



POLICY FRAMEWORK

Moorabool Shire Council

*We embrace our natural environment and lifestyle options to create
an inspiring place for everyone to live, work and play*

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Council respectfully acknowledges the Traditional Owners of the land, which include the Wurundjeri Woi Wurrung, Wadawurrung and Dja Dja Wurrung people. We pay our respects to the Elders past, present and emerging.

1. Introduction and Objective

The objectives of the Policy Framework (the 'Framework') are to:

- a) Govern the development, establishment, review and amendment of policies to ensure relevance, authority and consistency with relevant legislation; and
- b) Define the roles, responsibilities and authorities in relation to the development, establishment, review and amendment of policies.

The Framework ensures consistent and strategic policy development and management for Moorabool Shire Council. This is aimed at assisting Council's compliance and decision-making processes and ensuring important information and systems are consistently continued and maintained by the organisation despite staff changes.

The Framework must be followed by all staff (and consultants) responsible for writing policies.

The Framework will ensure all policies are consistent with legislation and that there is consistency between policies and guidelines. Policies should be developed with appropriate consultation, approved at the correct level and reviewed regularly.

The Framework also provides staff with consistent guidance on the lifecycle of a policy, from conception through to being revoked and ensures that all Moorabool Shire Council policies are necessary, current, relevant and useful, by providing direction for their design, approval, implementation, monitoring and review.

2. Purpose and Scope

The power for this policy comes from the *Local Government Act 2020* (the Act) s10 – General Power, that subject to any limitations or restrictions by this Act or any other Act, a Council has the power to do all things necessary or convenient to be done in connection with the performance of its role.

Various Acts require Moorabool Shire Council to develop and adopt specific policies.

The purpose of this Framework is to:

- Provide the framework for the development of policies for Moorabool Shire Council consistent with the principles of good governance and the Act.
- Ensure all current and proposed policies undergo a rigorous and thorough review/examination on a regular four-yearly cycle, or earlier if circumstances require more frequent adjustments.
- Provide flexibility for Council in the establishment of municipality specific, sector generic and operational policies.

This Framework applies to all Moorabool Shire Council policies, including:

- Mandatory policies required under legislation or regulation;
- Policies required to articulate a matter of public policy, statement or strategic direction of Council for decision making purposes in matters affecting the wider community.
- Policies that establish the required behaviours, conduct, safety and well-being of Councillors and staff; and
- Policies required to give direction to the operational areas of Council in the delivery of services and corporate administration. It excludes the review of external or policies of other government entities that are not Council or Chief Executive Officer adopted policies.

Moorabool Shire Council maintains 2 categories of policy as follows:

- Council Policies, which include 2 subcategories:
 - Municipality Specific Council Policies – Public policies which relate to specific matters affecting Moorabool Shire; and
 - Sector Generic Council Policies – Public policies which would generally apply to all Victorian municipalities.
- Operational Policies; Chief Executive Officer authorised policies which apply to the general governance and management of the organisation's administration.

For transparency, this Framework will be published on Council's website.

3. Policy Principles

Policy Development

Policy must only be created where there is a clear and justifiable need, with long-term application to Council and must;

- Adhere to relevant legislation and align with the current Council Plan.
- Be consistent with legal requirements and community expectations.
- Be developed, implemented, reviewed and amended in consultation with key stakeholders.
- Have assigned roles and responsibilities to ensure accountability and transparency.
- Be developed, implemented, reviewed and amended in accordance with Council's Policy Development, Implementation and Review Guideline (Appendix 1).

The Policy Framework defines the principles for the development of policies that provide direction for the Council.

Moorabool Shire Council will:

- Develop and adopt policy positions that are consistent with the Local Government Act 2020 and other relevant Acts of Parliament;
- Consider the place of each policy in regard to where it aligns to the Governance Framework.
- Maintain a distinction between Council Policy (public policy) adopted by Council and Operational Policy (internal application) authorised by the Chief Executive Officer.
- Consider and respond where appropriate to policy recommendations from various government departments, the Municipal Association of Victoria, the Victorian Auditor General's Office, the Victorian Ombudsman, the Local Government Inspectorate and other government agencies which may be relevant to the municipality or Council.
- Establish Council Policies that will assist in effective governance of the municipality.
- Establish Operational Policies that will assist in effective governance of the organisation.
- Ensure that all policies will be underpinned by the principles of good governance and natural justice, demonstrating that they are in the wider interest of the Moorabool Community.
- Require that Council Policies adopted by the Council and Operational Policies authorised by the Chief Executive Officer are referred to and relied upon for strategic decision making.
- Require all current policies are reviewed and updated periodically, as a minimum every four years and/or within 6 months following the anniversary date of the policy's adoption date
- Require all current policies are reviewed and updated to reflect legislated amendments and alterations to strategic directions determined by Council or the Chief Executive Officer.
- Require that Council Policies must be formally adopted by Council and Operational Policies authorised by the Chief Executive Officer.
- Formally revoke stand-alone policies that have been reviewed and are no longer deemed relevant or have been incorporated into key strategies or other policies. As far as is practicable

the revocation of a stand-alone policy would be sought in the same report that seeks the adoption of a key strategy or replacing policy.

- Require adopted Council Policies to be publicly available on Council's website.
- Be aware of, and consider where appropriate, adopted or authorised policy directions when deliberating on matters before the Council.
- Ensure relevant policies are referred to in Council reports and briefing papers.
- Prepare a formal response and/or policy position, when required, to respond to consultation documents, proposals or other documents from State or Federal Government or their respective agencies that could impact Moorabool Shire, or the local government sector

4. Risk Assessment

To comply with its obligations under the Local Government Act 2020 and maintain the trust and confidence of the community, it is critical that Council demonstrates, through its Councillors and staff, the highest possible standards of good governance, integrity, ethical behaviour and conduct by applying policy requirements in decision making and provision of services.

This Framework mitigates Council's risks of:

- Inconsistent and non-transparent decisions being made outside of a determined framework;
- Non-compliance with legislation and poor governance practices;
- Lack of clarity in respect of key strategic and operational matters affecting Council; and
- Out of date and irrelevant policies that add no value to Council and/or the Moorabool Shire being retained when they no longer serve a useful purpose.

5. Implementation

Policies will be established by the relevant Department where a policy is required by an Act, or where a policy direction has been requested by Council and/or the Chief Executive Officer to address an identified gap. Periodical reviews of all policies are required as a minimum every four years, to ensure they are consistent with amendments to legislation and changing circumstances within the community and the organisation. This timeline ensures all Council Policies will be considered and adopted at least once within the term of each Council.

Identification of the need for a new policy may be generated by the Council, by a Councillor request supported in writing by a minimum of three Councillors, or by the Chief Executive Officer. They may arise through Council meetings, Council Briefing, strategy or plan reviews, community consultation and/or feedback, staff strategic advice, changes to Government policy direction, amendments to legislation and Ombudsman, Inspectorate and/or Ministerial recommendations.

6. Roles and Responsibilities

Each policy will have a designated Department owner responsible for managing the development, scheduled reviews and currency of the policy in accordance with the review schedule. Policy owners are responsible for education and/or training of their policies to the organisation.

Non-compliance with this Framework may result in policies being developed, or relied upon, that do not align with Council's strategic directions or are not current. Policy owners are responsible for monitoring any changes to legislation or practice that may trigger an interim policy review, while also scheduling the periodic review. Policy owners are also required to consider if a policy has reached its effective end-of-life and manage the steps to formally revoke it.

7. Monitoring, Evaluation and Review

Council will undertake a four-yearly periodic review of this Framework to ensure changes required to strengthen or update the Framework and meet changing circumstances are made in a timely manner. An earlier review may be required if changes to legislation or practices indicate the need for an earlier intervention.

8. Relevant Documents and Legislation

Related Council and other Policies, Procedures, Strategies, Protocols, Guidelines

The Statutory Compliance Framework underpins the minimum legislation for which Council are required to adhere to and as such is a key document supporting this Framework.

- *Local Government Act (Victoria) 2020*
- *Local Government Act (Victoria) 1989*
- Staff Code of Conduct
- Instruments of Delegation and Authorisations
- Public Transparency Policy
- Fraud and Corruption Prevention and Control Policy
- Fraud and Corruption Prevention and Control Framework
- Public Interest Disclosures Policy
- Records management Policy
- Risk management Policy
- Risk Management Framework

Appendix 1

Policy Lifecycle; from Development to Revocation

