



Prudential management policy

Classification	Policy
Strategic reference	Goal 4 Governance & Organisational Structure
Relevant legislation	Local Government Act 1999
Relevant documents	Risk Management Framework Risk Management Policy Procurement Policy Internal Financial Control Policy Long Term Financial Plan Asset Management Plans
Responsible officer	Manager Corporate Services
Date adopted	May 2023
Next review date	May 2026

1. Introduction

This policy sets out the requirements of the Southern Mallee District Council for prudential management of all its projects.

Prudential management may be described as taking a precautionary approach to proposed projects. Prudential management attempts to foresee what adverse financial consequences may arise from any project that Council is contemplating. It requires management of the project in such a manner as to capture the proposed benefits, while minimising, offsetting or otherwise taking account of the foreseeable financial risks.

2. Project Definition

For the purposes of this policy a project may be defined as;

“A new and discrete undertaking or activity that would involve the expenditure of money, deployment of resources, incurring or assuming a liability, or accepting an asset.”

This should not be interpreted to mean that all Council activities are “projects”. Regular, ongoing deliveries of Council services are not “new and discrete” activities so therefore are not included within this definition. A project is a temporary endeavour with a defined beginning and end. The temporary nature of projects stands in contrast to business as usual (or operations) which are repetitive, ongoing functional activities to provide services.

Simply purchasing an item of plant or equipment (e.g. a single vehicle) or a parcel of land will constitute a “project” if the purchase is not part of a wider project or part of ongoing operations. Any purchase must comply with Council’s Procurement Policy. However, a “project” will typically involve more than merely purchasing. It will always involve Council staff time, often in undertaking activities in association with other organisations. On the other hand, a project need not entail any expenditure. It may include, for example, receiving land or other assets for free, or granting permission for a private activity on Council land.

All projects should be considered in the context of not only this policy, but also Council’s Risk Management Policy and Framework.

3. Policy Objectives

This policy has two objectives:

- (a) To ensure that a Council project is undertaken only after an appropriate level of “due diligence” is applied to the proposed project; and
- (b) To ensure that each Council project is managed during the project and evaluated after the project to achieve identified public benefits or needs; and to minimise financial risks.

The objectives of this policy shall be considered on any potential project, regardless of the financial impact or the size of the project, to ensure that decision making in respect to any project is made with reliable, accurate and timely information.

4. Legislation

This policy is made pursuant to section 48(aa1) of the Local Government Act 1999 (“the Act”) which provides:

A Council must develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council:

- (a) Acts with due care, diligence and foresight; and
- (b) Identifies and manages risks associated with a project; and
- (c) Makes informed decisions; and
- (d) Is accountable for the use of Council and other public resources.

Section 48 (aa1) requires a Council to obtain and consider a prudential review report before it enters into a project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body):

- Where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or
- Where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000 (indexed); or
- Where the Council considers that it is necessary or appropriate.

Section 48 (3) of the Act states that a report is not required in relation to:

- Road construction or maintenance; or
- Drainage works.

5. Deciding upon an appropriate level of due diligence

Any proposed project must first be assessed as to the level of due diligence that is required.

The Council’s record of delegations lists the powers that the Council has delegated to the Chief Executive Officer and/or other managers, including the power (depending upon budgetary allocations and other Council

policies) to approve some projects. The record of delegations may distinguish types of projects that a specific manager is permitted to approve. Therefore, for a particular proposed project, (depending on the record of delegations) the decision-maker may be the Council, the Chief Executive Officer, or a manager.

When approval is being sought or considered for a specific proposed project, information must be provided to the decision-maker to indicate:

- The specific benefits or needs to be addressed by the proposed project;
- The extent to which the proposed project may be substantially similar to other past projects;
- The expected whole-of-life costs of the proposed project; and
- What, if anything, is known about the levels of financial risk that may be involved.

5.1 Two threshold questions

The decision-maker accordingly should make an evaluation as to the extent of due diligence that must be embarked upon before any subsequent decision is made on whether or not to proceed with the proposed project.

As a first step, the decision-maker must ascertain:

- Whether funding of the whole-of-life costs of the proposed project will (or might) require additional allocations beyond those already accommodated in Council's long term financial plan; and
- Whether the proposed project will (or might) generate any additional financial risk for the Council.

Seeking the answers to these two questions is a threshold 'due diligence' test. If the decision-maker is sure that whole of life costs and financial risks are already accounted for, then no further action is necessary. However, in many cases, the decision maker will not be sure of these answers, and will require a second step.

5.2 Due diligence report

To resolve any doubt, the decision maker must request preparation of a **due diligence report** (DDR). *See section 6 below.*

For large commercial or non-commercial projects, Section 48(1) of the Act requires that a full prudential report be prepared for Council. A report under Section 48 will be regarded as the highest-level, and most thorough type of DDR for the purposes of this policy.

A full prudential report may also be commissioned under Section 48, for "any other project for which the Council considers that it is necessary or appropriate".

If a full prudential report is not sought, the Council will record its reasons for not obtaining such a report. This might be satisfied simply by noting (if appropriate) that the proposed project has been assessed under 5.1 of this policy, or under a DDR as being of low or negligible financial risk.

6. Due diligence before a decision on whether to proceed

Depending upon the extent of due diligence required by the decision maker, a DDR of greater or lesser detail will be prepared. This DDR will include, in relation to the proposed project:

- An analysis of the need or demand;
- Identification and quantification of the expected financial and other benefits;
- Identification and quantification of the likely whole of life financial and other costs, including staffing and project management costs;
- Assessment of the associated financial risks, (including the financial risks of not proceeding or delaying the proposed project) and consideration of ways they can be managed and/or mitigated;
- An evaluation that weight up all of the factors above.

For the smallest projects with least financial risk, this DDR may comprise only a single page and may be prepared by a single staff member. Larger, more complicated and/or financially riskier projects will require a DDR containing correspondingly more information and assessment, as required by the decision maker, with input from two or more officers.

For example, the decision maker may request a DDR from a working party of Council officers, or an external consultant, or a combination of both. Consideration will be given to whether those preparing a DDR require special skills such as engineering, finance, project management, town planning etc.

For any project that falls in an area where there is a significant financial risk, a DDR must also include a project feasibility study, to provide a high level consideration of the expected costs and revenues over the life of the project, using discounted cash flow analysis. One important aspect that will be considered in such a study is the reliability of these costs and revenues within these calculations, particularly if revenues are dependent on future market conditions.

7. Due diligence during a project

After a decision has been made to commence a project, it will be managed according to the principles of due diligence.

The Council will take action to manage the project so that:

- The project remains focussed upon the expected public benefits or needs that have been identified in the DDR; and
- Financial risks identified in the DDR are managed appropriately.

8. Due diligence after a project

After a project has been completed, it will be evaluated, according to the principles of due diligence, to determine the extent to which the project:

- Has achieved the public benefits or needs identified in the DDR that it was intended to achieve or satisfy; and
- Has avoided or mitigated the financial risks identified in the DDR.

Policy review

The effectiveness of this policy will be reviewed every three years or as necessary.

Further information

This document is available on Council's website www.southernmallee.sa.gov.au and at the principal office of the Southern Mallee District Council at Day Street, Pinnaroo SA 5304.

A copy of this document may be purchased from Council.

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.