

GOOD GOVERNANCE FRAMEWORK

For good and ethical decision-making

ABSTRACT

Good governance is about performance, responsible stewardship, ethical behaviour, decision-making, leadership, trust, inclusion, accountability, legitimacy, responsiveness, transparency and fairness.

City of Greater Bendigo – Governance unit



CITY OF GREATER
BENDIGO

ABOUT GOOD GOVERNANCE

WELCOME MESSAGE

A strong and respectful working relationship between Councillors and staff is essential to establishing and maintaining good governance.

In a Local Government setting, governance is best described as leaders of a council making good decisions on behalf of the community. In this instance, leadership is both the responsibility of elected Councillors as well as the CEO and Executive. Each have different, but important, governance roles.

The primary role of the Council, elected Councillors including the Mayor, is to focus on policy development and strategic delivery of services in the public interest, while the day-to-day work of Local Government is carried out by employees under the direction of the CEO.

Organisations that govern well perform highly, behave ethically, demonstrate good decision-making, enjoy the trust of colleagues and the community, and, most importantly, are accountable, transparent and fair.

These elements are the foundation for ensuring Councillors and staff of the City of Greater Bendigo practice good decision-making processes on behalf of the community.

The Good Governance Framework has been prepared in the best interest of the community, meets legislative requirements, and seeks to build and support trust between the organisation and community.

A set of principles within this framework outline how Councillors and staff will act. Appropriate behaviour at all times is essential and is also an important contributor to establishing a desired culture within the organisation for Councillors and staff.

Positive leadership and culture, together with respect for all parties, are critical ingredients for good governance success.

It is only in this type of environment, that individuals can feel supported and empowered to provide frank and fearless advice, ask questions, and disclose or raise concerns knowing they will receive the respect they deserve.

We look forward to this framework supporting the continued good governance of the City of Greater Bendigo

Mayor Cr Andrea Metcalf
CEO Andrew Cooney

ACKNOWLEDGEMENT OF COUNTRY

The City of Greater Bendigo (the City) is located on the traditional lands of the Dja Dja Wurrung and the Taungurung Peoples of the Kulin Nation. They are the Traditional Custodians of this land.

We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.



ABOUT GOOD GOVERNANCE

WHAT IS GOOD GOVERNANCE

Good governance lays the foundation for the fulfillment of a system's purpose in an ethical, effective and responsible manner in line with stakeholder expectations. It encompasses performance, responsible stewardship, ethical behaviour, decision-making, leadership, trust, inclusion, accountability, legitimacy, responsiveness, transparency and fairness.

Where the **system** might be an entire organisation, the governing body, a directorate, a unit, or a specific project or undertaking.

WHY IS THIS FRAMEWORK IMPORTANT

This Framework is important to:

- 1. Local community** – as it provides assurance that Council, Councillors and the organisation decision-making process:
 - Serves the public interest of the entire municipal community
 - Meets legislative requirements
 - Supports mutual respect and trust between all participants
 - Is ethical, defensible and able to withstand public scrutiny

Even if community members are opposed to individual decisions they should be able to recognise that the decision has been a result of a good governance process.

- 2. Councillors** – provides a summary of your legislative obligations and how you might achieve this ethically and in line with stakeholders' expectations.
- 3. Employees** – provides an overview of how your frank and fearless advice and/or your own delegated decisions fit into the overarching Council decision-making process.

HOW TO APPLY THIS FRAMEWORK

This Framework consists of two parts.

Part One provides an overarching framework against which any system can be created or evaluated against being 1) the Vision); 2) Our Principles; and 3) the contextual environment of leadership, culture and respect.

Part Two evaluates the dual governance structures of the Council and the City organisation against this framework. Noting that good governance is not linear or simple. Each of the principles interact, cross-over and compound in complex ways and are intrinsically interwoven with leadership and organisational culture.

DEFINITIONS

This Framework uses three discrete and separable terms:

	Councillor cohort meeting formally as decision-makers	Broader organisation	Both combined
Local Government Act 2020 (Vic)	Council	Council	Council
This Framework	Council	City organisation	The City (of Greater Bendigo)

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Administrative updates: It is recognised that from time to time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or Victorian Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.



PART ONE – THE FRAMEWORK

THE GOOD GOVERNANCE FRAMEWORK

VISION

Good governance is important to all City of Greater Bendigo Councillors, executive and employees. We will be accountable to *Our Principles*, especially when this becomes difficult or challenging to Council or the organisation. Behaviour that does not accord with these principles will not be tolerated as we acknowledge that the standard we walk past is the standard we set.

OUR PRINCIPLES



Accountable – we have an obligation to report, explain and be answerable for the consequences of decisions to those we represent.



Transparent – the community should be able to clearly see how and why a decision was made.



Compliant with rule of law – our decisions are consistent with relevant legislation or administrative law (particularly the presumption for natural justice) and are within the powers of the decision-maker.



Responsive – we will interact with community members in an informed, timely, appropriate and responsive manner.



Equitable and inclusive – we serve the needs of the entire community - all groups, particularly the most under-represented or marginalised, should feel their interests have been considered.



Effective and efficient – we will implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for our community.



Participatory – Anyone affected by or interested in a decision should have opportunities to have their voice heard whilst understanding that competing interests are inevitable, valid and must be balanced.



LEADERSHIP AND CULTURE

Leadership and culture is critical to good governance. By proactively and consistently applying *Our Principles* and upholding the *Vision*, positive leadership and culture will be created and maintained which will promote and sustain good governance for the municipal community of Greater Bendigo.

- We are all responsible for, and can be leaders in, good governance. Promoting integrity, ethical role modelling and ethical management, fairness and transparency is up to everyone
- Our culture must empower individuals to understand their responsibilities, provide frank and fearless advice to decision-makers, ask questions and to disclose or raise concerns and issues

RESPECT

All parties, including the community, should interact in a respectful manner towards each other - without prejudicing robust debate.

A photograph of a modern building with a grid-like facade and a field of yellow tulips in the foreground. The building has a dark, metallic-looking frame with large glass panels. The tulips are bright yellow and are in full bloom. The sky is blue with some white clouds. A teal banner with white text is overlaid on the image.

PART TWO – THE COUNCIL AND CITY GOVERNANCE

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PART TWO – THE COUNCIL AND CITY GOVERNANCE

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ROLE OF LOCAL GOVERNMENT

WHAT THE ACT SAYS

- The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community, [section 8 \(1\)](#).
- Council must achieve this through the overarching governance principles, [section 9](#):
 - Council decisions are to be made and actions taken in accordance with the relevant law
 - Priority is to be given to achieving the best outcomes for the municipal community, including future generations
 - The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted
 - The municipal community is to be engaged in strategic planning and strategic decision-making
 - Innovation and continuous improvement is to be pursued
 - Collaboration with other Councils and Governments and statutory bodies is to be sought
 - The ongoing financial viability of the Council is to be ensured
 - Regional, state and national plans and policies are to be considered in strategic planning and decision-making
 - The transparency of Council decisions, actions and information is to be ensured.
- Council must also take in account the supporting principles:
 - Community engagement principles
 - Public transparency principles
 - Strategic planning principles
 - Financial management principles
 - Service performance principles.

WHAT THE CITY DOES

The Act gives councils a very broad remit and a principles-based approach to good governance – that is very closely aligned to *Our Principles*. The subsequent sections of this Part 2 Framework demonstrate how the City achieves legislative compliance and alignment to *Our Principles*.

Council decisions, whether made by Councillors at a Council Meeting or by City employees under delegation, must achieve the best outcomes for the entire municipal community, including into the future.



LOCAL GOVERNMENT CONTEXT – ROLES AND POWERS

ROLES OF INDIVIDUALS / SEPARATION OF DUTIES

WHAT THE ACT SAYS

Role of Mayor

- Role of the Mayor, [section 18](#).
- Specific powers of the Mayor, [section 19](#).

Role of Deputy Mayor

- Role and powers of the Deputy Mayor, [section 21](#).

Role of a Councillor (including Mayor and Deputy Mayor)

- Role of a Councillor, [section 28](#).

Role of CEO (and organisation)

- Functions of the CEO, [section 46](#).
- Delegations by CEO, [section 47](#).

WHAT THE CITY DOES

The Act clearly distinguishes between the roles and responsibilities of the Council and elected Councillors (including the Mayor) and the administrative (Council employees) arm of Local Government. This demarcation of roles is sometimes referred to as the separation of powers. Powers can be delegated (subject to the Act), as detailed in the [Delegations](#) section, below.

The primary role of Councillors is to focus on policy development and strategic delivery of services in the public interest. Council decisions are made to direct the work of the City and realise the planned goals that are set out in the Council Vision and Plan.

The internal day-to-day work of Local Government is carried out by City employees under the direction of the CEO. This operational work is directed by the decisions of the Council through the Council Plan.

Council and Councillors operate essentially how a Board of Directors might in a publicly listed entity. With the notable exception that Councillors are democratically elected, not appointed on a merit or skills basis. For example, Councillors:

- **Can** influence and approve (or not) the Greater Bendigo Public Space Plan and approve the overall budget allocation each year that will attribute dollars to implementing this Plan's outcomes.
- **Cannot** direct that a play space be built in the vacant block on your street.

Councillors operate collectively, individually neither the Mayor nor Councillors have the legal authority to act or make decisions on behalf of Council. Decisions made at formal Council Meetings provide the direction and authority for the City organisation to act.

ROLES OF EMPLOYEES

WHAT THE ACT SAYS

- Employees must comply with the Employee Code of Conduct, [section 49](#).
- The Code of Conduct must contain provisions for:
 - Gift Policy
 - Conflict of Interest

WHAT THE CITY DOES

- The City adopted this [Gifts, Benefits and Hospitality Policy](#) on June 9, 2020.
- The City's [Employee Code of Conduct](#), at section 7.2.g, requires all City employees to declare and avoid conflicts of interest.
- Additionally, the City has adopted:
 - This [Fraud and Corruption Policy](#) on December 11, 2019. This policy assists good governance by identifying and preventing inappropriate allocation of community funds.
 - This [Risk Management Policy](#) on December 11, 2019. This policy assists good governance by assisting decision-makers to make informed and proactive decisions within an environment of tolerable strategic and business risk limits.
 - The [Staff values and behaviours](#) of we lead, we learn, we contribute, we care, we respond, and we respect.
 - A suite of [People and Culture policies](#), including recruitment and selection and appropriate workplace behaviours, supported by procedures relating to managing misconduct and underperformance.
 - This [Records Management Policy](#) establishes processes and practices for records from their creation, through their effective use, to disposal or preservation as archives.
 - This [Privacy Policy](#) which sets out our commitment to protecting your right to privacy and the management of your personal and health information.
- Additionally, the City should apply monitoring, evaluation and learning (MEL) principles to service and project delivery.

LOCAL GOVERNMENT CONTEXT – ROLES AND POWERS

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ROLE OF THE AUDIT AND RISK COMMITTEE

WHAT THE ACT SAYS

- Council must have an Audit and Risk Committee, [section 53](#), that:
 - Is Chaired by and has a majority of independent members (not Councillors) who have appropriate expertise and experience.
 - Includes Councillors
- The Audit and Risk Committee must:
 - Have a Charter
 - Monitor Council:
 - compliance
 - financial and performance reporting
 - risk management and fraud prevention systems and controls
 - Oversee internal and external audit functions

WHAT THE CITY DOES

- As required by the Act, the City has an Audit and Risk Committee, who meet a minimum of four times per year.
- The Audit and Risk Committee is an advisory committee formally appointed by Council and is responsible to the Council. It plays an important role in providing oversight of the City's financial and performance reporting, risk management, compliance with legislation and internal and external audit functions.
- The Internal Audit Program is a risk-based plan which sets out the intended internal audits for the organisation. It is based on extensive planning and consultation across the City and is approved by the Audit and Risk Committee and Council. There is an Internal Audit Program, which is regularly reviewed and approved, based on emerging and changing internal and external risk profile.
- Further information, including the Charter and Minutes of prior meetings, can be found on the [Audit and Risk Committee](#) website.

OUR PRINCIPLES



Accountable



Transparent



**Compliant with
rule of law**



**Effective and
efficient**

COUNCIL DECISION-MAKING

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COMMUNITY ACCOUNTABILITY

WHAT THE ACT SAYS

- Council must have and apply a community engagement policy, [section 55](#) that covers the principles below.
- Principles of community engagement, [section 56](#):
 - Processes must have a clearly defined objective and scope
 - Participants must:
 - Have access to objective, relevant and timely information
 - Be representative of those affected
 - Receive reasonable support to enable meaningful engagement
 - Be informed how the engagement will influence the decision-making.
- Council must have and apply a public transparency policy, [section 57](#):
- Principles of public transparency (unless confidential), [section 58](#):
 - Decision-making processes must be transparent.
 - Information must be 1) publicly available and 2) understandable and accessible.

WHAT THE CITY DOES

- The City adopted this [Community Engagement Policy](#), in March 2020. The City uses [Let's Talk Greater Bendigo](#) as the primary community engagement platform.
- The City adopted this [Public Transparency Policy](#), in Dec 2021.
- The default setting for the City is to publish or release information in the interest of public transparency. As such, we encourage community members to contact the Freedom of Information (FOI) Officer by contacting 1300 002 642 before making a formal application.
- The [Freedom of Information Act 1982 \(Vic\)](#) gives everyone the right to access documents held by government agencies and Ministers, including local councils. This City webpage details how to [make a request for information](#).
- The [Office of the Victorian Information Commissioner](#) (OVIC) can [independently review](#) a formal FOI determination on request of the applicant.
- [Confidential information](#) (as defined by the Act) is treated differently.
- Decision-makers should seek out and impartially listen to the community's views before making decisions. Noting that decisions will need to consider the best interest of the entire municipal community over time and including overall financial sustainability – not just the “squeakiest wheel”.

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COUNCIL DECISION-MAKING

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COUNCIL MEETINGS

WHAT THE ACT SAYS

- Council Meetings must be conducted in accordance with Governance Rules, [section 60](#).
- Council Meetings must be kept open to the public, [section 66](#).

WHAT THE CITY DOES

- The City adopted these [Governance Rules](#) in Mar 2022.
- The City keeps all Council Meetings open to the public unless to consider confidential information, for security reasons, or to enable the meeting to proceed in an orderly manner.
- The Governance Rules also allow for, and control, [public attendance at Meetings](#), [public question time](#) and [petitions and joint letters](#). Public Question Time is not a requirement of Council under the Act. This Council has provided for Public Question Time to ensure greater public transparency and accountability.
- Further information on Council Meetings, including agendas, minutes, livestream and recordings, can be found here: www.bendigo.vic.gov.au/About/Council/Council-meetings
- The purpose of Council Meetings is for the elected community representatives (Councillors) to decide matters. To inform Councillors prior to making these decisions:
 - The City regularly arranges briefings for Councillors, including internal Councillor Briefings, workshops, site and/or community group meetings and [Community Presentations](#). Records of all these meetings can be found on the [Record of Assembly](#) website. Whilst maintaining records of assemblies is no longer a legislative requirement (as it was under the previous 1989 Local Government Act) the City recognises the importance of this to good governance. Decisions of Council cannot be made at these forums.
 - The City often engages with community on many discrete projects through [Let's Talk Greater Bendigo](#).
 - Community members can provide feedback directly to Councillors via:
 - Ward engagement events, generally held monthly
 - Councillor attendance at many and varied events across the municipality and over the year
 - [Councillor committee membership](#)
 - Various methods of contacting the [City](#) and individual [Councillors](#).
- It is important for Councillors to be informed about, and actively participate in, decision-making. It is important that Council employees provide frank, honest, well-evidenced and timely advice to Councillors.

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LOCAL LAWS

WHAT THE ACT SAYS

- A Council may make local laws for or with respect to any act, matter or thing to provide good governance in its municipal district for the benefit and wellbeing of the municipal community, [Division 3 of Part 3 \(or sections 71-86\)](#).

WHAT THE CITY DOES

Local laws enable Council's to identify local issues that are important to the community and put controls in place to ensure public safety, amenity and protection of natural and community assets.

The City creates local laws that apply to its municipal district through the *Local Government Act 2020* (Vic).

Local laws must not be inconsistent with other legislation or regulation or duplicate any matters contained within a planning scheme.

Local laws determine when activities require permits for residents and others.

City current laws include:

- [Local law 2: Keeping of animals](#)
- [Community Local Law](#)
- [Local law 10: Administration](#)
- [Local law 11: Protection of public assets and control of building sites](#)

More about Greater Bendigo's local laws can be found on our [Local Laws](#) website.

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DELEGATIONS

WHAT THE ACT SAYS

- A Council may delegate any power, duty or function of Council (except the listed exemptions) [section 11](#), to:
 - members of a delegated committee
 - the Chief Executive Officer.
- The Chief Executive Officer may delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to, [section 47](#):
 - a member of Council staff
 - the members of a Community Asset Committee.

WHAT THE CITY DOES

- The City adopted this [Delegations and Authorisations Policy](#) on July 19, 2021.
- Councils have wide-ranging responsibilities, and are given many powers, duties and functions under different pieces of legislation. It would be impossible for a council to exercise all these powers, duties and functions itself because it would need to pass a Council resolution each time it wished to act.
- For day to day operations, Council need others to make decisions and act on their behalf. Delegating a Council's powers, duties and functions is essential to fulfilling the responsibilities of local government.
- When a council delegates a power, duty, or function to a City employee or to a committee, the decision of the delegate is deemed to be a decision of the Council.
- All the City delegations are listed on the [Instruments of Delegation](#) website.
- City employees should ensure that, when making decisions, they have the delegated power, and that they are in possession of all the facts and have considered all views (particularly of those most affected).

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COMPLIANCE

WHAT THE ACT SAYS

- *The Local Government Act 2020* (Vic) is silent on the many compliance activities undertaken by local government, which are inherited by other acts, local laws and/or convention.

WHAT THE CITY DOES

- The City provides compliance activities in the following spaces:
 - Public Health
 - › Unreasonable residential noise
 - › Smoke
 - Statutory Planning
 - Parking
 - Fire Services
 - Public spaces
 - Animals
 - Regulated business (food, accommodation, beauty, aquatic, etc)
 - Waste management
- Having compliance activities that are transparent, compliant with law, equitable and efficient is important so that residents know:
 - What is expected of them
 - What avenues are available to recourse if others are non-compliant
 - How to seek review if believe the compliance activity is unlawful or unfair
- The City adopted this [Compliance Policy](#) on June 17, 2020, which provides a rationale and framework for compliance activities to be:
 - Outcome based, not punitive
 - Realistic, in providing time to correct problems
 - Proportional
 - Risk-based
- The City prioritises compliance actions in the following order 1) Inform; 2) Educate; 3) Warn and 4) Enforce.
- Compliance activities are often raised by residents due to escalating neighbourhood disputes. In most instances this does not lead to satisfactory outcomes for any party. The City encourages neighbours to work together early and collaboratively.
- Parking regulation is a critical element in ensuring equitable access to high-use areas and businesses. However, nobody enjoys receiving an infringement notice. All your questions regarding parking are answered on our [Parking](#) website including further information on [appealing your fine](#).

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DIVERSITY

WHAT THE ACT SAYS

- The role of a Councillor includes considering the diversity of interests and needs of the municipal community (s 28). The Act is otherwise silent on the benefits of diversity and inclusion to good governance.

WHAT THE CITY DOES

- Diversity is critical to good governance for two reasons:
 - Firstly, in a democracy elected representatives should be representative of the community they are drawn from. However, the election process is highly legislated and regulated and is outside the scope of this Framework to cover or to influence.
 - Secondly, decisions – whether made by Council in the Chamber or by City employees under delegation – benefit from being influenced by a variety of people with varying backgrounds, skills, knowledge and lived experience. This can be encouraged both by fulsome [community engagement](#) and by ensuring diversity within the City organisation.
- The City encourages diversity in the municipality and the City organisation through a range of strategies:
 - [Cultural Diversity and Inclusion Plan](#)
 - [Intercultural Ambassador Program](#)
 - [Aboriginal and Torres Strait Islander reconciliation](#)
 - [Positive Ageing](#)
 - [Gender equity](#)
 - [Youth action plan and programs](#)
 - [Disability and Inclusion Reference Committee](#)
 - [LGBTIQ+ Inclusion Action Plan](#)
- The City adopted this [Social Justice Framework](#) on Jun 27, 2022. This Framework builds upon human rights with a focus on reducing vulnerabilities through addressing the barriers to equality in the economic, environmental, social, and cultural domains.

OUR PRINCIPLES



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PLANNING AND FINANCIAL MANAGEMENT

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STRATEGIC PLANNING

WHAT THE ACT SAYS

- Council must maintain a Community Vision, [section 88](#).
- Principles: strategic planning must, [section 89](#):
 - Integrate planning, monitoring and performance reporting
 - Address the Community Vision
 - Consider resourcing
 - Identify and address the risks
 - Provide for ongoing monitoring of progress and regular reviews
- Council must adopt a Council Plan that sets the strategic direction of Council, integrates with other strategic plans, addresses the Community Vision and complies with the strategic planning principles, [section 90](#).
- The other strategic plans that Council must develop in accordance with its deliberative engagement practices and adopt by October 31 in the year following a general election, are:
 - 10-year Financial Plan, [section 91](#) and Part 2 of the [Statutory Rule S.R. No. 117/2020 Local Government \(Planning and Reporting\) Regulations 2020](#)
 - Asset Plan, [section 92](#).
 - Revenue and Rating Plan, [section 93](#).

WHAT THE CITY DOES

- *Imagine Greater Bendigo* was a two-stage planning process the City undertook throughout 2021 to use extensive community feedback to inform and develop the community vision (and also the Council Plan, Municipal Public Health and Wellbeing Plan, 10-Year Financial Plan and Asset Plan). Our Community Vision is:
 - *Greater Bendigo celebrates our diverse community. We are welcoming, sustainable and prosperous. Walking hand-in-hand with the Traditional Custodians of this land. Building on our rich heritage for a bright and happy future.*
 - The Community Vision is further underpinned by 5 values of transparency, sustainability, inclusion, innovation and equity.
- The City adopted this Council Plan ([Mir wimbul 2021-2025](#)) in Oct 2021. This Plan is based upon seven outcomes: 1) Lead and govern for all; 2) Healthy, liveable spaces and places; 3) Strong, inclusive and sustainable economy; 4) Aboriginal reconciliation; 5) A climate-resilient built and natural environment; 6) A vibrant, creative community; and 7) A safe, welcoming and fair community.
- The City adopted this [Financial Plan 2021-2031](#) in Oct 2021, this [Asset Plan 2022-2032](#) on Jun 27, 2022 and this [Revenue and Rating Plan](#) in June 2021.
- The City has an internal Framework and Governance Group to oversee Integrated Strategic Planning.

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PLANNING AND FINANCIAL MANAGEMENT

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BUDGET PROCESS

WHAT THE ACT SAYS

- Adopt an annual Budget each year that delivers against the Council Plan, [section 94](#) and contain information prescribed by Part 3 of the [Statutory Rule S.R. No. 117/2020 Local Government \(Planning and Reporting\) Regulations 2020](#).
- Present a quarterly Budget report to Council, [section 97](#).

WHAT THE CITY DOES

- The current and previous Budgets, adopted each year prior to end of financial year, are located on the [Budget](#) website.
- Each quarter the City organisation presents a budget report to Council:
 - Quarter 1 (Jul-Sep) – at the November meeting (Report titled Finance Committee Report Qx)
 - Quarter 2 (Oct-Dec) – at the February meeting
 - Quarter 3 (Jan-Mar) – at the May meeting
 - Full year, including quarter 4 (Apr-Jun) – at the September meeting (report titled Annual Financial and Performance Statements).

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PLANNING AND FINANCIAL MANAGEMENT

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REPORTING

WHAT THE ACT SAYS

- Council must prepare an Annual Report each financial year, [section 98](#) and Part 4 of the [Statutory Rule S.R. No.117/2020 Local Government \(Planning and Reporting\) Regulations 2020](#). The Report must contain:
 - › a report of operations of the Council, including:
 - › An assessment of Council's governance and management
 - › Service performance indicators in report of operations
 - an audited performance statement (with auditor's report)
 - audited financial statements (with auditor's report).
- Each Annual Report must be certified by two Councillors and adopted by Council, [section 99](#).
- Each Annual Report must be adopted by Council, [section 100](#).

WHAT THE CITY DOES

- The City prepares, certifies, adopts and publishes an audited Annual Report each year, no later than October, which can be found on the [Annual Report](#) website.
- The City actively participates, as we are regulatory required to, in the [Local Government Performance Reporting Framework \(LGPRF\)](#), under the [LGV Know Your Council – Greater Bendigo City Council](#) and [VAGO Reporting on Local Government Performance](#) websites.
- The City tables quarterly, at Council Meeting, a report on the progress against the Council Plan actions, aligned with the budget reporting above.

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PLANNING AND FINANCIAL MANAGEMENT

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FINANCIAL MANAGEMENT

WHAT THE ACT SAYS

- Principles of financial management, [section 101](#):
 - Revenue, expenses, assets, liabilities, investments, and financial transactions must be managed
 - Financial risks must be monitored and managed prudently
 - Policies and strategic plans must seek to provide stability and predictability
 - Accounts and records must be kept.
- Council must prepare and adopt financial policies, [section 102](#).
- The Principal Accounting Officer must ensure that there are kept proper accounts and records, [section 105](#).
- Prohibition of Councillor discretionary funds, [section 70](#).

WHAT THE CITY DOES

- The City has the following financial policies:
 - [Asset Capitalisation Policy](#)
 - [Asset Management Policy](#)
 - [Asset valuation and revaluation policy](#)
 - [Assets and Surplus Land Disposal Policy](#)
 - [Borrowing Policy](#)
 - [Corporate Purchasing Card Policy](#)
 - [Employee Travel and Related Expenses Policy](#)
 - [External Grant Management Policy](#)
 - [Financial Reserves Management Policy](#)
 - [Garbage, Recycling and Organic Waste Charge Policy](#)
 - [Investment Policy](#)
 - [Loan Guarantee and Joint Funding Arrangements Policy](#)
 - [Portable and Attractive Assets Policy](#)
 - [Pricing Policy](#)
 - [Public Open Space Contributions Policy](#)
 - [Revenue and Debt Collection Policy](#)
 - [Financial Hardship Guidelines](#)
- The Principal Accounting Officer at Greater Bendigo is the Manager Financial Strategy unit.
- The City does not allow Councillor discretionary funds.
- Our Annual Report financial statements are audited by the [Victorian Auditor-General's Office \(VAGO\)](#).
- Members of the public may submit audit suggestions to VAGO via this [form](#).
- The City adopted these [Councillor Expense and Support Policy](#) in Mar 2022.

OUR PRINCIPLES



Accountable



Transparent



**Compliant with
rule of law**



**Effective and
efficient**

SERVICE PERFORMANCE

WHAT THE ACT SAYS

- The principles of service performance, [section 106](#), are:
 - Services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community
 - Services should be accessible to the members of the municipal community for whom the services are intended
 - Quality and costs standards for services set by the Council should provide good value to the municipal community
 - Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring
 - Service delivery must include a fair and effective process for considering and responding to complaints about service provision.
- Council must have a complaint policy, including an internal, independent review process, [section 107](#).

WHAT THE CITY DOES

The City delivers 68 services. Some have a legal obligation (i.e. animal management, local roads, food safety and statutory planning) but most services are discretionary (i.e. libraries; building permits; playgrounds and sporting facilities). The City has processes to support service planning and review, to ensure all services continue to provide value for money and are in line with changing community expectations and the service performance principles, above. The City seeks to engage with the community to determine how to prioritise resources and balance service provision against other responsibilities such as asset maintenance and capital works – in accordance with the [Community Accountability](#) section. Local Government is not responsible for matters such as hospitals, public transport, public housing, education, major road/highway upgrades, mental health services, state and national parks, wildlife management and police.

Our [Customer Service Charter](#) explains how employees at the City will interact with you. We commit to the delivery of high quality, accessible and responsive customer service in accordance with our values and behaviours.

Complaints. Feedback is especially important in helping the City to deliver a quality experience for our customers. We welcome both positive and constructive feedback as this helps us to improve services for the future. We take all complaints seriously and will work to address complaints in a fair and transparent way. Greater Bendigo approved this [Complaints Handling Policy](#) in December 2021 and further information can be found on the [Feedback and Complaints](#) webpage.

Complaints about an action or decision made can also be escalated to the [Victorian Ombudsman](#).

OUR PRINCIPLES



Accountable



Compliant with rule of law



Responsive



Equitable and inclusive



Effective and efficient

COUNCIL OPERATIONS

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PROCUREMENT

WHAT THE ACT SAYS

- Council must have a Procurement Policy that seeks to promote open and fair competition and provide value for money, [section 108](#).
- Council must comply with its Procurement Policy.

WHAT THE CITY DOES

- The City adopted this [Procurement Policy](#) on December 2021.
- Further information, including pre-qualification, tenders and quotes, can be found on this [website](#).
- The City reports each month at Council Meeting, the capital and service contracts that have been executed in that period under delegation by the City organisation. This report also covers contracts that were awarded at the previous confidential Council Meeting, under section 66 of the Act.

OUR PRINCIPLES



Accountable



**Compliant with
rule of law**



**Equitable and
inclusive**



**Effective and
efficient**



COUNCILLOR INTEGRITY

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IMPROPER CONDUCT – MISUSE OF POSITION

WHAT THE ACT SAYS

- A Councillor must not intentionally misuse their position to advantage themselves or cause detriment to Council or another person, [section 123](#), including by:
 - Making improper use of information acquired as a Councillor
 - Disclosing confidential information, [section 125](#)
 - Directing or improperly influencing staff, [section 124](#)
 - Performing non-authorised functions
 - Improper use of public funds or resources
 - Participating in decision-making, where they have a conflict of interest
- Penalties may apply and an offence is indictable.

WHAT THE CITY DOES

- The City monitors Councillor behaviour at all times.
- Councillors are required to, under section 5 of the [Councillor Code of Conduct](#), to report all instances of fraud and corruption, and serious and gross misconduct.
- The City encourages any community member to report concerns with Councillor conduct, either:
 - To the City through our [Community Complaints About a Councillor Policy](#)
 - To the relevant authority under our [Public Interest Disclosure Procedures](#) (formerly whistleblower)
 - To the relevant integrity agency:
 - › [IBAC](#) – for corruption
 - › [Victorian Government Inspector](#) (Chief Municipal Inspector) – for breaches of the Local Government Act (including improper conduct).
- The City is committed to:
 - Community members have a right to complain, if necessary.
 - Our process being accessible, transparent, objective and fair, confidential and accountable.
- Noting complaints that have insufficient information provided or are deemed frivolous or vexatious will not be progressed.

OUR PRINCIPLES



Accountable



Transparent



**Compliant with
rule of law**

COUNCILLOR INTEGRITY

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IMPROPER CONDUCT – DIRECTING A MEMBER OF STAFF

WHAT THE ACT SAYS

- A Councillor must not intentionally direct, or seek to direct, a member of Council staff, [section 124](#).
- Penalties may apply.
- Directing, or seeking to direct, a member of Council staff is defined as serious misconduct.
- The CEO is responsible for managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented, [section 46](#).

WHAT THE CITY DOES

- The City adopted this [Councillor Communication and Information Policy](#) in March 2022 which in part seeks to regulate the interactions between Councillors and City employees including from the perspective of preserving integrity and avoiding directing employees.

IMPROPER CONDUCT – CONFIDENTIAL INFORMATION

WHAT THE ACT SAYS

- Councillors and City staff must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information, [section 125](#).
- Penalties may apply.
- The Act, at [section 3](#), defines confidential information as:
 - Council business information
 - Security information
 - Land use planning information
 - Law enforcement information
 - Legal privileged information
 - Personal information
 - Confidential Council Meeting information
 - Internal arbitration information
 - Councillor Conduct Panel confidential information
- Disclosing confidential information is defined as serious misconduct.

WHAT THE CITY DOES

- The City adopted this [Councillor Communication and Information Policy](#) in March 2022 which in part seeks to regulate the access to information by Councillors including from the perspective of preserving integrity and avoiding misuse.
- The City's [Employee Code of Conduct](#), at section 7.2.d, requires all City employees to maintain confidentiality.
- Noting that the City seeks to maximise [public transparency and accountability](#).

OUR PRINCIPLES



Accountable



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rule of law**

COUNCILLOR INTEGRITY

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CONFLICT OF INTEREST

WHAT THE ACT SAYS

- As per [section 130](#) a relevant person who has a conflict of interest in respect of a matter must:
 - disclose the conflict of interest
 - exclude themselves from the decision
- Conflicts of interest may either be:
 - **General**, at [section 127](#) – where an impartial, fair-minded person would consider that the person’s private interests could result in that person acting in a manner that is contrary to their public duty.
 - **Material**, at [section 128](#) – where an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
- Penalties may apply.
- Breaching conflict of interest obligations by a Councillor is defined as serious misconduct.
- There are exemptions, at [section 129](#) section 7 of the [Statutory Rule S.R. No. 116/2020 Local Government \(Governance and Integrity\) Regulations 2020](#), including:
 - Remoteness or insignificance
 - Held in common with a substantial proportion of the community.

WHAT THE CITY DOES

- Part 7 of the City’s [Governance Rules](#) detail the obligations of Councillors and City employees to:
 - Avoid, identify, disclose, and manage conflicts of interest.
 - Not exercise, participate or influence (including by leaving the meeting) decisions.
 - Record conflicts of interest and how they were managed.
- The City’s [Employee Code of Conduct](#), at section 7.2.g, also requires all City employees to declare and avoid conflicts of interest.
- The transparency and integrity of planning and property development decision-making within Victoria, including but not limited to, the provision of donations and in-kind assistance to candidates at State and local government elections has been identified by IBAC (through the [Operation Sandon report](#)) to be a serious corruption risk. This is a risk that the City takes extremely seriously and will continue to monitor Councillors and delegated decision-makers and will all reasonable legislative reform and Ministerial guidance.

OUR PRINCIPLES



Accountable



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rule of law**

COUNCILLOR INTEGRITY

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PERSONAL INTERESTS RETURNS

WHAT THE ACT SAYS

- Councillors, CEO, and City staff nominated by the CEO are required to provide an initial Personal Interests Return ([section 133](#)) and resubmit each March and September (biannual Personal Interests Return, [section 134](#)).
- The content of the initial and biannual Personal Interests Returns are prescribed by section 8 and 9 respectively of the [Statutory Rule S.R. No. 116/2020 Local Government \(Governance and Integrity\) Regulations 2020](#).
- Penalties may apply for submissions that are not received, supplied late or are false or incomplete.
- The CEO must prepare and publish a summary of the Personal Interests Returns, [section 135](#).
- The CEO must ensure corporate records are retained and confidentiality maintained, [section 136](#).

WHAT THE CITY DOES

- The City prepares and publishes this [summary of the Personal Interests Returns](#) after each specified period.

GIFTS

WHAT THE ACT SAYS

- Councillors must not accept anonymous gifts, [section 137](#). Penalties may apply.
- Council must have and maintain a Councillor gift policy, [section 138](#).

WHAT THE CITY DOES

- The City adopted this [Councillor Gift Policy](#) in Mar 2022.
- The City reports on this Policy, the process and the Registrar at least annually to the ARC.

OUR PRINCIPLES



Accountable



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rule of law**

COUNCILLOR INTEGRITY

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COUNCILLOR CONDUCT

WHAT THE ACT SAYS

- Council must have a Councillor Code of Conduct, as per [section 139](#), that:
 - Incorporates the standards of conduct prescribed in Schedule 1 of the [Statutory Rule S.R. No. 116/2020 Local Government \(Governance and Integrity\) Regulations 2020](#).
 - Prohibits discrimination, harassment (including sexual) and vilification.
 - Is re-adopted within the period of four months after a general election by at a least two-thirds majority.

WHAT THE CITY DOES

- The City adopted this [Councillor Code of Conduct](#) in Feb 2021, that incorporates and expands upon the proscribed requirements.
- This Councillor Code of Conduct is also further supplemented by:
 - [Councillor Appropriate Behaviour Policy](#), adopted March 2022.
 - [Councillor Prevention of Sexual Harassment Policy](#), adopted March 2022.

OUR PRINCIPLES



Accountable



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rule of law**

COUNCILLOR INTEGRITY

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MISCONDUCT / INTERNAL ARBITRATION

WHAT THE ACT SAYS

- Misconduct is defined as a breach of the standards of conduct, as defined in the above section, but excluding behaviour which is defined as Serious or Gross Misconduct under the Act.
- If there is an allegation that a Councillor has engaged in misconduct:
 - The Council or Councillor(s) may apply to the [Principal Councillor Conduct Registrar](#) to examine, within 3 months of the alleged incident.
 - The Principal Councillor Conduct Registrar will refer it to an arbiter if an examination determines:
 - › It is not frivolous, vexatious, misconceived or lacking in substance
 - › There is sufficient evidence.
 - An arbiter will:
 - › Be appointed, from a list maintained by the Secretary.
 - › Investigate
 - › Escalate if the behaviour is deemed serious.
 - › Make a finding, including (section 147):
 - Direct the Councillor to apologise or undertake training/counselling
 - Remove the Councillor from other representational duties
 - Suspend the Councillor for up to 1 month
- A copy of the Arbiter's determination must be tabled at the next Council Meeting.
- Misconduct and internal arbitration is detailed at [sections 141-147A](#) of the Act and section 11 of the [Statutory Rule S.R. No. 116/2020 Local Government \(Governance and Integrity\) Regulations 2020](#).

WHAT THE CITY DOES

- Before Council or Councillor(s) apply to the Principal Councillor Conduct Registrar to examine an allegation of misconduct:
 - By a community member – the complaint should be clarified, preliminary checked by the City Governance unit and undergo an initial assessment by the Mayor (or delegate) and the CEO in accordance with the [Community Complaints About a Councillor Policy](#)
- By other Councillor(s) – the Dispute Process in part 6 of the [Councillor Code of Conduct](#).
- The City monitors the [Arbiter's determinations](#) as they are released on the [Local Government Victoria](#) website.

OUR PRINCIPLES



Accountable



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rule of law**

COUNCILLOR INTEGRITY

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SERIOUS MISCONDUCT / COUNCILLOR CONDUCT PANELS

WHAT THE ACT SAYS

- Serious misconduct is defined as:
 - Failure to comply with the arbitration or Councillor Conduct process or an arbiter's or Panel direction.
 - Continued misconduct
 - Bullying
 - Sexual harassment
 - Disclosure of confidential information
 - Directing, or seeking to direct, a member of staff
 - Breach of conflict of interest obligations.
- If there is an allegation that a Councillor has engaged in serious misconduct:
 - The Council, Councillor(s) or the [Chief Municipal Inspector](#) may apply to the Principal Councillor Conduct Registrar to examine, within 12 months of the alleged incident.
 - The Principal Councillor Conduct Registrar will refer it to a Councillor Conduct Panel if an examination determines:
 - › It is not frivolous, vexatious, misconceived or lacking in substance
 - › There is sufficient evidence
 - › The Council has taken sufficient and appropriate steps to resolve.
 - The Councillor Conduct Panel will:
 - › Consist of two individuals appointed from a list maintained by the Minister.
 - › Investigate
 - › Make a finding, including (section 167) 1) direct the Councillor to apologise; 2) reprimand the Councillor 3; remove the Councillor from other representational duties; 4) suspend the Councillor for up to 12 months.
 - The Councillor will also, automatically, be ineligible to hold the office of Mayor or Deputy Mayor for the remainder of the Council's term (unless the Panel directs otherwise).
- A copy of the Panel's determination must be tabled at the next Council Meeting.
- Serious misconduct and Councillor Conduct Panels are detailed at [sections 153-169](#) of the Act.

WHAT THE CITY DOES

- Cooperates fully with this process, in accordance with the Act.
- The City monitors the [Panel determinations](#) as they are released on the [Local Government Victoria](#) website.

OUR PRINCIPLES



Accountable



**Compliant with
rule of law**

COUNCILLOR INTEGRITY

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GROSS MISCONDUCT AND VCAT

WHAT THE ACT SAYS

- Decisions of a Councillor Conduct Panel may be reviewed by [Victorian Civil and Administrative Tribunal \(VCAT\)](#), if requested by the parties, [section 170](#).
- VCAT may also hear an application for gross misconduct, if requested by the Chief Municipal Inspector.
- Gross misconduct by a Councillor is defined as conduct that demonstrates a Councillor is:
 - Not of good character
 - Otherwise not a fit and proper person to hold the office of Councillor.

WHAT THE CITY DOES

Cooperates fully with this process, in accordance with the Act.

OUR PRINCIPLES



Accountable



**Compliant with
rule of law**



MINISTERIAL GUIDANCE

WHAT THE ACT SAYS

- The [Local Government Minister](#) may direct a Council, [section 175](#), to:
 - Update its governance processes and policies
 - Adopt a good practice guideline issued by the Minister
 - Adopt any recommendation made, or take any action recommended, by 1) Municipal Monitor; 2) the Chief Municipal Inspector; 3) a Commission of Inquiry; 4) the Ombudsman; or 5) IBAC.

WHAT THE CITY DOES

Cooperates fully with this process, in accordance with the Act.

The Minister has issued three good practice guidelines since the commencement of the LGA 2020:

- Ministerial Good Practice Guideline (MGPG) 1 - Virtual Meetings (Superseded by MGPG 3)
- MGPG 2 – For Councils Engaging with Aboriginal Victorians
- MGPG 3 – Virtual Meetings.

MUNICIPAL MONITORS

WHAT THE ACT SAYS

- The Minister may appoint a Municipal Monitor, [Division 3 of Part 7 \(sections 179-181\)](#), to:
 - Monitor Council governance processes and practices
 - Advise the Council about governance improvements
 - Report to the Minister on any steps or actions taken by the Council to improve
 - Make recommendations to the Minister
 - Investigate a Councillor and provide a report to the Minister, [section 225](#)
 - Monitor and report to the Minister on any other matters determined by the Minister.

WHAT THE CITY DOES

- Cooperates fully with this process, in accordance with the Act.
- The City monitors the [Monitor determinations](#) as they are released on the [Local Government Victoria](#) website.

OUR PRINCIPLES



Accountable



**Compliant with
rule of law**

COUNCIL INTEGRITY

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CHIEF MUNICIPAL INSPECTOR

WHAT THE ACT SAYS

- The Chief Municipal Inspector has wide ranging powers to investigate, examine and prosecute offences, breaches, all types of misconduct, and public interest complaints, [Division 4 of Part 7 \(sections 182-199A\)](#).

WHAT THE CITY DOES

Cooperates fully with this process, in accordance with the Act.

COMMISSIONS OF INQUIRY

WHAT THE ACT SAYS

- The Minister may appoint a person or persons to be a Commissioner of a Commission of Inquiry, [Division 5 of Part 7 \(sections 200-223\)](#), to conduct an inquiry into the affairs of a Council.

WHAT THE CITY DOES

- Cooperates fully with this process, in accordance with the Act.
- The City monitors the [Commissions of Inquiry Reports](#) as they are released on the [Local Government Victoria](#) website.

SUSPENSION OF COUNCILLORS / TEMPORARY ADMINISTRATION

WHAT THE ACT SAYS

- The [Governor in Council](#) may, on the recommendation of the Minister, suspend all Councillors and appoint temporary administrators, [Division 7-8 of Part 7 \(sections 230-233\)](#).

WHAT THE CITY DOES

- Cooperates fully with this process, in accordance with the Act.

OUR PRINCIPLES



Accountable










**Compliant with
rule of law**

APPENDIX

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APPENDIX ONE – PRINCIPLES MATRIX

Framework Section	 Accountable	 Transparent	 Compliant with Law	 Responsive	 Equitable and Inclusive	 Effective and Efficient	 Participatory
Community Accountability	●	●	●	●	●		●
Council Meetings	●	●	●			●	
Local Laws		●	●	●	●	●	
Delegations	●	●	●	●	●	●	
Compliance	●	●	●	●	●		
Diversity				●	●		●
Strategic Planning			●	●	●		●
Budget Process	●	●	●	●		●	
Reporting	●	●	●				
Financial Management	●	●	●			●	
Service Performance	●		●	●	●	●	
Procurement	●		●		●	●	
Improper Conduct – Misuse of Position	●	●	●				
Improper Conduct – Directing a Member of Staff	●		●				
Improper Conduct – Confidential Information	●		●				
Conflict of Interest	●	●	●				
Personal Interests Returns	●	●	●				
Gifts	●	●	●				
Councillor Conduct	●		●				
Council Integrity	●		●				