



# Governance Framework



## Table of Contents

Table of Contents .....	2
Introduction.....	4
Overview of Governance Framework .....	6
Glossary .....	7
Section 1: Good Governance .....	8
Definition of Governance .....	8
The Role of Council.....	8
Good Governance .....	9
Benefits of Good Governance.....	9
Section 2: Vision and Culture .....	11
City of Darwin Vision:.....	11
Strategic Plan.....	11
Goals Defined in <i>Evolving Darwin Towards 2020 Strategic Plan</i> .....	12
Section 3: Good Governance Principles.....	13
Principle 1 — Roles and Relationships.....	13
The Role of the Lord Mayor .....	14
The Role of the Chief Executive Officer .....	15
The Role of the Chief Executive Officer (continued).....	16
Related Documents: .....	16
Principle 2 — Decision–Making, Community Consultation and Management.....	17
Effective Decision–Making Processes.....	17
Community Consultation.....	20
Financial Management .....	21
Risk Management.....	21
Related Documents: .....	22
Principle 3 — Legal and Ethical Requirements.....	23
Legal Framework.....	23
Policies.....	23
Privacy Policy.....	24

Performance Management .....	24
Complaints Handling .....	24
Reviewable Decisions.....	25
Ethical Considerations .....	25
Related Documents: .....	25
<b>Section 4: Accountability and Transparency.....</b>	<b>26</b>
Transparency .....	26
Accountability .....	26
<b>Section 5: Stay Informed and Have Your Say .....</b>	<b>27</b>
City of Darwin Website .....	27
Communications.....	27
Customer Service .....	28
Find Out More: .....	28

## Introduction

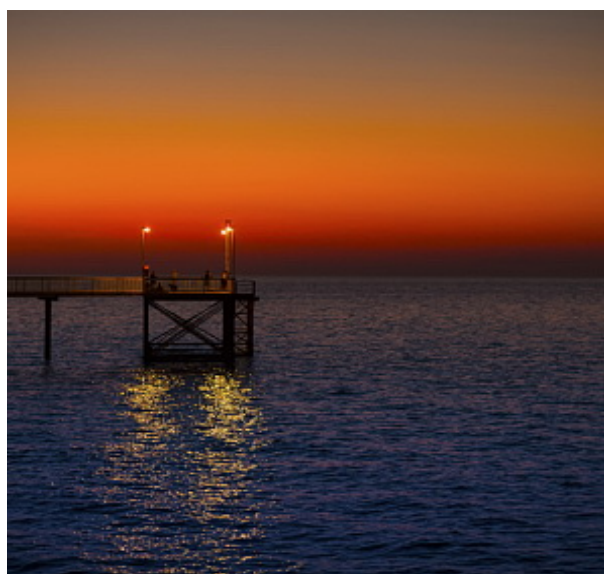
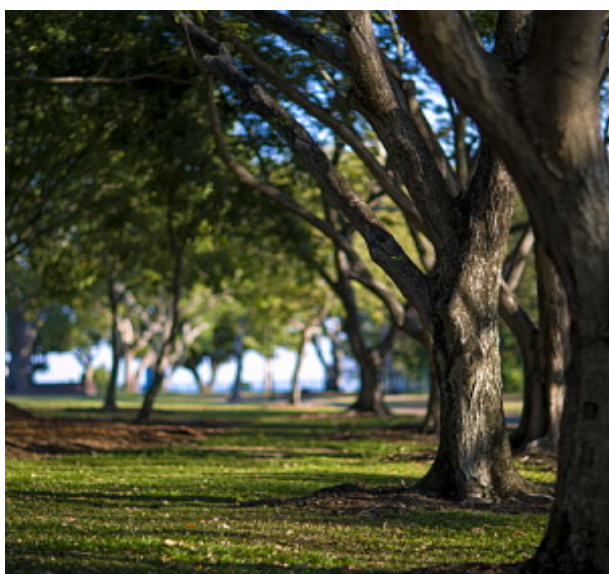
When the term governance is used within Australian local government it most commonly refers to accountability for organisational decision-making and behaviour. The City of Darwin developed this *Governance Framework* in order to:

- ✓ assist Council in the development and maintenance of good governance
- ✓ give the community a basis of understanding of how Council governs and how the community can participate in its governance.

City of Darwin revised its *Evolving Darwin Towards 2020 Strategic Plan* during 2012 based on community consultation and feedback, and created a new vision statement.

***Darwin: A tropical, liveable city that creates opportunity and choice for our community.***

This vision is supported by five main strategic goals. These goals represent the priorities that the Darwin community believes are important, and all Council undertakings are aligned to achieving these goals.



*Darwin park and sunset at Nightcliff Jetty*

Goal 5 relates to effective and responsible governance, and ensuring Council business is conducted in a transparent, accountable, sustainable and efficient way. The key outcomes for Goal 5 are quality service, quality people, good governance, effective leadership and advocacy and responsible financial and asset management.

In addition to the *Evolving Darwin Towards 2020 Strategic Plan*, City of Darwin also has a *Long Term Financial Plan*, which summarises the financial impacts of the objectives and strategies in the *Evolving Darwin Towards 2020 Strategic Plan*. The *Long Term Financial Plan* outlines service delivery levels, a capital works program that

meets the asset renewal requirements and responds to projected population growth and service demands over a 10-year timeframe.

Good governance ensures that City of Darwin is able to manage its many complex responsibilities efficiently, effectively, and in the best interests of the community. Council demonstrates good governance through its rigorous and transparent decision-making processes.

The practice of good governance is increasingly seen as critical for ensuring that:

- ✓ decisions are made in the interests of stakeholders
- ✓ the organisation behaves as a good corporate citizen
- ✓ the organisation meets legal and ethical compliance.

This *Governance Framework* is driven by a clear vision and culture and consists of four key principles, underpinned by robust systems which support both internal and external accountability and transparency:

- ✓ clarity of roles and responsibilities
- ✓ decision-making, community consultation and management processes
- ✓ legal and ethical requirements and considerations
- ✓ accountability and transparency.



# Overview of Governance Framework



## Glossary

TERM	MEANING
Administration	Employees of the local government headed by the Chief Executive Officer.
Alderman	An individual elected representative of a local government area, but does not include the Lord Mayor.
Chief Executive Officer (CEO)	The CEO is responsible to Council as set out in the 'role and functions' of the CEO in the <i>Local Government Act</i> .
Community	The entire population of the City of Darwin municipality.
Council	The Elected Members sitting formally as a Council under the <i>Local Government Act</i> .
Council Committee	A standing committee of Council established under the <i>Local Government Act</i> .
Council Meeting	The Elected Members meet formally in accordance with the <i>Local Government Act</i> .
Elected Member	An elected representative of a local government area (made up of the Lord Mayor and Aldermen).
Employee	An employee of City of Darwin, including casual or contract positions.
General Managers and Executive Manager	The senior positions in the organisation directly responsible to the CEO.
<i>Local Government Act</i>	The NT <i>Local Government Act</i> — an Act to provide for, and regulate, local government as in force 1 July 2012.
<i>Long Term Financial Plan</i>	<i>Long Term Financial Plan</i> summarising the financial impacts of the objectives and strategies in the <i>Evolving Darwin Towards 2020 Strategic Plan</i> .
Lord Mayor	A person elected by the community to hold the position as the principal member of the Council.
<i>Municipal Plan</i>	A service delivery plan prepared in accordance with planning requirements and Council's budget.
Stakeholders	Individuals and organisations that have an impact on strategic direction and decisions.
<i>Strategic Plan</i>	An overarching plan that provides direction for the development and provision of services and programs. City of Darwin's <i>Evolving Darwin Towards 2020 Strategic Plan</i> was reviewed and published in 2012.

## Section 1: Good Governance

In this section, governance and the role of Council are defined, and the benefits of good governance are explored. In the final part of this section, the requirements for good governance in local government are listed.

### Definition of Governance

Governance is the process by which decisions are taken and implemented, the process by which organisations go about achieving their goals and producing their outputs and the process by which organisations are directed, controlled and held to account.<sup>1</sup>

Corporate governance can be viewed as '*doing the right thing*' (such as policy, strategy, business planning, performance goal-setting, monitoring and reporting), '*in the right way*' (i.e. within the context of the *Local Government Act*, *Local Government Accounting Code*, internal control policies and procedures, risk management, employee wellbeing and codes of conduct).<sup>2</sup>

### The Role of Council

The role of a Council, as set out in the *Local Government Act* is to:

- (a) act as a representative, informed and responsible decision-maker in the interests of its constituency
- (b) develop a strong and cohesive social life for its residents and allocate resources in a fair, socially inclusive, and sustainable way
- (c) provide and coordinate public facilities and services
- (d) encourage and develop initiatives for improving quality of life
- (e) represent the interests of its area to the wider community
- (f) exercise and carry out the powers and functions of local government assigned to Council under the *Local Government Act*.



*Elected Members of the 21<sup>st</sup> Council of the City of Darwin, April 2012*

<sup>1</sup> Definition in CPA Australian publication, Excellence in Governance for Local Government

<sup>2</sup> Iain Summers, Chairman of the City of Darwin Audit and Risk Management Committee



## Good Governance

The practice of good governance in local government can make a significant contribution to improving community life. When local governments practice good governance, their communities are more connected and engaged, better services are provided and more efficient use is made of resources. In meeting the highest standards of accountability and transparency, good governance produces better outcomes.

Good governance is:

- ✓ **driven by a clear vision:** a clear vision defines the priorities and aspirations of the community and enables Council to ensure the best interests of the community are at the centre of the decision-making process
- ✓ **effective and efficient:** Council strives to implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for their community
- ✓ **equitable and inclusive:** a community's wellbeing results from all of its members feeling their interests have been considered by Council in the decision-making process
- ✓ **participatory:** Council believes it is important to consider the views of a community when making decisions about projects and resources that affect their local area or the city as a whole. Community consultation complements, but does not replace, the decision-making role of Council
- ✓ **follows the rule of law:** this means that decisions are consistent with relevant legislation or common law and are within the powers of Council. Relevant legislation includes, but is not limited to, the *Local Government Act*
- ✓ **accountable:** accountability is a fundamental requirement of good governance. Local government has an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents
- ✓ **transparent:** people should be able to follow and understand the decision-making process. This means that information, advice and consultation, which Council considers, as well as any legislative requirements Council follows, should be readily available for reference.

## Benefits of Good Governance

### ***Promotes community confidence***

People are more likely to have confidence in their Council if decisions are made in a transparent and accountable way. This helps the community feel that Council will act in the community's overall interest, regardless of differing opinions.

It also encourages Council to remember that they are acting on behalf of their community and helps them to understand the importance of having open and ethical processes that adhere to the law and stand up to scrutiny.

### ***Encourages Elected Members and Council officers to be confident***

Elected Members and officers are confident about their roles when good governance is practiced. Elected Members can be sure that they are across the issues, that they can trust the advice they are given and that their views will be respected even if not all agree with them.

Officers will feel more confident in providing frank and fearless advice that is acknowledged and respected by Elected Members.

### ***Leads to better decisions***

Decisions that are informed by good information and data, by stakeholder views, and by open and transparent debate will generally reflect the broad interests of the community.

This does not assume that everyone will think each decision is the right one. But members of the community are more likely to accept the outcome if the process has been robust; even if they do not agree with the decision.

### ***Supports ethical decision-making***

Good governance creates an environment where Elected Members and officers, when making decisions, ask themselves, *'Am I doing the right thing, in the right way?'*

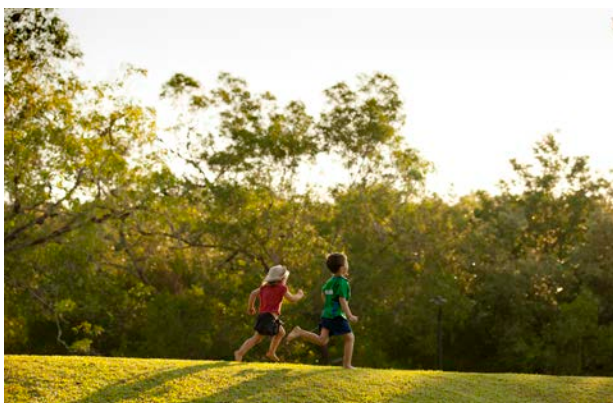
Making choices and having to account for them in an open and transparent way encourages detailed consideration of the choices. This is the case even when differing philosophical frameworks between individuals means that the answer to *'What is the right thing to do?'* is not always the same.



*CEO, Lord Mayor and Elected Members*

## Section 2: Vision and Culture

The City of Darwin has a clear vision, which was developed in 2012 as part of the *Evolving Darwin Towards 2020 Strategic Plan*. In the development of the plan, community engagement activities were undertaken to ensure a comprehensive and inclusive plan, reflective of the priorities and aspirations of the community.



*Darwin open spaces*



### City of Darwin Vision:

Darwin is a friendly, cosmopolitan, growing city where local people and visitors enjoy a unique lifestyle. The *Evolving Darwin Towards 2020* vision reflects the city's enviable tropical lifestyle and the opportunities and choices the community enjoys now and into the future.

***Darwin: A tropical, liveable city that creates opportunity and choice for our community.***

### Strategic Plan

*Evolving Darwin Towards 2020 Strategic Plan* is an accountability document that identifies the directions Council needs to take to improve the quality of life for the people of Darwin.

The key element of the strategic plan is the medium to long-term vision for Darwin. The vision was developed in consultation with residents, special interest groups and businesses from across the Darwin community and represents a shared understanding of our future direction.

This vision for Darwin will be met through the achievement of five key goals. These goals are underpinned by a series of outcomes and strategies that describe Council's priorities and how the City of Darwin will implement its strategic plan.

## Goals Defined in *Evolving Darwin Towards 2020 Strategic Plan*



The *Evolving Darwin Towards 2020 Strategic Plan* is supported by a range of operational plans, which all work together to achieve Council's vision and goals. Overall, City of Darwin aims to foster an engaged, healthy workplace culture focussed on value delivery of local government services.

City of Darwin provides quality service outcomes by ensuring that Council's processes and systems are effective and efficient. Innovation and continuous improvement are encouraged, and the organisation strives to attract, develop and retain a skilled workforce that is flexible and adaptable.

Technology and communication systems to deliver services more effectively are researched and implemented as an ongoing strategy.

Council has effective communications plans, policies and practices that aim to better inform the community, enhance and encourage two-way communication and drive community participation and engagement.

Through communicating ongoing key messages, the City of Darwin will build stronger links, trust, and value perceptions with the community. Increased two-way communication between the City of Darwin and its target audiences will provide a platform for better community engagement.

## Section 3: Good Governance Principles

In this section, three principles are described which provide the foundation for good governance and a means for assessing the extent to which good governance is taking place at Council.

### ***Principle 1 — Roles and Relationships***

On 1 July 1978, the Commonwealth Parliament enacted the *Northern Territory (Self-Government) Act*, which, together with Regulations made under that Act, conferred executive authority on ministers of the Northern Territory in a wide range of matters, including local government. 1978 also saw the addition of a part in the *Local Government Act* for the establishment and operation of community government councils.

Council's overall role, in the context of the *Local Government Act* is to set strategic directions and objectives, make policies, allocate resources, and monitor expenditure and service delivery outcomes for the municipality of Darwin.

The City of Darwin promotes openness, honesty and transparency in all relationships, where respectful, constructive questioning is encouraged. Effective working relationships are promoted and supported within and between the Elected Members, the CEO and administration.

The relationship between Elected Members, the CEO and senior staff respects diversity of opinion and the right for points of view to be heard with courtesy and respect.

Elected Members are members of a team, elected by their communities to work collectively in the interest of the whole community. The community is encouraged to connect with Elected Members to ensure that Council's agendas continue to reflect the general expectations and aspirations of the community it serves.

The achievement of good outcomes is dependent on mature and constructive working relationships between Elected Members, the CEO and senior staff.



*Elected Members with the Lord Mayor at a public event*



## **The Role of the Lord Mayor**

The Lord Mayor is the principal member for the City of Darwin. The role of the Lord Mayor is to:

- (a) chair meetings of Council
- (b) speak on behalf of Council as Council's principal representative
- (c) carry out the civic and ceremonial functions of the principal member.



*Lord Mayor Katrina Fong Lim at the inauguration of the 21<sup>st</sup> Council of the City of Darwin, April 2012*

## **The Role of the Deputy Lord Mayor**

The role of the Deputy Lord Mayor is to carry out any of the principal member's functions when the principal member:

- (a) delegates the functions to the deputy
- (b) is absent from official duties due to illness, or for some other pressing reason
- (c) is on leave.

## **The Role of Elected Members**

- (a) to represent the interests of all residents and ratepayers of the Council area
- (b) to provide leadership and guidance
- (c) to facilitate communication between members of Council's constituency and Council
- (d) to participate in the deliberations of Council and its community activities
- (e) to ensure, as far as practicable, that Council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities.

## **The Role of Elected Members (continued)**

City of Darwin *Policy 014 Code of Conduct – Elected Members*, sets out the conduct obligations of members of Council, members of local boards and members of Council committees.

Council implements a structured induction program after each general election and ongoing, targeted support in corporate governance (refer to *Policy 061 Elected Member Induction and Training Policy*).

*Policy 028 Elected Members Gifts and Benefits*, provides guidance to Elected Members in relation to offers of and the receiving of gifts or benefits.

The CEO is responsible for the appointment of staff in accordance with Council's human resource policies and the *Municipal Plan* approved by Council.

An Elected Member must not direct, reprimand or interfere in the management of Council employees.<sup>3</sup>

An Elected Member of Council has a duty to act, at all times, in what the member genuinely believes to be the best interests of Council's constituency.

## **The Role of the Chief Executive Officer**

The Chief Executive Officer undertakes the day-to-day management responsibilities and ensures policies and lawful decisions endorsed by Council are carried out. The role also includes providing advice and reports to Council, coordinating proposals for developing objectives, policies and programs for the area, providing information to enable Council to assess its performance against its strategic management plans, and managing employees of Council.

The CEO is responsible to Council to:

- (a) ensure that Council's policies, plans and lawful decisions are implemented
- (b) undertake the day-to-day management of Council's operations (including the management of Council staff)
- (c) provide or obtain for Council the information and advice Council reasonably requires for effectively carrying out its functions
- (d) ensure that Council's constituency is kept properly informed about Council policies, programs and decisions and to ensure that appropriate and prompt responses are given to specific requests for information
- (e) ensure Council's assets and resources are properly managed and maintained
- (f) ensure that proper standards of financial management are maintained and, in particular, proper controls over expenditure

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<sup>3</sup>Schedule 2 – Code of Conduct Local Government Act

## The Role of the Chief Executive Officer (continued)

- (g) ensure that financial and other records are properly made and maintained
- (h) appoint, manage and, where necessary, terminate the appointment of Council staff (other than the CEO)
- (i) carry out other functions delegated to the CEO by the Council or assigned to the CEO under the *Local Government Act* or any other Act



*CEO's Ceremonial headpiece and City of Darwin Coat of Arms flag*

### **Related Documents:**

*Local Government Act*

Various City of Darwin policies, including:

*Policy 014 Code of Conduct – Elected Members*

*Policy 061 Elected Member Induction and Training Policy*

*Policy 028 Elected Members Gifts and Benefits*

*Policy 016 Elected Members – General*

*Policy 018 Lord Mayor*

*Policy 015 Deputy Lord Mayor*

*Policy 043 Meetings, Meeting Procedures and Committees – General*

The above documents can all be viewed in full via the City of Darwin website.

## ***Principle 2 — Decision-Making, Community Consultation and Management***

Under the *Local Government Act*, Council is required to either make decisions or delegate the decision-making power to a local board, a Council committee, a local government subsidiary or the Chief Executive Officer.

The principles and practices of good governance, and guiding documents, outline the specific processes of decision-making by which the Council is directed, controlled and held to account. Council has delegated a range of functions to the Chief Executive Officer, in accordance with the *Local Government Act*, as set out in the minutes of the first ordinary meeting of each newly elected Council.

### **Effective Decision-Making Processes**

#### ***Council meetings***

Council meetings are formal meetings of Council as defined under the *Local Government Act* and are open to the public.

City of Darwin holds two monthly Council meetings. These meetings are held in Council Chambers at the Civic Centre from 5.00pm, with the main meeting (2nd Ordinary Council Meeting) being held on the last Tuesday of each month. The 1st Ordinary Council Meeting is usually scheduled two weeks prior.



*Elected Members of the 21<sup>st</sup> Council of the City of Darwin in Council Chambers*



### ***Council decisions***

A unique feature of local government is that all decisions are taken in the name of the whole Council.

All decisions made are recorded in the minutes for each Council meeting. The minutes for each meeting are posted on the City of Darwin's web page no more than ten days following the Council meeting.

### ***Public forums***

Prior to the 2nd Ordinary Council Meeting each month, the public are invited to attend a public forum where they may engage with Elected Members to discuss any matters of concern or interest.



*Public meeting at the Civic Centre*

### ***Confidential matters***

Some matters must be considered in confidence. Reasons why some decisions need to be confidential include decisions involving personal circumstances of a resident, or situations where publicly disclosed information may cause commercial prejudice or confer an unfair commercial advantage on any person.

In order to promote transparency and accountability required for good governance, these provisions are applied as infrequently as possible and the percentage of decisions retained in 'confidential' is reported in the City of Darwin's *Annual Report*.

Section 65 (2) of the *Local Government Act* and Regulation 8 of the Local Government (Administration) Regulations provides details of these provisions.

### ***Council reports***

The Council report is the formal means for providing policy advice to Elected Members, giving them relevant data, identifying issues and providing options that will enable them to consider the matter at hand and make a decision.

Advice provided must be well researched and accurate. Policy advice from staff must not be biased or deliberately orientated to the political views or values of the officer/s writing the report, or the Elected Members reading it. The report's content provides



factual information and covers policy, financial, legal and other implications, as well as stating the consultative processes that have occurred, or are intended to occur.

The Chief Executive Officer is accountable for all Council reports, however other staff within the administration may author reports. Complex issues often impact on the responsibilities of more than one department, and advice needs to always reflect this and take account of the whole organisation.

### ***Business papers — agendas and minutes***

The Council and Committee business papers (agendas, open section reports and minutes) are made available at Council's four public libraries and the Civic Centre on the Friday before each meeting. They are also available in the public gallery at each Council meeting.

### ***Committee meetings***

The City of Darwin has four Standing Committees which govern Council's operational activities and guide the development and implementation of Council's key projects and initiatives.

The work of Committees is significant at the City of Darwin due to the wide range of activities and functions of Council. Committees report to the Council and are subject to the requirements of the *Local Government Act*.

The Standing Committees: Community and Cultural Services; Corporate and Economic; and Environment and Infrastructure, have delegated responsibilities to make recommendations to Council and make decisions within the approved budget.

The Town Planning Committee, comprising all Elected Members, provides strategic direction to Council and endorsement of development applications.

There is also a range of Advisory Committees (such as the Bombing of Darwin and Military History Advisory Committee) which provide guidance to Council. Council also has representation on a wide range of external committees and local boards.



*Bombing of Darwin Day, 19 February 2013*

### ***Council workshops***

Council workshops are used when complex issues are under consideration. The workshops involve all Elected Members and relevant senior officers. Written briefing material should be prepared and distributed prior to the meeting in order that the same information and opportunity is given to all Elected Members and officers. Council workshops are chaired so open communication can take place and all issues are discussed and considered during the workshop.

### **Community Consultation**

Community consultation allows Council access to wider sources of information, points of view and potential solutions. It gives the community a better understanding of the issues behind the decision-making process and the related constraints or opportunities that exist.

City of Darwin has a standing commitment to effectively consult with its community. Council's *Community Consultation Policy* (Policy 025) is executed through communication, awareness, participation and inclusion.

The level of community consultation undertaken relates directly to the nature, complexity and impact of the issue, plan or strategy. Council aims to:

- (a) provide good governance by supporting and establishing open, equitable, and purposeful consultation with the community
- (b) encourage active community participation by encouraging involvement and inclusion
- (c) provide a framework for community involvement in Council planning and decision-making
- (d) promote Council decision-making which is open transparent, responsive and accountable to the community.

The City of Darwin is committed to open, accountable and responsive decision-making, which is informed by effective communication and consultation with the community.

Elected Members maintain a close contact with the community, and keep Council informed of real experiences and views of residents within the municipality. Council believes it is important to consider the views of the community when making decisions about projects and resources that affect their local area or the city as a whole.

Community consultation complements, but does not replace, the decision-making role of Council.

City of Darwin's *Community Consultation Policy* is informed by the International Association for Public Participation (IAP2) processes and may be viewed in full on the City of Darwin website.



*Community consultation forum at the Civic Centre*

## **Financial Management**

The Council is ultimately responsible for the financial management of the City of Darwin. Council is required to develop a *Long Term Financial Plan* that is consistent with City of Darwin's *Evolving Darwin Towards 2020 Strategic Plan*.

Robust and transparent financial management are in place to ensure Council's accountability to its stakeholders now and into the future.

Each year, Council prepares a *Municipal Plan*, which is made available for public comment and input, prior to its scheduled adoption on 30 June each year.

Council's financial statements are independently audited and then reviewed by the Risk Management and Audit Committee and added to the *Annual Report*. The *Annual Report*, including the audited financial statements must be presented to the Minister for Local Government by 15 November each year.

## **Risk Management**

An effective approach to the identification, assessment, monitoring and management of risks is established and maintained.

Council is committed to a risk management program, and the CEO and senior management ensure processes are in place for identifying and managing risk and responding to, and minimising, such risks.

Risk management systems aim to ensure that community assets are protected. An internal self-assessment system, policies and an internal Risk Management and Audit Committee support good decision-making and risk assessment by ensuring that Elected Members are aware of the risks involved with any decision.

The principal role of the Risk Management and Audit Committee is to provide independent assurance and assistance to the Council and the Chief Executive Officer on:

- (a) Council's risk, control and compliance frameworks
- (b) the external accountability responsibilities as prescribed in the *Local Government Act* and Accounting Regulations,

### **Related Documents:**

*City of Darwin's Long Term Financial Plan*

*Municipal Plan*

*Annual Report*

*Communication and Marketing Strategy*

*Community Access Plan*

*Policy 025 Community Consultation*

*Policy 030 Governance – General*

*Policy 032 Policy and Procedures Framework*

*Policy 020 Finance – General*

*Policy 069 Risk Management Policy*

*Policy 043 Meetings, Meeting Procedures and Committees*

*Elected Members Committee Handbook*

*Community Access Plan*

These documents can all be viewed in full via the City of Darwin website.

## ***Principle 3 — Legal and Ethical Requirements***

This section sets out the legal and ethical requirements and considerations within good governance practice.

### **Legal Framework**

The City of Darwin is constituted as a municipality under the *Local Government Act*. The general function of a local government is to provide for the good government of people living and working within its area and includes legislative and executive powers and responsibilities given through the Act.

City of Darwin has the power, under the *Local Government Act*, to make by-laws, which regulate and control certain activities and functions within the municipality. The Council also enforces other legislation for which it is responsible.

In addition, City of Darwin works to requirements as set out in the *Fairwork Act 2009* and the *Work Health and Safety (National Uniform Legislation) Act 2011*. City of Darwin also complies with legislative frameworks in shaping policies and procedures.



*Lord Mayor's chain and gavel*

### **Policies**

Policies are a representation of the values that Council will take into consideration during its decision-making process. It is the Elected Members' role to weigh Council matters and decide upon policies which Council's officers will then administer. Policies are in place to fulfill the community's needs and are continually being reviewed and updated.

This *Governance Framework* should be viewed in conjunction with policies related to governance, financial management and Elected Members (including a code of conduct). All Council policies can be downloaded from the City of Darwin website:

<http://www.darwin.nt.gov.au/council/council-policies>



## Privacy Policy

City of Darwin's privacy policy (*Policy 033 Privacy Policy*) contains the principles by which Council manages the personal information it collects. The framework Council has in place protects the privacy of personal information in accordance with the Information Privacy Principles set out in the *Information Act* (NT).

## Performance Management

The Council is accountable for monitoring performance in the achievement of its strategic direction, goals and financial outcomes, which are set through the *Evolving Darwin Towards 2020 Strategic Plan, Corporate Plan, Municipal Plan* and *Annual Budget*.

City of Darwin has developed a reporting system to provide the Council with the necessary information to enable it to assess performance against the plans. The reporting system is a systematic and regular process that allows Council to take action to rectify any issues that arise and, as such, be accountable to the community.

Council is accountable for managing the CEO's performance and is responsible for setting the CEO's performance plan and subsequently monitoring their performance. Council is to communicate its expectations to the CEO, and consider seeking independent professional advice when undertaking the performance evaluation of the CEO.

## Complaints Handling

From time to time, the City of Darwin will receive complaints regarding the behaviour of individuals or the performance of Council. Complaints may come from the public, Elected Members or external agencies such as the Ombudsman, and may range from minor matters to matters of a more serious nature. In some circumstances a review of an administrative decision may be sought and undertaken.

Complaints may be lodged directly with Council or by approaching the Ombudsman or via another external agency. Complaints are recorded, categorised and an officer is assigned to investigate the complaint in detail.

Further details of the process for handling the complaint are set out in the City of Darwin's policies.

In handling the complaint and conducting the investigation, the principles of natural justice and procedural fairness shall be applied.

The *Public Interest Disclosure Act* (Whistleblower's Legislation) provides protection for people who make disclosures, in the public interest, about improper conduct.

## **Reviewable Decisions**

The following are prescribed by legislation as reviewable matters.

A reviewable decision is a decision or order made by Council, or an officer of Council, that is designated as reviewable:

- (a) by the *Local Government Act* (or a by-law under the Act)
- (b) by resolution of Council

Council has resolved not to designate any decisions that are reviewable pursuant to Section 227(1)(b) of the *Local Government Act*.

The following are designated by the *Local Government Act* to be reviewable:

- (a) a decision by the Council or a Council Committee to reject an application for correction of an entry in the assessment record (Section 154(6))
- (b) a regulatory order (Section 196)
- (c) a decision to refuse to suppress a person's name or address (or both) from publicly available material (Section 201(5)).

## **Ethical Considerations**

To make ethical and responsible decisions, Council not only complies with their legal obligations, but also considers the reasonable expectations of the community and stakeholders. Elected Members and the administration consider and assess what is appropriate, and demonstrate their commitment to appropriate actions through their practices and decision-making. Broadly, ethical considerations are based on a principle of 'doing the right thing, in the right way'.

## **Related Documents:**

*Annual Report*

*Municipal Plan*

*Local Government Act*

*Policy 026 Complaints Handline and Review of Decisions*

*Policy 033 Privacy Policy*

*Policy 034 Statement of Business Ethics*

*Policy 029 Fraud and Corruption Control*

*Evolving Darwin Towards 2020 Strategic Plan*

*Corporate Plan*

These documents can all be viewed in full via the City of Darwin website.

## **Section 4: Accountability and Transparency**

### **Transparency**

All Council meetings are characterised by transparency. This means that observers can follow and understand the decision-making process and the reasons why a particular decision has been made. This not only helps support accountability, but also keeps legislators and administrators honest. Transparent processes are usually good processes because they stand up to scrutiny.

Some decisions need to be made confidentially (that is, closed to the public) for legal or commercial-in-confidence reasons, or because a privacy or council staff matter is being considered.

### **Accountability**

Excellence in governance is based on the principle that the people involved in governance, the Elected Members and officers, are held accountable to the community. The public's trust in local government and its Elected Members to act in the public interest can be justified in the manner in which their duties have been performed. A Council member is elected for a term of four years ending at the conclusion of the next general election.

Accountability means holding the Elected Members and management of City of Darwin responsible for Council's performance. Reporting systems provide disclosure and review of decision-making and processes. These systems record and support Council's accountability to its stakeholders and its legal accountability to the Northern Territory Government. They are both internal and external.

The fundamental importance of accountability is that Council exists to govern for, and on behalf of, their communities. Systems and values must reflect this accountability.

City of Darwin use accountability systems that provide disclosure and review of decision-making and processes that are integral to good governance and are reflected through:

- ✓ open and transparent government so that people can follow decision-making processes and outcomes
- ✓ consultation so that communities feel that they are being heard
- ✓ good information and communication processes so that communities are kept informed.

Council's Risk Management and Audit Committee provides independent assurance and assistance regarding external accountability responsibilities as prescribed in the *Local Government Act* and Accounting Regulations.

## Section 5: Stay Informed and Have Your Say

There are many ways for the community to contact Council to find out more information or comment on community issues.

### City of Darwin Website

The City of Darwin website is an up-to-date location where the following information can easily be found via the home page:

- ✓ Council Policies
- ✓ Council Meetings
- ✓ Elected Members
- ✓ Community Consultations
- ✓ 'Contact us' information.

In the section of the website titled 'Council', more information is available about operational aspects of Council such as Community and Cultural Services, Infrastructure and Corporate Services, Laws and By-laws as well as all publications and plans as referred to within this *Governance Framework*.

### Communications

City of Darwin stays connected with the community via traditional and social media channels. City of Darwin keeps the community informed of important Council information via our website and in local newspapers; with some activities also being promoted through radio, television and magazines.

The City of Darwin's *Communications and Marketing Strategy* outlines the key objectives for communications and the way in which different media channels are used to keep the community informed with up-to-date information on services, programs and events.

There are four libraries throughout the Darwin region, and all are an excellent source of information about what is happening in the community. The libraries provide a customer-focused lending, reference and information service, which promotes and supports the recreational and lifelong learning needs of the community.

Membership to Darwin's libraries is free of charge to residents, and all members are able to access the internet free of charge.

Access to information and surveys for all community engagement and consultation projects can be found on the City of Darwin website, where members of the community are invited to "Have Your Say". You can also find out more about community consultation projects and take part in surveys at the libraries and the customer service desk at the Civic Centre.

## **Customer Service**

The customer service desk and city library are at the Civic Centre:

18 Harry Chan Avenue Darwin 0800

Postal Address: GPO Box 84 Darwin NT 0801

Phone: 08 8930 0300

Fax: 08 8930 0311

TTY: 08 8930 0577

Email: [darwin@darwin.nt.gov.au](mailto:darwin@darwin.nt.gov.au)

## **Find Out More:**

[www.darwin.nt.gov.au](http://www.darwin.nt.gov.au)

