Policy on Policy Making

MSC25E

Authorisation Details

Authorised by:	Council	**Internal/External:**	External
Date:	23/05/2023	**Minute No:**	395
Review timeframe:	4 years	**Review due date:**	May 2027
Department:	Governance		
Document Owner:	Manager Governance		
Community Strategic Plan Goal	6. Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community		
Community Strategic Plan Strategy	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders		

Table of Contents

1. Policy Objective

This policy describes Muswellbrook Shire Council's objectives and principles for policy development and review to ensure high quality, consistent policy documents that comply with legislative requirements, ensure document control, reduce risk and which are readily accessible and understood by Council Officers and the community.

2. Risks being addressed

This policy mitigates the potential risk of Council Policies not meeting statutory and organisational requirements.

3. Scope

This policy applies to all Councillors, Council Staff and the development, authorisation, management, and review of all policies in Muswellbrook Shire Council.

4. Definitions

Term	Definition
Council	Muswellbrook Shire Council
Council Official	Includes Councillors, members of staff of a Council, administrators, Council committee members and delegates of Council
External Policy	A formal statement of the Elected Council's position covering the principles of its decision making in serving the community and implementing Council's statutory responsibilities. These policies may have a direct impact on the community, Councillors, an individual or a business
Internal Policy	These policies guide how Council operates and do not have a direct impact on the community, Councillors, an individual or a business.
Policies	External and Internal Policies. Policies guide and determine decisions. Policies do not contain procedural information for implementing the policy. Where required, internal procedural information is outlined in a related 'procedure' document. The term 'policy' may also include specific Plans and Codes (e.g. Code of Conduct, Code of Meeting Practice and Privacy Management Plan).
Procedures	A set of instructions for the implementation of Policies
Guidelines	Complementary supporting information, advice or recommended best practice, and may allow some discretion or leeway in its interpretation, implementation or use.
EDRMS	Council's Electronic Document Records Management System
Manex	Council's Executive Management Team

5. Policy Statement

5.1 New policy development

The main purpose of formulating a policy is to establish broad directions to guide Council's decisions, activities, ensure compliance with statutory requirements and support operational objectives. A policy may be developed in response to current or anticipated circumstances and risks. In general terms, policies express Council's position on a particular issue or subject.

Policies that may have a direct impact on the community, Councillors, an individual or a business are classified as an External Policy. Policies that do not have a direct impact on the community, Councillors, an individual or a business are classified as an Internal Policy.
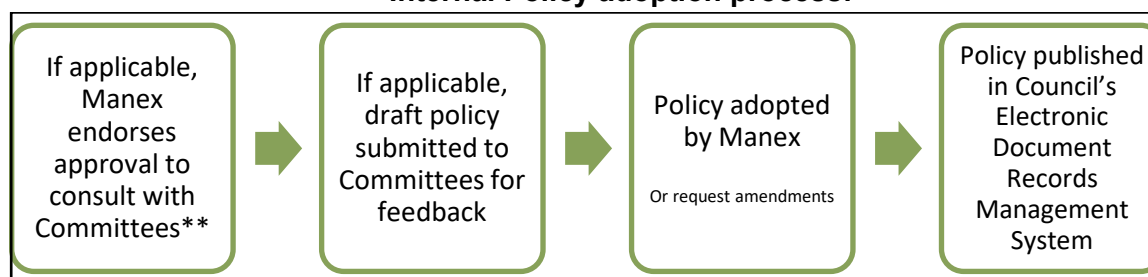
5.2 Policy adoption

When a new policy is developed or amended, it is approved as below:

External Policy adoption process:

| Draft endorsed by Manex

Or requests amendments | → | Council endorses 28 day Public Exhibtion*

Or requests amendments | → | Council considers community submissions

Amendments made if required | → | Council adopts Policy

Or requests amendments | → | Policy is published on Council website |

* Public exhibition is for a minimum of 28 days, unless otherwise legislated, via Council's website and in hardcopy at Council's Administration Centre and Library branches.

Internal Policy adoption process:

| If applicable, Manex endorses approval to consult with Committees** | → | If applicable, draft policy submitted to Committees for feedback | → | Policy adopted by Manex

Or request amendments | → | Policy published in Council's Electronic Document Records Management System |

** Committees include Work Health & Safety Committee and Staff Consultative Committee

5.3 Policy review

Policy reviews are conducted as needed by organisational or legislative needs. All policies are reviewed at least once every four years unless otherwise legislated.

Administrative changes (updating position titles, departments, Related Documents, hyperlinks and re-formatting) are made without re-adoption. All changes are recorded in the Version History table of the policy to ensure a clear audit trail and the policy is republished on Council's website and EDRMS.

All other policy changes require re-adoption of the policy.

When it is determined that a policy is no longer necessary it will be recommended for rescission. External policies are rescinded by Council and internal policies are rescinded by Manex.

5.4 Consultation and communication

As per Council's *Community Participation Plan*, external draft policies are publicly exhibited on Council's website for a minimum of 28 days, unless otherwise legislated, and available in hardcopy at Council's Administration Centre and Library branches.

Public exhibition gives the community an opportunity to provide feedback on the draft policy via a submission. Submissions are accepted until the close of business of the last day of public exhibition and are managed according to Council's *Privacy Management Plan*.

All external adopted policies are available for public viewing on Council's Policy Register: https://www.muswellbrook.nsw.gov.au/policies/

5.5 Enforcement

Clause 3.1(b) of Council's *Model Code of Conduct* provides that Council Officials must not conduct themselves in a manner that is contrary to statutory requirements or Council's administrative requirements or policies. A breach of a policy may also constitute a breach of Council's Code of Conduct.

6. Roles, Responsibilities and Delegations

Roles	Responsibilities
Business Improvement Officer	- Implementation of this policy - Development of appropriate templates for policies - Maintain a Policy Register with all policies and their review dates, document owners and adoption details - Maintain the Policy folder in Council's EDRMS - Facilitate policy reviews with document owners - Coordinate project teams for policy reviews as required - Draft Manex and Council reports relating to policies - Coordinate the Public Exhibition of policies - Ensure the Policies Register on Council's website reflects current external policies - Communicate adopted policies to Council employees
Document Owner	- Review policy in line with legislative and organisational timeframes and requirements - Ensure policy is updated to current legislation as required - Include Business Improvement Officer in policy review process - Complete business reports to Manex and Council
Manex	- Review and provide feedback on external and internal policies - Endorse external policies to be submitted to Council for consideration for adoption - Adopt internal policies - Rescind internal policies and endorse external policies to be recommended for rescission by Council

	• Advise on new policies required to be developed
Staff Consultative Committee	• Where applicable, review policies and provide feedback to Manex
Work, Health & Safety Committee	• Where applicable, review policies and provide feedback to Manex
Councillors	• Review external policies • Endorse public exhibition of draft policies • Consider community submissions • Adopt external policies • Rescind external policies where required • Identify new policies required
Digital Media Officer	• Publish draft policies on Council's website for public exhibition • Publish adopted policies on Council's website • Update policy documents on Council's website when required
Council's Administration Centre	• Publicly exhibit external policies at Council's Administration Centre during the exhibition period
Muswellbrook and Denman Libraries	• Publicly exhibit external policies at the library branches during the exhibition period
Community	• Provide feedback on policies via submissions
Council Staff	• Adhere to Council's policies • Where applicable provide feedback on policies • Assist with reviews as part of project team as required

7.   Dispute Resolution

The General Manager is the interpreter of this policy.

8.   Related Documents

8.1   Legislation and Guidelines

Local Government Act 1993
Government Information (Public Access) Act 2009
Privacy and Personal Information Protection Act 1998

8.2   Policies and Procedures

Procedure on Policy and Procedure Making (pending)

Model Code of Conduct (Doc ID: 1436817)

Model Code of Conduct Procedures (Doc ID: 429616)

Privacy Management Plan (Doc ID: 433422)

8.3   Other Supporting Documents

N/A

Version history

Version No.	Date changed	Modified by	Amendments made
1	23/05/2023	Business Improvement Officers	Adopted by Council 23/05/2023, minute number 395