

3. WORKPLACE HEALTH AND SAFETY REVIEW OF ELECTED REPRESENTATIVES

Contact Officer – Dion Lester

Decision Sought

That Members endorse the recommendations contained in the Work Health and Safety Review – Elected Representatives.

Background

At the August 2021 General Meeting members resolved that:

The Tasmanian local government sector confirms its commitment to ensuring a safe workplace for elected representatives and staff and, that LGAT calls on the State Government to commission a review of the workplace health and safety of the Local Government sector for elected representatives.

Discussions with the State Government resulted in agreement for the Office of Local Government to fund the engagement of a suitably qualified consultant to undertake the review, with LGAT to manage the work.

Edge Legal were awarded the review following a competitive tender process. The full terms of reference are available on the LGAT Member Portal under “Elected reps governance”.

Broadly the engagement involved:

- A State-wide online survey document able to be answered anonymously by elected representatives, senior staff and relevant regulators.
- One on one confidential interviews (by request and invitation) of elected representatives, senior staff and relevant regulators.
- Inviting written submissions from elected representatives, senior staff and relevant regulators.
- A review of the current regulatory environment in Tasmania and other relevant jurisdictions.
- Written feedback on the draft report from all participants and the broader sector.

Edge Legal has produced the following deliverables as part of their work:

- An Executive Summary of the review, including all recommendations.
- The full report.
- Stand alone reports on council, elected representatives and council staff responsibilities under the various legislative instruments (e.g. WH&S, Code of Conduct, Anti-Discrimination Act etc.).
- A statewide assessment of the health and safety hazards to elected representatives

and appropriate risk mitigation actions (pursuant to the *Work Health and Safety Act 2012*) that can be taken by individual councils, depending on local circumstances’.

Each of these documents is available on the LGAT Member Portal under “Elected reps governance”. The Executive Summary is also included as an Attachment to this item, with the full suite of recommendation outlined in detail from page 8 to 14.

Member endorsement of the recommendations is sought to allow LGAT to prepare an implementation plan for the work in 2023.

A summary of the recommendations is included below.

1. Legislation

- 1.1 If any current initiatives to ensure a more comprehensive Model Code of Conduct are not achieved, include a requirement to have a Behavioural Management Policy and optional Behavioural Support Policy (similar to the current SA Framework).¹
- 1.2 Amend Part 12B of Local Govt Act (Performance Improvement Directions) to broaden the application upon which a Director can make recommendations including a breach of the WHS Act, referral from GM/ CEO or Mayor; or not meeting the Director’s assessment of “not acting in the best interest of the Community”.
- 1.3 Amend Local Govt Act to permit removal of an Elected Representative from office by Minister (upon recommendation of the Director) for matters more currently recognised as not meeting contemporary community standards.
- 1.4 Include provisions in the Local Govt Act similar to allow those disrupting public meetings to be removed by the GM/ CEO and/or Mayor and with the potential to ban persons from future attendance
- 1.5 Amend Integrity Commission Act to allow Integrity Commissioner to refer minor matters or matters, that in the opinion of the Integrity Commissioner would be more appropriately dealt with by another body, to Council or the Code of Conduct Panel to deal with at the triage stage

2. Code of Conduct

- 2.1 Amend s.28Y to allow the initial assessment² to be conducted by an expert (with expertise in behaviour and local government related matters) and/ or independent a Respectful Conduct Advisor appointed by GM/ CEO.
- 2.2 Permit Respectful Conduct Advisor to assess the matters as either:
 - a) frivolous, vexatious or without reasonable foundation;

¹ The Government initially agreed to do this but rescinded after consultation on the draft Bill. Feedback received suggested that a comprehensive Code of Conduct is the preferred option. The Government will introduce a new mandatory Code of Conduct for all Councils.

² Noting that the processes that Government has suggested could be further supported by such an additional assessment.

- b) minor breach; or
 - c) serious breach.
- 2.3 Amend s.28ZA to allow Chairperson to have reference to the Respectful Conduct Advisor’s assessment.
 - 2.4 Have separate processes for the Code of Conduct Panel to conduct investigations for minor and serious breaches.
 - 2.5 Allow Code of Conduct Panel to impose ‘without fault’ restrictions (up to and including suspension) upon Elected Representatives whilst investigating serious breaches
 - 2.6 Strengthen sanctions for serious breaches – no requirement for 3 suspensions before removal of office is considered.
 - 2.7 Allow Code of Conduct Panel to impose suspensions until training orders have been complied with.
 - 2.8 Allow Code of Conduct Panel to determine breaches of matters already subject to training orders to be serious breaches.
 - 2.9 Amend Model Code of Conduct to include additional matters as set out in Local Government (Governance and Integrity) Regulations 2020 (Vic) Schedule 1 – Standards of Conduct.
 - 2.10 Confirm regulatory intent of the Model Code of Conduct is to promote and protect psychosocial safety.
 - 2.11 Allow Code of Conduct Panel to provide permitted disclosures during the process to avoid ‘silence’ being used to ‘weaponise’ the process by preventing an Elected Representative who is responding to a complaint to declare their innocence and/or outline a basic summary of their defence.
 - 2.12 Amend s.28ZN to allow a Code of Conduct Panel to award costs against either party or both.³
 - 2.13 Change the “prescribed period” in s.28ZL(1) to be over the life of an Elected Representative’s tenure – not just limited to consecutive terms.
 - 2.14 Allow automatic removal of an Elected Representative without requiring Ministerial discretion in s.28ZL(3), after 3 suspensions.
 - 2.15 Introduce specific statutory protection for complainants and witnesses generally similar to the intent of those contained Public Interest Disclosures Act 2002.

3. Third Party Framework

- 3.1 LGAT to coordinate with The Office of Local Government, Equal Opportunity Tasmania, Integrity Commission and WorkSafe Tasmania to review the status quo/ improvements in relation to behavioural management and publish annual results for the industry.

³ To be considered as part of TASCAT feasibility study.

- 3.2 LGAT (from the information above) provide clear guidance materials to Chair of Code of Conduct Panel.
- 3.3 LGAT (from the information above and direct information from Councils direct) to publish statistics on matters to demonstrate appropriate monitoring (eg due diligence) within the industry.
- 3.4 Independent Respectful Conduct Advisor position, with terms of reference, be created to assist GMs/ CEOs and the Mayor deal with behavioural matters informally and within Council.
- 3.5 Create standardised behavioural monitoring templates for Council to record and provide their behavioural management statistics to LGAT to publicly publish.
- 3.6 LGAT provide industry-wide examples of “what IS” and “what is NOT” acceptable behaviour in a council context for Elected Representatives, Council staff and members of the Community.
- 3.7 LGAT create standardised policies and processes for councils to deal with unreasonable complaints or inappropriate conduct from community members.
- 3.8 Introduce industry sponsored communication to the community to confirm what the Code of Conduct process or any other behavioural management process can and can’t be used for.
- 3.9 Create a community education campaign to set realistic expectations for the services Councils are able to deliver.
- 3.10 Create specific processes and expectations for Community participation in Council meetings.
- 3.11 Create standardised procedures for the conduct of meetings across the Local Government industry.
- 3.12 Implement a public Community education campaign to set behavioural expectations for the manner in which interactions with Council (Elected Representatives, GM/ CEO and Council staff) are to occur – similar to the Retail Industry campaign of “No one deserves a serve”.
- 3.13 Develop and introduce a Diversity campaign.
- 3.14 Extend EAP to Elected Representatives.
- 3.15 Extend Grievance Resolution and Workplace Behaviour Policies to Elected Representatives or create new ones voted on by Elected Representatives.
- 3.16 Councils to introduce practical measures which focus on building, maintaining and improving relationships between Elected Representatives (eg dinners, events, etc).
- 3.17 Councils to require full disclosure of any correspondence to prevent anonymous or unauthorised interactions and recommend to Elected Representatives to do the same for their personal accounts.

4. Training

- 4.1 Introduce additional training and education focused and tailored for 3 main stages of an Elected Representative's Journey - pre-election, induction; and refresher.
- 4.2 Clarify the role of GM as an officer of the PCBU with certain obligations under WHS laws which cannot be unreasonably interfered with.
- 4.3 Training for Mayors on the management of meetings and chairing meetings under the meeting regulations.
- 4.4 Introduce a requirement for qualification similar to Company Director's Course as a mandatory pre-condition for seeking election, an ongoing requirement for Continuing Professional Development (CPD) to be maintained throughout the term of an Elected Representative. The CPD to have a mandatory requirement for appropriate behavioural standards.
- 4.5 Provide opportunities for 'one on one' coaching for Elected Representatives

Budget Impact

This work was supported by funding from the Office of Local Government.

Current Policy

Strategic Plan Advocate

- Sector services

2022 – 23 Annual Priority

- Local government reform
- Health and wellbeing
- Sector development

Work Health and Safety Review – Elected Representatives

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15 November 2022



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1 EXECUTIVE SUMMARY

1.1 Scope

(a) Edge Legal was engaged by the Local Government Association of Tasmania to undertake a review of the workplace health and safety of the local government sector for Elected Representatives.

(b) The scope of this work was to investigate, understand and report on identified issues related to interactions between:

(i) Elected Representatives

(ii) Elected Representatives and senior staff

(iii) Elected Representatives and members of the public.

with the aim of developing a series of recommendations for how any highlighted matters can best be addressed and further support provided to Elected Representatives in the performance of their functions.

(c) The full Terms of Reference for this engagement are contained in Schedule 1.

1.2 Existing perceptions of workplace culture amongst Elected Representatives

(a) Respondents consider that workplace culture has deteriorated more markedly over the last three years in comparison to any other timeframe they can remember and that it continues to deteriorate at an alarming rate.

(b) Despite these worrying perceptions, the majority of Elected Representatives Respondents are likely to seek to continue their role after their current term if elected indicating faith in the system to address its current failings and a personal preference to be part of the 'solution' for the Community.¹ The Elected Representatives Respondents' views appear to be contrary to those outside the Respondent group with multiple external press sources indicating an 'exodus' trend.

(c) Overwhelmingly Respondents, other than Elected Representatives, perceive the unsatisfactory workplace culture of Elected Representatives to be a result of a lack of leadership and capacity to reasonably resolve interpersonal conflict.

1.3 Prevalence of harassment between Elected Representatives

(a) Harassment between Elected Representatives was the largest concern for Elected Representatives and was notably higher than harassment between Elected

¹ Members of the community of a particular local government area

Representatives and Senior Management and/or Members of the Public.²

- (b) Personal conflict between Elected Representatives was perceived to be the most common cause of this Inappropriate Behaviour.

1.4 Prevalence of harassment between Elected Representatives and Senior Management

- (a) Harassment between Elected Representatives and Senior Management was the least concern for Elected Representatives.
- (b) Where there was any such harassment it almost always occurred between the Elected Representatives and the GM/ CEO – not other Council staff. Being ‘politically unaligned’ with the GM/ CEO and the prevailing Council ‘faction’ was the most common cause of harassment for Elected Representatives when it occurred with the GM/ CEO.

1.5 Prevalence of harassment between Elected Representatives and Members of the Public

- (a) Harassment between Elected Representatives and Members of the Public was the second largest concern for Elected Representatives despite the relatively low numbers of actual incidents or perpetrators.
- (b) Elected Representative Respondents,³ considered the high personal impact of the Inappropriate Behaviour not the quantum of such behaviour to cause the most concern.
- (c) A significant majority of Senior Management Respondents indicated that their Council had not conducted a risk assessment regarding the impact of Inappropriate Behaviours against Elected Representatives.⁴ There appeared to be no specific urgency regarding addressing this ‘gap’. A separate statewide assessment of the health and safety hazards to Elected Representatives and appropriate risk mitigation actions (pursuant to the *Work Health and Safety Act 2012*) that can be taken by individual Councils, depending on local circumstances’ has been developed to accompany this report.

1.6 Level of existing awareness and understanding of Council and Elected Representatives’ responsibilities prescribed under the Anti-Discrimination Act 1998

- (a) Low.

² Harassment throughout this Report has adopted the standard Oxford Dictionary definition of “aggressive pressure or intimidation” and not the technical term used in the Anti-Discrimination Act to denote unlawful conduct.

³ Elected Representatives who participated in the Survey or Interview.

⁴ GMs/ CEOs or other Senior Council Employees who participated in the Survey or Interview.

- (b) Comparatively, Elected Representatives Respondents tended to focus their attention on remedies under the Local Government and WHS Acts.

1.7 Level of existing awareness and understanding of Council and Elected Representatives' responsibilities prescribed under the Work Health and Safety Act 2012 (WHS Act)

- (a) Moderate, but there were a concerning minority of Elected Representatives who continue to maintain that the WHS Act has no application to them whatsoever.
- (b) The majority of Elected Representatives Respondents considered their understanding of WHS laws to be adequate or higher.

1.8 Level of existing awareness and understanding of Council and Elected Representatives responsibilities prescribed under the Local Government Act 1993 including the Code of Conduct framework

- (a) High, but there were a concerning number of Elected Representatives who misunderstood the fundamental aspect of their functions in that they conflated their election results as providing them with a mandate to be a particular activist for their purported constituents rather than to act in the interest of the whole of the Community.
- (b) The majority of Elected Representatives Respondents considered that the Code of Conduct process was totally ineffective in addressing Inappropriate Behaviours towards Elected Representatives which led to a significant majority of Elected Representatives Respondents choosing not to make a Code of Conduct complaint regarding Inappropriate Behaviour directed at them by other Elected Representatives.
- (c) The majority of Elected Representatives Respondents that made a Code of Conduct complaint were dissatisfied with the process, Panel and outcome.

1.9 Responsibilities under the Anti-Discrimination Act 1998

- (a) Elected Representatives must not engage in:
 - (i) discriminatory conduct on the basis of protected attributes;
 - (ii) prohibited conduct (offensive, humiliating, intimidating, insulting or ridiculing) on the basis of a particular protected attribute;⁵
 - (iii) sexual harassment;

⁵ An Elected Representative may engage in 'discriminatory conduct' generally but if it does not link to a protected attribute, it will not be unlawful discrimination within the scope of the Anti-Discrimination Act 1998.

- (iv) victimisation;
 - (v) inciting hatred, serious contempt, or severe ridicule on the basis of a particular protected attribute;
 - (vi) publishing or displaying discriminatory or prohibited conduct; or
 - (vii) knowingly causing, inducing or aiding another person to contravene the Anti-Discrimination Act.
- (b) Council, as an organisation, must ensure that Elected Representatives and staff are made aware of discrimination and prohibited conduct and take reasonable steps to ensure that these people don't engage in such conduct. This is set out in more detailed in Schedule 4.
 - (c) Responsibilities for Elected Representatives under this legislation are contained and explained in more detail in Schedule 2.
 - (d) Responsibilities for Council employees under this legislation are contained and explained in more detail in Schedule 3.

1.10 Responsibilities under the Work Health and Safety Act 2012

- (a) Elected Representatives, are not Officers or Workers but, have coverage under the WHS Act because whilst conducting Council-related 'work' they are Other Persons at the Workplace.
- (b) Elected Representatives must take reasonable care for their own health and safety and that of others.
- (c) Elected Representatives must comply, so far as is reasonably able, with any reasonable instruction given by Council to comply with the WHS Act.
- (d) Responsibilities for Elected Representatives under this legislation are contained and explained in more detail in Schedule 2.
- (e) Responsibilities for Council employees under this legislation are contained and explained in more detail in Schedule 3.
- (f) Responsibilities for Council as a PCBU under this legislation are contained and explained in more detail in Schedule 4.

1.11 Existing information available to support Elected Representatives in understanding their obligations and supporting them in maintaining a safe workplace

- (a) Elected Representative Respondents considered that Council policies were only partially effective in preventing Inappropriate Behaviour towards them. This was

nearly mirrored by Senior Management Respondents who considered the same level of protection.

- (b) A significant majority of Elected Representatives Respondents claimed to not have received any training as an Elected Representative in responding to Inappropriate Behaviour from others during the performance of their role and considered regular training to be an effective measure to support them. This appears to be contrary to the assessment of Senior Management Respondents.
- (c) Despite this, there is extensive information already available to support Elected Representatives from Councils, LGAT and the various regulators in their understanding of their obligations. The disconnect, according to the Elected Representative Respondents, is that the information is:
 - (i) complex and nuanced;
 - (ii) derived from multiple sources; and
 - (iii) involves a high administrative burden for implementation.
- (d) There has already been considerable support for Elected Representatives provided by Councils, LGAT and the various regulators to maintain a safe workplace however, for the reasons set out above, 'true' effective implementation in the views of the Elected Representative Respondents:
 - (i) is administratively burdensome;
 - (ii) is time-consuming;
 - (iii) lacks an obvious distinction between processes for serious and less serious matters; and
 - (iv) requires disciplined repetition in following multiple processes for the same factual basis.

1.12 Cultural and/or structural barriers that may impede raising concerns, making complaints or otherwise seeking to resolve issues

- (a) The disproportionate personal effort (time and emotional impact) that was required to achieve 'minimal or unsatisfactory' results remains the largest barrier which impedes raising concerns, making complaints or otherwise seeking to resolve issues.
- (b) Gender-based and tenure-based discrimination were also significant barriers.
- (c) Worryingly, 'known' Inappropriate Behaviour went unreported or was under reported

and only a small minority considered the reporting of Inappropriate Behaviour towards Elected Representatives to be fully or at least partially accurate.

- (d) The majority of Inappropriate Behaviour related disputes arose out of personal conflict and Council related conflict. Political conflict and random acts are not of significant concern despite a countervailing view being regularly expressed in the press.
- (e) Effective Council meetings provide appropriate 'protection' from Inappropriate Behaviour from Members of the Public but not towards Elected Representative to Elected Representative behaviour.
- (f) Effective remedies are required to address the Social Media impacts of Inappropriate Behaviour from Members of the Public to Elected Representatives and the personal conflict exhibited by Elected Representatives to Elected Representatives on Social Media and in Council Meetings.

1.13 Mechanisms available to Councils to protect the health and safety of Elected Representatives and how they can be applied

- (a) Training (internal and industry based);
- (b) Internal Policies and Procedures;
- (c) Internal advice;
- (d) Code of Conduct;
- (e) Local Govt Act
- (f) WHS Act;
- (g) Anti-Discrimination Act;
- (h) External Professional Advice;
- (i) Regulatory Assistance;
- (j) Self Help;
- (k) Integrity Commission;
- (l) Fair Work Act - Bullying Jurisdiction;
- (m) Magistrate Court - Restraint Orders;
- (n) Workers Compensation; and
- (o) Negligence (Common Law action)

1.14 Other actions that can be taken by individual Councils or the sector to build or maintain workplace culture for Elected Representatives that is free from bullying and harassment

- (a) The majority of Senior Management Respondents indicated that they have tried multiple avenues but there was no ‘silver bullet’ and that they were frustrated with the lack of a consolidated response mechanism – which occurs because of the way in which multiple pieces of legislation deal with different aspects.
- (b) Self-Help remedies are not effective enough and take a significant personal toil on individuals and their families.
- (c) The overriding emphasis on a preferred ‘protective’ mechanism is underpinned by the following approach, if it were possible under the current legislative framework:
 - (i) targeted training;
 - (ii) clear documentary expectations;
 - (iii) a single consolidated ‘policing’ avenue;
 - (iv) stricter enforcement of penalties; and
 - (v) further reinforcement training.

1.15 Recommendations - Legislation

- (a) If any current initiatives to ensure a more comprehensive Model Code of Conduct are not achieved, include a requirement in the Local Govt Act to have, in addition to the Model Code of Conduct and other existing provisions of the Local Govt Act, a Behavioural Management Policy and optional Behavioural Support Policy (similar to the current SA Framework).⁶
- (b) Express confirmation in any such Policies that the intention is to manage complaints under the Policies within Council with as little formality and technicality as reasonably possible and with the intent on early resolution without resorting to Code of Conduct complaints.⁷
- (c) Amend Part 12B of Local Govt Act (Performance Improvement Directions) to broaden the application upon which a Director can make recommendations including:
 - (i) breach of the WHS Act,

⁶ The Government initially agreed to do this but rescinded after consultation on the draft Bill. Feedback received suggested that a comprehensive Code of Conduct is the preferred option. The Government will introduce a new mandatory Code of Conduct for all Councils. Councils, however, reserve the right to adopt a behaviour standards policy.

⁷ See comments in footnote 5.

- (ii) referral from GM/ CEO or Mayor; or
 - (iii) simply not meeting the Director’s assessment of “not acting in the best interest of the Community”.
- (d) Amend Local Govt Act to permit removal of an Elected Representative from office by Minister (upon recommendation of the Director) for matters more currently recognised as not meeting contemporary expectations of appropriate Community standards as to being a fit and proper person.
- (e) Include specific provisions in the Local Govt Act similar to those contained in Local Government (Meeting Procedures) Regulations 2015 and Police Offences Act regarding disrupting public meetings – but allow action to be immediately taken by GM/ CEO and/or Mayor to ban persons from future attendance
- (f) Amend Integrity Commission Act to allow Integrity Commissioner to:
- (i) refer minor matters or matters, that in the opinion of the Integrity Commissioner would be more appropriately dealt with by another body, to Council or Code of Conduct Panel to deal with at the triage stage; and
 - (ii) facilitate its acceptance of referrals from Code of Conduct panels.

1.16 Recommendations – Code of Conduct

- (a) Amend s.28Y to allow the initial assessment⁸ to be conducted by an expert (with expertise in behaviour and local government related matters) and/ or independent Respectful Conduct Advisor (similar to the City of Melbourne) appointed by GM/ CEO.
- (b) Permit Respectful Conduct Advisor to assess the matters as either:
- (i) frivolous, vexatious or without reasonable foundation;
 - (ii) minor breach; or
 - (iii) serious breach.
- (c) Amend s.28ZA to allow Chairperson to have reference to the Respectful Conduct Advisor’s assessment.
- (d) Have separate processes for the Code of Conduct Panel to conduct investigations for:

⁸ Noting that the processes that Government has suggested could be further supported by such an additional assessment.

- (i) minor; or
 - (ii) serious breaches.
- (e) Allow Code of Conduct Panel to impose ‘without fault’ restrictions (up to and including suspension) upon Elected Representatives whilst investigating serious breaches
 - (f) Strengthen sanctions for serious breaches – no requirement for 3 suspensions before removal of office is considered.
 - (g) Allow Code of Conduct Panel to impose suspensions until training orders have been complied with.
 - (h) Allow Code of Conduct Panel to determine breaches of matters already subject to training orders to be serious breaches.
 - (i) Amend Model Code of Conduct to include additional matters as set out in Local Government (Governance and Integrity) Regulations 2020 (Vic) Schedule 1 – Standards of Conduct (Set out in full in Schedule 5)
 - (j) Confirm regulatory intent of the Model Code of Conduct is to promote and protect psychosocial safety.
 - (k) Allow Code of Conduct Panel to provide permitted disclosures during the process to avoid ‘silence’ being used to ‘weaponise’ the process by preventing an Elected Representative who is responding to a complaint to declare their innocence and/or outline a basic summary of their defence.
 - (l) Amend s.28ZN to allow a Code of Conduct Panel to award costs against either party or both.⁹
 - (m) Change the “prescribed period” in s.28ZL(1) to be over the life of an Elected Representative’s tenure – not just limited to consecutive terms.
 - (n) Allow automatic removal of an Elected Representative without requiring Ministerial discretion in s.28ZL(3).
 - (o) Introduce specific statutory protection for complainants and witnesses generally similar to the intent of those contained Public Interest Disclosures Act 2002.

1.17 Recommendations – Third Party Framework

- (a) LGAT to coordinate with The Office of Local Government (**OLG**), Equal Opportunity

⁹ To be considered as part of TASCAT feasibility study.

Tasmania (**EOT**), Integrity Commission and WorkSafe Tasmania (**WST**) to review the status quo/ improvements in relation to behavioural management and publish annual results for the industry.

- (b) LGAT (from the information above) provide clear guidance materials to Chair of Code of Conduct Panel.
- (c) LGAT (from the information above and direct information from Councils direct) to publish statistics on matters to demonstrate appropriate monitoring (eg due diligence) within the industry.
- (d) Independent Respectful Conduct Advisor position be created to assist GMs/ CEOs and the Mayor deal with behavioural matters informally and within Council.
- (e) Panel of Respectful Conduct Advisors to be created so access can be provided to Councils fairly and transparently.
- (f) Create Respectful Conduct Advisor (terms of reference).
- (g) Create standardised behavioural monitoring templates for Council to record and provide their behavioural management statistics to LGAT to publicly publish.
- (h) LGAT provide industry-wide examples of “what IS” and “what is NOT” acceptable behaviour in a Council context for Elected Representatives, Council staff and members of the Community.
- (i) LGAT create standardised policies and processes for Councils to deal with unreasonable complaints or inappropriate conduct which specifically put Community complainants on notice regarding their conduct and allow them the opportunity to respond before implementation of any remedy (including alternative service remedy) [see joint project of Australasian Parliamentary Ombudsman examples].
- (j) Introduce industry sponsored communication to the Community to confirm that the Code of Conduct process or any other behavioural management process adopted in relation to Elected Representatives should not be used to:
 - (i) provide feedback in response to consultation or engagement on Council projects;
 - (ii) agitate disagreements about an Elected Representative’s viewpoint on a particular matter;
 - (iii) requesting service or information from Council; or
 - (iv) complaining about a Council service provision.

- (k) Create a public Community education campaign to set realistic expectations for the services Councils are able to deliver.
- (l) Create specific processes and expectations for Community participation in Council meetings.
- (m) Create standardised procedures for the conduct of meetings across the Local Government industry.
- (n) Implement a public Community education campaign to set behavioural expectations for the manner in which interactions with Council (Elected Representatives, GM/CEO and Council staff) are to occur – similar to the Retail Industry campaign of “No one deserves a serve”.
- (o) Develop and introduce a Diversity campaign.
- (p) Extend EAP to Elected Representatives.
- (q) Extend Grievance Resolution and Workplace Behaviour Policies to Elected Representatives or create new ones voted on by Elected Representatives.
- (r) Introduce practical measures which focus on building, maintaining and improving relationships between Elected Representatives (eg dinners, events, etc).
- (s) More rigorous internal monitoring of behavioural standards, and external referral at the earliest stages where resolution has been unable to be reasonably achieved.
- (t) Councils to require full disclosure of any correspondence to prevent anonymous or unauthorised interactions and recommend to Elected Representatives to do the same for their personal accounts.

1.18 Recommendations – Training Elected Representatives

- (a) Introduce additional training and education focused and tailored for 3 main stages of an Elected Representative’s Journey:
 - (i) pre-election,
 - (ii) induction; and
 - (iii) refresher.
- (b) Understanding of Elected Representative's obligation to move from activism (personal interest) to a whole of Council’s approach (Community interest).
- (c) Understanding of genuine leadership and how to implement leadership in an Elected Representative’s multi-faceted role.

- (d) Understanding of the role functions of the Mayor and GM/ CEO.
- (e) Understanding of meeting regulations.
- (f) Capacity to work constructively and collaboratively within the Council's framework.
- (g) Capacity to make decisions on merit.
- (h) Capacity to accept decisions made by Council and how to appropriately respond to constituents who continue to disagree with such decisions.
- (i) Understanding of psychosocial safety.
- (j) Bystander skills to 'respond' to unacceptable behaviour at the earliest opportunity.
- (k) Capacity to manage conflicts.
- (l) Understanding of the dispute resolution process.
- (m) Communication skills.
- (n) Civility skills.
- (o) Representation skills.
- (p) Media and Social Media skills.
- (q) Clarify the role of GM/ CEO as an Officer of the PCBU with certain obligations under WHS law which cannot be unreasonably interfered with.
- (r) Dealing with unreasonable complaints conduct.
- (s) Referrals to Respectful Conduct Advisor.

1.19 Recommendations – Training GM/ CEOs/ CEOs

- (a) Clarify the role of GM as an officer of the PCBU with certain obligations under WHS laws which cannot be unreasonably interfered with.
- (b) Dispute Resolution;
- (c) Dealing with unreasonable complaints conduct.
- (d) Referrals to Respectful Conduct Advisor.

1.20 Recommendations – Training Mayors

- (a) Management of meetings and chairing meetings under the meeting regulations.

1.21 Recommendations – Qualifications and CPD

- (a) Requirement for qualification similar to Company Director's Course as a mandatory

pre-condition for seeking election.

- (b) Ongoing requirement for Continuing Professional Development (CPD) to be maintained throughout the term of an Elected Representative.
- (c) CPD to have a mandatory requirement for appropriate behavioural standards.
- (d) Provide opportunities for 'one on one' coaching for Elected Representatives.