



CITY OF HOBART

# MINUTES ATTACHMENTS

## COUNCIL MEETING

### OPEN PORTION OF THE MEETING

**TUESDAY, 15 FEBRUARY 2022**

**AT 5:00 PM**

**VENUE: COUNCIL CHAMBER, TOWN HALL**

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City of Hobart

# Policy

**Title:** kunanyi / Mount Wellington Observation Shelter – Hire Use Guidelines

**Category:** Recreation, Parks, Bushland and Reserves

**Date Last Adopted:** 23 September 2019

## 1. Objectives

To provide guidance and parameters on the type of activities permitted in the hire of the kunanyi / Mount Wellington Observation Shelter.

## 2. Background

The Observation Shelter provides an observation point from the summit of kunanyi / Mount Wellington.

It remains a public facility designed for access and use by the general community.

The opening hours of the facility for the general public are generally 8.00 am to 4.30 pm (non-daylight saving months) and to 8.00 pm (daylight saving months), seven days per week.

Outside the hours noted above, the facility remains available for hire, within the guidelines detailed below.

The hire fee applicable is established in the City's Fees and Charges schedule and accordingly, reviewed annually.

## 3. Policy

That:



1. The kunanyi / Mount Wellington Observation Shelter remains a public facility principally for the use of the general public, during daylight hours.
2. For security purposes the facility to be closed to the general public after dark, with the closures times to vary throughout the year, as deemed necessary by the General ManagerChief Executive Officer, or histheir delegate.

- (i) During snow/ice events, the shelter remain open as a safety refuge.
3. The hire of the facility outside the hours available to the general public may be permitted within the following guidelines, at the discretion of the ~~General Manager~~Chief Executive Officer, or ~~his~~their delegate:
- (i) Events/functions with a public benefit that promote educational, cultural, artistic, heritage, aboriginal, tourism or economic development outcomes be considered on a case by case basis.
- (ii) All events and functions are to be alcohol free.
- (iii) Bookings be subject to cancellation in the event that extreme weather (fire, snow, ice or wind) results in the closure of Pinnacle Road, at no cost to the Council.
- (iv) All rubbish generated by the hired use of the facility be required to be removed from the summit area by the hirer.
- (v) Fees and security deposits, as contained in the City's Fees and Charges schedule and all other charges or costs that may be applicable in relation to the hired use of the facility be the responsibility of the hirer.
- (vi) The City's general terms and conditions for the use and hire of its open spaces apply.
4. The hire of the facility for private use or purposes not be permitted.

#### 4. Legislation, Terminology and References

<b>Responsible Officer:</b>	Director City Amenity
<b>Policy first adopted by the Council:</b>	21/9/2015
<b>Amendments</b>	
Amended by Council	7/3/2016
Amended by Council	23/9/2019
<u>Reviewed by Council</u>	<u>316/12/2022</u>
<b>Next Review Date:</b>	September 2023 <del>4</del>
<b>File Reference:</b>	F16/65244





City of Hobart

# Policy

**Title:** Elected Members' Development and Support

**Category:** Corporate Governance

Date Last Adopted: 18 November 2019

## 1. Objectives

This policy sets out the benefits and entitlements available to elected members in support of their roles as elected representatives of the City of Hobart.

They are summarised below:

- |  |   |
|--|---|
| A. Certificate of service  | K. Expenses Reimbursement                             |
| B. Insurance   | L. Claims Processing                                  |
| C. Elected Member Professional Development   | M. Benefits   |
| D. Representing Council as a Conference Speaker                                      | N. Disclosure of Expenses and Benefits                |
| E. Representation of the Council in Local Government and Related Business Activities | O. Facilities   |
| F. Study and Inspection Tours  | P. Loan of Equipment                                  |
| G. International Relationships   | Q. Reimbursement of Legal Expenses                    |
| H. General Provisions  | R. Use of Vehicle and Drive – Lord Mayor              |
| I. Allowances  | S. Retirement Function – Long Serving Elected Members |
| J. Sponsorships  | T. Elected Member Use of Social Media Guidelines      |

## 2. Background

This policy provides a consolidated point of reference for the identification of benefits and entitlements for elected ~~m~~Members.

## 3. Policy

In the interest of good governance, the Council has resolved to formally endorse its policy in relation to elected members development and support, on an annual basis, in advance.

Elected members will also individually attest their compliance with the policy on an annual basis.

### Definitions

In this policy reference is made to "annually", "per annum" and "per year". This is a reference to a period of time commencing on 1 November each year and expiring on 31 October the following year.

### A. CERTIFICATES OF SERVICE

Upon election to the Council the Lord Mayor, Deputy Lord Mayor and each elected member will be presented with an unframed Certificate of Election signed by the Chief Executive Officer ~~General Manager~~.

Upon retirement from the Council, each elected member is to be presented by the Lord Mayor with a framed Certificate of Appreciation under the seal of the Council and the signatures of the Lord Mayor and ~~General Manager~~ Chief Executive Officer.

Upon retirement from the role of Lord Mayor or Deputy Lord Mayor, the Chief Executive Officer ~~General Manager~~ will present a framed Certificate of Appreciation to the retiree on behalf of the Council.

### B. INSURANCE

Elected members will be covered, on a 24 hour a day basis by insurance taken out by the Council against the risk of death, disablement or accident whilst they hold office.

The amount of cover is to be reviewed annually as part of the organisation's review of its insurance portfolio.

### C. ELECTED MEMBERS PROFESSIONAL DEVELOPMENT

In order to meet the obligations of their Oath of Office, taken upon election, elected members are to engage in ongoing professional development in order to maintain and improve their skills and effectiveness and to stay in touch with issues relevant to the City.

Continuing professional development for elected members is an investment which enhances the effectiveness of the City's performance in achieving its goals. Well trained and informed elected representatives are best placed to represent their community.

It is important that activities relate to the role of elected members and the Council as a whole, as defined within the *Local Government Act 1993*.

In considering professional development requirements, it should be noted that, as decision and policy makers, elected members are not expected, or required to hold specialist technical knowledge regarding Council activities, as the provision of qualified advice is the responsibility of the General Manager (*Chief Executive Officer*), in accordance with Section 65 of the *Local Government Act 1993*.

The primary function of elected members' professional development activities is to improve the operations and capacity of the Council; with a residual professional benefit to the individual elected member from undertaking the training and development.

This policy provides the framework for the delivery and management of elected member's participation in professional development activities which are provided by the City via the following framework:

- Post-election induction program;
- Ongoing in-house training and awareness activities; and
- Elective professional development activities.

The maximum expenditure for individual elected members on elective professional development activities is \$5000 per annum and is subject to review annually.

The total cost of funding for elected members activities, as described within this policy, will be attributed to the annual operating budget as approved by the Council

Any expenditure in excess of the annual budget must be approved by the Council.

#### **1. Post-Election Induction Program**

Following their election elected members will be supported in their roles through access to a comprehensive induction program which will be offered as soon as possible after the induction of a new Council, and normally occur during the first months of office.

An effective induction program provides the opportunity for elected members to become familiar with the structure of the organisation and how it interacts with its community and assists the newly elected Council build effective working relationships.

Induction programs are normally delivered in-house by the City, local government related entities such as the Local Government Association of Tasmania, Local Government Office; or subject matter specialists such as the Integrity Commission.

Topics include, but are not limited to the following issues:

- (i) Organisational structure and operations; including the structure and cycle of Council business delivery, meeting procedures and the role of -Chairperson;
- (ii) Roles and responsibilities of the Lord Mayor, Deputy Lord Mayor and elected members of the Council, including Code of Conduct, conflict of interest, ethical decision making and building effective working relationships;
- (iii) The Council's role as the planning authority;
- (iv) Community engagement;
- (v) Strategic business planning including annual plans, policy development, delegations, strategic plan, financial management plans, budgetary framework and asset management;
- (vi) Briefings on specific issues affecting the City of Hobart at the time.

## 2. Ongoing In-house City of Hobart Training & Awareness Activities

The legislative provisions of the *Local Government Act 1993* provide the formal framework for the presentation and discussion of the business of Council, via an approved schedule of meetings.

In addition to the formal legislative structure which governs the flow of Council business through meetings of the Council and its appointed committees, there is a need for elected members to be aware of a wide range of issues relating to their roles as elected representatives of the City.

Matters may include legislative updates, City specific projects and inter-government matters, as well as refresher training and awareness on issues including WH&S responsibilities, ethical decision making and Code of Conduct.



Information on such matters will be presented to elected members as the need arises, using the most appropriate forums, including training sessions, briefings, presentations and workshops.

### 3. Individual Elective Professional Development Activities

In keeping with the elected member's Oath of Office, ongoing professional development will involve participation by elected members in training and development activities to improve their knowledge, competence and effectiveness.

Activities may be provided through a number of avenues which suit individual needs, including:

- (i) *formal study;*
- (ii) *workshops; briefings, seminars and business forums;*
- (iii) *peer programs;*
- (iv) *local government sector activities; and*
- (v) *conferences.*

All professional development activities must be conducted within Australia.

The Lord Mayor\* will approve an annual professional development plan for the Council, having discussed individual needs with elected members, in accordance with the policy guidelines.

In support of individual planning, elected members may access a training needs facilitator should they so wish, in accordance with the policy guidelines.

In determining individual requirements for professional development, the Lord Mayor will be mindful of the available budget; equity of expenditure and distribution of activities; and any other issues considered to be relevant at the time.

The Lord Mayor will inform the Council of the annual professional development plan, for noting purposes only, together with any approved variations as they occur.

Elected members will be required to report to the Council on their professional development training and development activities, in accordance with the policy.

The total cost of elected ~~members~~members' participation in professional development activities will be attributed to individual elected members under this specific category and will appear on the City of Hobart's website.

\*In all instances involving elective professional development planning for the Lord Mayor, the Deputy Lord Mayor will act in lieu of the Lord Mayor.

#### **D. REPRESENTING COUNCIL AS A CONFERENCE SPEAKER**

The Council may resolve to send an elected member as a representative of the City to a conference/forum/panel etc in the capacity of speaker, presenter, or to accept an award.

Elected members who may represent the Council as a speaker or presenter will be required to provide a report to the Council on their attendance, in accordance with the policy. In the case where an officer accompanies an elected member, a report provided to the Council by the accompanying officer will meet the elected members' reporting requirements.

The total cost of elected members' participation in activities under as a conference speaker will be attributed to individual elected members under this specific category and will appear on the City of Hobart's website, however the cost will not form part of the \$5,000 annual allowance.

#### **E. REPRESENTATION OF THE COUNCIL IN LOCAL GOVERNMENT AND RELATED BUSINESS ACTIVITIES**

As the City's civic leader, the Lord Mayor, is a member of a range of local government bodies, including the Local Government Association of Tasmania, the Southern Tasmanian Council's Association and the Council of Capital Cities Lord Mayor's.

The Lord Mayor also participates on various working parties and special committees representing local government activities.

Participation in these activities are not subject to Council approval as they form part of the operational activities of the Council.

The Lord Mayor may, due to unavailability, request an elected member to represent the Lord Mayor by participating in such activities.

The cost of the Lord Mayor's participation in local government activities, as the representative of the City will be recorded in the operating budget for the Office of the Lord Mayor, as will be the case for any elected member who represents the Lord Mayor, at the Lord Mayor's request.

The total cost of elected members' participation in activities representing Council in Local Government and related business activities be attributed to individual elected members under this specific category and will appear on the City of Hobart's website, however the cost will not form part of the \$5,000 annual allowance.

#### **F. STUDY AND INSPECTION TOURS**

The Council may resolve to send one or more elected members participating in a study or inspection tour to examine a particular program or activity operating outside of the City, in order to assess its application or suitability for the City of Hobart.

In considering participation in study tours, the Council will be provided with details of all costs associated with attendance, including resourcing and any other associated costs.

The total cost of elected members' participation in study and inspection tours will be attributed to individual elected members under this specific category and will appear on the City of Hobart's website, however the cost will not form part of the \$5,000 annual allowance.

#### **G. INTERNATIONAL RELATIONSHIPS**



Individual elected members may elect to participate in Council funded and approved international city relationship delegations, up to a maximum budget allocation of \$6,000, during their four-year term of office.

As part of any such visit, where appropriate, the Council may advise community representatives, business, State Government and other relevant stakeholders, in order to ascertain their interest in participating in the visit as part of the Council delegation.

In addition to Council delegations, the Council may also approve participation in appropriate delegations conducted by the State Government or other relevant agencies.

The following criteria applies to travel on international delegations:

- (a) The objectives of individual visits should be clearly defined.
- (b) Visits will be timed to coincide with or support:
  - (i) Significant events in the life of the City acknowledged by the Council as a City of significance or with which the Council has a formal relationship;
  - (ii) Trade missions and delegations;

- 
- 
- (iii) Major cultural events; or
  - (iv) Strategic opportunities to build on and reinforce relationships.

In relation to international cities relationships, where the Council may send a delegation to a Sister City or international destination of significance, as resolved by the Council; with the exception of the Lord Mayor's partner, elected members' partners shall meet their own costs of travel and accommodation (excluding ordinary travel insurance costs).

Where an elected member represents the Lord Mayor on an international delegation, the policy provisions which relate to funding by the Council of travel for the Lord Mayor and their partner, also apply to the representing elected member.

The total cost of elected members' participation in international relationship delegations will be attributed to individual elected members under this specific category and will appear on the City of Hobart's website.

#### H. GENERAL PROVISIONS

1. Where an elected member undertaking travel on City of Hobart business, may seek to add a personal travel component, this can only occur where the elected member can demonstrate that there is no financial or material detriment to the City.
2. Where elected members are required to provide reports in respect to activities undertaken under this policy, the report is to include the name, location and date of the activity, together with a summary of the outcomes, including any matters which may be considered relevant to the City of Hobart. An electronic template will be made available for this purpose. Reports will be submitted to the relevant Council committee.
3. Upon return from any activity approved under the Elected Members Development and Support Policy, elected members are to provide a reconciliation of all expenditure incurred in attending the activity, within 30 days.
4. All additional costs associated with a partner accompanying an elected member undertaking any activity covered under this policy are the responsibility of the individual elected member and are to be met personally by them.

5. All air travel for elected members is to be economy class.

6. A daily incidentals travel allowance of \$40 per 24 hour period shall be provided to (elected members) who travel away from the City in all circumstances of legitimate Council business, as covered under this policy. This allowance is not subject to any acquittal or reconciliation process.
7. The Council's administration will make and pay for all arrangements for elected members' travel.

\*In the case of the Lord Mayor, the Deputy Lord Mayor will act in lieu of the Lord Mayor.

#### I. ALLOWANCES

The *Local Government Act 1993* provides that councillors are entitled to prescribed allowances. Mayors and deputy mayors are entitled to additional allowances.

The *Local Government (General) Regulations 2015* prescribe those amounts, which are adjusted by the CPI inflationary figure as at 1 November in each year.

Allowances are paid in arrears.

In the interest of transparency and good governance, there is no capacity to debit from elected member's allowances.

#### J. SPONSORSHIPS

Where the Council resolves to support events through a grant or sponsorship, free tickets ~~may~~may be provided to the Council by the event organisers.

Where tickets are made available to elected members, their value will be advised to them at the time in order to enable elected members to make an informed choice as to whether or not they wish to accept tickets.

Where elected members elect to accept free tickets, the details of the event and the estimated value will ~~only~~ appear in the Elected Members Gifts and Donations Register, to be recorded by the Manager Legal and Governance on behalf of those elected members concerned.

Confirmation of the details entered into the Register will then be provided in writing for the information of those elected members.

#### K. EXPENSES REIMBURSEMENT

[www.hobartcity.com.au](http://www.hobartcity.com.au)

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Regulation 43 of the *Local Government (General) Regulations 2015* provides that ~~an~~ councillor is entitled to be reimbursed for reasonable expenses in accordance with this policy in relation to:-

- (a) Telephone rental, telephone calls and use of the internet; and
- (b) Travelling; and
- (c) Care of any person who is dependent on the councillor and who requires the care while the councillor ~~is carrying out his or her~~ out their duties or functions as a councillor; and
- (d) Stationery and office supplies.

The Council will reimburse elected members for reasonable out-of-pocket expenses incurred in relation to the abovementioned, provided that such expenses are incurred whilst they are carrying out the functions of office, pursuant to Section 28 of the *Local Government Act 1993*.

The following arrangements will apply in respect to the prescribed expenses:

#### 1. Telecommunications;

Elected members are entitled to be reimbursed for reasonable out-of-pocket expenses incurred as part of their roles in relation to expenses for telephone rental and calls and the use of the internet.

In respect to mobile phone services, elected members may make their own arrangements in terms of the selection of a call and data service provider of their own choice and claim reimbursement of costs incurred.

Alternatively, they may elect to use the Council's provider, in which case individual plans are required for each elected member to enable the identification of individual usage for transparency purposes.

In order to avoid excessive mobile phone accounts, and where required, the Council purchase relevant mobile phone data packs, for use by elected members who are travelling overseas in the following circumstances:

- (i) Where the Lord Mayor, as the Council's principal elected representative may be overseas on leave from Council, and considers it appropriate to retain contact in respect to Council issues; with the agreement of the Chief Executive Officer ~~General Manager~~, and

- (ii) Where an elected member may be representing the City as part of a Council approved delegation.

Under such circumstances the cost of data pack(s) be attributed and disclosed as an expense to the Lord Mayor or individual elected member, however the cost of the pack(s) not be included as part of the annual telecommunications cap.

Data pack(s) can be purchased for use by elected members who are travelling overseas at their own expense for private purposes, however the cost of the data pack(s) will be reimbursed to the Council.

An annual expenditure cap of \$2,000 per elected members ~~per financial year~~ applies for telecommunications expenses.

The Council not be involved in the provision of telecommunications connections to elected members' private property.

## 2. Travelling;

### Local Travel

For the purposes of this policy, travel is defined as modes of transport utilised by elected members for local travel which attract costs, such as, fuel, taxi and bus services etc.

Elected members may claim the cost of travel incurred by means other than private vehicle use such as taxis and other public transport by the lodgement of a reimbursement claim to be accompanied by appropriate tax invoices and receipts indicating proof of payment along with details of the travel undertaken including date, cost, destination and details of the Council activity being undertaken.

Where public transport costs are incurred through pre-loading funds to a card, the costs of this can be claimed by an elected member provided that evidence of payment can be provided (i.e.: receipts).

Where elected members utilise private vehicles powered by fuel, they will be requested to nominate one (only) of the following options in any financial year:

- (i) Seek the reimbursement of costs through the submission of kilometre claims, which will be paid at the relevant rate per km, as set by the State Public Service, (as also applying to City of Hobart employees), subject to the provision of supporting information including travel date, destination, and details of the Council activity undertaken.

(ii) As an alternative to kilometre claims, elected members may nominate to be issued with a fuel card which enables a maximum allocation of 1,500 litres of fuel to be drawn from the Council's provider in each ~~calendar~~-year. Under this option there is no requirement for elected members to submit travel details. Elected members who nominate to draw from this fuel allocation must only do so by utilising the Council issued fuel card.

(iii) Where an elected member uses a private electric vehicle (e-vehicle), they may charge their e-vehicle from power points supplied on the Town Hall parking deck. Due to the small amount of power consumed, this will be treated the same as charging any other electronic device in Town Hall and will not be metered.

#### **Non-Local Travel**

Travel for purposes other than local transport will be approved and funded by the Council as part of its policy on elected members' professional development activities under section C, or as part of travel associated with international relationships under section G.

The Council may provide an elected member with a travel card pre-loaded with funds to cover incidental expenses while travelling.

#### **3. Care of any Person Who is Dependent on an Elected Member;**

Care claims must be accompanied by either a receipt from a licensed care provider or, a document with dual signatures of the claiming elected member and the service provider detailing the following:

- (i) The name, address and phone contact details of the care provider;
- (ii) The date and time of the service, including the hours involved;
- (iii) The hourly rate paid; and
- (iv) Details of the Council event attended by the elected member.

A maximum hourly rate of \$20 applies for care, unless otherwise approved by the Lord Mayor, or in the case of the Lord Mayor, the Deputy Lord Mayor.

Council funding of care relates only to Council or Council committee meetings and Council attended events.

Elected members may seek the approval of the Lord Mayor or Deputy Lord Mayor for the reimbursement for additional care arrangements, in extenuating circumstances.



**L. CLAIMS PROCESSING**

Claims for the reimbursement of expenses incurred, as provided in this policy must be submitted directly to the Manager Legal and Governance together with tax invoices and receipts indicating proof of payment along with the full details of the nature of the expenditure. \*

\*In instances where service providers do not issue tax invoices (such as Uber) receipts will suffice.

In respect to reimbursements and reconciliations where there is genuinely no means available to provide the stipulated supporting documentation, a statutory declaration must be submitted, together with an adequate description of the purchase, in support of the expense being claimed.

The Manager Legal and Governance will verify that claims are in accordance with the policy and will subsequently follow the approval/authorisation process by seeking the approval of claims by the Lord Mayor and authorisation for payment from the Chief Executive Officer ~~General Manager~~.

The Deputy Lord Mayor will approve claims submitted by the Lord Mayor.

In the interest of good governance claims are to be submitted within sixty (60) days of the expense being incurred.

Where for good reason, this requirement cannot be met; the approval of the Lord Mayor or Deputy Lord Mayor and Chief Executive Officer ~~General Manager~~ will be required to reimburse a claim.

Where, in the opinion of the Chief Executive Officer ~~General Manager~~, a question arises as to whether a claim for reimbursement of expenses is ineligible under these policy provisions, the Chief Executive Officer ~~General Manager~~ shall determine such claims, and in so doing, take such action as considered appropriate, including seeking advice from Council's internal auditors.

The claim form for reimbursement and reconciling expenditure is located on the Hub.

Upon submission of the appropriate paperwork to the Manager Legal and Governance, claims will be paid within a 30 day period.

Under no circumstance should an elected member transact a purchase of any nature which is subsequently claimed as an elected member expense, where the goods or services purchased are intended for personal use.

**M. BENEFITS**

The Council has resolved to make the following benefits available to elected members:

**1. Parking Permits**

In order to provide parking for elected members in Council controlled areas whilst they are undertaking their duties of office, the following arrangements will apply.

Elected members must provide the details (including make, model, colour and registration number) of a maximum of two vehicles to the Manager Legal and Governance for inclusion in the Council's parking database as elected members' vehicles. Elected members must ensure that these details remain current at all times.

Elected members will subsequently be provided with one transferrable parking permit (which is issued in each financial year) which must be displayed on the windscreen of their nominated vehicle(s) whilst they are on Council business.

The display of the permit will enable elected members to park in the following Council controlled areas only:

- (i) In the space designated for elected members parking on the Town Hall parking deck, without any time limit;
- (ii) In the Council's Argyle Street, Centrepont, and Hobart Central multi-storey car parks, without any time limit; and
- (iii) In on-street metered parking spaces and in the Council's Dunn Place and Salamanca Square voucher car parks, for the maximum time allowable, without the need to pay the required fee\*

\*In respect to clause (iii) above, it should be noted that the permit does not cover overstaying beyond the maximum parking time allowed.

In consideration of the provisions outlined in this policy, where an elected member believes that an infringement has been issued in error and subject to adherence to the following requirements:

- (i) The Council's records verifying that the vehicle details match the those appearing on the parking database, and
- (ii) The elected member's parking permit being appropriately displayed on the vehicle, thereby

verifying that the elected member was on Council business at the time of the infringement,

elected members may submit an application to the Chief Executive Officer General Manager to have the infringement withdrawn.

The Chief Executive Officer General Manager will seek the endorsement of the Lord Mayor in determining such applications.

## 2. Doone Kennedy Hobart Aquatic Centre Access

In line with the Council's commitment to health and wellbeing, elected members are permitted access to the Doone Kennedy Hobart Aquatic Centre at no cost.

Elected members are required to identify to the Manager Legal and Governance their preferred membership category or casual entry preference from the Centre's approved schedule of fees and charges, to enable costs associated with elected members' usage of the Centre to be accurately identified in the Gifts and Donations Register.

## 3. Community Activities Participation Allocation

In order to facilitate the participation of elected members in community functions and activities which contribute to the advancement of the Council's strategic objectives, funding will be provided for such purposes subject to the following annual cap (per financial year):

The Lord Mayor -	\$5,000;
The Deputy Lord Mayor -	\$2,500; and
Elected Members	\$1,000

Elected members may elect to have their partner accompany them to an event, in which case the cost of attendance will also be allocated to their individual cap.

Arrangements for attendance at such functions, including payment, where applicable, are to be made by individual elected member.

Where elected members attend functions and activities involving a cost, they are requested to submit a reimbursement form to the Manager Legal and Governance, including the name and date of the function, the tax invoice outlining the cost of attendance and proof of payment.

#### 4. Office of the Lord Mayor – Determination of Discretionary and Non-Discretionary Funding

There are two arrangements related to funding for ticketed events where the Lord Mayor attends or where the Lord Mayor is represented by an elected member:

(iv) Non-Discretionary Activities:

Where an invitation/request is received for the Lord Mayor to be a special invited guest or to take on a participatory role (ie; to speak, to make a presentation, to open an event or unveil a plaque, or to receive an award on behalf of the Council) and the event contributes to the advancement of the Council's strategic activities and/or where the presence of a Council representative is deemed to be required, the costs associated with the event for either the Lord Mayor or their representative be charged to the Lord Mayor's Civic Activities Function and not recorded against the attendee's Community Activities Participation allocation.

(v) Discretionary Activities:

Where an invitation/request is received for the Lord Mayor with no participatory role, but the invitation contributes to the advancement of the Council's strategic activities, should the Lord Mayor choose to attend, the costs associated with the event will be noted against the Lord Mayor's \$5,000 community Activities Participation aAllocation for discretionary activities, and be included in the elected member's expenses report and disclosed accordingly.

If an elected member has agreed to represent the Lord Mayor at a discretionary event, then the cost of the event will be noted against the relevant elected member's Community Activities Participation allocation (\$2,500 for the Deputy Lord Mayor and \$1,000 for elected members).

In determining what may be discretionary or non-discretionary in relation to specific invites, the Chief Executive Officer ~~General Manager~~ will provide clarification on a case by case basis, as required.

#### 5. Funded Business and Topical Issues Events

From time to time the Council receives invitations to business functions which the Lord Mayor and ~~General Manager~~ Chief Executive Officer may deem to be of specific relevance and interest to the City of Hobart. Examples

include budget briefings and forums on topical issues.

In such circumstances, all elected members will be invited to attend the function which will be paid for by the Council, with the cost being subsequently attributed as an expense to those elected members who attend.

#### 6. Elected Members Assistance Program

In support of the health and wellbeing of elected members they are entitled to utilise the services of the Council's contracted counselling service.

The Elected Members Assistance Program will provide up to three, free (and totally confidential) counselling sessions per annum (~~financial year~~) to assist with personal, family or work issues that may be affecting elected members' personal wellbeing.

Further free sessions may be approved in consultation with the Lord Mayor and ~~Chief Executive Officer~~~~General Manager~~.

Counselling costs associated with the program are not to be disclosed, given the confidential nature of the service.

#### N. DISCLOSURE OF EXPENSES AND BENEFITS

In the interests of transparency and accountability, the Council has resolved to publicly report information pertaining to allowances, entitlements and expenses for individual elected members.

Accordingly, information is made available on a monthly basis on the City of Hobart website.

The Manager Legal and Governance will provide details of the information to be published on the website to each individual elected member two business days prior to publication to enable any queries to be addressed.

#### O. FACILITIES

The Council makes a number of facilities and services available to elected members in support of their roles.

##### 1. Elected Members' Lounge

The use of the Elected Members' Lounge is confined to elected members who may, from time to time, extend an invitation to those persons who are in the Town Hall on Council business or municipal affairs to join them.

In addition to this general usage, individual elected members



may, if they so desire, host a private function in the Aldermen's-Elected Members' Lounge, subject to the following procedures and conditions:

- (i) Elected members wishing to host such a function shall book the room with the Manager Legal and Governance.
- (ii) All refreshments provided at functions hosted by individual elected members will be funded by the host.
- (iii) Functions are not to be conducted immediately prior, during or directly after a scheduled Council or committee meeting.
- (iv) Elected members who host functions are to be responsible for admitting any guests arriving outside normal office hours, seeing their guests off-site and securing the premises when they leave.
- (vi) No Council employee is to be involved in Town Hall security or in the serving of food or drink during such functions.

## 2. Office Facilities

As the City's civic leader, the Lord Mayor is provided with a suite of rooms in the Town Hall in which to conduct day-to-day business and host civic functions and activities.

Elected members are provided with a furnished and equipped<sup>#</sup> office space in the Town Hall for use for Council business, at their convenience. Offices are allocated in the order of precedence.

The elected members' office area includes a furnished communal space provisioned with standard office equipment. A kitchen facility is also provided.

<sup>#</sup> Refer to section P (v).

## P. LOAN OF EQUIPMENT

As a means of supporting elected members in their roles, the Council will make the following services and equipment available:

### EQUIPMENT

- (i) Hosted email account
  - ald.[surname]@hobartcity.com.au or
  - cr.[surname]@hobartcity.com.au
- (ii) Mobile phone
  - iPhone (current model)
  - Included accessories:
    - Apple silicone case
    - One additional charging cable

(iii) Tablet Portable device

- Microsoft Surface-LTEHP X360 Laptop (current generation - specifications available upon request)  
LTE/4G Data Service

- Included accessories:  
[Keyboard Type Cover](#)  
Stylus ([upon request](#))  
Wireless Mouse ([upon request](#))

## (iv) Printer

- HP Officejet Printer (current available model)  
All-in-one unit that provides printing and scanning functionality.

## (v) Office equipment

- [Docking station for ~~tablet~~portable device](#)
- [Monitors](#)
- [Landline phone](#)
- [Communal printer/photocopier](#)

Equipment will be replaced in line with the Council's standard replacement schedules.

Retiring elected members may make application to the [Chief Executive Officer](#)~~General Manager~~ to purchase equipment which has been issued to them subject to their agreement to pay the market/valuation price, as determined by the [Chief Executive Officer](#)~~General Manager~~.

**SUPPORT**

The Enterprise Technology Unit provides technical support to the Council in the performance of their elected member duties. Aldermen/Councillors are asked to address their queries and requests through the channels listed below for technology related issues.

Business Hours (Monday to Friday 8am – 5pm)

Enterprise Technology Unit: Floor 2, Annex to the Town Hall, 50 Macquarie St, Hobart TAS 7000

Email: [helpdesk@hobartcity.com.au](mailto:helpdesk@hobartcity.com.au)

Phone: 6238 2784

When wishing to speak to a technician in person, if possible, please call ahead to help ensure the technician or equipment will be available upon your arrival, so your request can be actioned with minimal delay.

Technical services provided:

- Support & troubleshooting of items included in the Aldermanic Technology and Telecommunication services offering
- Requests for new or replacement items included in the Aldermanic Technology Offering



- Replacement consumables for council issued printers
- General operational technical support and advice \*
- Reporting of lost, stolen or damaged devices
- Questions or feedback about ICT support and services

\* Enterprise Technology may not be able to provide advice or support of technologies that are not included in the Aldermanic Technology Offering.

#### **After Hours**

(Outside business hours and public holidays)

Phone: (03) 8508 7664

Technical services provided:

- Report failure of major Enterprise Technology IT Services
- Report the loss or theft of IT equipment provided by Enterprise Technology
- Report cyber security incidents

Reception will take your details and a summary of the problem.  
A technician will then contact you within 30 minutes.

#### **Q. REIMBURSEMENT OF LEGAL EXPENSES**

This section of the policy specifies the circumstances under which elected members are entitled to reimbursement of legal expenses in accordance with Clause 1(2)(b) of Schedule 5 of the *Local Government Act 1993*.

Clause 1(1) of Schedule 5 of the *Local Government Act 1993*, requires the Council to adopt a policy with respect of payment of expenses incurred by Aldermen/elected members in carrying out the duties of office.

Sub-clause (2) entitles an elected member to be reimbursed for reasonable expenses in accordance with the policy adopted under Sub-clause (1) in relation to any expenses prescribed in the *Local Government (General) Regulations 2015*, and any other expenses the Council determines appropriate.

Pursuant to Clause 1(2)(b) of Schedule 5 of the *Local Government Act 1993*, an elected member will be reimbursed their reasonable legal expenses in the following circumstances:

- (i) Where the elected member is defending or responding to a claim, action or demand made by a third party against the elected member;
- (ii) Where the elected member is acting as a plaintiff in a claim, action or demand against a third party to the extent that the elected member may obtain initial advice regarding the merits of their claim.

Any reimbursement provided in accordance with this policy is subject to:

- (i) The elected member acting in accordance with the functions of an elected member as specified in Section 28 of the *Local Government Act 1993*;
- (ii) The elected member acting in good faith; and
- (iii) The quantum of costs sought to be reimbursed being reasonable.

In determining whether an individual elected member is entitled to reimbursement in accordance with this policy, the Chief Executive Officer General Manager is authorised to approve initial legal consultation and to obtain professional external legal advice that the circumstances of an elected member's claim satisfy the criteria listed above.

No reimbursement for legal expenses will be provided to an elected member in relation to any claims, actions or demands made against another elected member or the Council itself.

For the purposes of this policy, the term "third party" excludes another elected member the Council as an organisation and any single or joint authorities that the Council has established pursuant to the provisions of the *Local Government Act 1993*.

Where:

- (i) An elected member is entitled to reimbursement of legal expenses in accordance with this policy;
- (ii) That elected member is successful in the proceedings; and
- (iii) In those proceedings that elected member receives an award of costs and/or damages;

any reimbursement in accordance with this policy is to be discounted by the value of any sum awarded as part of the proceedings.

The Council is to provide final approval of any reimbursement.

#### **R. USE OF VEHICLE AND DRIVER – LORD MAYOR**

A vehicle and driver will be made available for use by the Lord Mayor and their partner in the following circumstances:

- (i) For civic and ceremonial occasions where the Lord Mayor and their partner are representing the City. A vehicle will be available for pickup and delivery from the Town Hall or the Lord Mayor's principal place of residence, or from their place of employment when time constraints would otherwise preclude their attendance at a civic or ceremonial function.

- (ii) This policy does not preclude the Lord Mayor or their partner being accompanied by other dignitaries or staff or other persons and family members on those occasions when the Lord Mayor and their partner have attended a civic function and family members may be picked up if he or she is between the function location and the home address; and
- (iii) When the Lord Mayor is representing the Council on matters involving the Council (e.g. Think South and LGAT meetings).
- (iv) This policy also applies to any other elected member and their partner who may be representing the Lord Mayor on civic and ceremonial occasions.

The Chief Executive Officer ~~General Manager~~ or their nominee may authorise the use of a vehicle and driver on such other occasions as deemed appropriate.

A vehicle will not be available for the following use:

- (i) Attending to normal duties at the Town Hall including Council or Committee meetings or for use in the role as an elected member, other than on those occasions when the Lord Mayor or their partner has had civic responsibilities to attend to immediately prior to or after Council and Committee meetings; and
- (ii) Personal or family use.

#### S. RETIREMENT FUNCTION – LONG-SERVING ELECTED MEMBERS

The Lord Mayor is to extend an invitation to arrange a farewell dinner on behalf of the Council, to honour any retiring elected member who has given the equivalent of three (3) consecutive full terms of service to the Council.

Where the retiring elected member accepts the Lord Mayor's offer, invitations to this function are to be extended to serving elected members and their partners, together with the Chief Executive Officer ~~General Manager~~, Divisional Directors and their partners.

Any retiring elected member may invite four other persons to attend the dinner as their personal guests, should they so wish.

The Certificate of Appreciation of their service as an elected member, Lord Mayor or Deputy Lord Mayor, as appropriate and as provided under clause A of this Policy will be presented at the farewell function, wherever possible.

#### T. ELECTED MEMBER USE OF SOCIAL MEDIA GUIDELINES

- 1.4 Elected ~~m~~Members may maintain their own social media accounts identifying themselves as ~~e~~Elected ~~m~~Members for the City of Hobart.

- 1.2 Elected ~~m~~Members should qualify their comments on social media as being their own, and not necessarily the position of the Council.
- 1.3 Information that is not already publicly available must not be disclosed at any time.
- 1.4 The personal details of City of Hobart staff or management must not be shared or disclosed.
- 1.5 Content that could bring the City of Hobart, its ~~e~~Elected ~~m~~Members or its ~~e~~Employees into disrepute, or which defames or otherwise harms the reputation of the City of Hobart should not be published or shared.
- 1.6 All external communications must be respectful of all members of the community and comply with the principles of the Elected Member Code of Conduct.
- 1.7 Personal (not specific to their role as an ~~e~~Elected ~~m~~Member) social media accounts may also be maintained by ~~e~~Elected ~~m~~Members but are subjected to the same conditions as their more official accounts.
- 1.8 Elected ~~m~~Members are reminded that they are responsible for all content published on their social media accounts whether this be posted by themselves or a third party.
- 9. Comments, links, images and videos that includes material that may be deemed as offensive, discriminatory, defamatory or vulgar to any person should be removed.

#### 4. Legislation, Terminology and References

*Local Government Act 1993*

*Local Government (General) Regulations 2015*

#### 5. Appendix

*A: Guidelines to the elected members' Development and Support Policy*

<b>Responsible Officer:</b>	<u>Director City Government</u> <u>Chief Executive Officer</u>
<b>Policy first adopted by the Council:</b>	25/3/1985
<b>History</b>	
Amended by Council	15/12/1986
Amended by Council	27/1/1987
Amended by Council	26/9/1994
Amended by Council	13/12/1999
Amended by Council	13/3/2000
Amended by Council	12/6/2001
Amended by Council	11/2/2003
Amended by Council	14/6/2005

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TRIM No: F16/78700

Amended by Council	14/8/2006
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Amended by Council	9/6/2009
Amended by Council	12/7/2010
Amended by Council	12/9/2011
Individual policy documents amalgamated into a single consolidated policy	31/10/2011
Amended by Council	13/4/2014
Amended by Council	14/7/2014
Amended by Council	9/6/2015
Amended by Council	22/6/2015
Amended by Council	13/7/2015
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Amended by Council	7/11/2016
Amended by Council	24/7/2017
Amended by Council	17/9/2018
Amended by Council	22/10/2018
Amended by Council	18/2/2019
Amended by Council	23/9/2019
<u>Amended by Council</u>	<u>316/012/20242</u>
Next Review Date:	<u>July 2024-October 2023</u>
File Reference:	F16/78700

## Appendix A



## Guidelines to the Elected Members Development and Support Policy

The following guidelines support the implementation and delivery of the Elected Member Development and Support Policy.

### ANNUAL ELECTIVE PROFESSIONAL DEVELOPMENT – PLANNING:

- (i) In accordance with the role of the Lord Mayor to oversee the performance of the eElected mMembers, the Lord Mayor will facilitate annual elective professional development planning for individual eElected mMembers, with administrative support from the Chief Executive OfficerGeneral Manager.
- (ii) In order to assist the Lord Mayor with the preparation and approval of individual plans, the Chief Executive OfficerGeneral Manager will inform the Lord Mayor of the total annual budget which is available for expenditure.
- (iii) The Lord Mayor will contact individual Elected mMembers to discuss their requirements and formulate a professional development plan.
- (iv) To assist this process, a checklist of training and development activities which would support professional development for eElected mMembers of the City of Hobart will be provided to each eElected mMember.
- (v) Where an Elected Mmember may elect to seek the input of a training needs facilitator to assist with the identification of their particular needs, the Chief Executive OfficerGeneral Manager will provide access to a suitable practitioner. Where there may be a cost for this service, it will be attributed to the cost of professional development for the eElected mMember concerned.
- (vi) The annual planning process will not preclude an eElected mMember approaching the Lord Mayor to discuss “out of session” professional development activities; or variations to professional development plans, which the Lord Mayor may consider, taking account of the policy provisions.



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- (vii) Elected mMembers are to submit a bi-monthly report in respect to professional development activity undertaken within the preceding two month period to the relevant Council committee. For the purposes of this process, the monthly periods are defined as calendar months.
- (viii) Further to clause (vii) above, where professional development involves formal education or a training activity which is conducted over a set period of time and/or involves some form of examination, assessment and/or accreditation, the finalisation date of the activity will be deemed as either the last date on which the activity occurred; or the date of receipt of notification of the evaluation or examination result, whichever is the latter.

City of Hobart

# Policy

**Title:** Meetings: Procedures and Guidelines

**Category:** Corporate Governance

**Date Last Adopted:** 24 August 2020

## 1. Objectives

The objective of this Policy is to provide the framework for the effective conduct of the business of the Council and the governance of Council and Council committee meetings.

The Policy covers:

- A. [Meeting Procedures – Council Committees;](#)
- B. [Improving Council and Committee Effectiveness;](#)
- C. [Special Council Committees – Constitution and Procedures;](#)
- D. [Guidelines for Sub-Committees;](#)
- E. [Membership – City Planning Committee;](#)
- F. [Meeting Times;](#)
- G. [Communication with Government;](#)
- H. [Placement of Correspondence concerning Elected Members on Agendas;](#)
- I. [Public disclosure of Closed Council and Council Committee Meetings;](#) and
- J. [Conduct of Council Workshops](#)

## 2. Background

The business of Council is channelled through a number of committees and special committees which have been established by the Council to assist in ensuring the good governance of the City.

The head of power around the conduct of meetings is contained in the *Local Government (Meeting Procedures) Regulations 2015*, which are referenced in this policy.



In addition to these references, the content of this policy contains a range of matters of relevance to the conduct of Council and committee meetings, which have been determined by the Council.

### 3. Policy

#### A. MEETING PROCEDURES – COUNCIL COMMITTEES

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the following procedures be adopted in respect to the operation of Council committees:

##### 1. ELECTION OF CHAIRPERSONS

All Chairpersons of Council committees and Special committees be chosen by the full Council.

##### 2. EX-OFFICIO MEMBERSHIP TO MAKE OR MAINTAIN A QUORUM

Unless already an appointed member an elected member who is in attendance at a Council committee meeting will be an ex-officio member of that committee for that meeting for the purpose of establishing and maintaining a quorum at that meeting.

##### 3. ELECTION OF CHAIRPERSON IN THE ABSENCE OF AN APPOINTED CHAIRPERSON

That the following legal advice in respect to the election of a Chairperson of a Council committee, where the appointed Chairperson is absent, be utilised to assist with the process:

- (i) *The Local Government (Meeting Procedures) Regulations 2015 (MPR) govern procedures at Council committee meetings (see Section 23(3) of the Local Government Act 1993 (LGA));*
- (ii) *Regulation 10(4) of the Meeting Procedures Regulations provides the mechanism by which a Council committee may elect a replacement Chairperson, where the committee's appointed Chairperson is absent from a meeting.*

*This Regulation further provides that elected members who are members of a Council committee are to elect one of their members present at a meeting to be the Chairperson of that meeting.*

- (iii) *In the event that those committee members present at a meeting are unable to decide upon a replacement Chairperson, there are two options open to the committee. One option is for the committee to*

*exercise its right to adjourn the meeting. This decision is to be made by a majority of those present.*

- (iv) *Where a committee member, including the Chairperson is absent, the committee has a power by virtue of Section 23(2) of the Local Government Act 1993, to request an elected member to fill a vacancy for a meeting.*
- (v) *There is no procedure set out in the LGA or the MPR to determine the manner in which the Council committee is to fill a vacancy for a meeting by the appointment of another elected member.*
- (vi) *Regulation 37 of the MPR provides that a Council may determine any other procedures relating to meetings it considers appropriate. In the absence of the Council having a set procedure for the filling of vacancies on Council committees, the Council committee should resolve to fill a vacancy on the committee, and should appoint a specific elected member to fill that vacancy.*
- (vii) *Once a vacancy is filled, the substitute committee member will have a single vote per Regulation 26(2) of the MPR and the committee should then be in a position to elect a Chairperson without a deadlock in the voting.*

Notwithstanding the legal advice quoted above, in the absence of the elected Chairperson from a meeting of a committee, the Council has resolved to adhere to the longstanding practice that replacement Chairperson be appointed in recognition of order of precedence of those committee members present at a meeting where the appointed Chairperson is absent, who have not been appointed as Chairperson of a Council committee, and also noting that such nomination requires ratification at the meeting of the respective committee, in accordance with Regulation 10(3) of the *Local Government (Meeting Procedures) Regulations 2015*.

#### 4. CO-OPTION OF COMMITTEE MEMBERS

- (i) Where a (casual) vacancy exists on a Council committee due to the absence of an *appointed* member(s), co-opting to the committee be undertaken with preference being given to non-committee members in order of precedence, who may be present at a meeting.
- (ii) The period of the *co-opting* be applied in the following terms:
  - (a) a co-opted *committee* member remains a committee member until an appointed member of the committee arrives, or for as

long as the co-opted elected member remains at the meeting, whichever shall first occur, and

- (b) in the event of the arrival of an appointed committee member, the co-opted member is automatically un-co-opted, unless discussion on a matter has commenced prior to the arrival of that committee member, in which case the co-opted member will remain co-opted until the matter under discussion has been completed.

#### 5. MOTIONS – MOVING, SECONDING AND AMENDING

- (i) In accordance with Regulation 16(3) of the *Meeting Procedures Regulations 2015*, the requirement to second a motion in respect to all council committees be waived.
- (ii) It be acceptable procedure at a committee meeting for the Chairperson to allow a proposed amendment to be accepted into a motion, with the consent of both the mover of the motion and the proposer of the amendment.

#### 6. PROCEDURAL MOTIONS

In respect to Regulation 20 of the *Meeting Procedures Regulations 2015*, the Chairperson of a committee may elect to:

- (i) accept the motion and put it forthwith, or
- (ii) reject the motion, with reasons which may include the wish of the Chairperson to hear further debate, followed by advice to the mover of the procedural motion that the motion may be taken as a foreshadowed motion at the end of debate.

Where the Chairperson rules as such, the mover of the procedural motion does not lose their right to speak to a motion already before the chair.

#### 7. ADDRESSING COUNCIL

In accordance with Regulation 21(3) of the *Meeting Procedures Regulations 2015*, the following provisions, as contained in Regulation 21, be adopted in respect to all committee meetings:

- (i) A person is to refer to the chairperson by their title.
- (ii) If two or more councillors wish to address a meeting of the council, the chairperson is to decide the order in which they are to do so.

- (iii) If a councillor is addressing a meeting of a council, another councillor is not to converse aloud or interrupt the speaker or interject, except to call attention to a point of order or to call attention to the want of a quorum.

#### 8. ACTING AS PLANNING AUTHORITY

Where a committee is acting as a planning authority pursuant to Regulation 25 of the *Meeting Procedures Regulations 2015*, and an amendment or contrary motion to that recommended is proposed, the supporting reasons are to be identified by the Chairperson of the committee to enable them to be read back to the committee and recorded accurately in the minutes.

#### 9. VOTING PROCEDURE

In accordance with Regulation 27(2) of the *Meeting Procedures Regulations 2015*, the following voting procedure be adopted for all council committees:

- (i) The Chairperson shall take the vote on a motion verbally, first putting it in the affirmative, then in the negative.
- (ii) If no negative vote is forthcoming the Chairperson will seek the committee's confirmation that the vote is unanimous.
- (iii) Where a dissenting vote may be forthcoming, the Chairperson will call for an indication of the committee's vote on the motion, first in the affirmative, then in the negative.
- (iv) The Chairperson will then call out the vote, both in the affirmative and in the negative, to enable the vote to be recorded for the minutes.
- (v) The Chairperson will then declare the motion carried or lost.

#### 10. QUESTIONS WITHOUT NOTICE

In respect to Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*, the following procedures apply:

- (i) An elected member may, at a Council committee meeting, ask a question without notice of the chairperson or, through the chairperson, of another elected member, the General Manager or the General Manager's representative.
- (ii) In putting a question without notice, the proponent must have regard to the provisions of Section 15 of the *Local Government (Meeting*

*Procedures) Regulations 2015*, as they relate to matters which are to be discussed in the closed portion of a meeting.

- (iii) The chairperson will refuse to accept a question if it does not relate to the Terms of Reference of the Council committee at which it is asked.
- (iv) In putting a question without notice, an elected member must not:
  - (a) offer an argument or opinion; or
  - (b) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
- (v) The chairperson must not permit any debate of a question without notice or its answer.
- (vi) The chairperson, elected member, General Manager or General Manager's representative who is asked a question without notice may decline to answer the question if, in the opinion of the intended respondent it is considered inappropriate due to its being unclear, insulting or improper.
- (vii) The chairperson may require an elected member to put a question without notice in writing.
- (viii) Where a question without notice is asked at a meeting, both the question and the response will be recorded in the minutes of the meeting.
- (ix) Where a response is not able to be provided in relation to a question without notice, the question will be taken on notice and a written response circulated to all elected members, as soon as possible.
  - (a) In respect to such circumstances, the minutes of the meeting at which the question is put will record the question and the fact that it has been taken on notice.
  - (b) Upon the answer to the question being circulated to elected members, in accordance with 10(ix) above, both the question and answer be listed on the agenda for the next available ordinary meeting of the committee at which it was asked.
  - (c) As prescribed in Section 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the question and answer are to be noted only with no debate or further questions permitted.





## 11. QUESTIONS ON NOTICE

In respect to Section 30 of the *Local Government (Meeting Procedures) Regulations 2015*, the following procedures apply:

- (i) Questions are to be lodged with the General Manager at least seven clear days prior to an ordinary meeting of the Council or a Council committee.
- (ii) Questions which relate to another item which is listed on the same agenda of a Council or Council committee meeting will not be accepted by the General Manager.
- (iii) The General Manager will refuse to accept a question on notice for a Council committee if the subject matter does not relate to the Terms of Reference of the committee.
- (iv) In placing a question on the relevant agenda, the General Manager is to determine whether the subject matter necessitates placement on either the open or closed portion of the meeting, in consideration of r15 of the *Local Government (Meeting Procedures) Regulations 2015*.
- (v) The General Manager may refuse a request to place a question on an agenda if it has been previously asked, is unclear, defamatory or improper, in which case the elected member submitting the question will be notified accordingly.
- (vi) Where it has not been possible to prepare a response to a question for inclusion on the relevant agenda, the General Manager will note this accordingly on the agenda and provide advice as to the timing of the response.
- (vii) Where a response to a question has been provided by the General Manager the Council or Council committee, will permit debate of question on notice, or its response, and will accept amendments, including requests for further information.

## 12. DEPUTATIONS

The following procedures in respect to deputations to council committees apply:

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- (i) A person may make a deputation to a Council committee with the approval of the committee chairperson.
  - (ii) The deputation may relate to an item listed on an agenda for a Council committee meeting or,
    - (a) If the matter is not listed to be discussed on the appropriate agenda but is in accordance with the Terms of Reference of that Committee, the item is to be listed as a general deputation and the current procedure in relation to a deputation will apply.
  - (iii) Any person who wishes to make a deputation to a committee may be requested to provide a written request to the Chairperson setting out:
    - (a) The likely members of the delegation.
    - (b) The purpose of the request.
    - (c) The nature of the matter or matters intended to be placed before the committee.
  - (iv) The committee Chairperson is to decide whether or not the deputation is to be received.
  - (v) If the Chairperson decides that the deputation is to be received, the Chairperson is to inform the General Manager to note the item on the appropriate agenda.
  - (vi) Where the Chairperson decides the deputation not be received, the Committee will be advised.
  - (vii) A deputation:
    - (a) is not to exceed 3 persons;
    - (b) is limited to a duration of 5 minutes in total irrespective of the number of people presenting; and
    - (c) time may be extended at the discretion of the chairperson.

### 13. PUBLIC QUESTION TIME



In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the Council conducts a Public Question Time Forum at each ordinary Council meeting to enable members of the public to ask questions on Council related matters. A maximum period of up to 30-15 minutes will be provided for this to occur.

Council will attempt to answer questions at the meeting that they are asked, however the questions may be taken on notice where insufficient notice is provided or the content of the question is complex or requires research being undertaken. Where a question is taken on notice, the answer to that question will be provided in writing following the meeting and included on a subsequent Council agenda.

The Chairperson will invite any member of the public present at the meeting to ask questions subject to the following conditions:

- The Chairperson will determine the order in which questions are heard. Priority will be given to those who lodge their question prior to the meeting.
- If there are a number of persons wishing to ask questions, the Chairman may take the questions in such order so as to hear as many members of the public as practical during the time allocated.
- Individuals will be allocated 60 seconds combined to provide a background ~~or rationale to introduce each and ask their~~ question.
- A limit of 3 questions per person per meeting will apply.
- Elected members are not allowed to ask questions during public question time as other avenues exist for that purpose.
- Without limiting the Chairperson's discretion to accept a question under r31(5)(a) of the *Local Government (Meeting Procedures) Regulations 2015*, a question will be refused to be accepted that is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than making a genuine enquiry.
- A question will be refused if it is deemed offensive, inappropriate, defamatory or unlawful.
- Where a question requests information previously published by Council, a response may simply refer the member of the public to the appropriate documentation.
- Questions cannot relate to any item appearing on the Council Agenda.



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- Persons asking questions consent to being live streamed to the public.
  - Persons asking questions are to personally ask the questions otherwise the questions will be treated as correspondence and responded to in writing.

**B. IMPROVING COUNCIL AND COUNCIL COMMITTEE EFFECTIVENESS**

That the following procedures be adopted for the improved functioning of Council and Council committee meetings:

1. Chairperson are to liaise with the relevant Divisional Director prior to each Council committee meeting.
2. Motions and amendments moved in Council or council committee meetings should be clearly stated, and provided in writing if possible, and in the case of deferrals, the reason for such deferral recorded.
3. There needs to be an appropriate level of formality at Council committee meetings taking into account the requirements of *the Local Government (Meeting Procedures) Regulations 2015* and this Council Policy.
4. Dates, times and duration of Council committee meetings should be adhered to as much as possible.
5. The General Manager and Divisional Directors should provide advice when they consider it necessary, express opinion as appropriate but never debate at Council or Council committee meetings.
6. Reports to Council and Council committees are to be concise but informative.
7. Council committees and Council must make decisions which are not unreasonable nor abrogate statutory duties.
8. The Chairperson should move without amendment the recommendations of their Council committee at the Council meeting, or in the event that they do not wish to do so, should invite someone else to move the Council committee's recommendation.
9. The format of agendas will as much as is practical place like items together and, based upon the recommendation contained in the accompanying report, provide an indication of the delegation of items as being reserved either to the committee or the Council.
10. Where written officer advice may be provided to an elected member in respect to a matter under consideration by a Council committee or the Council, a copy of such advice is to be provided to all elected members by memorandum, at the first available opportunity prior to the relevant meeting.

**C. SPECIAL COUNCIL COMMITTEES – CONSTITUTION AND PROCEDURES**

The following procedures will be followed in respect of the appointment of special Council committees:

1. Where a proposal is put forward to appoint a special Council committee to deal with a matter that is already covered by the terms of reference of a single Council committee then, unless that proposal has been made by the relevant Council committee, it will be referred to the Council committee in question for its comment, before a decision on the appointment by Council is made.
2. In any case where the proposed special Council committee's function would relate to a matter not coming wholly within any one Council committee's terms of reference, the decision to proceed with the appointment or not may be made by the Council.
3. Where a decision to appoint a special Council committee is made, the Council will resolve its name, terms of reference, number and details of membership, its convenor for the first meeting and a date by which the special Council committee shall complete its task and be dissolved, unless before that date an extension of time is sought and granted by the Council.
4. Where a special Council committee formulates recommendations which, if acted upon, would introduce into the budget additional expenditure demands for development or redevelopment projects, or which would reduce the income expectation from any operation, the report of the special Council committee will first be directed to the Council committee with responsibility for that section of the budget.

**D. GUIDELINES FOR SUB-COMMITTEES**

That agendas and minutes of all Council constituted sub-committees be distributed to all elected members as a matter of course, subject to the following:

1. The method of distribution will generally follow the distribution pattern for Council committees unless there is a particular reason, approved by the Chairperson of the Sub-Committee and the General Manager, for special arrangements to be followed.
2. Material which, in the opinion of the General Manager, is confidential for commercial, legal or any other valid reason, may not be distributed to elected members other than to those persons directly involved in the matter as members of the relevant Sub-Committee.

3. All material shall, however, be available to all elected members when the matter is an issue before the Council or the relevant Council committee for consideration.
4. Copies of agendas and minutes are to be made available for perusal by elected members if required, in accordance with the tenor of this policy.

**E. MEMBERSHIP – CITY PLANNING COMMITTEE**

That in the allocation of Council committees, membership of the City Planning Committee is regarded as being the equivalent of serving on two of the other Council committees.

**F. MEETING TIMES**

That no change of meeting time or day be agreed to by a committee unless all its members are present or their agreement either verbally or in writing is provided to the meeting.

**G. COMMUNICATION WITH GOVERNMENT**

That:

1. Except where there is specific delegated authority, Council committees must not communicate directly to representatives of Government, views which have not been endorsed by Council and must not arrange deputations to Government on any matter without Council authorisation.
2. No recommendation of a Council committee to seek a grant or other financial assistance from a Government or outside body must be acted upon until the recommendation has been approved by the Council.


**H. PLACEMENT OF CORRESPONDENCE CONCERNING ELECTED MEMBERS ON AGENDAS**

That any letter received concerning an elected member be directed to the elected member in question prior to any action being taken by the Administration in placing the matter on any agenda.

**I. PUBLIC DISCLOSURE OF CLOSED COUNCIL AND COUNCIL COMMITTEE MEETINGS**

That:

1. In order for the Council or a Council committee to release content from a closed meeting, the following process should be followed:

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- (i) Following the completion of an item on the agenda, or the whole of the closed section of the meeting, an elected member may wish to put a motion that all or part of the item discussed be released to the public.
    - (ii) The Council or Council committee needs to consider whether it wishes to release content from a closed meeting (whether it be minutes, discussion, decision, reports or documents relating to the closed meeting, as provided under Section 15(9) of the *Local Government (Meeting Procedures) Regulations 2015*. The content proposed to be released must be specifically articulated and identified in the resolution.
    - (iii) The Council or Council committee then needs to consider whether there are any privacy or confidentiality issues relevant to the parts of the closed meeting that the Council or Council Committee wish to release to the public. The General Manager will need to provide qualified advice in respect to this issue, and will submit a report providing such advice at the following meeting of the Council or Council committee.
    - (iv) If there are privacy or confidentiality issues, the Council or Council committee can decide to not release the content, or alternatively release only a limited part of what was originally proposed to be released. An example of this may be where the Council has entered into (or is proposing to enter into) a commercial arrangement with a party. The Council or Council committee may determine that they believe the details of this commercial arrangement ought to remain confidential, but they may elect to disclose the fact that it has been entered into to the public.
  2. It is important that the context of any information to be released is considered by the Council or Council committee before the information is released to the public.
  3. It will not be possible to release certain information due to the confidential nature of these matters an example of this are discussions in relation to matters being mediated in the Resource Management and Planning Appeal Tribunal.
  4. Factors that may be relevant in considering privacy or confidentiality issues are:
    - (i) the basis on which information was provided to Council;

- (ii) whether the content of the meeting contained commercially sensitive information;
- (iii) if there is personal information of a third party;
- (iv) whether releasing content of the meeting may impact on a party's future dealing with the Council;
- (v) whether the release of the information may amount to a waiver of any right of the Council to claim privilege in legal proceedings; and
- (vi) the reason for closing the meeting.

*(This list is not exhaustive and is only intended to be a guide for the Council or Council committee).*

#### **J. CONDUCT OF COUNCIL WORKSHOPS**

The City of Hobart utilise the council workshops forum as allowed under the *Local Government (Meeting Procedures) Regulations 2015* as a mechanism to receive information in relation to specific matters, and adopt the following rules in relation to the conduct of workshops:

- (i) Elected members may utilise and participate in Council workshops to receive information on specific matters, so that they may gain maximum understanding and appreciation of the subject matter.
- (ii) As informal forums conducted for the purpose of providing elected members with information, attendance is optional.
- (iii) Decisions may not be taken on any matter at Council workshops as qualified advice is required in accordance with Section 65 of the *Local Government Act 1993* before any decisions can be made.
- (iv) Council workshops will not be used with the intent to gain consensus on matters, but it is reasonable that elected members will discuss issues and exchange views.
- (v) Where the General Manager deems appropriate, external parties may be used to facilitate or assist with the conduct of Council workshops.
- (vi) These rules will be published electronically in the calendar invitation.



## 4. Legislation, Terminology and References

*Local Government Act 1993*

*Local Government (Meeting Procedures) Regulations 2015*

<b>Responsible Officer:</b>	Director City Governance
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