

- Discussion Paper -
Civic Leadership



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1. Introduction

This issues paper examines civic leadership (or governance concepts) at work in Willoughby City Council. Information in this paper is based on various sources including survey findings from the Customer and Community Satisfaction surveys.

Local government is generally subject to a high level of scrutiny and it is essential that councils not only comply with the principles of good governance, they must also be able to demonstrate that they are doing so.

The manner in which Council makes its decisions must be transparent, accountable and defensible. Council makes policy, executive and compliance type decisions which impact on the lives of residents, ratepayers, businesses and visitors to Willoughby.

What is 'Civic Leadership'?

The term 'Civic Leadership' is often interchangeable with "governance" and refers to the way in which decisions are taken, communicated, monitored and assessed. It includes the processes for transparent decision making, staff accountability and for measuring performance. Under governance principles, Council is expected to operate with integrity, honesty, and responsibility and in the best interests of the Willoughby community.

Council also seeks to undertake a leadership role in managing and resourcing civic projects, services and activities and in involving the community at all levels of decision making. Willoughby City Council must focus on the following areas in order to undertake good governance:

- *Professional and transparent decision making*
- *Good communication and community engagement*
- *Good financial management*
- *Transparent and efficient service delivery*

State Context

Local government is the level of government closest to the people and consequently is subject to a high level of scrutiny. The Local Government Act is the governing legislation that forms the basis for Council's functions. The Act explains how Council must be governed, structured and financed. The Act also sets limits on the powers that Council can exercise and its subservient relationship to the State Government on most issues.

Within this context, Council must meet the needs of its regulatory and statutory obligations and at the same time meet the growing needs of our community.

Regional Context

Willoughby City Council is a medium sized metropolitan council in a strategically important location on Sydney's North Shore. In Council's vision statement it is referred to as a "hub" of the region. The strategic location of the City places increased pressure on the Council when it comes to considering matters that will impact on the immediate area and on the region.

Willoughby City Council is an active participant in NSROC (Northern Sydney Regional Organisation of Councils), which aims to provide an effective consolidated approach toward regional issues. Council is also developing relationships on a regional level through organisations such as the Sydney Coastal Councils and in the regional provision of services including the Shorelink Library Service, State Emergency Services, Family Day Care and various HACC (Home and Community Care) funded activities such as Constant Companion and Meals on Wheels. Additionally, Council staff are

increasingly in liaison with colleagues of similar professional disciplines at other councils in the region in order to work co-operatively on various issues.

2. Code of Conduct

All Councils in NSW are required to adopt a Code of Conduct which sets out the standard of behaviour that officials must observe. The Code has been developed to assist officials to:

- a) Understand the standards of conduct that are expected of them
- b) Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence
- c) Act in a way that enhances the public confidence in the integrity of local government.

All Council officials are required to comply with the Code of Conduct. This includes councillors, employees, contractors to Council, consultants, people who work as volunteers for Council and people who sit on Council committees.

The Code is divided into sections covering the following topics:

- a) General conduct obligations
- b) Conflicts of Interest
- c) Gifts and Benefits
- d) Interaction between Councillors and Staff
- e) Access to Information and Council Resources

The Code also prescribes a regime for reporting breaches of the Code and a range of sanctions that can be imposed on people who breach the code.

The Division of Local Government has developed a Model Code which all councils must adopt; however, councils can impose additional standards which strengthen the Code.

Public Interest Disclosures

The Public Interest Disclosures Act otherwise known as the "Whistleblowers Act" sets out the way that councillors and employees can report wrongdoing by Council officials without fear of reprisal. The types of wrongdoing covered by the Act include:

- a) Corrupt conduct
- b) Serious maladministration
- c) Serious and substantial waste
- d) Failure to properly fulfil functions under the Government Information (Public Access) Act (GIPA)
- e) A pecuniary interest contravention under the Local Government Act.

A report is protected under this Act if the person making it honestly believes on reasonable grounds that their information shows or tends to show one of the types of conduct that public interest disclosures can be made about.

Once a report is received, Council through its Public Interest Disclosure Officer is required to investigate the complaint and report on the outcome of the investigation while ensuring that the identity of the person who made the initial report is protected.

Council is required to refer any evidence of an offence of reprisal for a public interest disclosure to the Commissioner of Police or the Independent Commission Against Corruption (ICAC). After completing an investigation and forming the opinion that an offence has been committed, these bodies are to refer the matter by providing a brief of evidence to the Director of Public Prosecutions.

Public interest disclosures may also be made to the Division of Local Government (DLG) in relation to corrupt conduct, maladministration, government information contraventions and pecuniary interest contraventions in local councils.

Government Information (Public Access) Act - (GIPA)

The GIPA Act provides the legislative means for members of the public to access information held by Council.

There are 4 ways information can be accessed:

1. **Open access information** – is information that Council makes available free-of-charge to anyone who wants to view it. The type of information included in this category includes:
 - A publication guide which describes Council's structure and functions
 - Our policy documents
 - A disclosure log of information of general interest to the public that has been released under formal access applications
 - The register of contracts with a value of more than \$150,000 that Council has entered into
 - A record of information that Council will not make public because of an overriding public interest against disclosure
 - Documents specified in Schedule 1 of the *GIPA Regulation* including corporate documents such as Code of Conduct, Annual Report, Financial Statements, Strategic Plan, Delivery Plan etc. as well as Development Application information.
2. **Proactive Release of information** – where Council routinely releases information, usually on its website, so that people can access it at any time without the need to make an application.
3. **Informal Release of Information** – where Council receives a request to view information and there is no public interest reason for withholding such information. This allows people to access Council information e.g. property files if they are seeking information about their own property or a Development Application in a neighbouring property. This information is provided free-of-charge if the file is readily available or Council may charge an administrative fee if we need to retrieve the file from archives.
4. **Formal Release of Information** - If information cannot be accessed through any of the above ways, a formal access application may be necessary. This should be a last resort under the GIPA Act, and is only necessary if a person is seeking a large volume of information, if providing access would involve an extensive search, or if the information involves personal or business information about third parties who must be consulted before the information can be released. Formal Release applications must be in writing, and accompanied by a \$30 fee. Processing charges of \$30 per hour will be levied, depending on the type and amount of information sought.

Under the GIPA Act, Council is required to assess the public interest consideration for releasing information against the public interest reasons against releasing information and determine whether the public interest in favour of disclosure outweighs the public interest against disclosure. The Act specifies 12 categories of documents that are considered to have an overriding public interest against disclosure. These include documents that attract legal professional privilege.

The GIPA Act gives people a right of appeal if they are not satisfied with Council's decision. The review can be by way of an internal review or it can be referred externally to the Information Commissioner or the Administrative Decisions Tribunal.

Council is required to include details in its Annual Report of formal access requests under the GIPA Act.

Privacy and Personal Information Protection

Council is subject to the provisions of the **Privacy and Personal Information Protection Act 1998 (PPIPAAct)** which means that it is required to protect the privacy and personal information of residents and other people that Council deals with. Under the PPIPAAct, Council has legal obligations with the way it collects, stores, uses and discloses personal information as well as how it provides access and correction rights to this information.

For the purposes of the Act, personal information *“is any information or opinion about an identifiable person. This includes records containing a person’s name, address, sex, etc., or physical information like fingerprints, body samples or DNA”* (Privacy Commissioner’s website).

Council officials need to be careful about how they handle information that they have access to which includes personal information. It must not be disclosed to other people without the knowledge of the person that the information relates to.

Record Keeping

Council staff are responsible and accountable for creating, registering and keeping records as required by the State Records Act 1998, abiding by the Information Management Policy and using the required systems and procedures.

Staff must ensure that adequate records are kept of all activities especially records involving decisions made by staff and Council.

Staff must never destroy, damage or dispose of any record that is covered by the State Records Act.

Role of Independent Commission Against Corruption (ICAC), the Ombudsman and the Division of Local Government

These 3 organisations have oversight of Council operations in various ways.

ICAC – under the ICAC Act 1988, Council is required to report any instance of corrupt conduct to ICAC for investigation. Depending on the type of complaint that is made, ICAC will ask Council to investigate and report its findings or it may take on the investigation itself. In certain cases, the ICAC will hold a public hearing into the alleged corrupt conduct or it may make recommendations to Council regarding actions that should be taken against people who engage in corrupt conduct.

The Ombudsman – the role of The Ombudsman is to keep government agencies and some non-government organisations accountable by promoting good administrative conduct, fair decision-making, high standards of service delivery and the protection of the rights of people in NSW. It does this by responding to complaints from the public or by people who work for the agencies. Problems may also come to light through the Ombudsman’s work in scrutinising agency systems, overseeing investigations or reviewing the delivery of services.

The Ombudsman also oversees the operation of the Public Interest Disclosures Act (PID Act) which protects people in an organisation who report serious wrongdoing. Council is required to report each 6 months on any activity under the PID Act.

The Division of Local Government – also has oversight of Council’s operations through a variety of reports that councils are required to submit to the Division at different times during the year. Annual Reports, Annual Financial Statements and a number of other financial reports are submitted to the Division throughout each year as well as certain public policies that councils adopt.

The Division has a role in co-ordinating the overall local government sector which it does by way of legislation (e.g. Integrated Planning) or by co-ordinating actions (e.g. Destination 2036).

It also oversees the operation and compliance of councils by:

- launching investigations where a council is not performing properly or where major complaints are received.
- monitoring and reviewing councils' performance based on the statutory reports it receives from each council
- receiving statutory applications that councils are required to complete under the various legislative provisions.

3. Integrated Planning and Reporting

Integrated Planning and Reporting (IP&R) is a recently legislated process that requires Council to look to the long term for its future planning, resourcing and financial management. To ensure that Council meets its statutory obligations, Willoughby City Council undertakes a number of corporate strategic planning activities to ensure that council's business activities are managed, resourced and lead within the guidelines of good governance principles.

As mentioned, Council operates within the Integrated Planning and Reporting framework which is a legislated model applicable to all NSW Councils. The model requires that Council undertake the following;

A Community Strategic Plan (CSP); a minimum 10 year plan that identifies the community's goals and strategies to achieve outcomes. (The "Willoughby City Strategy" is Council's CSP)

A Delivery Program; a four year plan which shows which activities Council will undertake to implement the Community Strategic Plan.

Operational Plan and Budget; an annual plan that discusses the specific actions Council will undertake in that year along with a detailed budget.

A Resourcing Strategy; comprising of three components – Asset Management, Long Term Financial Planning and Workforce Planning – the Resourcing Strategy identifies how Council will resource the activities identified in the Delivery Program and the actions specified in the Operational Plan while also achieving longer term financial sustainability.

Council is required to monitor its performance via regular reporting tools including six monthly progress reports against the Delivery Program and the Annual Report.



The model shown is taken from the DLG Guidelines and demonstrates how the plans inform each other as part of a perpetual monitoring and review framework.

It is imperative to the success of the model that all Council officers and Councillors work with the model and understand its implications in order to achieve and maintain sustainability for our future. It also keeps us accountable to constituents and other stakeholders through regular transparent reporting.

A Community Engagement Strategy; to inform and underpin the development of a Community Strategic Plan and guide Council's broader approach to effective community engagement.

4. Community Engagement

The below information is taken in large from Council's adopted Community Engagement Strategy 2011.

When we talk about "Community Engagement" in a local government context we are describing the activities that support the interactive relationship between Council and its stakeholders. Our stakeholders include our ratepayers, residents, service providers, business owners, workers, volunteers and visitors. It refers to all the ways in which we inform, consult, involve, collaborate and empower the community. From simple information sharing and the promotion of activities and events to encouraging debate on local issues and planning for the future; it is the way in which we continually build upon and strengthen the ties between Council and the community in order to achieve positive outcomes for the City of Willoughby.

Community engagement supports local democratic processes by encouraging community interest in civic issues, promoting social justice and keeping people well informed of local and regional issues. Good engagement creates a supportive, informative, innovative and participatory environment within which people can safely and confidently share their views and aspirations.

The Community Engagement Strategy of Council was adopted in November of 2011 and supports The *Willoughby City Council Communications Policy (2009)* which states that Council will:

- Actively create opportunities for the Willoughby community to be consulted
- Seek a range of views available on particular issues and if required, develop consultation plans that are tailored to the particular circumstance.
- Survey the needs and expectations of the community on Council's delivery of services
- Undertake consultation to generate public interest in specific projects and in relevant new policies
- Inform community groups of matters of interest and concern and invite these groups to contribute their opinions
- Ensure that consultation is timely and appropriate but does not unduly delay the decision making process.

This Strategy will be used by the Council officers when determining specific engagement activities, planning for these activities and evaluating their effectiveness. It should therefore be sufficiently broad and encompassing to be applied across all of our engagement activities. In short, it should under-pin the broader ongoing "conversation" between Council and community on a regular basis.

This Strategy is also applicable to our Councillors who as elected representatives of the community play an important role in communicating community aspirations, maintaining the information flow on a range of diverse and complex issues.

The objectives of the Community Engagement Strategy are:

- To provide Council with a set of Good Engagement Principles to guide community engagement across the organisation.
- To provide all community members and stakeholders an opportunity to have input into Council's decision making in an open and transparent process.
- To allow for feedback from a representative cross section of the community.
- To ensure that Council receives good quality, timely and relevant feedback.
- To promote an increased understanding to Council of the needs of the community.
- To ensure Council meets its legislative requirements in regards to community engagement.

- To provide Council officers with a guide to plan and implement effective community engagement.
- To ensure that all information sharing and communication with stakeholders and the community is consistent.
- To build strong relationships between Council and the Community.

When we refer to the “community” we are talking about a broad mix of individuals and groups with diverse and sometimes complex needs and wants. The core group in our community are the people who live here; the residents of Willoughby City. These residents have the opportunity to elect Councillors to be their voice and represent them. Council is responsible for providing many of the local services and resources to the residents which are relevant and appropriate to the population.

We also have a dynamic business district with a large working population that spend their working week in Willoughby City. Council has relationships both with businesses and their employees in the area, and it is important that communication channels are in place to hear the views of this community. Council has in place protocols for dealing ethically with business and industry in order to maintain open and honest decision making.

Willoughby is also home to many established community groups, made up of both residents and people who live outside of the area. These community groups represent a diverse collection of people, cultures and interests, and are an excellent point of contact when undertaking engagement.

Council also regularly engages with other local service providers representing sectors including health care, child care, transport and education. Council also engages with other councils, agencies, local members of parliament and both our State and Federal Governments. On occasion Council will also deal directly with international delegations.

Community Satisfaction 2012

Council aims to undertake Community Satisfaction Surveys every four years at a minimum. The aim of the survey to ascertain satisfaction levels with a broad range of Council provided services. The results of the survey help Council to focus on areas in need of improvement.

As per the Integrated Planning & Reporting Framework two key drivers were behind the most recently conducted survey questions – *Assets* and the *Delivery Program Key Performance Indicators (KPIs)*. When devising the questions officers gave priority to previous survey questions (to allow for trend analysis if required) and existing gaps in data. The results showed that in 2012, 73.6% of residents are satisfied or very satisfied with Council’s overall performance. This shows a steady increase in satisfaction in recent years and well above industry benchmarks for councils of a similar nature (size, demographic and location).

The survey did however indicate that Council could improve in some areas including community consultation and bulky item waste collection. Council will continue to consult with the community on these issues through a variety of means including our online community forums. We will also undertake a dedicated community engagement program over the next two years in regards desired levels of service for asset classes within the Council area.

5. Effective, Efficient Service Delivery

The City of Willoughby employs over 380 equivalent full time employees. Council's workforce is divided into 16 business units which carry out services on behalf of the Council.

Good service delivery requires us to not only examine what we do, but how we do it. Council needs to consider if the provision of services is transparent and operates within probity guidelines and if they can be improved. Ideally the objective is to deliver a high quality service at reduced cost.

Organisational Culture & Business Improvement

Staff are trained in the Code of Conduct and in their statutory obligations through a number of formal and informal training opportunities and professional development opportunities.

Service standards are in place. A customer request management system is also in place that provides important reporting data on the volume of requests received and the time taken to respond to requests.

Council staff has undertaken a number of business improvement programs based around the corporate and records management databases in order to aid business efficiency however this could be extended and a culture of continuous improvement developed.

A key corporate focus over recent years has been to inhibit the development of "silos" within the organization. This is in order to reduce duplication, promote multi-skilling, ensure consistent service delivery across Council, and with a focus on developing cross-divisional teams. On a number of occasions this has been successful however it is necessary to allow adequate resources so that cross divisional team workloads do not compete with the officer's original job to the detriment of service delivery. Divisions and business units may also prioritise workload differently at the expense of the cross-divisional activity.

Many business units within Council have undertaken activities to improve and enhance service delivery.

One such example is the Enterprise Risk Management Framework which was developed and implemented with the adoption of the Risk Management Policy, Risk Management Plan and Strategic Risk Register.

Council completed and reviewed four major corporate plans that address risk these being our Business Continuity, Pandemic Management, Disaster Recovery Plans (IT) and a Climate Change Risk Assessment. Each plan provides Council with strategies for dealing with the impact of unforeseen disasters or crisis. It ensures that Council is well placed to continue its operations with minimal negative impact on staff and community.

The Business Continuity Plan is a comprehensive document which builds upon our organisational capabilities to support critical business activities in the face of uncertainty or disruption. It provides us with the appropriate structures and protocols to enable minimisation of disruption to business. In doing so it identifies the technical infrastructure, facilities, responsibilities and processes required to assist us in an emergency. The Disaster Recovery Plan (IT) establishes procedures so that communications can be quickly re-established while activating any form of disaster recovery. It also identifies areas of risk to help us mitigate these risks. The Pandemic Management Plan aims to provide a detailed guide for our response and preparedness to a pandemic influenza threat. It also aims to reduce the impact of any pandemic on our staff, identify consequences of such an occurrence and to facilitate the effective management of critical business activities in the event of an outbreak. The Climate Change Risk Assessment addressed potential risks for Council associated with climate change. Risks were categorised and rated in terms of potential impact. The likelihood of each scenario was also identified and consequences of these occurring allocated a rating e.g. high or low risk. Council also developed a Strategic Risk Register to identify, evaluate inherent residual risks and monitor areas of risk across the organisation.

Significant progress was achieved 2008 to 2012 in the area of online services with key documents and forms available 24/7 improving access and reducing face to face customer visitations to our Help & Service centre. The DA enquiry system in particular has enabled customers to readily view information & plans online. Application forms and checklists were reviewed to be more user friendly. This is an ongoing process which appears to have reduced confusion and frustration for customers using Council services. Training and training reviews have been carried out since 2008 resulting in better informed staff. Council will continue to monitor feedback from customers in regards to poor customer service if and when it is reported to ensure the appropriate measures are in place to limit negative experiences.

The introduction of the ECM system provided improved integration of Council electronic documents and record management. The system has since been upgraded and outcomes have included better compliance with our statutory obligations as well as improving customer service and response time. Council continues to further developing electronic document management systems and web based services to improve the flow of information and responsiveness.

In 2009 Willoughby joined 5 other north shore councils and introduced an internal audit function to provide an independent objective assurance and consulting activity designed to add value and improve Councils operations.

Council has consciously moved away from the traditional view that health and wellbeing is solely the responsibility of the individual and considers that an employer can have a role in improving the health and wellbeing of its workforce. Rather than restricting employee health to OHS interventions for injuries and illnesses, Council has taken a more holistic, proactive approach to the issue and sought to employ preventative measures rather than rehabilitative ones. As a result between 2008 and 2012 Council has introduced an array of health and wellbeing programs including work/life balance initiatives to assist employees in improving their personal health and wellbeing. Outcomes of the 2010 staff survey suggest that Willoughby has a happier workforce that is motivated and less likely to take sick days or unexplained absences. 2008/2009 also saw the introduction of an online recruitment and selection system that has improved our overall recruitment process by enhancing accessibility for applicants and interview panellists.

Council also gauged the satisfaction levels of employees through a non-compulsory staff survey. A total of 267 staff completed questionnaires (61% response rate) and of those who responded: 93.98% strongly agreed or somewhat agreed that Council is a great place to work. 86.90% strongly agreed or somewhat agreed that Council had a flexible and friendly work culture. The results of the survey are being used to do additional work in the areas of training and development, benchmarking of salaries and access to healthy lifestyle activities for employees.

Council has been trialling mobile technology including the use of ruggedised tablet PCs and the mobilising of our website to a smart phone friendly version. The tablets allow staff to be able to access council systems while in the field (such as open space field staff). The advantage of this is that information is available to them in real time, cutting down on wasted time by having to return to the office to retrieve emails, Customer Service Requests or documents and other tasks. In addition Council has been taking significant steps towards making our use of corporate software more environmentally friendly by reducing power consumption for desktops the computers at Council are now set to turn off the Monitor and Hard Drive after 30 minutes. After an additional 30 minutes, that is 1 hour of total inactivity, our machines go into Standby mode.

Compliance Officers continued to issue cautions & fines for breaches of *Road Rules 2008* throughout the City of Willoughby. Officers are continuing with the '*safety over convenience*' enforcement programme in school zones and are recognised industry leaders with enforcement action for misuse of Mobility Parking Scheme (MPS) Permits.

Council adopted its Resourcing Strategy components consisting of Asset Improvement Management Strategy, a Long Term Financial Strategy and Workforce Plan. The past 12 months has seen considerable effort invested in the development of each component of the Strategy with staff undertaking extensive research, data analysis, and in-house consultation and planning. Willoughby

has adopted nine of the 10 asset management plans for our major asset classes. The Resourcing Strategy enables Council to better manage resources into the long term.

6. Gaps & Challenges & Future Directions

The rate of change in technology impacts on how we do business. Council will need to effectively invest in and manage information technology resources. IT trends and devices (and the reflected demand) may be satisfying the personal users of mobile technology however from a corporate perspective this can be difficult to manage. Software, security and policy are all impacted upon. Social media has also continued to flourish as a communication tool and Council will need to ensure the right policies and practices are in place to allow for its use. Competition for IT based jobs is expected to grow resulting in a need for Council to address how it employs and keeps staff in a competitive jobs market.

Council is currently in a healthy financial position however The Long Term Financial Plan indicates Council will need to attract additional income and/or undertake business service reviews in the near future to keep the community's assets at a sustainable high level of service.

The Community Satisfaction Survey 2012 indicated that while the community were overall satisfied with Council's communications there was still an opportunity for us to improve how we consult with the community, particularly in relation to notification of major decisions. In addition Council is actively seeking ways in which to engage the "silent" residents who don't actively and regularly communicate with us.

Effectively communicating with the various CALD (culturally and linguistically diverse) communities in the City poses its own challenges. Council officers have been undergoing compulsory Cultural Awareness training to assist this however communication is two way and further measures must be taken to achieve "buy in" from the community and businesses.

An Independent Local Government Review Panel has been established as part of the NSW Government Destination 2036 initiative. Council will need to work with the Panel to ensure that the needs of the Willoughby community and Council are well represented.

Increasingly Council's advocacy role has become more prominent. This is where Council seeks to act on behalf of its citizens or to represent the views of the community to the State and Federal Governments on issues where the City is not directly responsible.

The NSW State Government has imposed increasing levels of controls and intervening in the affairs and operations of local councils much more than in the past and there is increasingly greater scrutiny of Council's processes and conduct. Councils need to develop policies, training plans and procedures to ensure that high standards of probity and accountability are maintained. The public expect to be consulted on decisions the Council makes that will impact on their amenity, lifestyle or the environment. Councils can also seek advice from the NSW Ombudsman's Office or the Independent Commission Against Corruption on matters such as conduct or probity. In 2011 Willoughby assisted the Independent Commission Against Corruption (ICAC) with an investigation into a member of staff. As a result of the public hearing, Willoughby Council had to manage the impact the investigation had on its reputation, rebuild and strengthen staff moral and reassess existing policies and processes to ensure adequate checks and balances were put in place to prevent such behaviour from occurring in the future. Council continues to implement the recommendations made to us by ICAC which addresses staff supervision, cultural awareness training, processes and policies.

The Internet has given people ready access to Council information. They can access Council and Committee agendas and minutes, download forms, respond to community surveys and interrogate specific databases for information. As new technologies are introduced, Council must demonstrate responsiveness and be ready to respond within the legislative parameters.