Ipswich City Council
Good Governance Guide
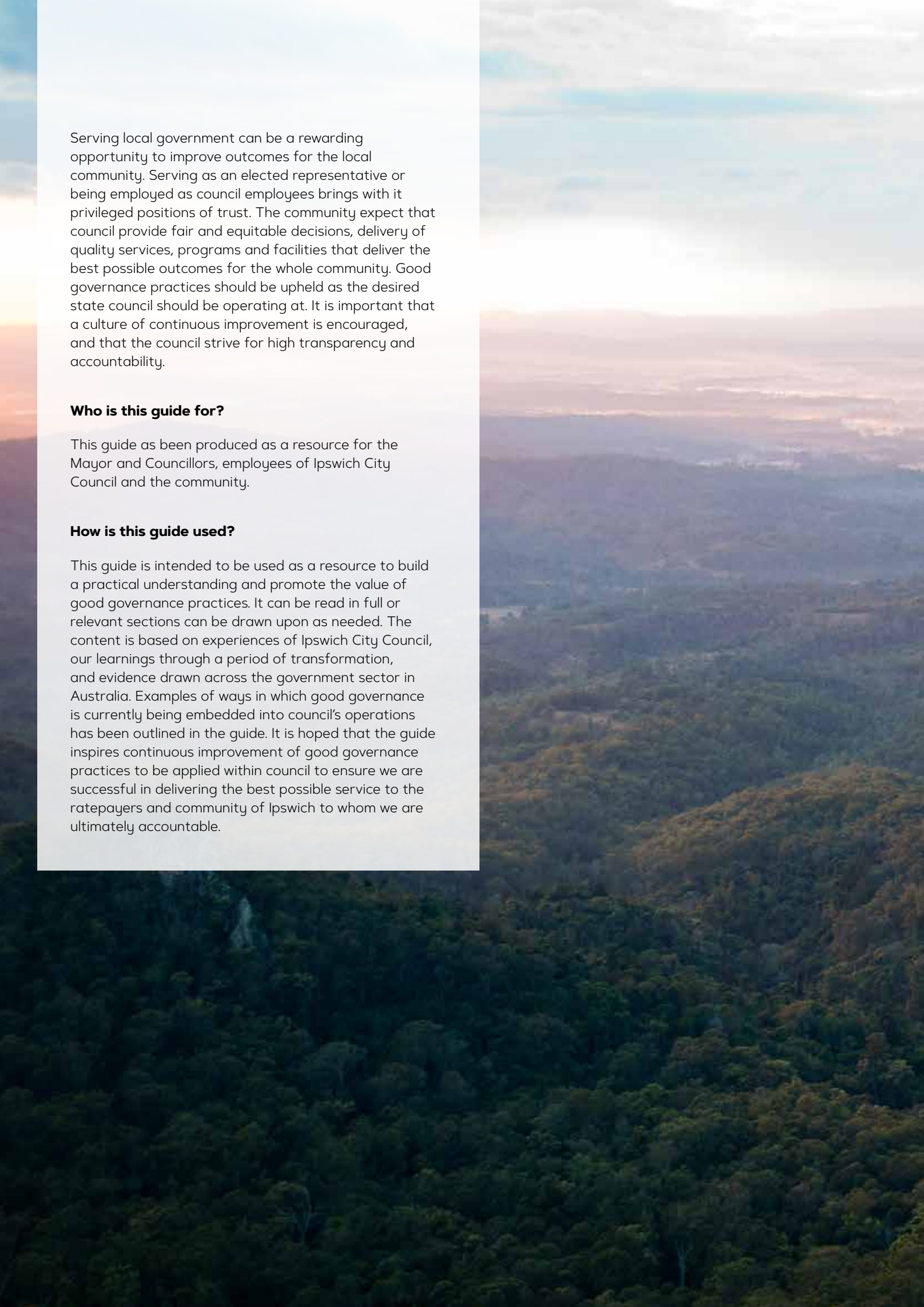
TOGETHER
-PROUDLY-
ENHANCE THE
QUALITY
OF LIFE FOR OUR
COMMUNITY

City of Ipswich

Serving local government can be a rewarding opportunity to improve outcomes for the local community. Serving as an elected representative or being employed as council employees brings with it privileged positions of trust. The community expect that council provide fair and equitable decisions, delivery of quality services, programs and facilities that deliver the best possible outcomes for the whole community. Good governance practices should be upheld as the desired state council should be operating at. It is important that a culture of continuous improvement is encouraged, and that the council strive for high transparency and accountability.

Who is this guide for?

This guide as been produced as a resource for the Mayor and Councillors, employees of Ipswich City Council and the community.

How is this guide used?

This guide is intended to be used as a resource to build a practical understanding and promote the value of good governance practices. It can be read in full or relevant sections can be drawn upon as needed. The content is based on experiences of Ipswich City Council, our learnings through a period of transformation, and evidence drawn across the government sector in Australia. Examples of ways in which good governance is currently being embedded into council's operations has been outlined in the guide. It is hoped that the guide inspires continuous improvement of good governance practices to be applied within council to ensure we are successful in delivering the best possible service to the ratepayers and community of Ipswich to whom we are ultimately accountable.

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OUR GUIDING PRINCIPLES

To achieve excellence in governance, our guiding principles come directly from the *Local Government Act 2009* and are as follows:

- Transparent and effective processes and decision making in the public interest

- Ethical and legal behavior of Councillors and local government employees

- Sustainable development and management of assets and infrastructure, and delivery of effective services

- Good governance

- Democratic representation, social inclusion and meaningful community engagement

As a council our values are very much aligned to the guiding principles.

Our Values:

COLLABORATION	COMMUNICATION	INTEGRITY	EFFICIENCY	LEADERSHIP
We work together towards a common purpose and understand every employee plays a role in our success	We communicate openly and ensure diverse voices are being heard and valued	We have a professional and respectful workplace and are motivated by public rather than private interests. We inspire others to act ethically.	We provide enhanced service to the people of Ipswich and we aim to get it right, first time.	We engage the heads, hearts and hands of our people to achieve our purpose. Recognition is part of our every day.

ABOUT GOOD GOVERNANCE

The *Local Government Act 2009* sets out a number of principles that the local government must follow to ensure it is accountable, effective, efficient and sustainable. Good governance of and by the local government is one of the principles we must follow.

Good governance concerns the way decisions are made and the manner in which services are provided to the community. Good governance includes having effective structures, systems, processes, procedures, and culture in place to ensure the council is properly operated. It is more than just complying with minimum requirements and having clear documented arrangements in place. It involves continually embedding the right practices in the right way into council, and understanding that everyone plays a role in this. Through this, overall performance will be improved and council will deliver better value to the community.

CHARACTERISTICS OF GOOD GOVERNANCE

GOOD GOVERNANCE

TRANSPARENCY

ACCOUNTABILITY

RULE OF LAW

RESPONSIVE

PARTICIPATORY

INCLUSIVENESS

EFFECTIVENESS AND EFFICIENCY
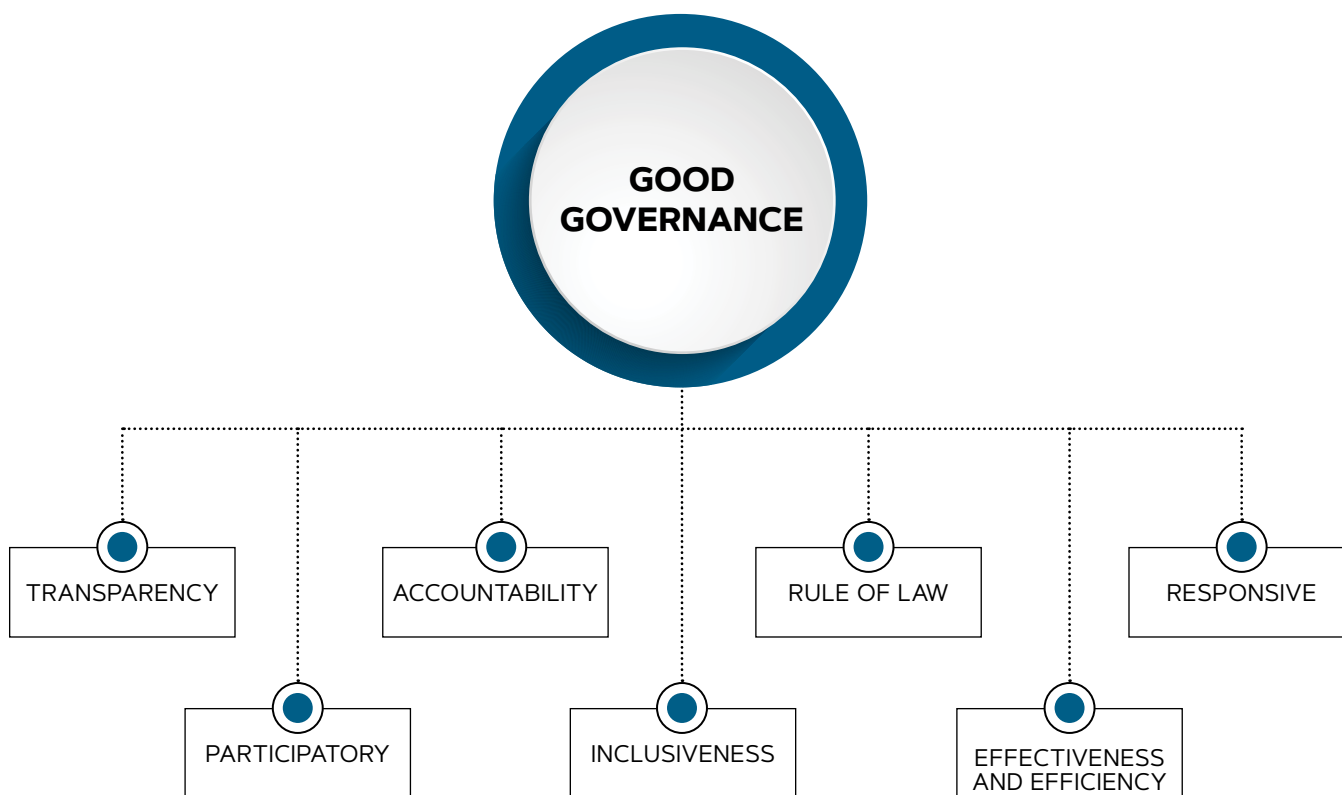
Good governance is transparent
The community should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and why a decision was made, what information, advice and consultation council considered, and which legislative requirements council considered.

Good governance is accountable
Council has an obligation to report, explain and be answerable for the consequences of decisions it makes on behalf of the community it represents. Embedding ways to ensure responsibility for own actions, where decisions are delegated to the right people with the right authority.

Good governance follows the rule of law
Ensuring we are compliant and held to account to ensure our basic legal obligations are met, and further to this, that we act with the highest ethical standards. Decisions are consistent with relevant legislation and are within the powers of the council.

Good governance is responsive
Council will always try to serve the needs of the entire community, while balancing competing interests in a timely, appropriate and responsive manner.

Good governance is participatory
Anyone affected by a decision should have the opportunity to participate in the process for making that decision.

Good governance is equitable and inclusive
Community members should be able to see and understand where their interests have been considered in council's decision-making process. This means that all groups, particularly the most vulnerable, should have opportunities to participate in the process. Carrying out meaningful community engagement and fostering positive relationships both internally and externally with our community.

Good governance is effective and efficient
Council is committed to organisational and individual performance to ensure we are effective and efficient in working toward our corporate goals. Decisions should be implemented and follow processes that make the best use of time, resources and people. A culture of continuous improvement will contribute to the effective and efficient operation of council.

The principles of Good Governance can then be applied and achieved through:

- Clearly defined roles, responsibilities and relationships

- Integrated organisational planning, monitoring and performance - Developing strategic and Operational plans to guide the delivery of our work, having an organisational structure to support this

- Decision Making - Processes are put in place for making and implementing decisions, to ensure they are made in a fair, rational, informed and transparent way

- Legal and ethical compliance – rules, systems and processes are in place, appropriately documented, followed and regularly reviewed

- Leadership, culture and ethics - Fostering a constructive and ethical culture

Why is it important?

- Serves the public's interest

- Meets responsibilities and measures outcomes to account for performance

- Supports ethical decision making to ensure ethical decisions are made that consider the interests of the whole City

- Promotes public trust and gives the local community confidence in council and how we operate

- Seeks to achieve a level of mutual respect and trust between the Mayor and Councillors, and, the CEO and staff. The Mayor and Councillors can be confident in the advice provided by staff, and they can trust that their views and decisions will be respected. Staff are confident to provide honest advice about issues that require consideration, knowing that their professional opinion is acknowledged and respected

- Leads to better decisions that withstand public scrutiny. Members of the community are more likely to accept a decision they do not agree with if good governance processes are followed, and decisions are made based on full information through open and honest debate.

THE CONSEQUENCES OF POOR GOVERNANCE

There are many compelling reasons why good governance is a required by council. It is important to understand that the results of poor governance can pave the way for a range of undesirable and potentially corrupt and criminal conduct that can significantly impact on the people within the council and also the community. Damage to the council's reputation and level of trust that the community has in it are understated consequences of poor governance.

Poor governance practices can result in:

- Inefficient operations of council reducing services to the community

- Policies and procedures that are not followed or ignored

- More opportunities for fraudulent behaviour from a lack of controls in place

- Allowing poor practice or performance to go undetected or not addressed

- Misuse of public funds and assets for personal benefit, which takes away from the community

- Toxic cultures to exist resulting in personal costs that are difficult to accurately measure, such as, high turnover, increased sick leave, stress, anxiety and the triggering of other mental health issues and destructive behaviours

- Loss of confidence by staff in decision making

- Low levels of confidence of action being taken with regard to reporting of undesirable, corrupt or fraudulent behaviour due to fear of personal consequences (such as loss of employment)

- Decisions being made based on biased and incomplete information that are difficult to hold up to public scrutiny

- Lack of public trust and associated media coverage and reputational damage to the council

- Dysfunction in relationships and other undesirable behaviours such as bullying, harassment, poor communications

The council is responsible for the good rule of the City, and therefore good governance is paramount

HOW DOES LOCAL GOVERNMENT IN QUEENSLAND WORK

There are three tiers of government in Australia, (Federal, State and Local), with local councils operating under the local government tier. Councils provide a range of facilities and services that are in direct response to the needs and priorities of the local community. Some of the key services local councils provide to their communities include:

- town planning, development and building assessments

- animal management

- building and maintaining community facilities such as libraries, parks and sporting facilities and other open spaces, public pools, footpaths and cycle ways

- building and maintaining local roads

- waste management

Councils in Queensland are the responsibility of the Department of Local Government, Racing and Multicultural Affairs (the department) which administers legislation providing for good governance of councils. In addition to the department, Queensland councils are accountable to a number of external agencies including Queensland Audit Office, Queensland Ombudsman, Queensland Treasury Corporation, Crime and Corruption Commission, who also offer guidance for continuous improvement.

Each council is made up of two distinct arms:

- The executive arm which is led by a Mayor (who is also a Councillor) and Councillors, who are an independent group of elected representatives

- The administrative arm is led by a Chief Executive Officer and includes the staff of the council

THE EXECUTIVE ARM

The Mayor and Councillors are elected for a four year term. Ipswich City Council is represented by a Mayor and 8 Councillors, and is divided into four geographic areas (divisions) with two Councillors elected from each division. As the executive arm, the Mayor and Councillors are responsible for setting the overall strategic direction, policies and local laws for the council. They are also directly responsible to the community for monitoring and reporting on the council's performance.

THE ADMINISTRATIVE ARM

The CEO manages the day-to-day operations of the council in accordance with the strategic plans and policies decided by the Executive Arm.

An overview of the relationship between the Mayor and Councillors, CEO and council staff
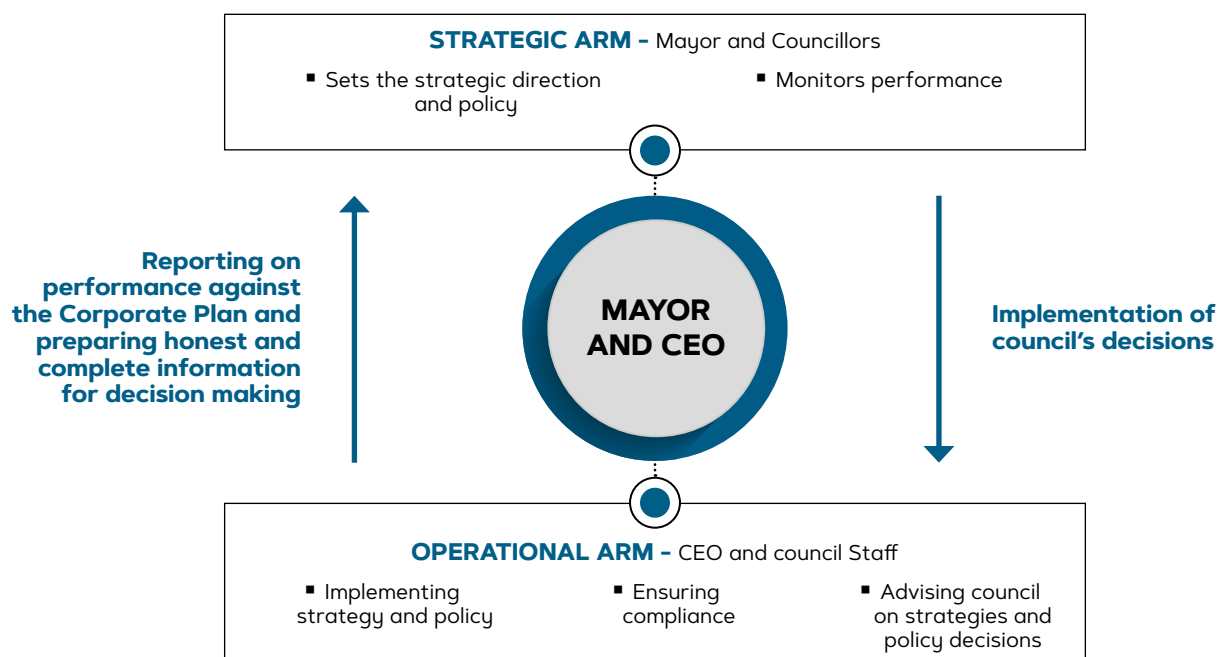
STRATEGIC ARM – Mayor and Councillors

- Sets the strategic direction and policy
- Monitors performance

MAYOR AND CEO

Reporting on performance against the Corporate Plan and preparing honest and complete information for decision making

Implementation of council's decisions

OPERATIONAL ARM – CEO and council Staff

- Implementing strategy and policy
- Ensuring compliance
- Advising council on strategies and policy decisions

ROLES, RESPONSIBILITIES AND RELATIONSHIPS

Clarity of roles, responsibilities, accountabilities and reporting relationships are an important part of good governance. Effective communication and constructive relationships are critical to a well-run council.

WHAT ARE THE ROLES IN IPSWICH CITY COUNCIL?

- Mayor
- Deputy Mayor
- Elected members serving as Councillors
- CEO
- General Managers
- Council employees

Each role has a unique purpose and makes a unique contribution towards good governance within the council. These roles are defined under the *Local Government Act 2009*.

ROLE OF THE MAYOR

Mayors have an important influence on the culture of the council and have a duty to lead by example. Mayors can promote good governance by practicing good governance themselves, and set the tone for the council by encouraging and embedding standards of good governance, behaviors and ethics.

The Mayor (who is also a Councillor), has the same responsibilities as a Councillor, however the Mayor also has some extra responsibilities[1]:

- Act as a leader of the community
- Lead council meetings
- Ensure high quality administration of the council
- Represent the council at ceremonial or civic functions
- Act as the council spokesperson to the media or at community events
- Work with the Chief Executive Officer in delivering the council's strategic direction
- Lead and participate in the appointment of the CEO, monitoring the CEO's performance and conducting and recording the CEO's performance appraisal
- The Mayor may give direction to the Chief Executive Officer only in accordance with a resolution or document adopted by the local government, however, the Mayor must not give direction to any other council employee.

> **As the spokesperson for the council, the Mayor is obligated under the Councillor Code of Conduct to express the decisions of the council even if he/she does not personally agree with them.**

Refer to the Councillor - Staff Interaction Policy

1 Refer *Local Government Act 2009*

A note on the Mayor's responsibility to conduct the CEO's Performance Appraisal

The *Local Government Act 2009* provides the Mayor with the responsibility of conducting an annual performance appraisal of the CEO in a way that is decided by the council. Given the relationship of the Mayor and the CEO further outlined in this guide, the principles of good governance should be applied when undertaking the CEO's performance appraisal. This will assist in good decision making in setting performance standards and appraising them. A good governance approach is to have an advisory committee (with an independent Chair) providing an objective assessment on matters of CEO recruitment and selection, performance, tenure and contract extensions, exit and remuneration. The advisory committee provide advice to council so an informed decision can then be made by resolution of council. Training and development is essential to ensure Councillors involved in an advisory committee possess the skills and knowledge required to effectively carry out the CEO's performance appraisal, and to ensure legal obligations are not overlooked.

ROLE OF THE COUNCILLORS

The primary responsibilities of the Councillors are as follows[2]:

- Make decisions for the community including policy decisions, required local laws, strategic decisions relating to budget and financial management

- Represent the current and future interests of the entire City, not just their elected division

- Ensure council is upholding its responsibilities under the *Local Government Act 2009* and abides by all laws that apply to local governments

- Set the strategic direction for the council and ensure it achieves its Corporate plan

- Be accountable to the community for the council's performance

- Accountable for the financial management of the council

- Prepare for and participate in council meetings, and in standing or advisory committees that the Councillor is an appointed member of

- Meet with the community

- Attend official functions as council's approved elected representative including conferences, and external meetings as delegated by the Mayor

- Advocate for major initiatives for the City

- Delegate powers through council resolution to transfer the authority to make a decision to a delegated authority

- Provide ethical leadership to the council and community

- Abide by and uphold the Councillor Code of Conduct

Refer to the
Refer to the Councillor
Code of Conduct

2 Refer *Local Government Act 2009*

What must a Councillor not do?

- A Councillor is not involved the day to day functions of the administrative arm and are not responsible for implementing council actions. They do not have authority to give directions to council employees and must address any concerns through the CEO.

- All communication with council employees must be in accordance with council policies or, administrative directives or procedures set by the CEO. Councillors who direct, attempt to direct or influence employees in the exercise of their duties will be in breach of the *Local Government Act 2009*.

SCENARIO

Consider the below email, do you see this as the role of the Councillor?

From: Cr Jones
Sent: Wednesday, 31 August 2016 10:14 AM
To: Parks and Recreation Manager
Subject: FW: Smiths Park Graffiti

Hi Jack
Do you think we could get someone to meet with Joe asap.
Joe is a very passionate resident and I think the community event would be a great idea.
Please keep me posted on the progress, and we can please also have the parks staff attend the park to clean it up as soon as possible.

Regards,
CR Jones

Amy Jones | Councillor
M | 0412 345 678
T | 07 3810 1111
E | crjones@council.gov.au

From: Joe Resident [joeresident@googlemail.com.au]
Sent: Wednesday, 13 August 2016 9:36 AM
To: Cr Jones <crjones@council.gov.au>
Subject: Smith Park Graffiti and litter

Cr Jones

Can you please help with getting some action on cleaning up the litter and fixing the graffiti at Smiths Park. The toilet block, seats and shelters are regularly being tagged and it is an eyesore to the community. I think it would be a great idea to give the kids an outlet and provide them with a space to express their art in a positive way. Maybe get them involved in painting a mural on the toilet block or even a community event like a skating competition could give the kids a positive outlet for energy.

Thanks,
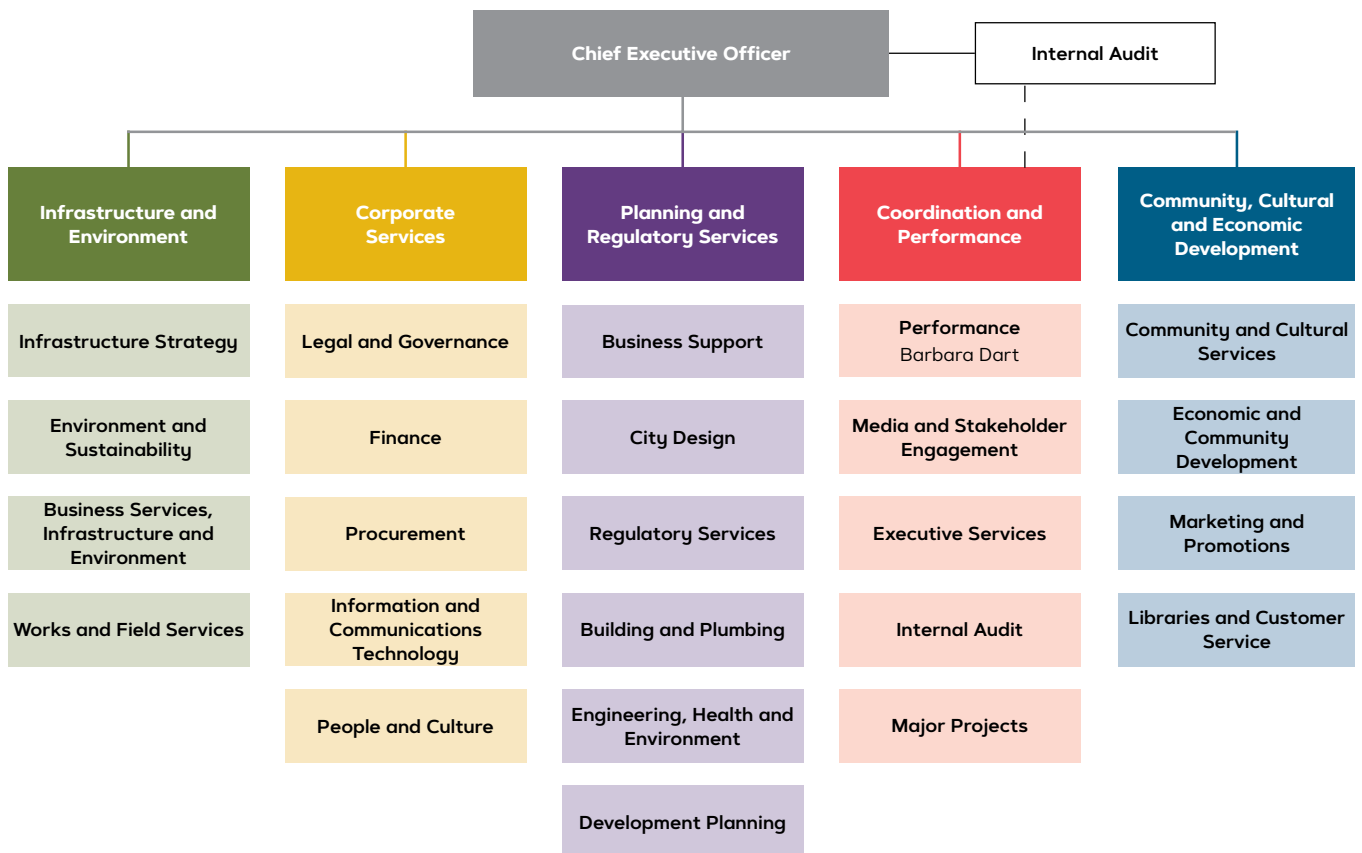Joe Resident

What is wrong with this?

The Councillor in this scenario has given a direction to the manager and not acted in accordance with Councillor-Staff Interaction Policy . In this case the Councillor should follow standard procedures to log a request for the cleanup of the graffiti and litter and advise the resident that the council has been notified and they will be contacted soon. The administrative arm is responsible for actioning requests according to priority and agreed service levels. The Councillor in this case should also be careful that they do not exercise influence over council decisions by suggesting solutions they would be happy with. Influencing the order in which service requests are actioned provides an unfair outcome on other residents with requests for service.

The role of the Councillor is to consider the strategic element of the enquiry which may consider trends or gaps in policy around youth. The Councillor may seek to understand what is currently in place with regard to issues that face young people in the City, and identify ways to address them. A strategic approach may be inclusion of future funding for to council implement a partnerships program to work alongside youth services and other levels of government to respond to youth issues. The Councillor could first seek information through the Councillors Administrative Support Portal and then seek advice or information by submitting a request through the portal. The request can then be disseminated to the correct area, and it allows for complete advice to be provided and responses are then transparent for other Councillors to view.

> **Refer to the**
> **Councillor - Staff Interaction Policy**

THE CEO AND ADMINISTRATIVE ARM

Infrastructure and Environment	Corporate Services	Planning and Regulatory Services	Coordination and Performance	Community, Cultural and Economic Development
Infrastructure Strategy	Legal and Governance	Business Support	Performance Barbara Dart	Community and Cultural Services
Environment and Sustainability	Finance	City Design	Media and Stakeholder Engagement	Economic and Community Development
Business Services, Infrastructure and Environment	Procurement	Regulatory Services	Executive Services	Marketing and Promotions
Works and Field Services	Information and Communications Technology	Building and Plumbing	Internal Audit	Libraries and Customer Service
	People and Culture	Engineering, Health and Environment	Major Projects	
		Development Planning		

Chief Executive Officer — Internal Audit

ROLE OF THE CEO

The CEO plays an important role in balancing the executive arm direction with the advice from the administrative arm. The primary responsibility of the CEO is to lead and oversee the day to day management of council's administrative arm to ensure:

- effective, efficient and economical management of public resources

- Excellence in service delivery to the community, ensuring council's programs and services are equally accessible and there is appropriate avenues for council decisions to be reviewed

- Good governance of the council

- Council is legislatively compliant and makes ethical decisions

- goals and practices are implemented in accordance with the policies and priorities of the council

- a culture of continuous improvement is embedded and organisational change is managed

- Council has proper information management and protects full records of activities and decisions

- support is provided to the Councillors so they have the information need to fulfil their roles

- proper management through delegating decisions

- risk management is embedded throughout the council including fraud and corruption control strategies and mitigations

- The Employee Code of Conduct is upheld

- Balance the political context with the advice from administrative arm

RESPONSIBILITIES OF COUNCIL EMPLOYEES

All employees (including the CEO) of the council have the same responsibilities:

- Implement the policies and priorities of the council in a way that promotes the effective, efficient and economical management of public resources, excellence in service delivery and continual improvement

- Carry out their duties to ensure the council discharges its responsibilities under the *Local Government Act 2009*, complies with all applicable laws and achieves its Corporate plan

- Carry out duties impartially and with integrity and provide sound and impartial advice

- Ensure their conduct does not reflect adversely on the reputation of the council and abide by the Employee Code of Conduct

- Improve all aspects of their work performance

- Observe all laws in relation to employment

- Observe the ethics principles under the *Public Sector Ethics Act 1994*

What they must not do:

- Must not use information acquired as a council employee to gain (directly or indirectly) an advantage for themselves or someone else.

- Must not release information that the person knows is confidential to the council, and that the council wishes to keep confidential.

SCENARIO

Council's Youth Development Officer has been requested by her manager to hold a one off community event that provides a temporary solution to a broader range of issues that are currently facing youth in the City. The Youth Development Officer knows that there has been numerous requests from neighbouring residents of the park who are also becoming very vocal about the lack of action happening to address the issues. Her professional opinion is a long term solution with no quick fixes, however she is feeling pressure to utilise her funding to hold the event.

HOW TO RESPOND?

In accordance with the *Local Government Act 2009* principles it is a part of every council Officer's role is to give honest and impartial advice to decision makers with confidence that the advice will be received professionally and respectfully. Maintaining professional integrity is about respectfully providing complete advice so that the decision makers can be fully informed to make good decisions.

RELATIONSHIPS AND ENGAGEMENT

MAYOR AND CEO RELATIONSHIP

Establishing and managing an effective working relationship between the Mayor and the CEO is an important part in a well-run council. Building a relationship based on trust and acknowledgement of the need to work together will build a strong foundation to lead an effective council. Expectations should be set early in the relationship. Each party should be honest and open in their communication, and manage differences and conflicts in a constructive way that values the overall goal of both providing the best possible outcomes to the community. The relationship is a partnership of mutual respect, with two leaders both developing a shared vision. While the Mayor and CEO should respect each other's roles are different, they are also complementary. As with all relationships, communication is key. Developing a way of working early in the relationship will be beneficial to a successful CEO and Mayor relationship.

MAYOR AND COUNCILLOR RELATIONSHIP

The Mayor plays an important role as a leader and facilitator of the Councillors. Fostering positive relationships between Councillors and promoting unity within the group are important parts of the role. The Mayor is responsible for facilitating and managing the conduct of participants at Council Ordinary Meetings by keeping to the agenda, ensuring debate is focused on strategic matters, and ensuring all participants views are expressed. Mayors play an important role in council meetings by summarising important points and clarifying misunderstandings. The Mayor should encourage the Councillors to work effectively together and also help manage differences of opinion in a constructive way. The role requires management of Councillors behaviour such as disrespectful or offensive comments, bullying, intimidation or personal abuse.

For further information, on the management of inappropriate conduct check the Investigation Policy that is required by council's. In Ipswich, the Mayor has responsibility for the management of the investigation of suspected inappropriate conduct of the Councillors.

COUNCILLOR AND COUNCILLOR RELATIONSHIP

SCENARIO

One of the Councillors has recently been on the losing side of a series of votes including the Corporate Plan, the budget and some key projects. She feels that her opinions are not being heard and that she has no voice in council meetings. As a result, she has leaked information, criticised her colleagues in other public forums which have got back to the other Councillors, and the relationship between her and the other Councillors has deteriorated into poor behaviour on both sides.

A GOOD GOVERNANCE PERSPECTIVE

Establishing and maintaining good working relationships between Councillors is important to making good decisions. Relationships built on mutual respect and valuing and accepting the different skillsets and opinions within the group will positively contribute to the outcomes for the community. Councillors will inevitably come to the table with issues they want to pursue in their term. Differences of opinion are important to engage in productive debate; however, this should be done in a respectful way. Differences of opinion between the Councillors that enter the public domain through leaking of information, and public criticisms of other Councillors may undermine confidence in the council's decision-making ability. It also has the potential to damage the reputation of the council. A decision once made by council, should be owned and supported by all members, regardless of an individual vote.

COUNCILLOR AND CEO RELATIONSHIP

The CEO has a close working relationship with the Councillors and is ultimately accountable to the council (and therefore Councillors). The CEO assists Councillors to carry out their role, through sharing information and managing issues as they arise. It is important that there is a clear understanding of each other's roles. It is important that the administrative directives, procedures and processes that are put in place by the CEO are respected. The CEO plays a key role in managing the interactions between the Councillors and council staff to facilitate accountable advice being provided to the Councillors to enable them to effectively carry out their role. A positive working relationship between the CEO and Councillors will be built on trust with good communication and respectfully resolving conflict.

SCENARIO

A Councillor is at a City sports celebration dinner and is approached by the President of the local soccer club wanting to find out if any further action has been taken to rectify the ongoing lighting issues at the soccer fields. The Councillor is aware this has been an ongoing issue and offers to ask council's Sport and Recreation Officer about the issues.

WHAT IS WRONG WITH THIS?

When Councillors directly speak to council staff to obtain advice they may not be provided with information that is fully informed. Even if the council officer in this circumstance is a subject matter expert, they may not be aware of other important information relating to an upcoming decision or information previously provided to Councillors by managers. Accountable advice needs to go through a process to ensure transparency and completeness of information and advice provided. Council Officers are not accountable to Councillors individually and under the *Local Government Act 2009* Councillors conduct that contravenes the Councillor-Staff Interaction Policy will be considered misconduct and penalties may apply.

Who is officially responsible for advocacy?

Advocacy is a deliberate process of influencing key stakeholders, decision makers and related audiences to support and implement actions that contribute to a particular cause. Advocacy plays an important part in council's ability to drive change and deliver beneficial outcomes for the community. An important good governance issue relating to advocacy is that the responsibility and accountability for advocacy needs to be clear. The Mayor and Councillors play an important role in advocating for and speaking on behalf of the community, especially in regard to major projects that often require state and federal support and funding to deliver. To ensure there is a unified view and a consistent and coordinated approach, a policy position and strategy help to provide clarity around roles and responsibilities, processes put in place to make decisions on deliberate strategies of advocacy. Advocacy priorities should be based on inclusive community engagement and aligned with the strategic planning of council. Full transparency back to the community on efforts to advocate help to provide community confidence in council's ability to advocate.

Processes should be put in place to decide on deliberate methods of advocacy, and efforts should be visible. A register of advocacy interactions and communications would help to increase transparency to the community.

For more information on council's approach to Advocacy refer to Ipswich City Council's Advocacy Strategy

COMMUNITY AND CUSTOMERS

Community engagement

Councils make decisions about things that affect the community, such as recreational facilities, planning and waste management. The experiences of the community can make a valuable contribution to better inform decisions on strategies, policies and aspects of the budget which translates into the delivery of programs and services. The principles of the *Local Government Act 2009* provides guidance for the council to conduct community engagement in a way that ensures it is meaningful and inclusive. Effective community engagement that is carried out in a way that is transparent and well-managed provides a good foundation for decision making for council and

enhances the perceptions in the community of the credibility of a decision. The *Public Sector Ethics Act 1994* also requires that council is committed to being honest, fair and respectful in engaging with the community. Inadequate public participation is not fair, and can exclude sections of the community and is more likely to result in poorly informed decisions.

A community engagement framework is essential in guiding a consistent approach to community engagement across council. This includes the principles and practice of community engagement outlining the roles and responsibilities and channels of engagement such as community reference groups, face to face and social media.

Effective community engagement is required to:

- Inform council's strategic priorities within the Corporate Plan and other strategies
- Obtain diverse views on a range of programs and services
- Build capacity of the community to understand implications of decisions

WHO IS RESPONSIBLE FOR COMMUNITY ENGAGEMENT?

Role of the Executive Arm

The Mayor and Councillors as the elected representatives will meet with the community in a range of ways such as attending community reference groups, attending meetings of community groups, community events and engagement activities to hear the views, concerns, aspirations of the community. The community is encouraged to have direct contact with the Mayor and Councillors and there may also be opportunities that the council's community engagement section to set up and invite Councillors to attend. At these community engagements the councillors role may be as a spokesperson, and to listen, discuss and understand community feedback so it can be considered in decision making.

Role of the Administrative Arm

The Administrative arm of the council are responsible for developing and implementing a framework for community engagement, and developing policy, procedures and processes to support consistent, effective, meaningful and inclusive community engagement. They are also responsible for coordinating and undertaking community engagement to inform decision making. Clear and unbiased information should be communicated to the community so they understand what they are contributing towards, the ways they can have their say and how the feedback will be used and reviewed.

A note on social media

SCENARIO

A Councillor is scrolling through Facebook in her own time when she sees some comments from residents who are angry about a decision impacting one of the City's natural areas that council recently voted on. She immediately feels frustrated and angry as she voted against the decision. She comments from her personal account about her disappointment in council's decision.

WHAT IS WRONG WITH THIS?

Using social media is a powerful way to seek feedback from the community, however when not managed correctly it result in breaches of Code of Conduct which also apply to online conduct. With an increasing number of platforms of social media, our personal and professional lives are increasingly blurred. Everyone has the right to their personal opinion, however sharing opinions on social media, even on private accounts can become public very quickly. The speed and reach of online communication means that material posted online can be difficult to delete, may be replicated endlessly and sent to, or seen by, people the author never intended or expected would see it.

Posting anonymously does not guarantee your identity will not be found out and caution in doing this is advised. How it reflects upon council should be considered carefully and whether this information, if it became public, undermines public confidence in the processes of council, is disrespectful to other Councillors or council staff. Directly criticising other Councillors or council staff is inappropriate conduct. Liking and sharing posts also can be taken as endorsement that you support the material.

The council's corporate and other social media platforms are managed by council staff. Social media policies, procedures and administrative directives are essential to the operation and management of these accounts.

For further information refer to council's Media Policy and the Office of the Independent Assessor - Your Social Media and You - A Guide for Elected Council Members in Queensland

LOBBYISTS, DEVELOPERS AND SUBMITTERS

Lobbyists, developers and submitters who seek access to Councillors to discuss potential and existing development applications, changes to policy and other projects needs to be carried out ethically and transparently. Councillors should be free to have any communication with lobbyists, developers or submitters, however, it is important to ensure that the decision making to any potential application is subject to council processes and that the Councillors opinion must not appear to reflect the council's possible attitude to any potential application. It is important that records are kept of interactions and that conflicts of interest are disclosed.

SCENARIO

A potential developer has approached the Councillors and requested to meet to showcase an innovative development model that they wish to undertake on a property in the City. The Councillors receive advice from council that there are a number of inconsistencies with the planning scheme. The developer then invites a number of Councillors interstate to view the new model to see firsthand the quality and benefits to the community.

WHAT CAN GO WRONG?

Developers require support from councils to undertake developments, however, over time inappropriate relationships can develop with Councillors (or council officers) and developers. This can be exacerbated by length of time developments can take to complete, and depending on the number of developments that are undertaken within the City. Expense paid trips, and gifts such as tickets to events or dinners received during business trips could potentially influence a favourable decision and lead to corrupt behaviour. The acceptance of such gifts or benefits would contravene the Gifts, Benefits and Hospitality Policy and be in direct conflict with the principles of the *Local Government Act 2009* and *Public Sector Ethics Act 1994*.

WHAT SHOULD HAPPEN NEXT?

Councillors should be free to have any communication with developers, however it is important that the interactions are transparent and that records of interactions are kept. Meetings should be held in a council building, where the discussion can be appropriately recorded. Interactions should remain professional and the Councillor should not indicate council's possible attitude to a development application. The offer of travel, other gifts or benefits should be evaluated using the decision making guide within the Gifts, Benefits and Hospitality Policy. In this case the Councillor should politely decline the offer of travel and encourage the developer to submit their application to council for decision making.

Councillor Contact with Lobbyists, Developers and Submitters Policy

ORGANISATIONAL PLANNING, MONITORING AND PERFORMANCE

Strategic planning and monitoring assists the council in achieving its goals in an efficient way and is an essential part of good governance.

STRATEGIC PLANNING

Good strategic planning involves understanding the local community, and their needs and aspirations for their community. It also involves understanding the external environment and resource limitations, and integrating community outcomes with financial and asset management planning. A number of strategic planning documents are important to ensure there is cohesive plans that can be used to measure and monitor. The plans should be integrated but focused on their own objectives and monitored through the annual report.
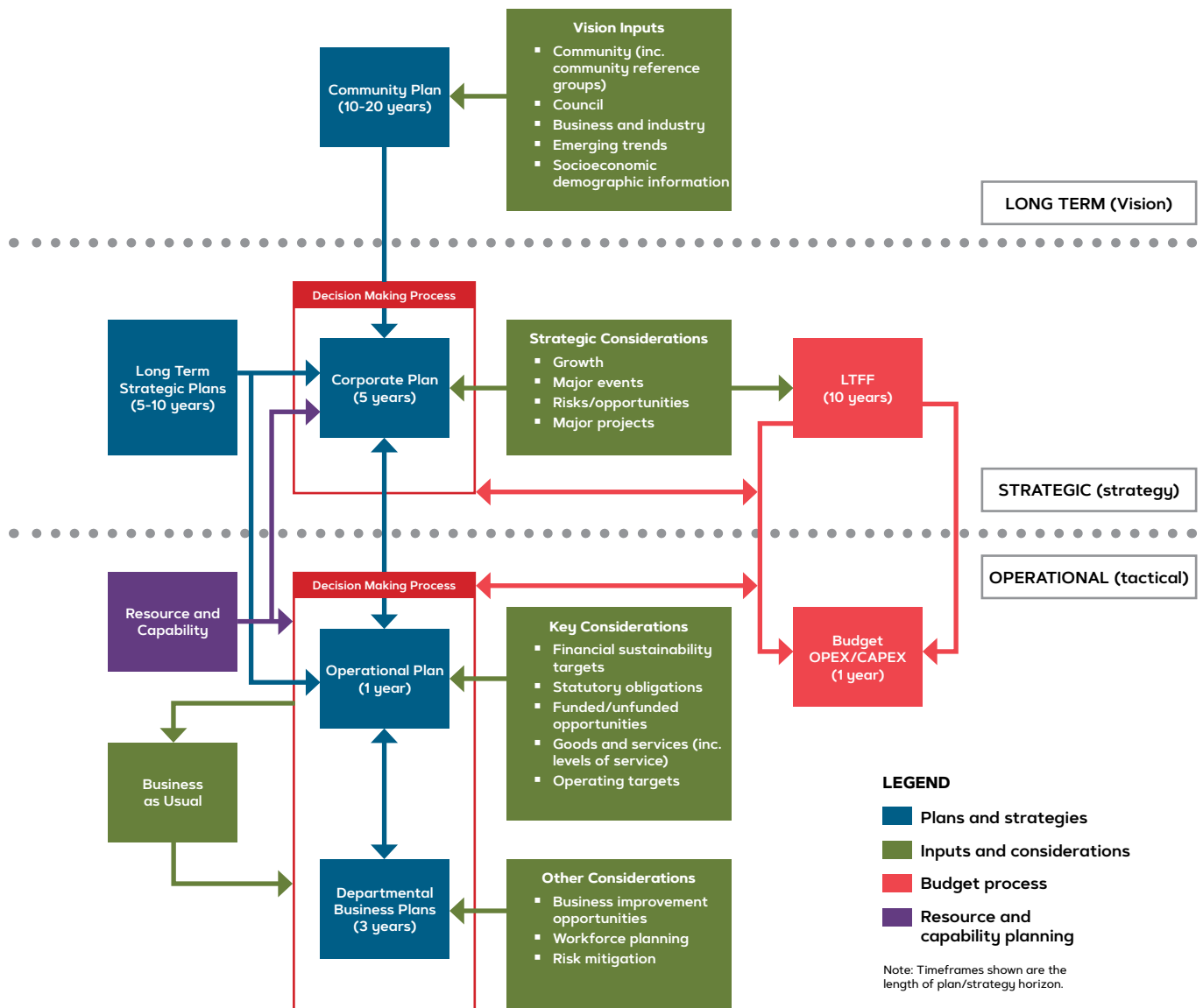
The *Local Government Act 2009* requires councils to prepare and adopt the following documents:

- A 5 year Corporate plan that incorporates community engagement, outlines the strategic direction and states the performance indicators for measuring progress

- A long term asset management plan, including strategies to ensure the sustainable management of the assets, outlining costs for renewing, upgrading and extending assets and linked with the long term financial forecast

- A long term financial forecast (LTFF) is a forecast covering a period of at least 10 years that details the income, expenses and value of assets, liabilities and equity of the council, it should be reviewed annually and be considered before planning any new borrowings

- An annual budget for each financial year that is consistent with the 5 year Corporate Plan and Operational Plan

- An annual operational plan that is consistent with the annual budget and shows how the council will progress the Corporate Plan and manage operational risks

- Asset registers

- Annual report outlining progress toward achieving the 5 year Corporate plan and annual Operational Plan

An Integrated planning and reporting framework sets out council's approach to coordinated planning, budgeting and reporting in an integrated manner. The framework represents a hierarchy of interconnecting documents with inputs and considerations, which when taken together allows council to turn its long-term aspirations, goals and plans into reality.

Vision Inputs
- Community (inc. community reference groups)
- Council
- Business and industry
- Emerging trends
- Socioeconomic demographic information

Community Plan (10-20 years)

LONG TERM (Vision)

Decision Making Process

Long Term Strategic Plans (5-10 years)

Corporate Plan (5 years)

Strategic Considerations
- Growth
- Major events
- Risks/opportunities
- Major projects

LTFF (10 years)

STRATEGIC (strategy)

OPERATIONAL (tactical)

Decision Making Process

Resource and Capability

Operational Plan (1 year)

Key Considerations
- Financial sustainability targets
- Statutory obligations
- Funded/unfunded opportunities
- Goods and services (inc. levels of service)
- Operating targets

Budget OPEX/CAPEX (1 year)

Business as Usual

Departmental Business Plans (3 years)

Other Considerations
- Business improvement opportunities
- Workforce planning
- Risk mitigation

LEGEND
- Plans and strategies
- Inputs and considerations
- Budget process
- Resource and capability planning

Note: Timeframes shown are the length of plan/strategy horizon.

MONITORING AND REPORTING PERFORMANCE

Measuring performance is necessary to improve the efficiency and effectiveness of the council, and it is vital to have a performance measurement and reporting framework in place. The Annual Report is used to provide an account to the community on the achievement of the Corporate Plan, Operational Plan, long term strategies and annual budget.

The Councillors have an overall accountability for the council's finances, while the Administrative arm have responsibility for financial planning and management, and providing regular reports to the Councillors through council meetings. High-level, financial reports need to identify key issues in a concise way that Councillors will understand the information contained. The content of financial reporting to council should summarise the council's financial health and show how financial performance is tracking against budget highlighting any risks faced by the council, and provide information on any other relevant issues.

DECISION MAKING

The community expects that the council will make consistent and fair decisions. Council decisions can involve complex financial and legal issues and some decisions may be controversial in the community. Even simple matters can have a serious impact on the community. It is important that Councillors actively participate in making decisions of council. This also involves ensuring that they are informed and understand the issues involved in each decision made. It is important that council staff provide frank, honest, well-evidenced and timely advice to decision makers even if the advice is unappreciated or unwelcome.

DECISIONS OF COUNCIL

The decision making of council is carried out in council meetings. Council's are required to meet at least once per month and the meetings are open to the public unless the council has resolved that the meeting be closed for prescribed matters. The Mayor and Councillors need to be fully informed and to understand the issues involved in each decision made. Situations that involve diverse stakeholders with conflicting interests will pose difficult decisions.

Decisions are made by majority vote of the Councillors who are present (a majority of Councillors must be present for a meeting to proceed and be valid). Agendas for meetings, minutes and decisions are recorded and legislatively are required to be available for the community. The Mayor chairs the council meetings and the deputy mayor steps into this position in the Mayors absence. The minutes should contain information relating to how decisions have been made, any declarations of material personal interests or conflicts of interest and what action the Councilor/s took to deal with their declaration. Full council officer reports with recommendations should also be visible to the community. Publishing on websites provides full transparency of decision making. Other practices to increase transparency include providing live streaming and video recordings of council meetings.

Model meeting procedures set out certain procedures to ensure the conduct of meetings reflect the local government principles.

Council has adopted the Model Meeting Procedures, for further information refer to council's Meeting Procedures Policy

Councils may also establish standing committees and advisory committees. Each committee should have terms of reference to outline the purpose, roles and responsibilities, voting, frequency and location.

Council currently has five standing committees, each held monthly with membership determined by the council.

The five standing committees are:

- **Communities**
- **Environment**
- **Economic Development**
- **Governance**
- **Growth and Infrastructure**

Refer to council's standing committees for further information.

Decisions that should be made by council resolution (Full council meeting) include:

- Strategic direction
- Policy development
- Reporting on the Corporate plan objectives
- Legal matters and ensuring compliance with legislation
- Budget sign off and overall accountability for council's finances
- Inspection programs for authorised persons
- Investigation policy to deal with inappropriate conduct of Councillors
- Appointment of Deputy Mayor
- Filling a vacant office of a Councillor
- Adopting Councillor-Staff Interaction Policy (Acceptable Request Guidelines)
- Adopting the organisational structure
- Delegation of council powers (except those that are required by resolution)
- Significant business activities of council
- Setting Rates, Fees and Charges

For more information about matters that require a resolution of council (cannot be delegated) contact LGAQ Member Services

Examples of decisions that do not need council resolution

Examples of operational matters that do not require council resolution include:

- details of the delivery of programs (but progress is still reported)

- location or details of community events or engagement activities

- the way in which the operations of services or activities (that are approved in Corporate Plans and budgets) are carried out.

- the design or delivery of marketing material

- hiring of staff (excluding the CEO)

- the order or priority in which approved capital works projects are undertaken

- adopting procedures and Administrative Directives

- performance of staff reporting to the CEO

Closed business

While council meetings and committee meetings are open to the public, there are some circumstances that require confidential matters to be discussed during a closed business meeting which is closed to the public. Council must not make a resolution (decision) during a closed meeting.

Such matters include:

- industrial matters affecting employees

- matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council

- complaints against an employee of the council and industrial relations matters

- information that, if disclosed, is likely to create a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business;

- contracts and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal

- the security of the council, Councillors and council staff, or the property of the council;

- proposals for the council to acquire land or an interest in land or for the disposal of land;

- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential

- Applications by Councillors for a leave of absence;

- the personal hardship of any person who is a resident in, or is a ratepayer

A resolution (i.e. a formal decision by the local government) that a meeting be closed must state the nature of the matters to be considered (e.g. 'staff-in-confidence') while the meeting is closed. Embarrassing or controversial matters are not a reason to discuss matters in a closed business meeting and in the interests of accountability and transparency the closure of meetings should be as infrequent as possible.

GOOD AND ETHICAL DECISION MAKING FOR EVERYONE

Council Officers making decisions should also be aware of the following principles of good decision making to ensure good decisions are made within the council.

Principles of Good Decisions:

1. Timely and accurate record keeping is central to making good decisions. The *Public Records Act 2002* requires that councils keep full and accurate records of its activities. Good management of corporate information not only ensures decision makers have access to timely, complete and accurate information to make decisions, but that there is a transparent reason as to why a decision was made.

2. Identify the power to make a decision – are you delegated or empowered to make the decision?

3. Do you have any conflicts of interest that would exclude you from making a decision?

4. Is there discretion involved in making the decision? When the power to make a decision comes from legislation, the words 'must' and 'shall' do not usually give discretion to the person making the decision, however where words are used such as 'may' the decision will involve an element of judgement required. If discretion is required to be exercised, the decision maker. It may need to consider the facts and evidence surrounding the decision, look to council policies or previous decisions made and apply the values of the council or that the relevant legislation promotes

5. Are you the right person to make the decision? Look toward legislation for authority, understand what your delegations or sub delegations allow you to make decisions on, and consider conflicts of interest that may exclude you from making the decision

6. Have you acted fairly in making your decisions? Is there anyone that may be negatively affected by a decision and have they been given a reasonable opportunity and time to respond? Have you considered human rights? Have you considered the feedback and assessed it in an unbiased way?

7. Identify all relevant matters in making your decision – have you considered procedures that need to be followed, expert advice or legal advice and gathered any relevant information

8. Determine and evaluate the facts

9. Make the decision, record your reasons and fully inform the persons affected. It is important that affected persons are informed of your decisions and that they have a right to appeal.

DELEGATIONS OF RESPONSIBILITY

The *Local Government Act 2009* and other Queensland legislation allows councils to delegate their powers by resolution to ensure the many decisions required to be made are done so in an efficient way, allowing council meetings to remain focused on strategic matters. councils cannot however delegate a power which is required to be exercised by resolution under an Act eg. endorse the Corporate Plan. Delegations and sub-delegations are made to a position not an Officer. A delegation register should maintained, and regularly updated with any new or repealed delegation or sub-delegation. An appropriate system should be in place for the oversight of the exercise of those delegations, monitored by management of the council. Council Officers who are approved to act in positions with sub-delegated powers are able to exercise the powers sub-delegated to the position but can no longer exercise the powers of the acting role once the return to their substantive position.

Delegations may include authority to:

- Procure goods and services and enter into contracts on behalf of the council - different employees with different levels of responsibility are given different limits

- Make decisions as authorised Officers under council local laws.

- Make decisions to approve or reject applications for approvals, permits, licenses, consents in accordance with council policies and legal instruments (such as Planning and Building approvals).

Council has adopted a two phase structure of delegations, the first phase being delegating the widest range of powers to the CEO, the second phase to sub-delegate to council officers within the council.

SCENARIO

Council have delegated the power under the *Local Government Act 2009,* to approve naming and numbering of roads to the CEO. The council however have delegated this responsibility to the CEO, on the condition that the divisional Councillor is consulted prior to the decision being made on all road naming in their division.

WHAT IS WRONG WITH THIS?

Conditioning the delegation with consultation requirements creates an inefficient way to make decisions. It also creates an environment for decision making that is not transparent and there is a risk of Councilor influence 'behind closed doors' by providing means of consultation via internal emails or other forms of communication. It also allows a single Councillor to have influence over decision making which is not in accordance with the local government principles. There is also a risk undue influence or pressure to decide on road naming in a certain way.

CONFLICT OF INTEREST

SCENARIO

A local business has lodged an application to convert a corner house in a suburban area to a cafe. The divisional Councillor has a brother who lives around the corner from the proposed development, who is strongly opposed to the application as they believe the increased traffic and noise will impact on the amenity of the quiet suburban area. The divisional Councillor rallies the support of local residents to lodge submissions to council objecting to the application. The application is brought to council for a decision, and the Councillor speaks against the application, and then votes against it, along with several other Councillors. The divisional Councillor does not declare any conflicts prior to voting, as their view is that all residents have an equal right to speak up on development matters they have the potential to affect them regardless of who they are related to.

WHAT IS WRONG HERE?

The Local Government Act is very clear that a Councillor has a material interest in a matter where they or any related person could potentially have a financial gain or in this case, loss depending on the outcome of the matter. The Councillor should have declared a Material Personal Interest in the matter before it came for a decision by council. The divisional Councillor should also exclude themselves from any debate on the matter. Whilst it is true that residents can and should be able to have their say on development related matters, failing to declare a conflict is misconduct and could be considered corrupt conduct depending on the specifics of the case.

The community has the right to expect that Councillors and council Officers will carry out their roles in a way that ensures decisions are fair to all stakeholders. Their decisions should not be affected by personal interests, private associations or result in personal gain or loss to themselves or their family and friends. Many cases of serious corruption and misconduct have come about as undisclosed, concealed or unmanaged conflicts of interest. Conflicts of interest do occur in the normal course of council Officers or Councillors duties, and being aware of potential conflicts of interest is an important part of serving for the council, declaring conflicts and withdrawing from the decision making process. There could be a perception that there is a conflict of interest, and this is also important in ensuring conflicts of interest are transparent.

Conflict of interest may be actual, potential or perceived.

Actual conflict of interest	There is a real conflict between public duties and personal interests.
Potential conflict of interest	Personal interests could conflict with public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.
Perceived conflict of interest	The public or a third party could form the view that personal interests could improperly influence their decisions or actions, now or in the future. Whilst it may or may not eventuate as an actual conflict, it is important to declare it for transparency.

More information on Conflicts of Interest refer to the Office of the Independent Assessor

GIFTS/ BENEFITS AND HOSPITALITY

SCENARIO

A community donation application is received and favourably assessed by the Community Grants Officer for funding toward infrastructure for a local football club. A few weeks later the Community Grants Officer is sent flowers and 4 tickets to the football clubs annual gala dinner with a personal letter of thanks.

WHAT SHOULD HAPPEN NEXT?

Council employees hold public positions of trust and the acceptance of gifts or benefits can create a perception of a conflict of interest and could affect or be perceived to affect the ability to carry out their role impartially. Policies and procedures are in place to guide decision making with regard to receiving gifts, benefits or hospitality. In the interests of transparency and accountability registers should be made public and regular review of the register can help identify trends and patterns to identify possible vulnerabilities with particular organisations or individuals.

Council's Gifts, Benefits and Hospitality Policy gives further guidance

LEGAL AND ETHICAL COMPLIANCE

It is important to good governance that council's legal requirements are carried out, and more than this that council strives to do the right thing, the right way, for the right reasons.

ENSURING LEGISLATIVE COMPLIANCE

Keeping up to date with legislative changes is important to ensuring council stays compliant. This responsibility should be clearly designated in relevant council Officers roles to be responsible for subscribing to Queensland Parliamentary updates and ensuring any changes to legislation are appropriately embedded into the operations of the council.

The following is a list of legislation that relates to the responsibilities of council:

- *Animal Management (Cats and Dogs) Act 2008*
- *Building Act 1975*
- *Disaster Management Act 2003*
- *Environmental Protection Act 1994*
- *Food Act 2006*
- *Health Act 1937*
- *Human Rights Act 2019*
- *Information Privacy Act 2009*
- *Integrity Act 2009*
- *Land Act 1994*
- *Liquor Act 1992*
- *Plumbing and Drainage Act 2002*
- *Public Health Act 2005*
- *Public Interest Disclosure Act 2013*
- *Public Sector Ethics Act 1994*
- *Queensland Reconstruction Act 2011*
- *Right to Information Act 2009*
- *Sustainable Planning Act 2009*
- *Transport Infrastructure Act 1994*
- *Water Act 2000*
- *Crime and Corruption Act 2001*

Please note: This is an indicative and not an exhaustive list of Acts which apply to councils in Queensland

POLICY, PROCEDURES AND ADMINISTRATIVE DIRECTIVES

One of the most important roles of the Councillors is to make policy decisions on behalf of the community, in accordance with its role of providing strategic direction. An essential element of policy making is identifying current and future community needs, setting objectives to meet those needs, consulting relevant stakeholders and analysing the options to establish priorities between competing needs, and allocating appropriate resources. It is important that roles and responsibilities and a framework for efficient and effective policy and procedure development and management is established.

Public facing policies are adopted by council resolution and sets out council's strategic position, viewpoints and values, and assists decision making on matters that impact on, and are of concern to the community. Administrative Directives provide direction from the CEO to the administrative arm of the council to provide direction on the day-to-day operational matters of council. Procedures are the internal processes or steps required to either achieve policies and administrative directives or are required in their own right. Supporting documentation can also be developed and includes strategies, guidelines, manuals, process maps designed to aid in efficient and effective of delivery of programs or services.

> **Council has an Administrative Directive in place that sets out the requirements for Development, Approval and Review of council Policies Procedures and Administrative Directives**

LOCAL LAWS

Local laws are statutory instruments made by councils to regulate local issues. The *Local Government Act 2009* provides the power for council to make and enforce local laws necessary or convenient for the good rule and local government of the council area. Processes are required for making and publishing local laws.

> **Refer to council's current Local Laws and Local Law Making Policy**

RISK MANAGEMENT

Risk management is an integral part of good governance, good management practice and decision making in local government. Risk Management is the process of managing incidents before they happen. When risk is effectively managed it can reduce both the likelihood of incidents occurring, and the impact on council and its ratepayers when they do occur. Risk management is also integral to prevention of fraud and corruption. Internal Audit and the Risk and Audit committee play an important role in the overall risk management of councils.

> **Council has an Enterprise Risk Management Framework that identifies risk management roles, reporting hierarchy, categories of risk, risk tolerances and the risk management process. council has corporate and departmental risk registers, Fraud and Corruption Control Policy, Administrative Directive, and Fraud and Corruption Control Plan and Business Continuity Plans.**

THE ROLE OF INTERNAL AUDIT

Under the *Local Government Act 2009* councils must establish an efficient and effective Internal Audit function. Internal audit contributes to good governance through providing objective assessments of council's operations to identify and recommend improvements to internal controls, processes and management of risks to ensure achievement of strategic goals. Internal Audit assesses both the financial and non financial performance of council. They also play an important part in auditing the council's fraud risk register to ensure risks are being correctly identified, treated and monitored. They also play a key role in assessing the effectiveness of council's Fraud and Corruption Plan and perform audits to detect or mitigate fraud and corruption matters and evaluate the effectiveness of prevention actions and internal controls implemented within the council.

An Internal Audit Charter details the roles, relationships and responsibilities as well as the scope of work that internal audit will perform. The internal audit function has unrestricted access to all council records and information to fulfil their duties. They are required to have unobstructed communication when required with the CEO. Recommendations provided from Internal Audit (and associated action plans) are developed in consultation with management to ensure buy-in and commitment to implement by the administrative arm of the council. To increase accountability, an owner is assigned to actions and a realistic timeframes provided for implementation. Processes are put in place to monitor the implementation of the recommendations, and report this back to the Audit and Risk Committee to increase accountability on action owners to ensure action is taken, and non action is escalated if required.

> **Refer to council's Internal Audit Charter**

THE ROLE OF THE RISK AND AUDIT COMMITTEE

The existence of an independent audit committee is an important feature of good governance. Large councils such as Ipswich, are required under the *Local Government Act 2009* to have an effective and efficient audit committee that monitors and reviews the integrity of financial documents, the internal audit function and makes recommendations to the council about matters that need action or improvement. Audit committees are integral to ensuring the council is has appropriate risk, culture, policies, systems and controls in place to function effectively, legally and ethically.

While the *Local Government Act 2009* does not give guidance on the establishment of members of the audit committee, a good governance approach would see the committee be comprised of a majority of independent members with an independent member as the Chair. Councillors can play an important role as committee members, however, Councillors are not regarded as independent members. Having members on the committee that are external to the council can provide independent input.
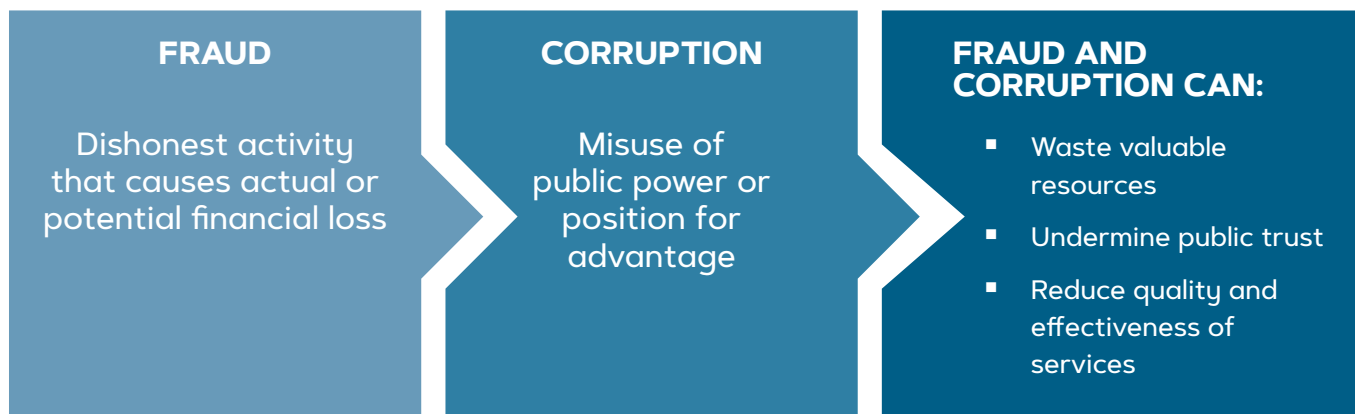
> **Council's Risk and Audit Committee is an advisory body and has an independent committee chair.**
>
> **Refer to council's Risk and Audit Committee Charter for its functions and activities**

> **Further information Queensland Treasury have A Guide to Risk Management to encourage better practice.**

FRAUD AND CORRUPTION

FRAUD	CORRUPTION	FRAUD AND CORRUPTION CAN:
Dishonest activity that causes actual or potential financial loss	Misuse of public power or position for advantage	- Waste valuable resources - Undermine public trust - Reduce quality and effectiveness of services

SCENARIO

Council's Waste Coordinator, Mark, has a new role coming up in his branch. His friend, Robert, would be excellent for the role so Mark reaches out and encourages him to apply when the role is advertised. Robert is keen for the opportunity and privately sends his resume to Mark. Mark creates the new position description and advertises the role. During the recruitment process Mark doesn't disclose the friendship he has with Robert. Of the 20 job applicants, Robert is selected by the panel to be interviewed along with 2 other applicants. The panel appoints Robert to the role as the successful applicant.

WHAT IS WRONG WITH THIS?

From the outsider's perspective this recruitment process appears to be a merit based recruitment processes. However, Mark has disclosed confidential information to his friend and provided Robert with an unfair advantage to other applicants. The act of favouring family and friends in the workplace is known as Nepotism. As an employee of council, Mark is required to make decisions impartially, rather than by favouritism, bias or to benefit family, friends or associates. He hasn't used his powers responsibly and the proper recruitment process has been corrupted. He has not declared the conflict of interest in the relationship with his friend or attempted to remove himself from the decision making process.

A GOOD GOVERNANCE APPROACH

Employment practices including recruitment and promotion within council are vulnerable to fraud and corruption risks. Obtaining employment within council must be a merit based selection to ensure the best person for the job is selected. Consistently carrying out thorough pre-employment screening to ascertain information about qualifications, work history, discipline are important in reducing risks to the council. It is critical that conflicts of interest are declared and managed.

FRAUD

Fraud is dishonest activity that causes actual or potential financial loss, is rarely a spur of the moment activity and usually carried out by taking advantage of opportunities created by weak control systems, poor governance, lack of management oversight and use of a position of power or authority. Theft of money, intellectual property, confidential information, and falsely claiming to hold qualifications are all examples of fraud. Fraud is not only a risk within the council but can also be carried out by customers, contractors and external service providers.

CORRUPTION

Corruption is the misuse of public power or position to achieve advantage for themselves, family or friends. Examples include taking or offering bribes, dishonestly using influence, misusing information, assets, or resources acquired at work. The impact of fraud and corruption for councils can be significant. It undermines the culture of the organization and can significantly impact employees. It wastes valuable resources, undermines trust in the council, reduces the quality and effectiveness of services, threatens council's financial stability and can result in reputational damage.

Risk management helps to identify internal weaknesses that may give rise to fraud and corruption. Appropriate controls can then be put into place to reduce the number and severity of fraud and corruption occurring. Conflicts of interest, procurement, cash handling, gifts and benefits, employment practices, information management all present potential corruption risks to council. Fraud and corruption control plans and fraud risk assessments and management are an important ongoing governance activity. The leadership of the council is integral in setting the tone for tolerance of fraud and corruption by setting the tolerance level for fraud and corruption at zero, and ensuring that internal control systems, such as internal audit, audit and risk committee, fraud and corruption strategies that help prevent and detect, and reporting processes are functioning and effective. Best practice includes having a clear policy stating a zero tolerance stance on fraud and corruption, a fraud and corruption plan that is supported by the Corporate Plan and budget and has appropriate management oversight and accountability embedded.

Refer to council's Fraud and Corruption Policy and Fraud and Corruption Control Plan

Crime and Corruption Commission (CCC) investigates both crime and corruption, has oversight of both the police and the public sector, and protects witnesses.

ACCESS TO INFORMATION

Councils are required under the *Local Government Act 2009* to adopt acceptable request guidelines which establish the rules about how a councillor asks for advice or information to carry out their responsibilities. Communication between the Executive Arm (Mayor and Councillors) and the Administrative Arm of the council should be guided by policies and processes that ensure that complete advice is provided. Councillors that directly contact council employees may result in advice being received that is not fully informed and decisions being made based on incomplete information.

RIGHT TO INFORMATION AND THE PUSH MODEL

The *Right to Information Act 2009* aims to make more information available, provide equal access to information across all sectors of the community, and provide appropriate protection for individuals' privacy.

The right to information means council must provide information unless there is a good reason not to. If there is a good reason not to give you the information, council must explain the reason. The only reason the council can withhold information is that its disclosure would be contrary to the public interest. The council is not permitted to withhold information because it might be politically embarrassing or it might cause a loss of confidence in the government.

The push model of information release is about council proactively pushing information out to the community, as much as possible, with the goal of making formal applications a last resort.

See council's Right to Information Policy which outlines responsibilities of General Managers and council employees

Office of the Information Commissioner is an independent body that promotes access to government held information and protects personal information held by government under the *Information Privacy Act 2009*.

MISUSE OF INFORMATION OR POSITION

SCENARIO

A Councillor becomes aware through confidential meetings that a developer is interested in lodging an application against a large parcel of land adjoining her parent's acreage property for high density housing. She is concerned that this might affect the value her parent's property. She decides to tell them to give them an opportunity to sell the property before the development application becomes public and the value of the property drops.

WHAT IS WRONG WITH THIS?

Misuse and disclosure of information pose a corruption risk to council. Leaking confidential information is both illegal and damaging to council. It undermines the trust to keep information confidential. It is misconduct under the *Local Government Act 2009* for a Councillor to misuse information or resources for the benefit or detriment to another person. Additionally, council Officers have access to a wide range of information that is not readily available to the public. Accessing information for personal gain goes against the principles of the *Local Government Act 2009, Public Sector Ethics Act 1994* and the council's Code of Conduct and may amount to an offence under the Criminal Code. Training and education are key to ensuring awareness and understanding around obligations with regard to confidential information and privacy.

REPORTING WRONGDOING

SCENARIO

An employee has recently become aware that a council manager involved in awarding contracts has been receiving significant gifts from a major contractor. She is afraid to speak up because others who have complained have been bullied and labelled as 'trouble makers'.

Council staff particularly, need to genuinely feel safe to speak up about wrongdoing and believe they will be supported. Encouraging council staff to report wrongdoing can help identify public interest disclosures such as corruption, maladministration, wasting of public funds, danger to public health and safety, and, other breaches such as Codes of Conduct. The leadership of the council play a key role in building a culture of integrity that supports and encourages reporting of wrongdoing. It is important that the leaders of the council help raise awareness on how to report wrongdoing, the available protections for council Officers who do speak up, and promptly act in accordance with proper process when issues are raised. Policies, procedures and programs in place to support reporting of wrongdoing are vital in the effective management of reports of wrongdoing and complaints.

Reporting wrongdoing can also be a result of complaints from customers in the community that help identify faulty decisions, poor service delivery and programs that are not working. Effective complaint handling offers many practical benefits. Information gathered from complaints help to provide a solution to a complainant, helps maintain positive relations with the community, evaluate and improve programs and services, and inform decisions about future services. Analysis of complaints can provide a useful tool in continuous improvement.

Ipswich City Council has a complaints management framework that sets out council's commitment to good complaints management. It identifies the types and definitions of customer and employee complaints, provides guiding principles and management of complaints.

Council values the disclosure of information about suspected wrongdoing with regard to misconduct, wastage of public funds, suspected unlawful activity or danger to health and safety or the environment so that it can be properly assessed and if necessary, appropriately investigated. Refer to council's Public Interest Disclosure Policy for further information.

Queensland Ombudsman's Office is an independent complaints agency that:

- **provides a fair and effective investigative service for people who believe they have been adversely affected by a decision or action of a public sector agency**

- **monitors and reviews the management of public interest disclosures (PIDS) under the *Public Interest Disclosure Act 2010***

CULTURE AND ETHICS

Ethical cultures are a key feature of good governance in public organisations.

There are 3 pillars that contribute to an ethical council and are underpinned by the principles of the *Public Sector Ethics Act 1994*.

ETHICAL COUNCIL

Ethical Individuals

Act with integrity

Behave honestly

Play fair

High morals

Ethical Leadership

Sets tone form the top

Uphold ethical values

Reward ethical/discipline unethical behaviour

Communicate ethics/ values

Structures and Systems

Culture

Code of Conduct

Ethics training

Report wrongdoing mechanisms

Recruitment, training

Built on a foundation of the four principles of the *Public Sector Ethics Act 1994*:

- **Integrity and Impartiality**
- **Accountability and Transparency**
- **Commitment to system of government**
- **Promoting the public good**

ETHICAL INDIVIDUALS

Ethical individuals are the first pillar of an ethical council and should:

- Commit to the highest ethical standards

- Provide advice which is objective, independent, apolitical and impartial

- Show respect toward everyone

- Understand conflicts of interest need to be resolved or managed

- Be honest, fair and respectful when engaging with the community

- Carry out their role with proper diligence, care and attention

- Use resources effectively and efficiently, and not waste, abuse or improperly or extravagantly use them

- Uphold high standards in the delivery of services of council

- Innovate and continuously improve performance

- Know and understand what laws affect their role

- Commitment to carrying out priorities, policies and decisions professionally and impartially

ETHICAL LEADERSHIP

The second pillar of an ethical council is ethical leadership. Strong leadership is fundamental to bringing about substantial changes to building an ethical culture and driving good governance. How leaders walk their talk needs to be consistent. Certain types of situations can increase the likelihood of unethical behavior occurring, for example, in highly competitive and unsupervised environments and when there is no consequences for unethical behavior, and worse, when it is seen to be rewarded. Performance targets are an area for consideration, for example, a strict deadline can drive employees to either succeed or fail. It needs to be clear from the leadership that being truthful at all times is more important than achieving the outcome at any cost.

Characteristics of leaders that can contribute to an ethical culture include:

- Strong communication
- Objective and thoughtful
- Ability to establish and maintain credibility and trust
- Quickly assimilate information relating to complex issues
- Ability to network at all levels of the organization
- Personal and professional maturity
- Show rationality in tense interpersonal situations
- Deep organisational knowledge
- Working knowledge of applicable laws and regulations
- Understand best practices in ethics and compliance education
- Solid broad management skills
- Discreet and able to protect confidential information
- Willing and able to take a difficult position or unpopular position if necessary
- Common sense
- Showing the highest integrity
- Enable and develop individual Officers to act in an ethical manner

STRUCTURES AND SYSTEMS

The third pillar of an ethical council includes the structures in systems in place that support ethical behavior. Human resource (HR) practitioners play an important role in identifying what is acceptable and what is not. They develop best practice administrative directives, procedures and processes that support good governance and ethical practices. Good practice includes having transparent and fair recruitment, selection and promotion processes, codes of conduct and performance appraisal processes that include expected behaviours.

However, managing the behaviour of people is key, and needs to be carried out at all levels of management, with strong support by leadership and quality tactical advice from HR. Training and development for managers is essential to ensuring administrative directives, procedures and processes are clearly understood and valued.

Codes of Conduct play a key role in demonstrating a councils commitment to the highest levels of integrity and accountability and identifies consistent standards of conduct for all employees. The ethics principles contained in the *Public Sector Ethics Act 1994* are fundamental to good public administration and form the principles that Code of Conduct in Queensland are based upon. The council's values and expected behaviours should form a key part of the recruitment process, effective inductions and ongoing training.

Councillors also have their own Code of Conduct which guides the principles and standards of behaviour expected of Councillors and Mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities.

For further information see:

- **People and Culture Framework and Strategic Plan**
- **Ipswich City Council Code of Conduct and values**
- **Councillor Code of Conduct**
- **Grievance Framework**
- **Complaints Management Framework**
- **Recruitment and Selection Administrative Directive**
- **Diversity and Inclusion Administrative Directive**

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GOVERNANCE OVERVIEW FOR IPSWICH CITY COUNCIL

This table identifies the areas in which Council is currently addressing its good governance requirement under the *Local Government Act 2009*:

Governance Element	How Council is currently addressing	Additional resources
Roles, Responsibilities and Relationships Clarity of roles, responsibilities, accountabilities and reporting relationships are an important part of good governance. Effective communication and constructive relationships are critical to a well-run council.	▪ Ipswich City Council Organisational Structure ▪ Councillor Staff Interaction Policy ▪ Councillor Code of Conduct ▪ Employee Code of Conduct ▪ Customer Service Policy ▪ Media Policy ▪ Community Engagement Policy ▪ Representation of the City at Official Functions Policy ▪ Councillor Contact with Lobbyists, Developers and Submitters Policy ▪ Public Participation at Ordinary Council Meetings ▪ Community Reference Groups ▪ Ipswich City Council Advocacy Strategy	*Local Government Act 2009* *Public Sector Ethics Act 1994*
Organisational Planning, Monitoring and Reporting Performance Strategic planning and monitoring assists the council in achieving its goals in an efficient way.	▪ Advance Ipswich ▪ Corporate Plan ▪ Operational Plan ▪ Long Term Financial Forecast ▪ Annual Report ▪ Annual Budget ▪ Ipswich Planning Scheme ▪ Financial Reporting ▪ Infrastructure Delivery and Capital Works Program ▪ Strategic Asset Management Strategy and Framework ▪ Long Term Asset Management Plans ▪ Local Disaster Management Plan and Local Disaster Management Sub Plans ▪ Integrated Planning and Reporting Framework ▪ Performance Management Framework ▪ Executive Team Leadership Charter ▪ Project Management	*Local Government Act 2009* *Local Government Regulation 2012* *Sustainable Planning Act*

Governance Element	How Council is currently addressing	Additional resources
Decision Making The processes put in place for making and implementing decisions, to ensure they are made in a fair, rational, informed and transparent way.	▪ Meeting Conduct Policy ▪ Meetings Procedures Policy ▪ Council and Committee Agendas and Minutes ▪ Delegations ▪ Gifts, Benefits and Hospitality Policy and Decision Making Guide and Disclosure Form	Queensland Ombudsman
Legal and Ethical Compliance Ensuring Council is legally compliant as well as striving to do the right thing in the right way.	▪ Policies, Administrative Directives and Procedures ▪ Local Laws ▪ Register of Interest ▪ Enterprise Risk Management Framework ▪ Record Keeping Policy and Procedure ▪ Audit and Risk Committee Charter ▪ Internal Audit Charter ▪ Right to Information ▪ Publication Scheme ▪ Disclosure Log ▪ Confidentiality Policy ▪ Investigation Policy ▪ Fees and charges ▪ Public Interest Disclosure Policy ▪ Complaints Management Framework, Complaints Management Policy and Procedure ▪ Fraud and Corruption Control Policy ▪ Fraud and Corruption Control Plan ▪ Asset Register ▪ Election Caretaker Period Policy ▪ Councillor Capture and Retention of Public Records Policy ▪ Ipswich City Council Procurement Policy ▪ Tenders and Supply	*Local Government Act 2009* *Public Records Act 2002* *Right to Information Act 2009* *Information Privacy Act 2009* Crime and Corruption Commission Council Records A Guideline for mayors, councillors, CEO's and council employees
Culture and Ethics Ethical cultures are a key feature of good governance in public organisations.	▪ Councillor Code of Conduct ▪ Employee Code of Conduct ▪ Diversity and Inclusion Strategy ▪ Grievance Framework ▪ Recruitment and Selection Administrative Directive ▪ Diversity and Inclusion Administrative Directive	*Public Sector Ethics Act 1994* *Local Government Act 1994*