

GOVERNANCE FRAMEWORK

November 2023



CONTENTS

1.	Introduction.....	3
2.	Local Government Defined	3
3.	What is Good Governance?	3
4.	Governance Principles	4
5.	Governance Framework Overview.....	6
5.1	Mayor, Deputy Mayor & Councillors	6
5.2	Council Committees	6
5.3	Audit Panel.....	6
5.4	Joint Authorities.....	6
5.5	Administration	6
5.6	Organisational Values	7
6.	Principle 1: Accountable & transparent	9
6.1	Legislative Basis	9
6.2	By-Laws	9
6.3	Decision-making.....	9
6.4	Qualified Advice	10
6.5	Role as Planning Authority	10
7.	Principle 2: Law-abiding & ethical	10
7.1	Council Meetings.....	10
7.2	Workshops	11
7.3	Ethical Behaviour	11
7.4	Related Parties Disclosures	12
7.5	Gifts and Benefits.....	12
7.6	Elections	12
7.7	External Audit.....	13
7.8	Fraud and Corruption	13
7.9	Public Interest Disclosures	13
7.10	Right to Information and Privacy.....	13
7.11	Information Management.....	13
7.12	Risk Management	14
7.13	Insurance	15
8.	Principle 3: Participatory, Equitable, inclusive & consensus orientated	15
8.1	Strategic Framework	15
8.2	The Strategic Plan.....	15
8.3	Financial Management Strategy and Plan	17
8.4	Asset Management Strategy and Plan	17
8.5	Community Engagement Framework	17
8.6	Customer Service Charter	17

8.7	Derwent Valley Planning Scheme	17
8.8	Advocacy	18
8.9	Waste Strategy.....	18
9.	Principle 4: Responsive, effective & efficient	19
9.1	Policies & Procedures	19
9.2	Delegations & Appointed roles	20
9.3	Annual Plan and Budget.....	21
9.4	Annual Report	21
9.5	General Manager's Performance.....	21

1. INTRODUCTION

Local Government in Tasmania is established under Part 3 of the *Local Government Act 1993* (the Act) and is Australia's third tier of government. Local Government has legislative responsibility for many functions and activities relevant to a local community.

Because Local Government makes decisions about so many things that affect our everyday lives and is the sphere of government closest to the people, it is often described as the 'grassroots' form of government. As a result, the community has high expectations of its Council, including open and transparent decision-making processes.

Both the Department of Premier and Cabinet, Local Government Division and the Local Government Association of Tasmania have published several guidance documents and resources for the roles and functions of Councils, including the Good Governance Guide for Local Government¹ (in Tasmania). These documents and resources are relied upon to support Councillors in conjunction with this Framework.

2. LOCAL GOVERNMENT DEFINED

Local governments in Tasmania must carry out their functions in accordance with the Act and associated regulations.

Governance provides the structure through which a local government's vision and objectives are achieved within a context of competing and changing social, economic, and environmental issues.

A Council is a body corporate, created under the Local Government Act, and is responsible for its municipal area. Section 20 of the *Local Government Act 1993* sets out the following broad functions of councils:

- to provide for the health, safety, and welfare of the community.
- to represent and promote the interests of the community.

- to provide for the peace, order, and good government of the municipal area.

In performing these roles and functions, Council is required to consult, involve and be accountable to the community. It must consider the diverse needs of the local community in its decision-making, set and monitor strategic objectives and ensure resources are managed responsibly.

To allow Councils better decision-making, greater accountability, and more efficiency and effectiveness, the Act provides several ways of achieving these objectives through strategies, plans, delegations, by-laws, and policies.

3. WHAT IS GOOD GOVERNANCE?

Good governance ensures that the Council can effectively manage its many complex responsibilities in the community's best interests.

Good governance delivers confidence to the Council, the General Manager, employees, and the community that the Council is being run efficiently, compliant, sustainable, and carrying out its objectives, policies, and plans.

As described in the Good Governance Guide for Local Government in Tasmania (Department of Premier and Cabinet), the components of good governance are:

- maintaining high ethical standards
- Councillors understanding their role in Local Government
- fostering respectful relationships
- undertaking effective strategic planning and performance monitoring
- implementing robust risk management
- practising fair and transparent decision-making
- complying with relevant Acts of Parliament
- committing to continuous improvement.

The practice of good governance in Local

¹
https://www.dpac.tas.gov.au/__data/assets/pdf_file/0006/380427/Good_Governance_Guide_June_2018.pdf

Government can significantly contribute to improving community life. In meeting the highest standards of accountability and transparency, good governance produces better outcomes.

When Local Governments practice good governance, their communities are more connected and engaged, better services are provided, and more efficient use is made of resources.

4. GOVERNANCE PRINCIPLES

The Council has developed this Framework based on the four principles as shown in Figure 1 (adapted from the Good Governance Guide for Local Government in Tasmania):

- Principle 1: Accountable & transparent
- Principle 2: Law-abiding & ethical
- Principle 3: Participatory, equitable, inclusive & consensus orientated
- Principle 4: Responsive, effective & efficient.

These four principles govern the Council's decision-making. All decisions, policies, plans and strategies should be made with reference to the four principles. This should ensure legislative compliance, alignment with the Council's strategic vision, transparency, and accountability.

Adherence to the four principles is the responsibility collectively of the Council together with individual Councillors, the General Manager, and all employees. Every decision made should align with the four governance principles and reflect best governance practices.

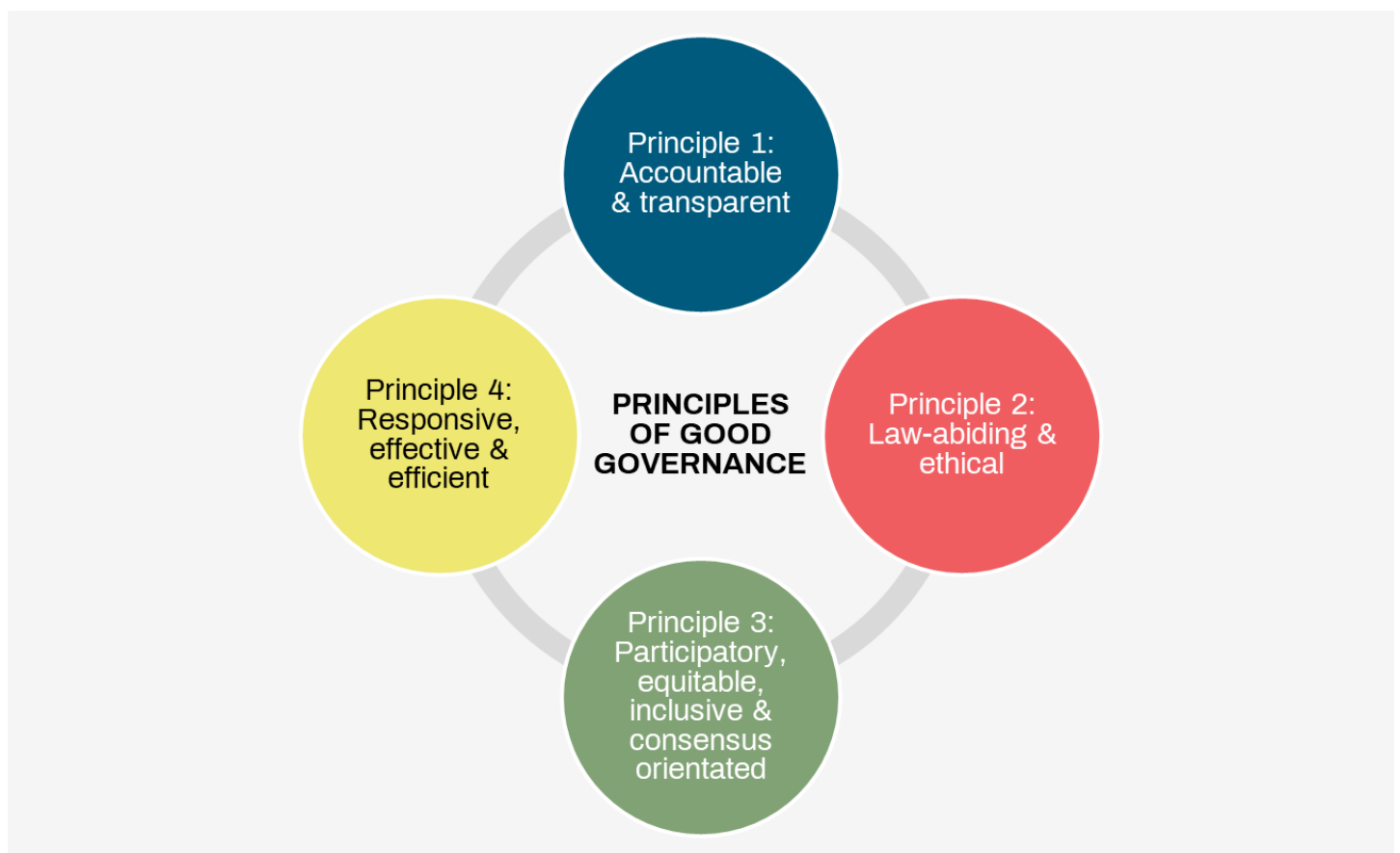


Figure 1: Principles of good governance

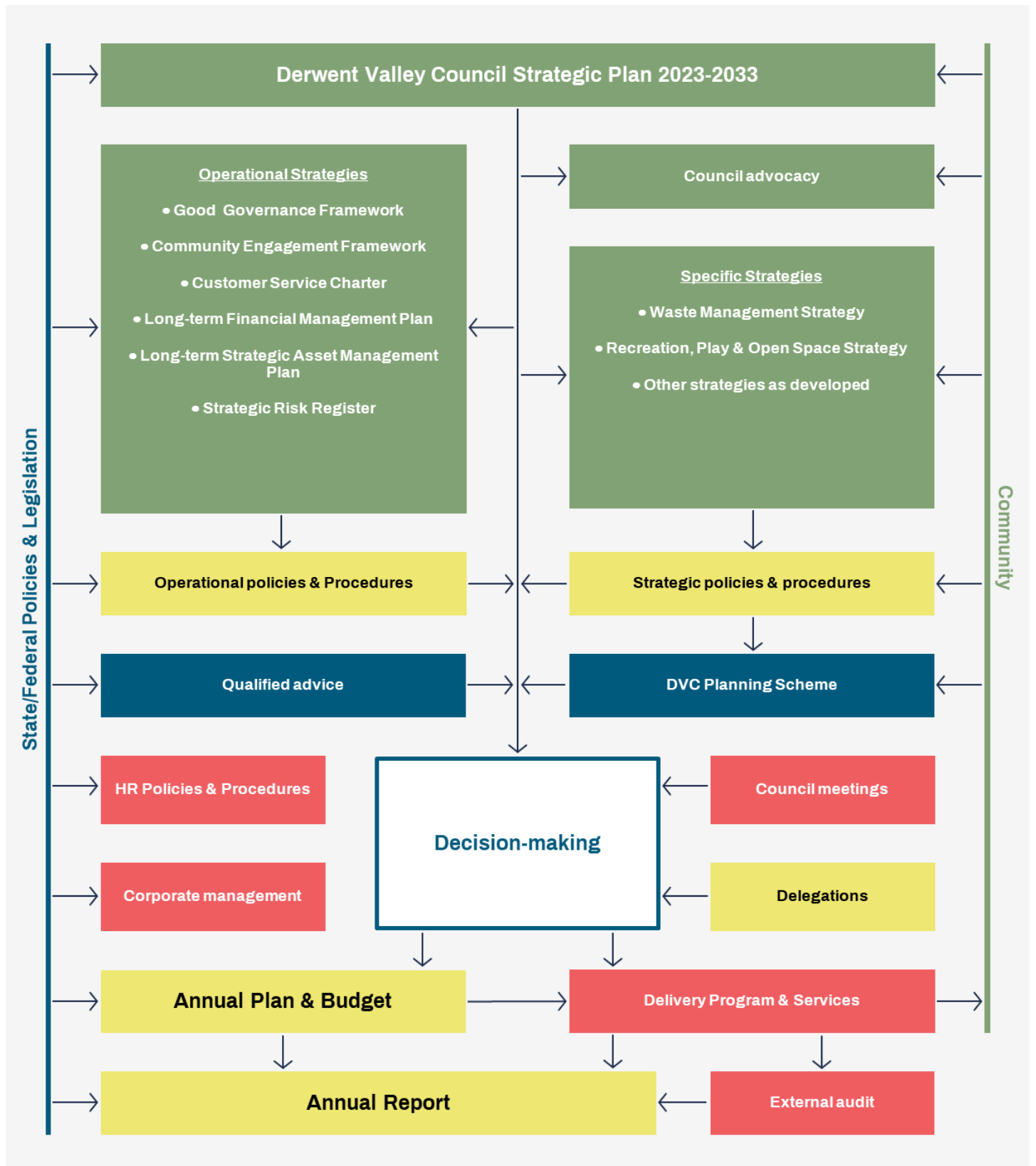


Figure 2: Governance Framework overview

5. GOVERNANCE FRAMEWORK OVERVIEW

The Governance Framework overview (Figure 2) below demonstrates the connection between decision-making and the legislative framework all local governments must operate under, the role of the community in informing and holding the Council to account and the four governance principles.

5.1 MAYOR, DEPUTY MAYOR & COUNCILLORS

In accordance with Division 3 of Part 3 of the Act, the Derwent Valley Council is made up of eight councillors elected every four years under the rules of the Act.

The key roles of Councillors (collectively) are to:

- Develop and monitor the implementation of strategic plans and budgets.
- Determine and monitor the application of policies, plans and programs.
- Facilitate and encourage the planning and development of the municipal area.
- Appoint and monitor the performance of the General Manager.
- Determine and review the Council's resource allocation and expenditure.
- Monitor the manner in which services are provided by the Council.

To assist council in carrying out its functions under the Act the Council may create committees.

The Council also has the power to delegate some of its functions and powers to the General Manager or a committee. However, there are a number of matters that cannot be delegated, and these are specified in the Act.

The role of the Deputy Mayor is to act in the position of Mayor in the Mayor's absence or as authorised in writing by the Mayor.

5.2 COUNCIL COMMITTEES

A Council Committee is established by a Council resolution made under Section 23 of the Act.

If established, Council Committees typically manage high-level business related to Council's operations and have formal meeting procedures and other requirements.

Council Committees must be established by a resolution of Council, which must include a resolution to adopt Terms of Reference.

5.3 AUDIT PANEL

The Council has established an Audit Panel in accordance with Division 4 of Part 8 of the Act to oversee and advise the Council on matters of internal and external audit and risk management and compliance functions of the Council.

Members of the Audit Panel are appointed and operate in accordance with the Panel's Charter.

5.4 JOINT AUTHORITIES

Under Section 30 of the Local Government Act, a council may resolve to establish a joint authority with other councils.

Derwent Valley Council is currently part of the Southern Tasmanian Regional Waste Authority established to progress waste related issues.

5.5 ADMINISTRATION

The Act sets out the distinct roles of Councils and the General Manager. At a basic level, the Council sets policy and the General Manager implements it and manages and directs the council staff. Councillors are not able to instruct staff.

The Council is required to appoint a General Manager to deliver the functions and powers described in the Act, including appointing qualified persons as employees to implement the decisions of the Council.

Distinct from the role of Councillors, the General Manager's role is to:

- Implement the policies, plans and programs of the Council.
- Implement the decisions of the Council.
- Be responsible for the day-to-day operations and affairs of the Council.
- Provide advice and reports to the Council to enable the exercise and performance of its powers and functions.
- Assist the Council in the preparation of the strategic plan, annual plan, annual report and associated monitoring.

- Coordinate proposals for the development of objectives, policies and programs for the consideration of the Council.
- Liaise with the mayor on the affairs of the Council and the performance of its functions.
- Manage the resources and assets of the Council.

Derwent Valley Council has approximately seventy employees working to deliver the policies, plans and programs of Council under the direction of the General Manager.

The functional relationship between the Mayor and Councillors and the General Manager and employees is shown in Figure 3.

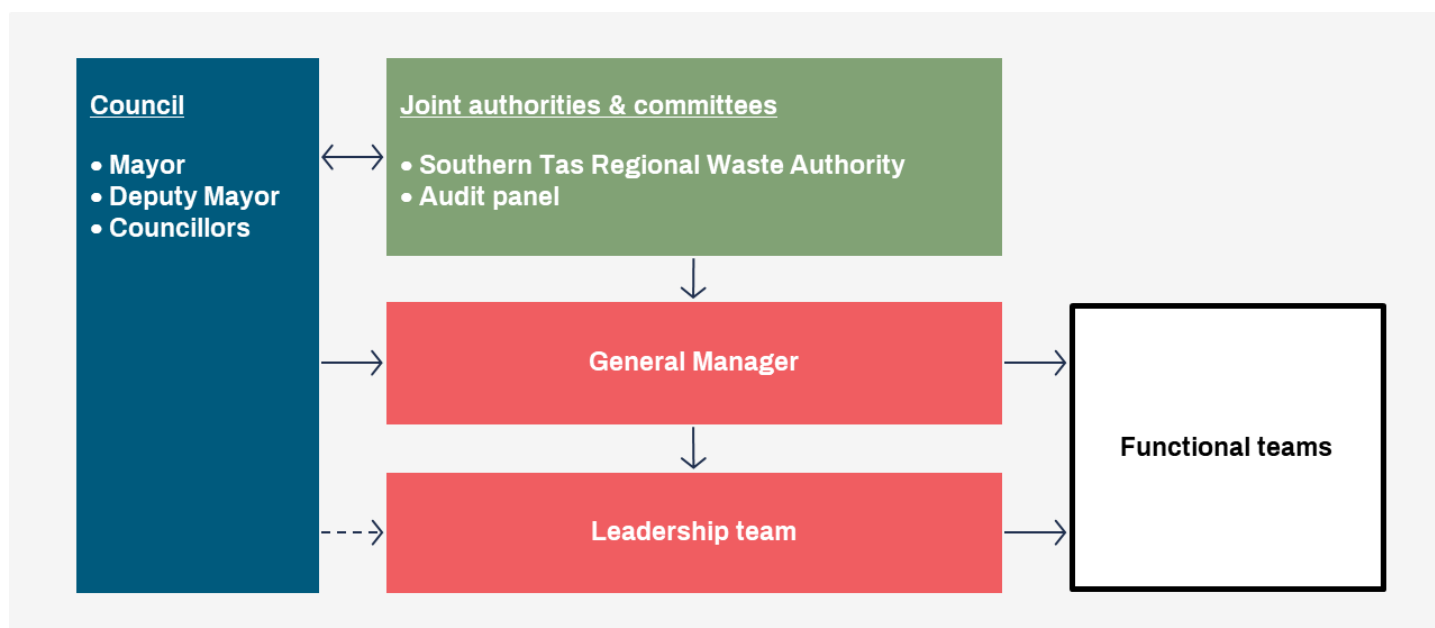


Figure 3: Functional structure of Council

5.6 ORGANISATIONAL VALUES

The organisational values of the Derwent Valley Council are:

Quality Service

- We work to serve our community, to make a difference in what we do every day.

- With a helpful attitude, and care we contribute positively to our community.
- We are customer focused and committed to delivering quality service.
- We build relationships with our customers and positively impact our community through a commitment to quality in our work.

Collaboration

- We listen to and respect each other; we are supportive and work co-operatively and inclusively to achieve great results.
- We work together, treating each other fairly and with respect, valuing and actively involving others in team discussions and actions.
- We inform others on the team by sharing relevant information pro-actively.
- We participate as a friendly, helpful, and caring member of the team to deliver results to our community.
- We enjoy our work and the recognition we give each other for a job well done.

Integrity

- We strive to be valued and trusted by our community by being accountable and objective in our role as a local government.
- We value integrity as an important part of Council's culture and seek to achieve this through a focus on accountability, consistency, and ethical action.
- We ensure that we are fair and consistent in all our dealings.
- We are honest and transparent about our processes and decision making and accountable for our actions.

Growth

- We grow and succeed through learning.
- We foster an environment that values the individual contribution of our people by providing them with opportunities to develop and grow their skills and knowledge to reach their potential.
- We value learning and development and recognise the importance of growth in the workplace as a way to meet the ever-changing needs of our community.
- We learn through experience as well as formal development opportunities.

- We support and encourage personal and professional growth for ourselves and others in our team and approach everything as an opportunity to learn.

Wellbeing

- We demonstrate duty of care for ourselves, our teammates, and our community in all that we do.
- We value the health and wellbeing of our staff and community.
- We approach our work with care and consideration ensuring we are responsible for demonstrating safe work practices.
- We strive to maintain a healthy work-life balance which gives our staff the opportunity to contribute positively to the culture of the Derwent Valley community.

6. PRINCIPLE 1: ACCOUNTABLE & TRANSPARENT

6.1 LEGISLATIVE BASIS

The *Local Government Act 1993* provides for:

- the way in which a local government is constituted and the nature and extent of its responsibilities and powers; and
- a system of local government in Tasmania that is accountable, effective, efficient, and sustainable.

Section 18 of the Act establishes Derwent Valley Council as a statutory body, elected as responsible for the governance of the Derwent Valley municipal area. The way Council is constituted, and the nature and extent of its functions and powers, is derived from the Act and other related legislation of the State of Tasmania.

Council is governed by legislative framework including, but not limited to, the following key pieces of legislation (and their associated regulations):

- *Audit Act 2008*
- *Archives Act 1983*
- *Building Act 2016*
- *Dog Control Act 2000*
- *Environmental Management and Pollution Control Act 1993*
- *Food Act 2003*
- *Land Use Planning and Approvals Act 1993 (acting as a planning authority)*
- *Local Government Act 1993*
- *Local Government (Building and Miscellaneous Provisions) Act 1993*
- *Local Government (Highways) Act 1982*
- *Personal Information Protection Act 2004*
- *Public Health Act 1997*
- *Right to Information Act 2009*
- *Stata Titles Act 1998*
- *Urban Drainage Act 2013.*

Council ensures that it discharges its functions and exercises its powers in accordance with this regulatory framework through adoption of local laws, policies and procedures providing efficient and effective decision-making, performance, and the discharge of responsibilities.

Council has a hierarchy of documents relied on by Council to ensure good governance. This is discussed in Section 8.

6.2 BY-LAWS

Under Section 145 of the Act, Council may make By-laws in respect of any Act, matter, or thing for which the Council has a function or power under any Act provided, in part, that it is not contrary to law or is in conflict with any planning scheme in the municipal area.

The Council's practice to undertake its role and functions under existing legislation (Acts and Regulations) where this is provided. Where legislation is deficient (i.e., matters not adequately covered) or where there are particular management or governance issues, the Council will consider making by-laws to deal with these matters. Due regard will also be given to the reduction of administrative burden. To that end, any By-law will intend to keep regulation to a necessary minimum.

Derwent Valley Council currently does not have any by-laws in place.

6.3 DECISION-MAKING

A Councillor's most important function, as part of the governing body of Council, is to attend and participate in the decision-making processes of Council.

The decisions made by Councillors at formal Council meetings provide the direction and authority for the ongoing operation of the Council. The decisions of the Council give direction to the General Manager to act.

The Council can only make decisions by resolution following a motion put to a properly convened meeting and passed by the required majority.

The Council acknowledges the importance of collective decision-making by the Councillors sitting together at a properly constituted meeting of the Council. Council meetings are formal meetings required to be held by the Council under Section 18 of the Act.

The Mayor, Deputy Mayor and Councillors are to, and will, represent the policies and decisions of the Council accurately in performing their functions.

6.4 QUALIFIED ADVICE

Section 65 of the Act places a responsibility and obligation upon the General Manager to ensure qualified advice is provided to Council to enable decision-making. In addition, the Act requires that Council must consider such advice and not decide on a matter (if it is required) unless such advice is provided.

6.5 ROLE AS PLANNING AUTHORITY

When determining matters under the *Land Use Planning and Approvals Act 1993*, the Council is required to do so acting as a Planning Authority and clearly identify when it is undertaking this role.

As a member of a Planning Authority, a Councillor's role is different from that of a community representative and must follow and enforce the planning scheme.

When acting as a member of a Planning Authority, Councillors will act with procedural fairness and should not make public declarations of their views on particular developments until all the information has been provided and the issues properly assessed and communicated.

Given the volume of applications made on a day-to-day basis, in order to function in an efficient manner and meet the required statutory timeframes, the Council has delegated many of these functions and powers to the General Manager and specific staff. In general, only key strategic matters or those specific applications that generate sufficient public interest through a public notification process, will be referred to the Planning Authority's consideration at a Council Meeting.

7. PRINCIPLE 2: LAW-ABIDING & ETHICAL

7.1 COUNCIL MEETINGS

The Council Meeting is Council's only debating and decision-making forum. Council Meetings are conducted in strict compliance with the requirements of the Act, its regulations, and the *Local Government (Meeting Procedures) Regulations 2015*.

Good decision-making at a Council Meeting is achieved by:

- A clear and informative agenda.
- Good chairing and facilitation by the Chairperson.
- Adherence to the meeting procedures.
- Adherence to statutory requirements.

The Agenda for Council Meeting are published on the Council's website on or before the Friday of the week before the Council Meeting.

The Council's Meetings are open to the public, which ensures that the community is fully informed of the decisions of Council. The audio of Open Council meetings is recorded, with the recording available on the Council's website.

Council Meeting Schedule

The Council has adopted a monthly meeting schedule with Council meetings generally held on the fourth Thursday of each month, except for the December meeting which is scheduled in the second week of the month to allow for the holiday period. The [full schedule](#) is available on Council's website.

Special meetings can be convened at the request of a majority of Council as per Section 4(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Meeting Procedures

Council meetings are conducted in accordance with the *Local Government (Meeting Procedures) Regulations 2015* and will be open to the public. However, a meeting will be closed when considering matters as set out in Regulation 15(9) of these regulations.

Any discussions, decisions, reports, or documents relating to a closed meeting are kept confidential. After considering privacy and confidentiality issues, the Council will consider authorising information from a closed meeting to be released to the public through the Mayor, General Manager or other authorised person.

Agendas

Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* requires the General Manager to provide the Councillors with an agenda, including all relevant reports and attachments, a minimum of four days before an ordinary Council Meeting (2 days for a Special meeting).

Well-structured agendas lead to efficient and effective Council meeting, and in turn result in good decision-making.

The agenda contains qualified advice prepared by the General Manager and staff, which aim to provide the Council with sufficient and relevant information to make a decision, including Strategic Plan alignment and budget implications.

Minutes

Regulation 35 of the *Local Government (Meeting Procedures) Regulations 2015* requires the circulation of minutes to be made available as soon as practicable.

The minutes of a Council Meeting comprise of all items considered at the meeting and include attendance, all motions, their movers, seconders, and the results of the motions.

In the interests of accountability and transparency, Council circulates the minutes on the Friday following the Council meeting. If for any reason the Minutes are not available for circulation by the Friday, an explanation is provided on the website.

The minutes are confirmed at the first Council Meeting immediately thereafter and made available to the public within seven days.

7.2 WORKSHOPS

Council Workshops provide an opportunity for informal discussion between Councillors and the General Manager and staff. However, these workshops are not decision-making forums and are therefore not governed by the Act nor the Meeting Procedures.

Council Workshops may involve projects or matters that are in the early planning stages and not yet ready to be presented to Council for a formal decision. In these workshops, the input of Councillors, through and open and free-flowing exchange of ideas, provides invaluable direction to the General Manager for the research, planning and development of matters, procedures and policy.

Council Workshops are not open to the public but, in special circumstances in consultation with the Mayor, consultants or representatives of community organisations or community members may be invited to attend to provide input into a matter being discussed.

Acknowledging the public interest in the activities of the Council, the Council will, at the next practicable and available ordinary meeting, summarise the matters discussed at a workshop.

7.3 ETHICAL BEHAVIOUR

Conflicts of Interests

Part 5 of the Act requires Councillors to declare conflicts of interests at Council and Committee meetings to ensure transparency, accountability, and integrity. Any declaration, whether actual or perceived, will be noted in the minutes of a Council Meeting and affected Councillors will leave the room and refrain from participating in the debate for that item. It is a standard item of every Council and Committee agenda.

Councillors are reminded at every meeting of their obligations to declare any conflicts of interest.

The Council Code of Conduct for Employees requires all Council employees to declare any conflicts of interest. Council also provides mandatory training on the Code of Conduct for employees.

The procurement process requires tender evaluation panel members to also declare that they do not have a conflict of interest.

Councillor Code of Conduct

Section 28E of the Act requires the Council to adopt a code relating to Councillors' conduct, which is to be consistent with the Act, address any prescribed matters, and be reviewed within 12 months of an ordinary election.

The Council has adopted a Code of Conduct for Councillors in accordance with the Act. The Code will be reviewed as required.

Councillors will comply with the Code of Conduct for Councillors as adopted.

Code of Conduct – Employees

The Code of Conduct for Council Employees covers and applies to all workers, including employees, contractors, subcontractors, labour-hire Workers, apprentices, trainees, work experience students and volunteers, with guidelines for an acceptable minimum standard of professional conduct and behaviour in carrying out their functions and responsibility.

The Code addresses, in a concise manner, the broader issue of ethical responsibility and encourages greater transparency and accountability in the Council. It encourages a commitment to ethical and professional behaviour and outlines principles based on individual and collective responsibilities.

7.4 RELATED PARTIES DISCLOSURES

To provide a framework for governing related-party transactions, reporting related-party transactions, balances, and commitments to achieve the level of disclosures required by the Australian Accounting Standard AASB 124 Related party disclosures, Council has a Related Parties Transactions and Disclosure Policy. The Policy sets out the steps to be taken to ensure compliance with the Australian Accounting Standard.

7.5 GIFTS AND BENEFITS

It is the Council's position that Councillors, the General Manager, and employees should not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation, or hospitality) for themselves, or for any other person or body, as a result of their role with the Council.

However, it is acknowledged that there may be instances when receiving a gift is unavoidable or when refusal of a gift may be impossible or impractical. These circumstances will depend on the cultural context of the giving of a gift, the nature of the gift (perishable food or beverages or of no monetary value) and the relationship with the person giving the gift. In such a circumstance the gift may be accepted on behalf of the Council but should be disclosed in accordance with the requirements outlined below.

Under Section 56A and Section 56B of the Act and the Council's Gifts and Benefits Policy, Councillors must notify the General Manager of any gifts and benefits received over \$50. A Gifts and Benefits Register is maintained and is publicly available on Council's website.

7.6 ELECTIONS

The Council Election Caretaker Policy establishes clear guidelines for the conduct of Councillors and employees in the lead up to a Derwent Valley local government election. The Policy ensures that the ordinary business of Council can continue in a responsible, transparent, and compliant manner during any election period.

It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. Council therefore commits to the principle that it will make every endeavour to avoid making major policy decisions that bind an incoming Council during an election period by ensuring that:

- Major policy decisions are not made by Council in the leadup to an election that would prove binding for an incoming Council.

- Council resources are not used for the advantage of a candidate in a local government general election.

The requirement to act impartially in relation to all candidates standing for election is clearly understood.

7.7 EXTERNAL AUDIT

Council's financial statements are subject to audit by the Tasmanian Audit Office each year in compliance with the Section 64 of the Act and the *Audit Act 2008*.

The Tasmanian Audit Office provides an audit opinion annually on the accuracy and reliability of Council's financial statements, provide Council with insights on its financial performance, risk, and internal controls as well as the efficiency, effectiveness, and economy of the delivery of Council's services.

7.8 FRAUD AND CORRUPTION

The Council expects all Councillors, committee members, candidates, employees, and contractors of the Council to act in accordance with the applicable Code of Conduct and behave ethically and honestly at all times when performing their functions at the Council.

The Council has zero-tolerance for corrupt conduct or fraudulent activities. The Council is committed to preventing, deterring, detecting, and investigating fraudulent and corrupt behaviour in the delivery of Council services. Councillors and the Administration must not engage in practices that may constitute fraud or corruption.

7.9 PUBLIC INTEREST DISCLOSURES

A public interest disclosure (PID) is a report of a suspected wrongdoing or danger. People who make a PID are protected from reprisals for reporting the wrongdoing.

Council is committed to fostering an ethical, transparent culture.

In pursuit of this, Council values the disclosure of information about suspected wrongdoing in the public sector so that it can be assessed and, if necessary, appropriately investigated.

Council will provide support to any employee, public officer or other person who makes a disclosure about matters in the public interest. Council's PID Policy outlines and supports this commitment.

7.10 RIGHT TO INFORMATION AND PRIVACY

The *Right to Information (RTI) Act 2009*, *Personal Information Protection (PIP) Act 2004*, and the *Privacy Act 1988* give an individual the right to apply for access to documents held by Government agencies, which includes Council.

Council promotes the release of information through the application of the RTI Act. This Act allows customers to access documents and information that is not their own.

Council has in place a Privacy Policy which sets out Council's position in relation to the management of personal information as required by the PIP Act and confidential information as required by the Local Government Act. The policy applies to all personal and confidential information that is collected, stored, used, or disclosed by Council.

7.11 INFORMATION MANAGEMENT

Councillor Records

All records created, received, or sent by a Councillor acting in their official capacity as A Councillor is part of the Council's records and must be kept in accordance with the requirements of the *Local Government Act 1993*, the *Archives Act 1983*, and the *Right to Information Act 2009*.

Examples may include:

- Complaints or requests for assistance from ratepayers and the broader community.
- Speech notes made for an address given at a Council event.
- Declarations concerning a Councillor's pecuniary interests.

- A Councillor's social media pages
- Email.

This does not apply to the personal business or personal social media accounts of the Councillor.

As required by Council's Records Management Policy (aligned to the *Tasmanian Archive and Heritage Office, Information Management Advice 49 Recordkeeping for Local Government Councillors*), Councillors must create and capture complete and accurate records of any business undertaken in the course of their official duties for Council.

All records received must be forwarded by Councillors to the General Manager to be recorded in the Council's information management system in accordance with protocols determined by the General Manager. All records will be treated with the appropriate level of confidentiality and privacy in accordance with legislation.

Each Councillor will be provided with a corporate Derwent Valley Council email address. All correspondence to or from a Councillor in electronic form is to be through this address, and private email addresses are not to be used by a Councillor acting in an official capacity.

Councillor Requests for Information

Councillors may request the General Manager to provide any information or documents that may be required to perform any of the Councillor's functions. A Councillor cannot access all Council information as a right of office or access information on behalf of a third party.

Councillors may also request the General Manager to provide documents relating to Council and Committee meeting agendas.

Any Councillor seeking information is to contact the General Manager or otherwise as in accordance with the guidelines established by the General Manager from time to time.

In making a request for information, a Councillor should consider:

- Maintaining a relationship of trust between the General Manager and Councillors.
- The purpose and reason for the request and how it fulfils the Councillor's functions.

- Not over-burdening the General Manager with requests.
- Formal access to information should be considered as a last resort.
- Formal access to information is otherwise to be in accordance with sections 28A and 28B of the Act.

Requests for access to documents relating to a meeting of the Council or a Council Committee should be in accordance with section 28D of the Act.

The General Manager will provide the information at the earliest opportunity considering employee workloads and current priorities of the Council. Any delays in providing the information will be advised to the Councillor making the request.

Information provided or made available to one Councillor will be made available to all Councillors to ensure the equitable distribution of information between Councillors.

Confidential Information

If the General Manager considers information or documents confidential, they may require councillors to undertake to maintain that confidentiality.

If the Councillor refuses, the General Manager may withhold the information or document (Section 28C).

The General Manager ensures that appropriate procedures are in place to safeguard the confidentiality and security of documents and information provided to Councillors.

7.12 RISK MANAGEMENT

Council acknowledges that its risk management system is fundamental to achieving strategic and operational objectives and serves as the methodology underpinning its system of governance. All Councillors, the General Manager, Executive Managers, and employees of Council are responsible and accountable for the management of risks and opportunities.

Risks are categorised as either strategic, financial, hazardous, or operational in the context of Council operations.

Council is currently developing a compliance and risk management framework to provide guidance on how to apply consistent and comprehensive risk management and compliance obligations across the broad range of Council's operations.

The risk management process is to be linked to objectives at all levels of Council and takes account of opportunities as well as threats.

7.13 INSURANCE

Council maintains appropriate insurance policies for its operations including for:

- public, products, and professional liability
- cyber
- industrialised special risks
- motor vehicle
- crime, fraud, and loss
- personal accident (including for voluntary workers)

Council's policies provide indemnity for claims against both councillors and employees for loss or damage suffered when performing their councillor and employee responsibilities, respectively.

Council's Administration manages all of Council's insurance and workers compensation coverage and claims.

8. PRINCIPLE 3: PARTICIPATORY, EQUITABLE, INCLUSIVE & CONSENSUS ORIENTATED

8.1 STRATEGIC FRAMEWORK

The Council's Strategic Planning Framework comprises a suite of strategies and documents intricately interlinked (Figure 4). Each document is informed by the others but has a specific focus. This ensures that at every level of planning, the Council is working towards achieving the community's long-term vision for the Derwent Valley as set out in the Council's Strategic Plan.

The Act regulates the activities of all Councils and how they plan and subsequently report on their activities. The Act requires Councils to plan for, develop and manage municipal areas in the best interests of their communities.

8.2 THE STRATEGIC PLAN

Section 66 of the Act requires the Council to prepare a 10-year Strategic Plan for the municipality which needs to also be reviewed at least every 4 years.

The Strategic Plan drives the Council's planning, budgeting, resource allocation and service delivery over the next decade, to focus efforts and align activities with the community's vision.

This Strategic Plan has been developed after extensive community consultation and covers 2023 to 2033. This plan supersedes Derwent Valley Council's previous Strategic Plan ('Our Valley 2030 Community Strategic Plan') developed in 2018.

The Derwent Valley Council Strategic Plan 2023–2033 is built upon the following four strategic objectives:

1. A vibrant, healthy, and inclusive community
2. A thriving and diverse local economy
3. A sustainable natural and built environment
4. Good governance and community leadership

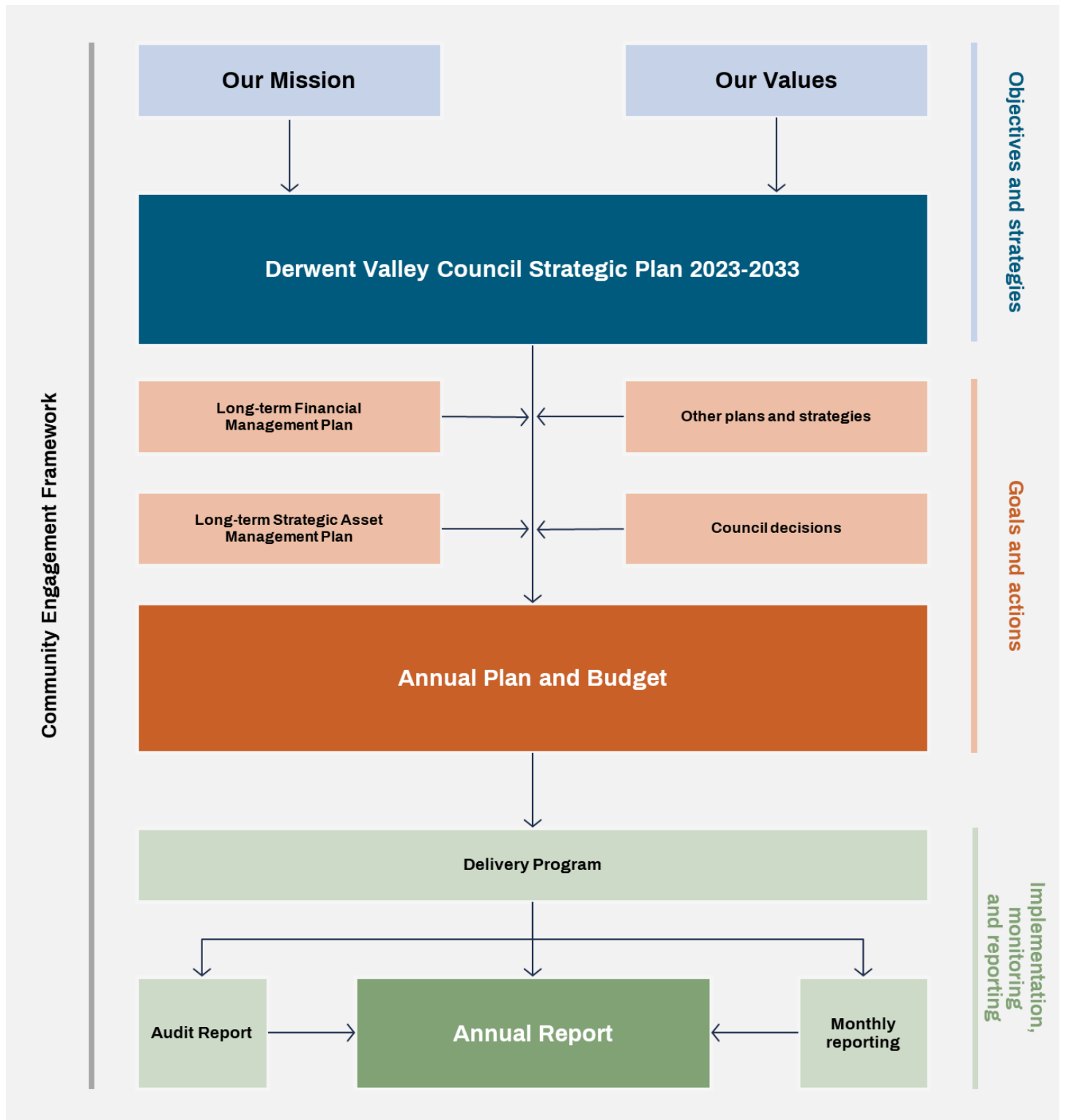


Figure 4: Strategic Framework

8.3 FINANCIAL MANAGEMENT STRATEGY AND PLAN

Sections 70 and 70A under the Act require Council to produce long-term financial management strategy and plan for the municipality.

Council adopted Our Valley Financial Management Strategy and Plan (FMSP) 2022-2031 in July 2021, which outlines how the Derwent Valley Council intends to govern the financial aspects of its strategy and operations. It is a series of financial models, strategies, and performance indicators within which sound financial decisions will be made.

The FMSP delivers on its aim to achieve its key objective of financial sustainability in the medium to long term whilst achieving Council's strategic outcomes and meeting community expectations.

8.4 ASSET MANAGEMENT STRATEGY AND PLAN

To ensure the long-term financial sustainability of Council, it is essential to balance the community's expectations for services with their ability to pay for the infrastructure assets used to provide the services. Maintenance of service levels for infrastructure services requires appropriate investment over the whole of the asset life cycle.

To assist in achieving this balance, Council aspires to develop and maintain asset management governance, skills, process, systems, and data in order to provide the level of service the community need at present and into the future, in the most cost-effective and fit for purpose manner.

8.5 COMMUNITY ENGAGEMENT FRAMEWORK

Section 20(2) of the Act provides that the Council, in performing its roles and functions, is to consult, involve and be accountable to the community.

Community engagement guides Council to make well-informed, acceptable, and sustainable decisions, supporting the final decision-making power of the Council.

Council recognises that community engagement is a two-way interactive process that provides opportunities for the Council and community to clarify information, raise issues and discuss ideas and options. Engagement is an important dimension that informs and enhances Council's decision-making process.

The Council has adopted a Community Engagement Framework to inform the decision-making process.

8.6 CUSTOMER SERVICE CHARTER

Section 339F of the *Local Government Act 1993* requires a Council to adopt a Customer Service Charter that specifies the principles relating to service provided by the Council and a procedure for dealing with complaints about the performance of Council's functions.

The Customer Service Charter is a policy document of Council and provides guidance to Council in its interaction with its community, customers, and stakeholders. It also provides the community with details of how to engage with Council on Council-wide services, the target timeline for resolution and process for making a complaint. Council is committed to delivering quality customer service and communicating effectively with our community. Despite our best efforts, people may not be happy with an administrative action of Council and may make an administrative action complaint.

Council views complaints about the service provisions of Council as feedback from the community and endeavours to respond to all complaints in a fair, efficient and transparent manner and use them to improve our services, systems, procedures, and policies.

8.7 DERWENT VALLEY PLANNING SCHEME

Council is established as a Planning Authority under the *Land Use Planning and Approvals Act 1993* (LUPAA).

Under LUPAA, Council is required to prepare and implement a Planning Scheme for its municipal area and assess proposed use and development in accordance with the Planning Scheme.

A Planning Scheme is a key strategic document for the Council that guides use and development in the municipal area that must have regard to the Council's Strategic Plan along with furthering the objectives of the resource management system, consistently applying state policies, and making provisions relating to the use, development, protection, or conservation of any land in the area.

Council currently administers the Derwent Valley Interim Planning Scheme 2015. However, as required by the State Government, we are preparing a Local Provisions Schedule to enable the transition to the Tasmanian Planning Scheme.

Once this is approved, Derwent Valley will become more consistent with planning approaches in the region and will rely on consistent detailed standards and provisions through the operation of the State Planning Provisions.

LUPAA provides the requirements for statutory consultation for varying types of applications which must be followed.

8.8 ADVOCACY

Delivering Our Valley – Advocacy Roadmap

Delivering Our Valley: A Roadmap for the Derwent Valley (the document) details Council's immediate and urgent advocacy priorities. The Derwent Valley is changing rapidly, and the document describes the work we as a Council need to complete to not only meet the changing needs of our community, but also deliver better services for those that already call the Derwent Valley home. These initiatives, plans and projects will better enable the community to transform from a small rural municipality to one that is on the urban fringe with all the associated service levels and infrastructure required to meet its growing needs.

The intent of the document is to provide consistent messaging for the purposes of advocacy; highlighting the economic and public benefits of the propositions being put forward. It may also be used to identify projects for philanthropic funding and as an introduction for potential investors to illustrate the future plans for the municipality.

Delivering our valley – Infrastructure

The Derwent Valley is changing rapidly with significant growth and development placing pressure on infrastructure and services, with growing community expectations.

This document describes the work Council has identified and needs to complete to meet the changing needs of our community and deliver better services for current and future residents of the Derwent Valley.

These initiatives, plans and projects will better enable the community to transform from a regional municipality to one that is on the urban fringe with all the associated service levels and infrastructure required to meet its growing needs.

Investment Prospectus

The Investment Prospectus is designed to provide an overview of what the Derwent Valley region has to offer in relation to decisions to live, work and invest in our community. The Investment Prospectus is a living document that provides context to the valley's economic strengths, industry diversification and growth, population, workforce, education, businesses, property, and lifestyle opportunities.

The purpose of the Investment Prospectus is to provide relevant information and a framework for attracting investment within the Derwent Valley region. It is intended this will promote jobs growth, increased services, and sustainable economic development, through support and encouragement of private (and public) investment opportunities. It provides another strategic platform to guide investment attraction activities from a whole-of-region perspective.

8.9 WASTE STRATEGY

The Council a high-level Waste Management Strategy. Considering the future of Peppermint Hill will largely determine the future direction for the majority of Council's waste management decisions.

This matter is a complex issue and there are a number of existing and future challenges relating to the landfill operation.

A high priority under this Waste Management Strategy is for the Council to 'consider future options relating to the delivery of waste management, including the longer term viability of operating the Peppermint Hill Landfill Site'.

This Waste Management Strategy includes projected funding requirements in excess of \$2.6 million over 10 years. This is to meet the costs of further progressing waste management improvements across the municipal area but does not include capital expenditure for new infrastructure.

The future delivery of waste management services to the Derwent Valley community will be one of the most challenging areas the Council will be required to deal with over the next 10 – 20 years. This Waste Management Strategy has been prepared to assist Council in meeting these challenges.

9. PRINCIPLE 4: RESPONSIVE, EFFECTIVE & EFFICIENT

9.1 POLICIES & PROCEDURES

The need for policies may arise from the requirements of legislation, through Council initiatives or in order to provide guidance to decision-making, operation and delegation for operational matters of Council.

In addition, a policy cannot override the provisions of legislation, nor predetermine an outcome when Council is required to make a decision based upon specific details, such as an approval of a development application as a planning authority.

In general, a policy or procedure should:

- Be confined to a single subject area and clear as to its intended purpose and usage.
- Not simply replicate existing legislative responsibilities.
- Be written in plain English, be unambiguous and use terminology that is related to underlying legislation or is clearly understood.
- Be presented in a standard format and with Council branding.
- Be compatible with existing legislation and other policies.

Derwent Valley Council recognises that some policies should be subject to public engagement and values input from the community. On the other hand, some functional or administrative policies, or procedures to implement policies, which are necessary for the functioning of Council, do not warrant public comment. Figure 5 sets out these distinctions in a policy administration framework.

Policies and procedures will be prepared through the functional teams to be considered by Council or the General Manager, as appropriate.

The General Manager, and Manager of the function teams, are responsible for ensuring that the policy or procedure is implemented, and that appropriate and timely reviews take place.

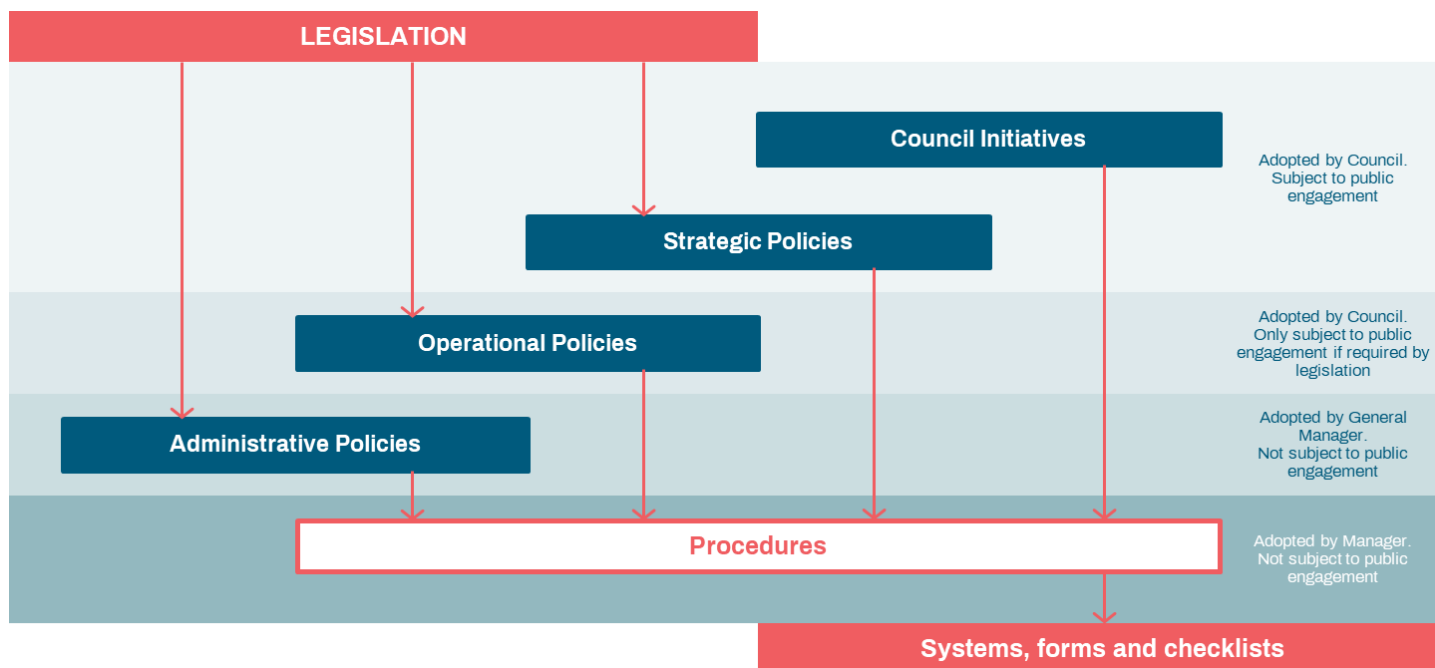


Figure 5: Policy administration framework

9.2 DELEGATIONS & APPOINTED ROLES

As identified above, Council prescribed a variety of functions and powers from the Act and other associated legislation. While these functions and powers are vested in Council, it is neither practical nor efficient that the Council act as a decision-maker in respect of all these functions and powers.

Therefore, provision is made in the Act and other legislation for the Council to delegate various functions and powers to the General Manager, Committees, or specified Officers (when acting as a planning authority). In turn, the General Manager may delegate certain powers and functions to specified roles within Council.

In addition, the General Manager is required to appoint specific employees or persons to an authorised role under a number of pieces of legislation, to which specific functions or powers are also associated.

Therefore, the use and operation of delegations and appointed roles is a legitimate part of Council's decision-making approach.

Where possible, delegations are made in the context of Council policy, or qualifications, that guide

decision-making. The rationale behind delegated authority is focused on:

- Improving responsiveness to customer needs and customer service.
- Streamlining the administrative activities of Council.
- Improving the efficiency and productivity of Council.
- Ensuring legislative compliance.
- Allowing Council at a Council meeting to more fully concentrate specifically on policy and strategic matters while minimising the need to attend to operative matters.

A register of these delegations is required to be maintained. To maintain currency, delegations are reviewed regularly, or in response to any changes to legislation for which the Council is responsible for administering.

9.3 ANNUAL PLAN AND BUDGET

The Council's Annual Plan and Budget must be adopted by Council each year and, under Section 71 of the Act, must:

- be consistent with the strategic plan
- set out how Council will meet the goals and objectives of the strategic plan
- estimate the Budget for the coming financial year
- identify the major strategies for Council's public health goals and objectives.

The Budget outlines operating expenditure (the money required to operate and maintain works and services, such as wages, maintenance, and consumables) and capital expenditure (the money required to make capital improvements to items such as roads, buildings, plant, and equipment).

9.4 ANNUAL REPORT

In accordance with Section 72 of the Act, the Council prepares an Annual Report each financial year. The Annual Report is the Council's key reporting document that details a summary of the Council's activities throughout each year, and outlines progress made towards strategic objectives set out in the Council's guiding strategic documents.

The Annual Report provides information about the Council's financial activities, income, and expenditure.

The Council's Annual Financial Statements are audited by the Tasmanian Audit Office and are to be considered by the Audit Panel before being submitted to Council for adoption.

9.5 GENERAL MANAGER'S PERFORMANCE

Sections 27 and 28 of the Act require Council to review the performance of the General Manager at least once each year.

Conducting this review is an important function because the General Manager is the Council's only direct employee, and it is through this review process that Council can also review the performance of the organisation.

Council resolved to establish a General Manager Performance Review Committee comprised of the Mayor, Deputy Mayor and three Councillors to regularly monitor the performance of the General Manager.

