council exercising any delegated or statutory authorised discretionary power should not:
- exercise such a power for an improper purpose;
 - exercise such a power for a purpose other than for which it was conferred
 - make a decision not authorised by or under the particular power
 - take into account irrelevant consideration or fail to take into account relevant considerations when exercising the power;
 - exercise such a power in accordance with a rule or policy without regard to the merits of the particular case; or
 - exercise such a power at the discretion of another person or body.
- 3.7 Elected Members and employees of Council should not do favours, pressure somebody else to do favours, or let somebody else pressure them to do favours that impact on the impartial performance of their duties or decision making.
- 3.8 Elected Members and employees should make sure that they are not under any financial, gift or other obligation to private individuals which could be used to influence, or reasonably be perceived as capable of influencing them to make a decision that gives unauthorised preferential treatment or other improper advantage to any person or body.
- 3.9 Information obtained by Elected Members and employees in the course of performing their official duties is only to be used for official purposes.
- 3.10 Council and employees must follow relevant procedures regarding the storage, disclosure and distribution of confidential or sensitive personal, commercial or political information.
- 3.11 All Elected Members and employees must take every step to ensure that confidential information in any form cannot be accessed by unauthorised people.
- 3.12 A reputation for integrity and professionalism can only be achieved and maintained if the community is confident that Council, Elected Members and employees are not influenced by gifts, benefits and bribes. A gift register is in place and is to be used to record all such gifts or favours made within policy guidelines.
- 3.13 Elected Members and employees are to be scrupulous in their use of council owned property, official services and facilities and should not permit their misuse by any other person or body.



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- 3.14 Facilities (such as vehicles, phones, and computers) should be used strictly within the terms under which they are provided and for council duties and functions and for no other purpose.
- 3.15 Elected Members and employees should disclose a wrong doing appropriately (employees will be afforded the protection of the Public Interest Disclosure Act) by their colleagues or work area as soon as is reasonably practicable after they become aware of it.
- 3.16 Elected Members and employees should perform their official functions and duties, and exercise any discretionary powers, in ways that promote the public interest ie for the common good.
- 3.17 Acting in the “public’s interest” is a concept that is fundamental to a representative democratic system of local government and to good public administration.
- 3.18 Elected Members and employees should at all times avoid situations in which their private interests conflict or might reasonably be perceived to conflict with the impartial fulfilment of their official responsibilities and the public interest. The pursuit of private interests must not interfere with the proper discharge of an elected members or employees job or council responsibilities.
- Elected Members and employees of Council should submit themselves willingly to whatever, internal or public/official scrutiny is appropriate and applicable to their position, duties or activities.
 - Good record keeping assists in improving accountability and provides for transparent decision making. Reports to Council as well as file notes and other records must be kept and captured by Councils Records Management process where council business is involved.
 - Information is held by Local Government and Council on behalf of the members of their community and the people of the state of South Australia. They have a right to know what has been or is being done or contemplated by Council, unless there are good and lawful reasons for access to be restricted.
- The main mechanism to enable members of the public to obtain access to information held by Council is established under the *Freedom of Information Act*. Elected Members and employees at all times, when undertaking Council decision making and activities are to be aware of the provisions of the above Act.
- 3.19 It is a fundamental principle of sound governance and of good public administration that the conduct and performance of Council employees should be adequately and regularly reviewed. All employees from the Chief Executive Officer downwards shall undergo a performance assessment review at least once annually at the District Council of Franklin Harbour.



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- 3.20 Fairness is an essential component of good decision making. It is an implied condition of the granting of delegated and/or statutory authorised power to the Council and relevant officers that it be exercised fairly.
- 3.21 Council, the elected body (for public policies) and management (for internal administrative policies and procedures) will adopt and regularly review and revise policies and procedures which set out the general approach to be followed.
- Councils policies and procedures are to be implemented consistently, unless the recorded merits of a particular case justify a different approach, in which case the reason for departure from policy are to be recorded in writing or by resolution of Council as appropriate.
- 3.22 Regulatory powers granted to Councils entail responsibility for the performance of two related functions to:
- Consider applications and issue authorisations (eg approvals, permits, licences or consents) to permit activities within the parameters of those powers; and
 - Carry out an ongoing role to enforce the law in their areas of jurisdiction (eg by ensuring the terms and conditions of any authorisation are being complied with and that no relevant activity is being carried out without the required authorisation).
- To properly perform their enforcement obligation, relevant Council personnel shall follow established systems and programs for monitoring such matters, log and respond to relevant issues in a fair, consistent and timely manner and record such activities diligently.
- 3.23 Elected Members, management and employees should all ensure that the identification, assessment, prevention or management of risk are integral parts of all their practices and procedures at Council.
- 3.24 It is in the interests of all concerned, Councils constituents and stakeholders, that Council personnel attempt to resolve any disputes that may arise in the most timely and cost effective manner and where possible, without recourse to external agencies or the courts.
- 3.25 The handling of any complaints that may arise in regard to Elected Members, employees or Council Committee Members will incorporate the following principles:
- 3.25.1 Procedural Fairness for both complainant and Council personnel or agent
 - 3.25.2 Speed to ensure that opportunity for further alleged misconduct and the potential for escalating ill feeling is minimised, as are opportunities to breach the confidentiality to which complainants and Council personnel are entitled.



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3.25.3 Confidentiality for all parties where practicable and appropriate until such time as an investigative process is completed.

3.25.4 Meticulous record keeping including file notes and the reasons for all significant investigation related decisions.

The purpose of the investigation of a complaint is to establish and document relevant data, reach appropriate conclusions based on the available evidence, and determine a suitable response.

3.25.5 Council as an organisation, need to provide a supportive environment that encourages employees to make disclosures about serious matters involving misconduct and waste (refer to Public Interest Disclosure Policy and Procedure).

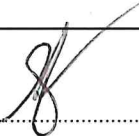
3.26 The primary purpose of Council is to serve the Franklin Harbour Community. Residents have a legitimate expectation that the service they receive from all areas of the Council organisation will be at best standard that can be practicably achieved. All Council personnel are expected to provide relevant, responsive and quality service to the public, including necessary appropriate assistance and to perform their council duties in ways which emphasise the importance of service to the Franklin Harbour Community.

4. FURTHER INFORMATION

Members of the public may inspect this Good Governance and Administrative Practice Policy at the principal office of the District Council of Franklin Harbour, 6 Main Street Cowell SA 5602, and on payment of a fee obtain a copy. A copy may also be downloaded from the Council website www.franklinharbour.sa.gov.au.

5. REVIEW OF THE POLICY

This Good Governance and Administrative Practice Policy will be reviewed by the District Council of Franklin Harbour within 12 months after each general election of Council. To ensure that the principle of open Government is being applied in the proper manner, it is anticipated that a review will be conducted every two years. However, Council has the right to review this Code at any time, if considered desirable

SIGNED: 
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Responsible Officer
Date: 15 / 11 / 23