

2.2 POLICY DEVELOPMENT AND REVIEW

Responsible Directorate	Corporate Services
Responsible Service Area	Governance
Adopted	May 2023 C8.05.23
Procedure Ref	Policy and Procedure Development and Review

1. PURPOSE

To provide the process for the development and review of the Shire's policies to achieve transparent and consistent decision making which aligns with the Shire's objectives, strategic priorities and legislative requirements for the good governance of the district.

2. SCOPE

This policy affects all employees, stakeholders and council members involved in the preparation and adoption of policies for the Shire.

This policy applies to the development and review of Council adopted policies and is to be read in conjunction with the "Governance Framework 2023-2028".

3. POLICY

Pursuant to section 2.7(2)(b) of the *Local Government Act 1995* (the Act), Council determines the policies of the local government.

Policies are not intended to provide administrative detail, but rather to set out a general direction and guidance. Some policies may be accompanied by supplementary documentation to ensure that the application of the policy is clear and consistent. This may include CEO Frameworks, CEO Policies, Guidelines and Procedures. For further information refer to item 8.6 Informing Documents in the "Governance Framework 2023-2028".

3.1. Guiding Principles

Each policy developed or reviewed is to be assessed against the below guiding principles.

A policy may be developed where there is either complexity or lack of clarity in one or a combination of the following circumstances:

- a. legislative requirement
- b. new or changing industry and organisational standards
- c. to meet the Shire's strategic objectives
- d. community need or expectation
- e. advocacy on issues that Council considers to be significant
- f. as a result of a Council resolution.

Policies should result in:

- clarity and consistency in decision making
- improved efficiency and effectiveness
- improved customer and community outcomes.

A policy is not to be initiated if it does not address the listed circumstances or will not achieve the listed results. Alternative document formats may be considered.

Policy setting must occur in consultation with council members as outlined in Appendix 1 – Policy Development and Review Flowchart. Council members will be provided with the following information:

- a. Any relevant background information requiring a documented Shire position (including evidence of a community need or legislative requirement).
- b. For new policies, details proposed for inclusion which may include a draft purpose and scope.
- c. For reviewed policies, identified issues and options for consideration. See also item 3.5 Review.
- d. Examples of current / best practice.
- e. Proposed level of consultation required, if applicable. See also item 3.4 Consultation.
- f. The proposed review timeframe and expiry period, if applicable.
- g. Any financial impacts arising from the proposed policy, including any impact on the adopted budget or Long-Term Financial Plan.

Council members may provide suggested inclusions or amendments to a policy noting that Officers may provide alternative recommendations to be supported or opposed by the Governance Committee and/or Council.

A policy has no effect until adopted by Council.

3.2. Policy Categories

Due to the significant number of Council adopted policies, the Shire categorises policies as:

- Legislative Policies
- Council Policies
- Planning Policies

Legislative policies are in response to the provisions of the Act or various Regulations (for example, the Code of Conduct for Council Members, Committee Members and Candidates in accordance with section 5.103 of the Act).

Council policies support the Shire's strategic direction (which may be outlined in an overarching Council adopted Strategy or Framework) and guide decision-making processes on general matters not specifically originating from a legislative head of power.

Planning policies are written in accordance with the *Planning and Development Act 2005* to set out specific rules for different development types and give guidance of how a development will be assessed by the Shire.

3.3. Policy Content

With the exception of policies that have their format determined under legislation or Australian Standard, the following subheadings are to be used for Council adopted policies:

1. Purpose
2. Scope (also to include details of review schedule if different to standard review timeframe, refer to item 3.5 Review)
3. Definitions (may be deleted if not required)
4. Policy
5. Appendices (may be deleted if not applicable)
6. Related Legislation
7. Related Documents

Document control information is to be contained at the start of the policy and may include the following details:

- Responsible Directorate
- Responsible Service Area (may be deleted if not applicable)
- Month, year and relevant council resolution number of adoption
- Month, year and relevant council resolution number of review(s) (may be deleted if not applicable)
- Delegation reference (may be deleted if not applicable)
- Local Law reference (may be deleted if not applicable)
- Other policy names and procedures with a direct hierarchy

Policies should be:

- consistent with the Shire's adopted strategic priorities, values and risk appetite and tolerance
- compliant with relevant legislation and any State policies and schemes
- consistent with the Shire's Writing Style Guide
- written in plain English and convey clear and concise direction.

3.4. Consultation

Members of the community may participate in co-creation and consultation processes to inform policy development and review.

3.4.1. Undertaking Consultation

When consultation is required by the "Community Engagement Policy", draft policies will be presented to the Governance Committee for authorisation and Council for approval to commence consultation. This may include relevant statutory and regulatory agencies, and any other key stakeholders that may be impacted by the proposed policy.

Consultation will be a minimum of 14 calendar days. The community will be advised of the consultation in keeping with the principles of local public notice as defined by the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*. This may include information being available on the Shire's official website, public notices on the Shire's

noticeboards, social media posts and advertisements in local newspaper(s).

3.4.2. Submissions

The submissions received or a summary of submissions will be presented to the Governance Committee along with a recommendation that the policy is either adopted as originally presented or adopted with amendments based on the submissions received.

If no submissions are received a report will be presented to the Governance Committee advising this and recommending that the policy be adopted.

A recommendation that the policy be adopted along with any submissions will be presented to the Governance Committee to recommend adoption by Council.

Planning policies are to undertake consultation in accordance with the *Planning and Development Act 2005*.

3.5. Review

All Council adopted policies are to be recorded in the internal Policy Register maintained by the Administration. The Policy Register is to be reviewed annually by the Administration and used to inform the Policy Workplan which is adopted by the Governance Committee.

Policies are to be reviewed at least every eight years, or more frequently as specified in the scope of the policy (and this will be reflected in the Policy Register).

If minor amendments to a policy document are required these can be made administratively. Minor amendments are amendments that do not change the intent of the policy. For example:

- grammatical and formatting changes
- changes to positions, titles or organisation structure
- changes to legislative references or requirements.

3.6. Repeal

Council is required to approve that a policy be repealed except when a timeframe is included in the policy determining when the policy is no longer valid.

3.7. Initiating the Development of a New Policy or Requesting Early Policy Review

The development of a new policy may be initiated where due consideration has been given to item 3.1 Guiding Principles:

- by Council resolution (including the draft purpose and scope)
- if recommended by the Governance Committee and resolved by Council (including the draft purpose and scope)

A policy may be scheduled for early review where due consideration has been given to item 3.1 Guiding Principles:

- by Council resolution
- if endorsed by the Governance Committee

Where it is resolved to develop a new policy or review an existing policy not included in the adopted Policy Workplan, a report will be presented to the Governance Committee including details of items which may need to be postponed and resourcing implications to schedule the policy in the Policy Workplan.

3.8. Access to Information

Council adopted policies are to be available on the Shire's website in keeping with the principle of accountability and transparency of the Shire's decision making as included in the "Governance Framework 2023-2028".

4. APPENDICES

Appendix 1 Policy Development and Review Flowchart

5. RELATED LEGISLATION

Local Government Act 1995 section 2.7

6. RELATED DOCUMENTS

Governance Framework 2023-2028 (Document Hierarchy)

Community Engagement Policy

APPENDIX 1 - POLICY DEVELOPMENT AND REVIEW POLICY

Policy Development and Review Flowchart

Note: Policy development or review may be referred back to any point in the process as required.

