

INTRODUCTION

Preamble

On 23 January 2018, the Minister for Planning and Local Government (Peter Gutwein MP), having considered the recommendations made to him by the Glenorchy City Council Board of Inquiry (**BOI**), and in accordance with section 8(1)(b) of the *Glenorchy City of Council (Dismissal of Councillors) Act 2017* and section 225(2) of the *Local Government Act 1993* (**Local Government Act**), made seven (7) Ministerial Directions (**the Directions**).

Direction 1 (Governance) of the Directions required Council to develop Statements of Expectations to establish clear and agreed protocols for the fulfilment of mutual and respective roles and functions between the following:

- the Mayor and General Manager
- the Mayor and Aldermen
- Aldermen and General Manager, and
- Aldermen (as a group).

In addition to the above, Council has also included a 'Statement of Expectations of Good Governance across Council' to further articulate the roles and responsibilities of individuals and groups covered by this document, and to avoid repetition of mutual obligations.

In preparing this Statement of Expectations, Council has drawn supporting material from the *Good Governance Guide*¹ and the *Good Governance Guide for Local Government in Tasmania*².

Council Functions, Vision, Mission and Values

Council's powers and functions are established under the Local Government Act. In particular, section 20 provides that the role of councils is to:

- provide for the health, safety and welfare of the community
- represent the interests of the community, and
- provide for the peace, order and good government of the municipal area.

Council's vision and mission further supports this statutory role:

We are a proud city, a city of arts, of opportunity, of partnerships, a city that makes exciting things happen.

Our mission is to deliver the community's vision, goals and priorities from the City of Glenorchy Community Plan 2015-2040.

Council has five (5) key values that underpin its vision and mission:

- People – we believe that each person is equal and has a positive contribution to make. The rights and opinions of all are heard, valued and respected
- Diversity – we value differences that enrich our community and the positive contributions everyone can make in improving the quality of community life

1 www.goodgovernanceguide.org.au, © MAV, VLGA, LGV and LGPro, 2012

2 Department of Premier and Cabinet, Local Government Division, May 2016

- Progress – we value innovation, flexibility and imagination in building a better and sustainable community
- Prosperity – we commit ourselves to achieving social and economic prosperity for all, and
- Environment – we work together to improve our City so we can enjoy a safe and healthy environment and a good quality of life. We respect our heritage and have pride in our City.

In this document, the term ‘community’ has been broadened from the Local Government Act definition³ to mean:

- residents – landowners and tenants
- ratepayers – owner-occupiers, investors and businesses, and
- people and bodies who conduct activities in the municipality of Glenorchy (e.g., work, tourism, leisure or for other reasons).

Purpose

The purpose of this Statement of Expectations is to articulate the commitment of the Mayor, General Manager and Aldermen to a shared mutual responsibility of adopting appropriate working relationships to maximise the good government of the Glenorchy Community.

In addition, the Mayor, General Manager and Aldermen accept that good government relies on ethical and accountable behaviour as well as statutory compliance.

³ Section 3 of the Local Government Act defines ‘community’ as ‘the community of a municipal area’

STATEMENTS OF EXPECTATIONS

1. Mayor and General Manager

Council accepts that the relationship between the Mayor and General Manager is critical to the efficient functioning of Council operations. A dysfunctional relationship between the Mayor and the General Manager can have a significant and long-lasting negative impact on the performance of Council.

As with good governance in general, a good relationship between the Mayor and General Manager relies partly on following the law, guidelines and protocols, and partly on the good judgement and common sense of the individuals concerned.

It is expected that the Mayor and General Manager will build a relationship based on trust, respect and acknowledgement of the need for collaborative engagement. This will ensure that they will have a solid foundation to lead an effective Council focussed on the best interests of the community.

The following specific expectations are agreed, and apply in addition to the 'Statement of Expectations of Good Governance across Council':

Meetings between Mayor and General Manager

Under section 62 of the Local Government Act, the General Manager is required to 'liaise with the Mayor on affairs of Council'. Similarly, under section 27 of the Local Government Act, the Mayor is required to 'to liaise with the General Manager on the activities of the Council and the performance and exercise of its functions and powers; and the activities of the General Manager and the performance and exercise of their functions and powers in supporting the Council'.

To complement these statutory requirements, it is expected that the Mayor and General Manager will have at least weekly one-on-one meetings to deliberate on the affairs, activities and the performance and exercise of Council's functions and powers. It is expected that the outcomes and decisions of those meetings will be appropriately recorded.

Provision of Information between the Mayor and General Manager

Taking into account the qualifications under sections 28A – D of the Local Government Act, wherever practicable and in the spirit of openness and transparency, requested information will be provided through the General Manager (or delegate).

Taking of Leave by General Manager

The General Manager will, wherever practicable, ensure that the Mayor is given sufficient notice of this intention to be absent from duty for any reason or that they are otherwise unavailable or unable to perform the functions of the office of General Manager.

Appointment of an Acting General Manager

In the absence of a Council appointment for a person to act in the Office of General Manager during every absence of the General Manager, the Mayor may appoint a person to act in the office of general manager, as per section 61B of the Local Government Act.

In this instance, the Mayor must liaise with the relevant Council officer to ensure that a duly formed instrument of appointment is drawn.

Agendas and Draft Minutes

The General Manager will prepare an agenda for each council meeting and council committee meeting as required under regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015 (Meeting Regulations)*. In doing so, the General Manager (or delegate) will meet with the Mayor to discuss the draft agenda prior to publication. Similarly, the General Manager (or delegate) will liaise with the Mayor in relation to the draft minutes prior to inclusion with the next Council (or Council committee) meeting agenda for confirmation.

If an audio recording has been made of the closed section of a Council meeting, the General Manager (or delegate) will ensure where practicable that a copy will be downloaded to a secured shared environment (e.g., Docs-on-Tap) where all Aldermen can access the confidential recording (but not copy it). This will be for the purposes of confirming the draft minutes of the closed section of that Council meeting. Following confirmation of the closed minutes, the General Manager (or delegate) will destroy the recording as soon as practicable after confirmation.

Conduct of Council and Council Committee Meetings

With respect to behaviour in the Council Chamber, the Mayor, Aldermen and General Manager and Council officers will model good constructive relationships and show personal respect for one another at all times.

Council acknowledges that the combined behaviour of the Mayor, Aldermen, General Manager, and Council officers reflects on the Council and on local government as a whole. If Council is seen to be acting fairly and ethically, Council decisions will be better respected and are much more likely to be accepted by the community.

The conduct of individuals affects the ability of Council to function properly. If individuals behave improperly, it can negatively affect the quality of their relationships with each other. This can lead to a lack of trust which will undermine the effectiveness of Council as a whole.

Wherever possible, the General Manager, Directors and Chief Financial Officer will attend (or be available to attend) Council meetings and Council Committee meetings to provide qualified advice. Attendance of managers and other staff will be determined on an 'as required' basis, depending on the complexity of, and technical knowledge required to provide advice on agenda reports.

Media Releases and Responses to Media Requests

Section 27 of the Local Government Act provides that the Mayor is the official spokesperson of Council. This function is not co-shared with other Aldermen or the General Manager other than at the Mayor's discretion.

The Mayor may authorise the General Manager, other Aldermen or Council officers to communicate on behalf of Council on certain technical or factual matters, as the Mayor considers appropriate, and on the understanding that all communications made on behalf of Council must deliver a consistent message. Notwithstanding, and in line with any Council media statements policy, the Mayor (or the appropriate officer as authorised) will be responsible for the final approval of any Council media statements.

Council's Communications and Marketing Officer (or equivalent) will liaise regularly with the Mayor and General Manager to ensure that Council media releases are properly drafted and communicated.

The Communications and Marketing Officer will also support the Mayor and General Manager in drafting responses to media requests.

Support for Ceremonial and Representational Roles of the Mayor

The General Manager will ensure that adequate support be made available to assist the Mayor in their ceremonial and representational roles for Council.

Disagreement Procedure

If a disagreement arises between the Mayor and General Manager, it is expected that the following process will be followed:

- the parties must initially try to resolve the dispute internally in good faith
- if the dispute is unable to be resolved, it will be brought to the Council as a group to determine whether any actions can be taken to resolve the dispute or address issues which arise from it (including but not limited to referral to a mediator/conciliator as agreed between the parties), and
- if agreement cannot be reached, it is then open to the parties to seek advice from the Local Government Division on the process to be followed from that point. It is understood that this recourse is a last resort unless there is a serious risk of continuing dysfunction between the parties.

Without prejudice to either party, it is expected that the Mayor and General Manager will continue to work together professionally while the dispute is being resolved.

2. Mayor and Aldermen

The relationship between the Mayor and Aldermen is very important because good leadership and good relationships contribute to effective participation of Aldermen and good governance.

As the leader of the Council and all Aldermen, the Mayor's role is particularly important in facilitating good relationships. Under section 27 of the Local Government Act, the Mayor's functions include:

- promoting good governance by, and within, the Council, and
- acting as chairperson of the Council and chairing meetings of Council in a manner that supports decision-making processes.

The following specific expectations are agreed, and apply in addition to the 'Statement of Expectations of Good Governance across Council':

Commitment to Sharing Information

To assist open and transparent communication, and collegial working relationships, the Mayor will share information with all Aldermen outside of the formal Council meetings and workshops, as appropriate. Such information may include (but not limited to): invitations by community groups to attend functions, policy statements by political parties, outcomes of meetings of external bodies etc.

Commitment to Good Conduct at Council Meetings

Under the Meeting Regulations (section 10 – Chairperson), the Mayor (or in the Mayor's absence, the Deputy Mayor) is the chairperson of a Council meeting. Accordingly, the Mayor is expected to chair and manage the Council meeting.

However it is the responsibility of each and every individual Alderman to exhibit good conduct in meetings. The Mayor should not have to spend time enforcing good behaviour.

Aldermen should listen while others are speaking, avoid interrupting, use reasonable and temperate language in debates (no matter how contentious the topic may be), and remain focussed on meeting business while avoiding unnecessary distractions.

Commitment to Leading Meetings with Skill and Impartiality

The Mayor will facilitate good decision-making through skilful chairing of Council meetings. The Mayor will have a comprehensive knowledge and understanding of the formal meeting procedures under the Meeting Regulations and other relevant Council meeting policies so as to be confident in chairing meetings and making rulings where necessary.

In particular, the Mayor will recognise that it is important in making Aldermen feel that they are part of the Council meeting process by ensuring they have the opportunity to get their viewpoint across.

If the Mayor has a strong position on a specific issue during debate, the Mayor will refrain from expressing a particular view until all the other Aldermen have had their chance to state their opinion, and before the matter is put to the vote. If the Mayor wishes to play an active part in the debate, then they should consider vacating the chair for that item, as appropriate.

3. Between Aldermen

Relationships between Aldermen are to be founded on mutual respect and an acknowledgement that they are all doing complex and important work.

Because of the nature of an Alderman's role, it is understood that they all have individual agendas and issues which they would like to pursue during their term. Despite their differences of opinion, Aldermen need to work together as members of the Council to achieve the best outcomes for the municipality. Aldermanic decision making power comes from collective decisions and not the individual Alderman.

Good governance and the capacity for Aldermen to get things done depend on the quality of the relationships between them.

As community leaders, Aldermen recognise their position as role models. Just like leaders at the state and federal levels of government and other prominent citizens, Aldermanic conduct sets the standard for other people to follow.

The following specific expectations are agreed, and apply in addition to the 'Statement of Expectations of Good Governance across Council':

Commitment to Treat Officer's Advice with Respect

Apart from the information and advice received in Council briefings, Aldermen are also provided with qualified advice at meetings through Council reports or presentations from officers who attend the meeting.

Aldermen are not required to follow the advice and may state their disagreement with the recommendation or report contents. However, Aldermen must consider the report with due respect and should not make disparaging statements about the report or the author.

Commitment to Engagement in Council Meetings

Aldermen are elected for the primary purpose of making decisions on behalf of the entire community.

Accordingly all Aldermen will make genuine efforts to actively participate in all aspects of Council meetings, including by:

- reading officer reports and related documentation
- attending formal council meetings and other related meetings, such as Aldermanic briefings
- participating in debate and discussion of matters affecting the community
- remaining focussed on meeting business and avoiding unnecessary distractions, and
- voting on all Agenda items, except items in which they have declared an interest.

Commitment to Adhering to Council's Customer Service Charter

When dealing with representations from the community, Aldermen must respect the appropriate process for dealing with service level issues and customer complaints.

Aldermen are expected to initially direct the community member to contact Council's Customer Service Team which will ensure that the issue is forwarded to the appropriate Council department for assessment.

Where a community member is dissatisfied with Council's administration of their issue, Aldermen are expected to raise this with the Mayor who will raise the matter with the General Manager.

Commitment not to Influence Council Employees

Aldermen must not influence, or attempt to influence, any Council employee or delegate of the Council, in the exercise of the functions of the employee or delegate⁴.

4. General Manager and Aldermen

The General Manager has a critical role in promoting a positive culture of good governance throughout Council administration. In particular, the General Manager is instrumental in ensuring that the roles of Aldermen (being the democratically elected oversight body of Council) are viewed as being an integral part of (rather than an impediment to) the efficient discharge of the many functions of Council.

The following specific expectations are agreed, and apply in addition to the 'Statement of Expectations of Good Governance across Council':

Commitment to Supporting Good Decision Making by Aldermen

The General Manager will ensure that Aldermen are regularly provided with the information they need to fulfil their roles. In doing so, the General Manager will ensure that all Aldermen have equal access to information and resources and are provided appropriate support for good decision-making processes.

The General Manager, in consultation with the Mayor, will ensure that there are appropriate Aldermanic briefing sessions (or workshops) which will provide opportunities for Aldermen to be better informed about strategic or key operational matters of Council.

⁴ Refer to Council's Aldermanic Code of Conduct, Appendix A, Part 7 (Relationships with community, councillors and Council employees), paragraph 3

5. Good Governance Across Council

To practise good governance, Council acknowledges and supports that the Mayor, General Manager and Aldermen need to lead by example and promote a culture of good governance within Council.

Accordingly, the Mayor, General Manager and Aldermen commit to the following good governance practices:

Standard	Expectations
<p>Maintaining high ethical standards</p>	<p>The Mayor, General Manager and Aldermen will (collectively):</p> <ul style="list-style-type: none"> • be familiar with, endorse and comply with relevant legislation, Council’s Aldermanic Code of Conduct and Council policies • act in the best interests of the community • display integrity and impartiality in their decision making • lead by example • ensure that Council decisions and actions are transparent and accountable • review Council’s Code of Conduct within three (3) months of an ordinary election (as required by the Local Government Act), and • abide by the eight (8) principles of good governance, as established in the <i>Good Governance Guide</i>⁵.
<p>Understanding individual roles and the role of others</p>	<p>The Mayor, General Manager and Aldermen, subject to absences of leave/apologies will (collectively):</p> <ul style="list-style-type: none"> • attend all Council meetings and relevant committee meetings, as appropriate, and • come to meetings well prepared and participate effectively in debate and discussions. <p>The Mayor and Aldermen will:</p> <ul style="list-style-type: none"> • not be drawn into operational management matters, except to address emerging risks, and • be effective in monitoring and evaluating the performance of the General Manager. <p>Individuals, to an appropriate level, will understand:</p> <ul style="list-style-type: none"> • their own personal role in Council • the role of Council • the role of Mayor • the role of Deputy Mayor • the role of General Manager • the role of the Minister responsible for local government

⁵ Good governance is: accountable; transparent; law-abiding; responsive; equitable; participatory and inclusive; effective and efficient; and consensus oriented (*Good Governance Guide for Local Government in Tasmania* (Department of Premier and Cabinet, Local Government Division, May 2016, pp 8-9)

Standard	Expectations
	<ul style="list-style-type: none"> • the role of the Local Government Division • the role of Director of Local Government • the role of Local Government Association of Tasmania, and • the role of Council administration and operations.
<p>Building good relationships</p>	<p>The Mayor, General Manager and Aldermen will (collectively):</p> <ul style="list-style-type: none"> • communicate effectively with the community • ensure that the interrelationships are effective in enabling Council to fulfil its duties and responsibilities, and • ensure Council has a protocol in place to guide engagement between the Aldermen and Council administration. <p>Individuals will:</p> <ul style="list-style-type: none"> • be respectful towards one another, members of the community and the Council administration • listen and give due consideration to the views of others, and • not engage in bullying and/or harassment.
<p>Effective strategic planning and monitoring performance</p>	<p>The Mayor, General Manager and Aldermen will (collectively):</p> <ul style="list-style-type: none"> • actively participate in strategic planning • listen to the views of the community when engaged in strategic planning • understand the importance of integrated strategic and financial asset management plans • ensure Council is effective in setting the overall direction of the municipal area • ensure Council is effective in considering and determining all major policy issues • ensure Council monitors appropriate financial and non-financial performance indicators • ensure Council regularly inputs into strategy development and review, and • ensure Council meetings address the key issues facing the community.
<p>Robust risk management</p>	<p>The Mayor, General Manager and Aldermen will (collectively):</p> <ul style="list-style-type: none"> • ensure Council has a risk management policy • be familiar with Council’s risk management policy • understand the importance of risk management and the risk management process • ensure Council has a clear understanding of business risk

Standard	Expectations
	<ul style="list-style-type: none"> ensure Council balances risk and opportunity as part of the policy development and decision making processes, and ensure Council identifies analyses, evaluates, treats, monitors and communicates risks in a way that will maximise the potential to achieve goals and objectives, and minimise the potential for harm or loss.
Fair and transparent decision making	<p>The Mayor, General Manager and Aldermen will (collectively):</p> <ul style="list-style-type: none"> ensure that there are clear expectations around setting the Council meeting agenda, circulating papers, and decision making protocols ensure that Council gives due consideration to advice provided by the administration be committed to the principles of natural justice ensure that Council make decisions that are in the best interests of the community engage in robust, respectful and proper debate at Council meetings ensure that Council uses closed meetings appropriately ensure that wherever possible information is made available in the public arena engage with the community to help inform decision making, as appropriate, and follow the five (5) step decision making process (i.e., setting the agenda; gathering information, forming an opinion, making the decision, and implementing the decision). <p>Individuals will:</p> <ul style="list-style-type: none"> be aware of and manage their personal conflicts of interest (including the requirements to declare interests contained in the Local Government Act).
Legislative compliance	<p>The Mayor, General Manager and Aldermen will (collectively):</p> <ul style="list-style-type: none"> ensure that Council monitors compliance with legislative requirements ensure that Council has a register of delegations, and ensure that where instances of a breach are detected of the Local Government Act (and other relevant Acts and statutory instruments), that these are proactively reported to the Director of Local Government, and ensure that where such breaches are reported, that an undertaking to address or mitigate future non-compliance is communicated to the Director of Local Government.

Standard	Expectations
	<p>Individuals will:</p> <ul style="list-style-type: none"> • be aware of their obligations under the Local Government Act and other relevant Acts and statutory instruments.
Continuous improvement	<p>The Mayor, General Manager and Aldermen will (collectively):</p> <ul style="list-style-type: none"> • ensure Council consciously manages its performance and pursues continuous improvement • ensure Council has an Aldermanic training and development policy, and • ensure that Council's Audit Panel plays a key role in ensuring that Council's activities meet requirements. <p>Individuals will:</p> <ul style="list-style-type: none"> • be aware of gaps in their personal knowledge and understanding relevant to their role and seek opportunities to undertake learning, subject to resourcing and budget.
Good Governance and land-use Planning	<p>Individuals will understand:</p> <ul style="list-style-type: none"> • the role of Council as a planning authority • their role as a member of the Glenorchy Planning Authority, and • the importance of the links between strategic planning and land-use planning.
Governance practices unique to mayor	<p>The Mayor will:</p> <ul style="list-style-type: none"> • act as a leader of the community • be a fair and responsible spokesperson for Council • understand the importance of the relationship with the General Manager • work hard to ensure a seamless link between the Aldermanic body and Council administration • understand the role as principal officer under section 32 of the <i>Integrity Commission Act 2009</i> • ensure that all Aldermen have the opportunity to be heard and speak without interruption at Council meetings • during Council meetings, ensure that debate stays focussed and actively assists to clarify any misunderstandings • ensure that Council meetings are chaired, and matters are discussed and debated in a structured and effective way

Standard	Expectations
	<ul style="list-style-type: none"><li data-bbox="687 248 1398 315">• effectively manage any poor behaviour that arises at Council meetings, including bullying and/or harassment<li data-bbox="687 331 1382 398">• provide fair summaries of debate and assist Aldermen come to a decision<li data-bbox="687 414 1294 481">• make sure that the Council addresses all of the appropriate strategic issues, and<li data-bbox="687 497 1382 564">• make sure there is sufficient time to discuss the issues on the Council meeting agenda.