

# City of Hobart Governance Framework

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City of **HOBART**



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# What is Good Governance?

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Good governance is achieved when there are appropriate rules, processes and policies in place to help Elected Members and Council officers make and implement decisions. Having good processes generally leads to better outcomes for local governments and their communities.

The role of city leadership is ever-evolving. Strong relationships, knowledge exchange and effective collaboration between city governments is essential.

Growth pressures in Hobart require improved collaboration across all levels of government, the private sector and the community to achieve sustainable outcomes.

Good governance and effective leadership is essential for organisations that are forerunners in their field and to implement the objectives of any strategic plan.

There are increasing service and infrastructure expectations of local government that do not align with changes to effective power, control and revenue growth.

Efficient and effective management of the City's resources is required to meet the increasing demand for infrastructure, programs and services.

Effective information management and improved data sharing are essential for enabling partnerships, informed planning and projections, and good governance.

Our community relies on the City to represent their collective interests and to facilitate their participation in decision-making.

Community roles and expectations are changing, moving toward co-creation of services and decisions that affect the future of our community

Local Government functions have expanded well beyond 'roads, rates and rubbish' to be responsible for a much wider range of community related activities and issues.

Over the last 25 years, the core legislation governing local governments has changed substantially. The intention is to provide local governments with greater autonomy, flexibility and discretion to implement policy for their local communities, while being subject to greater public accountability.<sup>1</sup>

Section 20(1) of the *Local Government Act 1993* (Tas) ("the Act") states that in addition to any functions of a council in this or any other act, a council has the following functions:

- a) To provide for the health, safety and welfare of the community;
- b) To represent and promote the interests of the community;
- c) To provide for the peace, order and good government of the municipal area.

At the time of writing, the Tasmanian Government has commissioned a Local Government Board Review into the Future of Local Government in Tasmania.

The objective of the Review is to create a more robust and capable system of local government that is ready for the challenges and opportunities of the future. The Board will make recommendations on the future role, functions and design of local government and the structural, legislative and financial reforms required to meet this objective.

The Review will be conducted over an eighteen-month period in three distinct stages. Further details on the Review are set out in the Review Terms of Reference.

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<sup>1</sup> (Australian Government Productivity Commission, Role of Local Government as Regulator, Draft Report, March 2012, p8) <http://www.pc.gov.au/projects/study/regulationbenchmarking/localgov/draft>

# Governance at the City of Hobart

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Good governance ensures that the community has trust and confidence in the decisions we make together.

Governance at the City of Hobart is supported by the systems, processes, policies and practices developed to deliver efficient and effective decisions, services and facilities so they meet the City's objectives. Good governance at the City of Hobart requires:

- 1) Elected members being elected by, representative of, and accountable to their community;
- 2) The Lord Mayor and Elected Members providing leadership to the community and reflecting the community's collective aspirations;
- 3) Policies and programs reflecting the responsibilities Council has to the community and the Council's legislative obligations;
- 4) Actions to implement the City's strategic agenda, including the Hobart Community Vision and the Capital City Strategic Plan;
- 5) The provision of services which meet the community's needs (sometimes in partnership with other levels of government, business or community organisations);
- 6) A management structure that implements the City's goals in accordance with priorities and within approved budget;
- 7) Compliance with the City's obligations.

The City of Hobart fulfils its functions set-out in section 20 of the Act in a number of ways, including:

- Representation
- Service delivery
- Strategic planning
- Policy development
- Advocacy
- Law-making and enforcement
- Stewardship of public assets

## REPRESENTATION

Elected members represent and act in the best interests of the community and facilitate communication between the community and Council.

## SERVICE DELIVERY

The City must ensure the efficient delivery of good quality services.

## STRATEGIC PLANNING

The City has developed the Hobart Community Vision and the Capital City Strategic Plan as the long-term plans for its municipal area. Setting the strategy, and then ensuring that it is achieved through performance management, is one of the City's most important roles.

## POLICY DEVELOPMENT

The activities of the City are guided by policies. Developing and implementing policies provides key guidance to the functioning of the City.

## ADVOCACY

The Council has a role advocating on behalf of the community to other levels of government, statutory authorities and other agencies. At the City of Hobart, this is done in accordance with the adopted Intergovernmental Relations & Advocacy Strategic Framework.

## LAW-MAKING AND ENFORCEMENT

The City legislates and makes decisions in areas over which it has legislative authority. The by-laws made by the City cover such issues as the activities permitted on public land and the use of infrastructure. It enforces laws made by the State Government in many areas including public health and building regulation.

## STEWARDSHIP

Effective stewardship of all City assets exists as a key element in ensuring that the City optimises the use of its financial, physical and intellectual resources for the benefit of its residents and ratepayers.

# Principles of Good Governance

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## **PRINCIPLE 1**

Clearly define our purpose, roles and responsibilities.

## **PRINCIPLE 2**

Demonstrate our shared values through our people, performance and conduct.

## **PRINCIPLE 3**

Commit to continually improve and add value in all we do.

## **PRINCIPLE 4**

Demonstrate leadership in environmental, social, cultural and economic performance through all of the City's operations and other activities.

## **PRINCIPLE 5**

Promote ethical and responsible decision-making.

## **PRINCIPLE 6**

Have integrity in our financial management and reporting.

## **PRINCIPLE 7**

Comprehensively measure and report on our performance.

## **PRINCIPLE 8**

Maximise effectiveness through engagement of our stakeholders.

## **PRINCIPLE 9**

Build our risk management culture through ownership, oversight and internal control.

All City staff are bound by these principles, and accordingly follow the City's governance framework as the definitive guide for the performance of their roles



# Governance Framework

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The City's Governance Framework is separated into four components, which are outlined below and detailed in the following pages.

## **STRATEGY AND LEADERSHIP**

Leadership includes strategic planning. The elected Council's role is to set strategic goals and the City's policies and oversee the City's role in service delivery and operational performance.

## **STRUCTURE AND RELATIONSHIPS**

Policies are most effective when they are linked with appropriate management practices and work processes. City of Hobart staff exercise their responsibilities within the scope of their roles and through delegations of authority. Policies set the standards for City staff and inform decision-making

## **COMPLIANCE AND ACCOUNTABILITY**

Compliance and accountability are exercised by adopting an annual budget and a strategic financial plan and by implementing financial controls and reporting processes that meet legislative requirements. Implementation of the enterprise-wide risk management system, compliance program and assurance program, enables the City to appropriately identify and manage its risks while maximising opportunities.

## **EVALUATION AND IMPROVEMENT**

Improving, monitoring and evaluating the performance of the City's operational functions against strategic goals is essential.

# Strategy and Leadership

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## VISION, VALUES AND PURPOSE

The City of Hobart believes an engaged workforce is central to achieving the Hobart Community Vision and continuing to provide valued community services. The City's staff are custodians of public trust and confidence. In recognising this, the City is committed to building a high performing culture built on the values of people; teamwork; focus and direction; creativity and innovation and accountability. These values guide staff in how they work, interact with each other and the community, and make decisions. They help staff deliver on the City's mission of 'Working together to make Hobart a better place for the community'.

The City of Hobart's Elected Member Code of Conduct outlines the standards of behaviour expected of elected members of the City in respect to all aspects of their role as elected representatives of the Hobart community.

A Council must review its code of conduct within three months after each ordinary election <sup>2</sup>.

The City of Hobart Employee Code of Conduct establishes the minimum appropriate standards for the honest and ethical behaviour of staff. It contains the key principles and standards of behaviour the City expects of all staff and provides guidance for employees on how to conduct themselves when dealing with customers, colleagues, businesses, representatives of Government, the media, community groups and others.

Elected Members and City staff should undertake their roles in a way that demonstrates that they understand they are governing on behalf of the community.

Decisions should be taken with the community interest in mind. The Hobart Community Vision has been the subject of public exhibition and community consultation processes and has been adopted by the Council as its plan for the community. The Council's strategic decisions are consistent with the directions set out in the Hobart Community Vision which demonstrates accountability to the community. The City understands that community engagement plays an important role in building trust and confidence in the Council. The community is engaged through participation and consultation and is well-informed so that it is part of the City's governance process. This is further enhanced through a range of community activities that promote interactions between the City and the community.

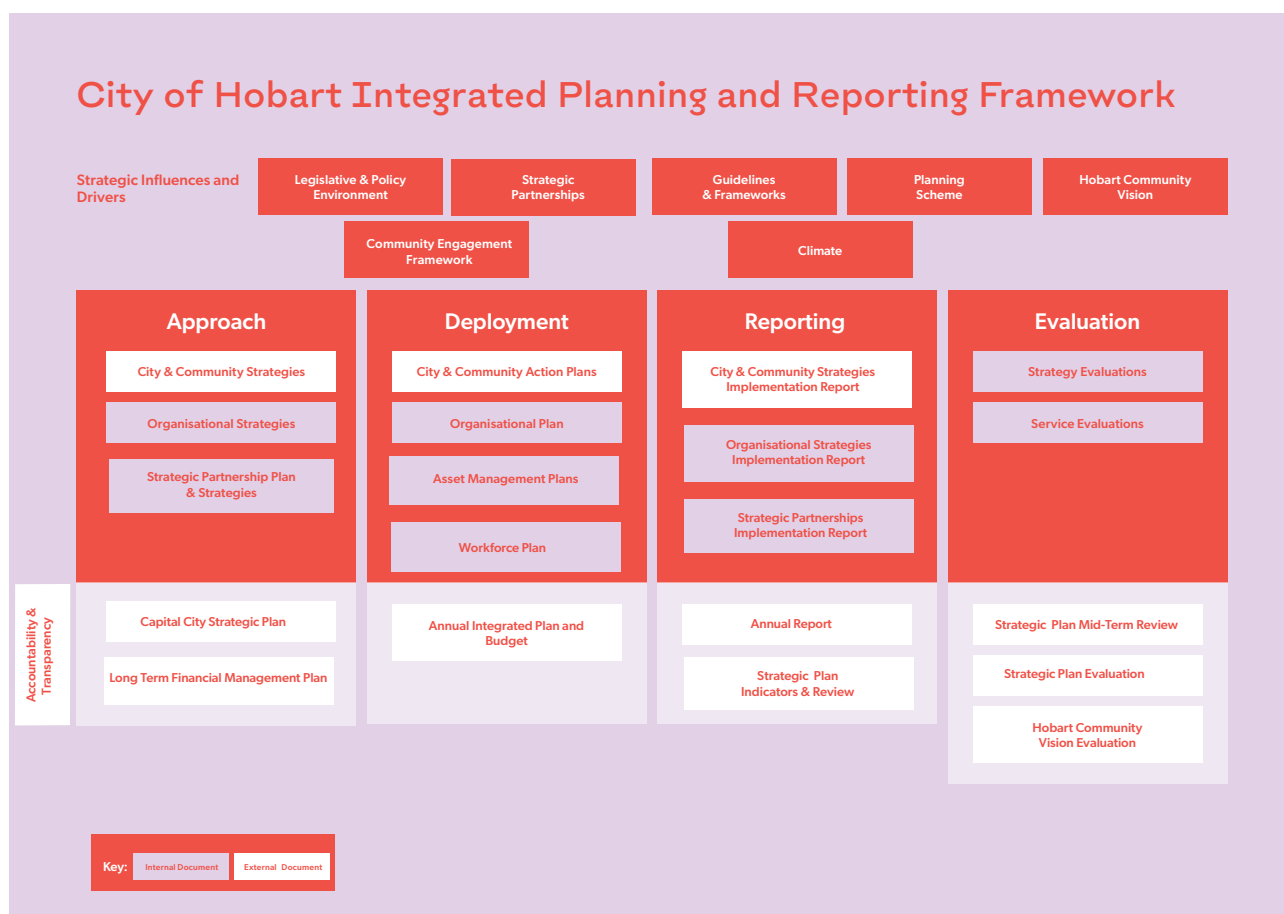
Good decision-making requires the best available information to assist in making that decision. Good governance requires that processes are in place that give community groups and other stakeholders the opportunity to express their opinions and provide information to the decision makers, prior to significant decisions being made. The City's Community Engagement Framework is available [here](#).

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<sup>2</sup> Section 28T of the *Local Government Act 1993* (Tas)



## STRATEGIC PLANNING



The above diagram represents the City’s Planning Framework. It consists of five strategic influencers and drivers, being:

- Legislative and policy environment
- Strategic partnerships
- Guidelines and frameworks
- Planning Scheme; and
- Hobart Community Vision.

The Annual Plan also contains the annual budget that details how major actions and initiatives to be undertaken by the City to achieve its goals are going to be financed over the next 12-month period.

## CORPORATE STANDARDS

The City is strongly committed to the principles of transparency, consultation and accountability. In setting its governance and strategic frameworks, the City has committed to conduct its business according to these principles. As the City's leaders, the Lord Mayor, Deputy Lord Mayor, elected members and CEO are committed to ensuring that these principles are created and sustained through:

- Establishing and communicating the City's vision and strategic plan as articulated in the Hobart Community Vision; and Capital City Strategic Plan;
- Creating and sustaining a supportive environment, which encourages all staff to achieve their full potential; and
- Demonstrating the principles through their behaviour.

## CUSTOMER EXPERIENCE

Our customer experience objective is to foster strong and respectful relationships with our customers and make it easy for them to do business with us.

We will achieve this by applying best-practice customer focused business principles to our service delivery:

- Focusing on the benefits of good communication
- Thinking innovatively, including outside in - from the viewpoint of our customers
- Seeking participation and feedback from our customers in relation to our performance
- Training our employees to understand their responsibility to deliver professional, customer-focused service
- Supporting our operations by the use of relevant technologies.

## ASSET MANAGEMENT

The sole purpose of assets is to support service delivery. To ensure the services provided by the City meet community expectations, the supporting assets must be maintained to the appropriate standard. This involves maintenance and timely renewal of public infrastructure across ten separate asset portfolios including roads, stormwater and buildings.

Under the Act, the City is required to develop a long term strategic asset management plan, an asset management policy and strategy for the municipal area. These documents need to be consistent with the City's strategic plan and include at least the matters contained in an Order issued by the Minister<sup>3</sup>.

These documents must be reviewed every four years and are to be available on the City's website.

## ADVOCACY

The City's role in advocacy has been highlighted as part of the response and recovery from the COVID-19 pandemic. In this highly-competitive funding environment, it is a time for disciplined advocacy around a handful of key projects that are well progressed and can be fast-tracked or expanded.

To guide the City's role in advocacy, the Council adopted the Intergovernmental Relations and Advocacy Framework on 6 September 2021.

## POLICY DEVELOPMENT

The City of Hobart is uniquely-placed as the tier of government closest to its community to identify problems and issues facing its community and respond through appropriate policy approaches. It is important that the City recognises its broader role so that its policy response can be tailored to fit so that it does not overstep into the realm of other tiers of government or ignore what is a core component of the Council's role.

Through the City's Policy Lab, we will enhance Strategy and Policy development across the organisation through a centralised 'strategy' function. All policy and strategy development will be coordinated to ensure alignment and integration with the Capital City Strategic Plan.

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3 See sections 70B through 70G of the *Local Government Act 1993* (Tas)

# Structure and Relationships

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The good governance at the City is based on the principle of the Council and Chief Executive Officer (CEO) having clearly-defined roles and responsibilities which, when combined, create the environment for the effective management and operation of the City.

## COMPOSITION OF THE COUNCIL

The City is established as a Council pursuant to section 18 of the Act and comprises “the Hobart City Council” with perpetual succession and a common seal.

By virtue of section 25 of the Act, the Council consists of the persons elected in accordance with the Act, which for Hobart is 12 elected members. From these 12, the Chairperson of the Council is known as the Lord Mayor in recognition of Hobart’s capital city status and the Deputy Chairperson of the Council is known as the Deputy Lord Mayor.

Elections are held every four years in October.

## CLARITY OF ROLES AND RESPONSIBILITIES

The Act defines the role and responsibilities of the Lord Mayor, elected members and the CEO. The Tasmanian Government has commissioned a Local Government Board Review into the Future of Local Government in Tasmania, which may result in changes to the scope of functions and roles under the Act. Roles and relationships are a key aspect of internal governance, with good governance relying on successful working relationships and an understanding of role differences.

Section 27 of the Act sets out the functions of the Lord Mayor and the Deputy Lord Mayor. These are:

- (a) to act as a leader of the community of the municipal area; and
- (b) to carry out the civic and ceremonial functions of the mayoral office; and
- (c) to promote good governance by, and within, the council; and
- (d) to act as chairperson of the council and to chair meetings of the council in a manner that supports decision-making processes; and

- (e) to act as the spokesperson of the council; and
- (f) to represent the council on regional organisations and at intergovernmental forums at regional, state and federal levels; and
- (g) to lead and participate in the appointment, and the monitoring of the performance, of the general manager; and
- (h) to liaise with the CEO on –
  - i. the activities of the council and the performance and exercise of its functions and powers; and
  - ii. the activities of the general manager and the performance and exercise of his or her functions and powers in supporting the council; and
- (i) any function imposed by an order under section 27A; and
- (j) any other function imposed by this or any other Act.

The Lord Mayor has an obligation to represent accurately the policies and decisions of the Council in performing their functions. The Lord Mayor may delegate the functions of being spokesperson or representing Council on other organisations and the Deputy Lord Mayor is to act in the position of Lord Mayor where the Lord Mayor is absent or unavailable and is appointed to do so.

In the context of this governance framework, the Lord Mayor’s function to promote good governance by, and within, the Council is critically important.

As spokesperson for the Council and Chairperson of Council meetings, it is the Lord Mayor that is often the focus of public attention in relation to a range of issues. This provides the Lord Mayor with an important platform to be able to reinforce and promote strong governance by the Council on behalf of the community. It also requires that the Lord Mayor display and represent values of good governance in order to enhance the perception of the Council’s performance in this area.

## ROLE OF ELECTED MEMBERS

The role of elected members is broken into two components – one as an individual elected member and the other as part of the collective group of elected members which form the Council.

Section 28 of the Act sets these out. Individually, an elected member has the following functions:

- a) to represent the community;
- b) to act in the best interests of the community;
- c) to facilitate communication by the council with the community;
- d) to participate in the activities of the council;
- e) to undertake duties and responsibilities as authorised by the council.

Elected members of the Council collectively have the following functions:

- a) to develop and monitor the implementation of strategic plans and budgets;
- b) to determine and monitor the application of policies, plans and programs for –
  - i. the efficient and effective provision of services and facilities; and
  - ii. the efficient and effective management of assets; and
  - iii. the fair and equitable treatment of employees of the council;
- c) to facilitate and encourage the planning and development of the municipal area in the best interests of the community;
- d) to appoint and monitor the performance of the CEO;
- e) to determine and review the council's resource allocation and expenditure activities;
- f) to monitor the manner in which services are provided by the council.

Importantly, elected members have an obligation to represent accurately the policies and decisions of the Council in performing the functions of an elected member and must not direct or attempt to direct an employee of the Council in relation to the discharge of the employee's duties or perform any function of the Lord Mayor without the approval of the Lord Mayor.

## ROLE OF THE CHIEF EXECUTIVE OFFICER

The functions of the CEO is to<sup>4</sup>:

- a) to implement the policies, plans and programs of the council;
- b) to implement the decisions of the council;
- c) to be responsible for the day-to-day operations and affairs of the council;
- d) to provide advice and reports to the council on the exercise and performance of its powers and functions and any other matter requested by the council;
- e) to assist the council in the preparation of the strategic plan, annual plan, annual report and assessment of the council's performance against the plans;
- f) to coordinate proposals for the development of objectives, policies and programs for the consideration of the council;
- g) to liaise with the mayor on the affairs of the council and the performance of its functions;
- h) to manage the resources and assets of the council;
- i) to perform any other function the council decides.

This clear separation of elected member and CEO roles and responsibilities, as identified in the Act, reinforces good governance principles. It also ensures that the City adheres to all statutory requirements while meeting the expectations of its community. However, it is also important for all parties to recognise and agree that maintenance of a close, effective and cooperative relationship between elected members, the CEO and staff is critical to the achievement of key goals and objectives.

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4 Section 62 of the Local Government Act 1993 (Tas). Note that whilst the Act refers to the term "general manager", the City of Hobart has determined that the role will be known as the "Chief Executive Officer" and has an appropriate policy in place to satisfy statutory requirements.

## **ROLE OF THE EXECUTIVE LEADERSHIP TEAM**

The City is supported by the CEO and an Executive Leadership Team comprised of divisional Directors and Heads of function. The primary purpose of the Executive Leadership Team is to assist the CEO in directing strategic and operational leadership for the City of Hobart in accordance with the Hobart Community Vision, the Capital City Strategic Plan and associated frameworks, and in line with relevant legislation. The Executive Leadership Team plays three major roles:

1. Implementing the City's strategic direction;
2. Monitoring the City's performance; and
3. Managing the operations of the City.

The Executive Leadership Team leads the effective implementation of Council decisions to ensure that the City provides necessary community services whilst working towards the longer-term delivery of the Hobart Community Vision. The Australian National Audit Office articulates the important role of an executive team as follows:

All executive team members have a collective responsibility to respect the confidential meeting environment based on mutual trust, open and frank discussion in order to question, challenge and monitor the total operation of the City. To achieve this, the City's executive members must:

- ensure a 'big picture' approach;
- test decisions and results against the agreed vision;
- ensure outcomes achieve stakeholder expectations;
- vigorously challenge information presented to them;
- ensure appropriate measures and monitoring mechanisms are in place;
- be aware of emerging issues and major strategic and operational risks; and
- bring to the debate their diversity of experience.

In recognition of the CEO's accountability to the elected Council, the CEO may overturn a decision made by all members of the Executive Leadership Team.

The Executive Leadership Team meets regularly as a basis for ensuring effective coordination of the City's operations and implementation of Council resolutions. These meetings are complemented by the regular Divisional meetings, Unit and workgroup meetings. Such forums are important, both in enabling management information dissemination and feedback to staff, thereby promoting a whole of organisation approach in the fulfilment of the City's functions and responsibilities.

## **DECISION-MAKING**

The City's governance framework is further enhanced through the adoption of a clearly defined, transparent decision-making process and by the appropriate use of delegations. There are five influences in the decision-making process:

1. Composition of the Council following an election;
2. Policy position of elected members, including commitments and promises.
3. What the community wants Council to do;
4. Statutory obligations and powers; and
5. Staff expertise in relevant technical disciplines, including: finance, planning and development, communication, legal services, social and cultural development, engineering and horticulture

## MEETINGS AND REPORTING STRUCTURES

Meetings of the Council and its committees are convened and conducted in accordance with the *Local Government (Meeting Procedures) Regulations 2015* ("the MPR") and Council's Policy titled Meetings: Procedures and Guidelines.

These documents set out the procedures for all Council and Council Committee Meetings. The MPR contains the requirements that apply to all councils in Tasmania, and the Policy contains additional provisions specific to the City. These are designed to result in:

- Better decision-making by Council;
- Orderly conduct of meetings and dealing with Council business;
- Better understanding of the process of conducting meetings and dealing with Council business; and
- More efficient and effective use of time at meetings.

## STATEMENT OF EXPECTATIONS

In addition to the conduct of meetings being set out in the MPR and Council policy, it is important that there is shared mutual responsibility for adopting appropriate working relationships to ensure the successful achievement of the City's strategic initiatives.

With respect to behaviour in the Council Chamber, the Lord Mayor, elected members, CEO and Council officers will always model good constructive relations and show personal respect for one another.

Elected members will show courtesy and consideration to other elected members and Council staff by circulating detailed amendments or proposed notices of motion in advance of Council or Committee meetings.

Elected members are provided with qualified advice at meetings through reports from officers. Elected members

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

A key function of the role of an elected member is to make decisions on behalf of the community. Accordingly, elected members will make genuine efforts to actively participate in all aspects of Council and Committee meetings by:

- Reading and constructively considering officer reports and related documentation;
- Attending formal Council and Committee meetings and other related activities such as workshops and briefings;
- Participating in debate and discussion of matters affecting the community; and
- Remaining focussed on meeting business and avoiding unnecessary distractions.

Although attendance at workshops is not mandatory, every effort should be made to attend. Matters of a sensitive nature discussed at workshops should not be discussed outside the workshop, except as agreed and necessary for the effective functioning of the Council.

## OPEN AND CLOSED PORTIONS OF THE MEETINGS

Council and Council committee meetings are open to the public, except when the meeting is dealing with matters listed in regulation 15 of the MPR. Those matters include personnel matters, commercial information, dealing with property and the award of tenders. It requires an absolute majority of the Council or committee to close the meeting and generally consideration of items in open meetings is preferred in recognition of promoting transparency in decision-making.

## PORTFOLIOS & PLANNING COMMITTEE



### PORTFOLIO COMMITTEES

To assist both the organisation and the community, as a matter of procedure, the Council adopts a governance calendar which sets out meetings to be conducted in each calendar year. The current calendar is available on the City's website.

The Council has established the following Portfolio Committees under section 24 of the Act:

- City Economy
- Creative City
- Future Hobart
- Sustainability in Infrastructure
- Housing & Homelessness
- City Heritage
- City Mobility
- City Water
- Welcoming & Inclusive City
- Healthy Hobart
- Climate Futures

Each Portfolio Committee is chaired by an Elected Member appointed by the Council. The Committees are made up of community members and individuals with a wealth of knowledge and experience in the area for each portfolio.

These committees will provide support and advice on a range of strategies and policies that contribute to making Hobart a great place to live, work and play. They are not decision-making forums.

The Committees will support the delivery of Council's strategic objectives as described in the Capital City Strategic Plan. Each Portfolio Committee will be chaired by the Elected Member Portfolio Chair.

The role of the Committees is to:

- Provide local area "lived experience" knowledge to support Council decision-making regarding the portfolio area to support the implementation of the Hobart Community Vision and Capital City Strategic Plan.
- Provide subject matter expertise to the Portfolio Committee to further the understanding of the portfolio group.
- Advise Council on how to best engage local communities regarding the portfolio area.
- Advise Council on key local projects regarding the portfolio area identified as important by the local community and organisations through the development of the Capital City Strategic Plan.
- Facilitate communication between Council, local communities and organisations in relation to the Hobart Community Vision and Capital City Strategic Plan.

The Council has also established a Planning Committee under section 23 of the Act.

Each Portfolio Committees' terms of reference is available on the City's website.

The Council operates a monthly meeting schedule with one meeting of the Council and two meetings of the Planning Committee occurring each month, and one meeting of each Portfolio Committee occurring each quarter.

Meetings of the Planning Committee and the full Council commence at 5pm.

Each Council and Council committee is supported by a member of ELT as the principal administrative officer, together with other specialist and technical employees.

A key component of arrangements will involve the establishment of Portfolio Groups to foster information exchange and advice on emerging decisions, issues and opportunities relating to the portfolio.

The functioning of Portfolio Groups shall be guided by the following principles:

- Each Portfolio will have a designated Portfolio Sponsor who is a member of Council's ELT and nominated by the Chief Executive Officer.
- Regular meetings will be scheduled and the frequency shall be flexible and guided by portfolio activity and operational requirements.
- Some Portfolio Groups may hold regular concurrent meetings in the interests of efficiency.
- Portfolio Groups shall comprise the Portfolio Chair, Portfolio Sponsor/s and relevant members of the ELT and other Council officers as required to assist with areas covered by a portfolio.
- A Portfolio Sponsor will provide advice and guidance and conduct meetings to deliver integrated and relevant advice by ensuring all areas of the organisation relevant to the portfolio are actively engaged in briefing a Portfolio Chair and outcomes are clearly captured and communicated.
- ELT offers a Portfolio Chair an administrative sounding board on matters raised by community and stakeholder groups on issues relating to the portfolio. This will be offered through Portfolio Group meetings or directly with the relevant member of the ELT depending on timing.
- Portfolio Chairs offer an important avenue to achieving a broader understanding and consensus

by all Elected Members on matters (relating to the relevant portfolio) scheduled to be presented to Council.

- The stage of engagement of Portfolio Chairs in matters to be presented to Council will be guided by ELT deliberations on specific matters or at the discretion of the respective Portfolio Sponsor.
- Opportunities for feedback from Elected Members are appropriate on matters such as development of a policy, strategy, plan or submission. When matters of a statutory or operational nature arise, verbal briefings for the purpose of information sharing may be appropriate.
- To support the principle of information provided to one being generally available on the HUB to all Elected Members, action notes of Portfolio Group meetings will be circulated to all Elected Members. Elected Members may seek additional information through the Portfolio Chair or management in an area of interest. Action notes will also be made available to Council's Hobart Leadership Team to foster greater cross-organisational cooperation and awareness.

## PLANNING AND DEVELOPMENT FUNCTIONS

The Council has created a fully-delegated Planning Committee which will fulfil the Council's obligation as a planning authority under the Land Use Planning and Approvals Act 1993.

The Planning Committee has full power to make planning decisions on behalf of the Council.

The Council delegates all of its planning authority powers under the Land Use Planning Approvals Act 1993 to the Committee noting that the Council may also delegate some or all of these powers to relevant officers from time to time.

Membership of the Committee shall consist of all 12 Elected Members with meetings to be conducted twice monthly. A quorum is seven Committee members.

Pursuant to section 6(3) of the Land Use Planning and Approvals Act 1993, a number of planning application determination functions and powers are required to be delegated to the Chief Executive Officer, the Director City Life, the Manager Development Appraisal and the Senior Statutory Planner.

In the Local Government context, planning and development matters constitute a significant proportion of Council decision-making. The Council acts as a

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<sup>5</sup> Regulation 8(1) of the *Local Government (Meeting Procedures) Regulations 2015*.

<sup>6</sup> Regulation 3 of the *Local Government (Meeting Procedures) Regulations 2015*.



planning authority under the Land Use Planning and Approvals Act 1993. This role involves both a strategic and statutory component. Planning can be one of the most important and challenging areas for elected members. Planning authorities are responsible for developing planning schemes, supporting or rejecting changes proposed by others and making decisions on individual developments in accordance with the Planning Scheme.

The City has an important strategic role to shape the way the City is developed.

In a strategic planning capacity, the Council is required to review and provide feedback on programs of work that define the structural and design aspects of the City. These projects will be managed with inputs from a range of stakeholders and experts to help design a city fit for the future.

In the statutory capacity as planning authority the Council is obliged to make decisions based on the relevant planning scheme. Given this, it is likely that there will be occasions when an Elected Member has no option but to approve developments that are consistent with the Planning Scheme, even though there is considerable dissatisfaction in the community.

## CARETAKER POLICY

The City will consider the adoption of a policy titled Election Caretaker Policy which recognises that elected bodies should not unnecessarily bind an incoming government during an election period. The Policy has been adopted in the absence of any legislative framework and establishes clear guidelines for the conduct of elected members and staff in the lead up to a local government general election involving the Hobart City Council. It ensures that the ordinary business of Council continues in a responsible, transparent and legally compliant manner in the period leading up to an election.

## CANDIDACY IN LOCAL GOVERNMENT ELECTION

Local government elections are held every four years. It is important from a governance perspective, consistent with the reasons for having a caretaker policy that elected members recognise and manage the potential conflict between their role as an incumbent elected member and a candidate in an election.

Sufficient safeguards exist within the *Local Government Act 1993* in relation to managing this potential conflict such as pecuniary and conflicts of interest provisions and offence provisions. Additionally, elected members have an obligation to accurately represent the policies and decisions of the Council in performing the functions of an elected member.

## COUNCIL REPORTS

Council reports are the formal means for providing advice to Elected Members, giving them the relevant information, issues, options and advice that will enable them to consider the matter at hand and make an informed decision.

Section 65 of the Act deals with the information required for the Council to consider in making its decisions:

1. The CEO must ensure that any advice, information or recommendation given to the Council or a Council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
2. The Council or Council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless:
  - a. The CEO certifies, in writing –
    - ii. that such advice was obtained; and
    - iii. that the CEO took the advice into account in providing general advice to the Council or Council committee; and
  - b. A copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the Council or Council committee with the CEO's certificate.

It is the role of the CEO to prepare an agenda for each meeting of the Council or Council committee<sup>5</sup> and the MPR governs how this is to be undertaken.

## COUNCIL WORKSHOPS

A council workshop is defined as a workshop, seminary or gathering of persons for the purposes of a Council but does not include a meeting or a meeting of a special committee<sup>6</sup>. Regular Elected Member workshops will be held fortnightly and timed as consistently as possible, in expectation that Elected Members will endeavour to attend all such workshops unless there is a reasonable reason why they cannot do so, noting, however, that attendance is not a statutory requirement but attendance will be recorded and published on the Council website.

Workshops are closed to the public and matters for consideration will usually include updates on the more significant matters due to come before a meeting of the Council, briefings on significant matters by external parties, and briefings on the progress of significant Council projects, finances, strategies and plans. Workshops are an opportunity for the Council to be briefed on matters and have an open conversation on these matters before they are included on an agenda for a meeting and are not decision making forums.

The date and purpose of any Council workshop will be included in the agenda for an ordinary Council meeting and the attendance of elected members is recorded and published on the City's website. The City's Policy titled Meetings: Procedures and Guidelines sets out the way in which workshops will be conducted.

## **BRIEFINGS TO ELECTED MEMBER**

### **Provision of information and advice by management**

Information is made available on a regular basis that will assist the representation and decision-making roles of Elected Members. To obtain information that is up-to-date and offered in the right context, liaison should occur with the CEO or a member of the ELT. Speaking directly to Council officers below ELT level without the authorisation of the appropriate ELT member may result in Elected Members receiving advice that has not been formally endorsed by management. Exceptions are made for Council Support staff and other designated media and planning staff that have been nominated by their Director who for operational reasons require direct contact with Elected Members.

The provision of information and advice to Elected Members operates on the principle that information provided to one elected member will be made available to all elected members.

As referred to in the Elected Member Code of Conduct, the Act provides that individual elected members cannot direct or attempt to influence Council officers in the performance of their duties. The Council as a collective make decisions and this is done through a resolution adopted at a Council meeting.

Elected Members should refrain from publicly criticising Council officers in a way that casts aspersions on their professional competence or credibility. Elected Members should advise the CEO in a timely fashion of any concerns that a Council officer has acted contrary to a formal Council policy or decision

In addition to statutory provisions regarding confidential information, Elected members must not release to

an external person or organisation any documents or information that the CEO or member of the ELT has formally requested be kept confidential or that has been marked confidential.

### **Individual Elected Member Briefings**

The CEO will also offer regular meetings with individual Elected Members to determine whether Council priorities are being met and to consider matters raised by the Elected Member.

## **SUPPORT FOR ELECTED MEMBERS**

To support new Elected Members, the CEO ensures that they are given the opportunity to undertake a comprehensive induction program. The program details the governance framework, relevant legislative requirements, the City's structure and operations and the respective roles and responsibilities of elected members and staff in the decision-making process.

In accordance with Council policy, elected members are provided with appropriate resources during their term of office for use while representing the community of the City. Additionally, the City provides opportunities for new and continuing elected members to participate in tailored training and ongoing learning and development programs.

Elected members are supported through providing assistance in managing diaries and commitments, provision of briefing notes on topical issues and in preparation for meetings, speeches for events, identification of professional development and training opportunities and consistent and timely access to relevant information.

Additionally, there are a suite of policies to guide and assist elected members in navigating any issues which may arise. These include:

- Elected Member Behaviour Policy
- Elected Member Fitness to Under Duties Policy; and
- Elected Member Issues Resolution Policy.

## ADMINISTRATIVE ARRANGEMENTS TO SUPPORT ELECTED MEMBERS

The role of the Corporate Governance Unit of the Council is to provide support to Elected Members. This Unit is divided into two component parts – one around support and the other around governance.

It is the role of the support team to:

- Provide assistance to all Elected Members in relation to locating information for Elected Members – e.g. information from the City’s website, prior Council decisions etc;
- Logging Elected Member requests in the Elected Member request system and monitoring responses;
- Through research and liaison with relevant areas of the organisation, facilitate the provision of material to assist Elected Members respond to enquiries or concerns from the community;
- Coordinate attendance at events by Elected Members; and collate meeting papers/develop briefing notes as required for Elected Member attendance / representation on other Council-appointed committees, advisory groups and external bodies.

Support for Elected Members does not extend to Elected Members re-election or campaigning tasks and when a request for information is received that is considered to be outside the scope of an Elected Members’ duties or a request for information is received which will take a significant amount of resources to satisfy, the request is to be referred to the Manger Corporate Governance, Director City Enablers or the CEO to make a decision as to whether it is considered that the fulfilment of the request is required to allow the Elected Member to perform their role.

The Governance team is responsible for ensuring the functioning of the business of the Council:

- It provides the key level of support for Council and Committee meetings. This includes:
  - Preparation of agendas, minutes and providing in-meeting support;
  - Management and coordination of notices of motions, questions without notice, petitions, public questions and declarations of interest by elected members
- Oversight and maintenance of the City’s delegations register;
- Maintenance of the City’s Policies;
- Coordination of the weekly Elected Member Bulletin;

## COMMUNICATION

It is important that there is ongoing dialogue between Elected Members and the administration. Roles, communication on how to achieve outcomes, policy development and implementation, are all complex and dynamic issues. A shared and continually developing understanding about these concepts and practices will enhance good governance at the City. Protocols for communication between Elected Members and the administration include such practices as regular CEO briefing sessions with Elected Members. This free flow of information encourages communication between elected members and the administration in terms of Council’s objectives and desired outcomes while progress on the development of policy and program options for Council’s consideration is occurring.

### Communication method

Elected Members are provided with a weekly bulletin which contains a range of information relevant to the role of an Elected Member relating to the operations of the Council. It is intended that this will be the central vehicle for communicating information to Elected Members.

Outside of this process, communication on urgent matters that cannot be coordinated through the weekly bulletin will occur via email or phone call to ensure that information is received in the appropriate timeframe and urgent action, if required can be taken.

Requests from Elected Members need to be sent to the centralised email [EMrequests@hobartcity.com.au](mailto:EMrequests@hobartcity.com.au). This ensures that the requests are managed centrally, tracked and responded to in a timely manner.

It will also ensure that information relevant for all Elected Members can be identified and made accessible. Requests outside of this process will not be dealt with by the administration and will be referred to it.

## STAFF INTERACTION BY BUSINESS AREA

All contact between Elected Members and Council officers (outside of ELT members), must be approved through the CEO. This is critical for the good governance of relations between the elected body of Council and the administration.

Interaction between Elected Members and council officers should adhere to the following guidelines.

Between Elected Members and council officers:

- a) Elected Members may contact a divisional director, the CEO or approved Council officer to discuss, or to make arrangements to meet to discuss, Council services or projects.
- b) When discussing projects with a delegated officer, Elected Members must not:
  - a. Direct or pressure staff in the performance of their work.
  - b. Request council officers undertake any duties on behalf of an individual, group or committee or out of personal interest
  - c. Instruct or advise officers in recommendations they should make in reports
  - d. Approach staff, staff organisations or unions to discuss individual staff employment matters, rather than broad industrial policy
  - e. Threaten or make personal attacks on council staff or their professional ability.
- c) Staff must immediately report all breaches to their divisional director or CEO.

Between council officers and elected members:

- a) Council officers may be delegated to discuss information with elected members in which the officer has an expertise or relevant involvement in the subject matter.
- b) Council staff are not to undertake the following interactions with elected members:
  - a. approaching elected members to discuss individual employment arrangements, rather than broad industrial policy issues
  - b. refuse to give information that is available to other elected members to a particular elected members
- c) Elected members must report all breaches to the CEO.

## MEDIA AND COMMUNICATIONS GUIDANCE

High-quality communications are essential in connecting our community to services, profiling Council's vision and priorities and growing Hobart's reputation as an international capital city.

The Media and Communications Unit delivers strategic communications, media management, advocacy advice and campaigns. Our role is to bring the Capital City Strategic Plan, the Annual Plan and budget, and other key Council priorities to life. The Media and Communications Unit provides communication support for planned Council programs and services through City of Hobart channels as well as through the media.

### Media

The Lord Mayor, Deputy Lord Mayor and Elected Members play an important role in representing our organisation and our community. One way we reach our community stakeholders is through the media. City of Hobart Elected Members are often sought by media for comment and opinion. Elected Members who are approached by the media for comment should refer the enquiry to the Manager Strategic Communications & Marketing as soon as possible. This will ensure Elected Members are provided with the right information and represent Council's endorsed position accurately.

All Elected Members will have the opportunity to participate in media training and a detailed briefing on the media protocol will also be provided by the Manager Strategic Communications & Marketing.

### Key Spokespersons role

The Lord Mayor is the spokesperson for Council as outlined in the Local Government Act 1993. The Lord Mayor will comment on all matters associated with the City of Hobart such as major events or projects, key community infrastructure, climate change, emergency management, and announcements regarding the Annual Plan, Budget or the Capital City Strategic Plan.

In the event the Lord Mayor is unavailable to be a spokesperson, the Deputy Lord Mayor will become the principal spokesperson for Council.

In their capacity as Portfolio Chairs, Elected Members will be delegated by the Lord Mayor to also play a role in communicating Council policy matters relating to their portfolio as secondary spokesperson alongside the Lord Mayor. A communications plan will be prepared for each Portfolio for consideration and authorisation by the Lord Mayor.

Where Elected Members have played a key role in the development of a Council position or notice of motion and would like to be involved with media, they should agree an approach with the Lord Mayor and the relevant Portfolio lead, and advise the Manager Strategic Communications & Marketing.

### **The role of Elected Members**

The Media and Communications Team protects and enhances the City of Hobart's and Council's reputation through media relations. This includes proactively pitching media opportunities to journalists, holding press conferences, and providing factual and timely responses to media enquiries. The team also identifies and mitigates risks to Council's reputation and drafts media briefing notes.

An Elected Member acting as an authorised spokesperson as delegated by the Lord Mayor has a responsibility to represent the Council position in relation to a matter. If that Elected Member wishes to express a personal view prior to a policy position being endorsed by Council, the Elected Member is obliged to declare publicly that the opinion or view is their own. This applies to all forms of communication including social media.

The Manager Strategic Communications & Marketing provides Elected Members with a recommended approach on when and how to engage with media. Elected Members should refer all media enquiries and requests to the Manager Strategic Communications & Marketing as soon as possible, rather than liaising directly with the journalist.

### **City of Hobart Channels**

#### **Social Media**

City of Hobart has five main corporate social media accounts: Facebook, Twitter, Instagram, LinkedIn and YouTube.

1. Facebook is best for strong newsworthy, dynamic, and engaging premium content with mass appeal.
2. Twitter is where City of Hobart receives customer queries and complaints on social media. We publish replies to customer comments and questions, council announcements, newsworthy content and construction and project updates.
3. Instagram is often used to promote the city with beautiful images, which we link to Council priorities and initiatives.
4. LinkedIn is often used to promote and celebrate City of Hobart as a workplace and how Council supports the economy through initiatives such as our grants and world-class events and activations.
5. YouTube is used to display longer visual corporate content that appears in our corporate website.

Elected Members are encouraged to use their own social media accounts and share content published on City of Hobart's corporate social media accounts. This content is developed to align with adopted Council positions, so the sharing of this content by Elected Members helps to amplify the messaging, and provide a consistent voice to the community. Content will also be prepared for sharing across each Portfolio area.

### **Speeches**

Elected Members are regularly invited to speak on behalf of City of Hobart at events. These speeches increase the profile of Council, the administration, and the initiatives we deliver for the community. Speeches are an important way to maintain City of Hobart's reputation as a leading city, and an opportunity to connect with the community. Speeches provide an opportunity to reinforce council messaging and advocate to other levels of government and key stakeholders.

In representing Council at events, functions and delegations, Elected Members may require support in the form of speech notes, presentations, and background information. This support is arranged through the Corporate Calendar system, which can be accessed by all Councillors.

Speech requests for an event that is not Council owned or sponsored must identify a strong alignment with Council priorities and initiatives or seek to advance City of Hobart leadership role within the community.

### **City of Hobart Website**

Our City of Hobart site is an important channel for providing information to and transacting with our ratepayers and community. The website lists upcoming Council and key meeting dates, agenda and decisions. The general public can also view the live stream of Council meetings via our website.

## ATTENDANCE AT EVENTS BY ELECTED MEMBERS

The Lord Mayor and elected members are invited to attend and/or speak at certain events. The Elected Member Development and Support Policy deals with the funding of attendance at these events, however this Framework sets-out which elected member will attend on behalf of the City.

There are a number of occasions where the Lord Mayor is invited to events where it is appropriate that only the Lord Mayor as the principal representative of the Council attend the event for example, an invitation by the Governor of Tasmania or where it has been indicated that an invitation cannot be transferred.

On the occasions where the Lord Mayor is unable to accept an invitation issued in the above or similar circumstances, the invitation will be declined and the Council will not be represented at the event.

On the occasion where the Lord Mayor does not accept an invitation to represent the Council and it is considered appropriate and reasonable for it to be passed on and reasonable notice is given, the Deputy Lord Mayor will substitute for the Lord Mayor in the first instance.

In the event that both the Lord Mayor and Deputy Lord Mayor are unable to accept the invitation, another Elected Member will be provided the opportunity to attend the event.

This will occur in the following way:

- Where an invitation aligns with a Council portfolio committee, the Chair of that portfolio will be nominated to represent the City.
- Should that Elected Member be unable to fulfil the request, an Elected Member will be selected from the order of precedence as a general rule and on a rotational basis.
- In all other cases an Elected Member will be selected from the order of precedence as a general rule and on a rotational basis

Where an Elected Member accepts an invitation to represent the Lord Mayor, the elected member has made a commitment to attend the event in the capacity of representing the Lord Mayor.

## SOCIAL MEDIA INTERACTION

Guidance in relation to Elected Members' use of social media is provided in section T of the Elected Member Development and Support Policy

The City's social media pages including Facebook, Twitter, Instagram and LinkedIn are intended to keep residents, stakeholders and the public informed of events and activities from the City of Hobart, and the decisions of the Council that affect our community.

We value the input of our community on these pages through commenting on posts.

The function of these pages are not intended to be a political forum. Elected Members or intending Council candidates should not use the City's social media pages for any form of political campaigning or personal promotion. This includes comments that identify the author as an intending candidate, or which are made from or link to an election campaign page or website.

Comments on the City's social media pages that directly promote or criticise any individual elected member or intending election candidate are also not permitted and will be deleted. To ensure the reputation of the City is upheld, Elected Members or intending Council candidates should refrain from criticising City operations, Council decisions or Council policy on the City's social media pages.

To ensure the provision of relevant, consistent and timely information to residents, businesses and key stakeholders, Council Officers will moderate or remove any comments that are deemed to be in breach of these guidelines, or otherwise inappropriate for the City's social media pages.

## ACCESS TO INFORMATION

### By the public

The City creates and possesses a large range of documents for a variety of purposes. It is accepted that the public should have a general right of access to non-confidential Council documents. The City is committed to fostering high levels of public awareness of its activities, by providing its residents and ratepayers with the broadest possible access to information. In addition to meeting the state and local public notice requirements

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7 See section 22 of the *Local Government Act 1993* (Tas)

8 Section 64 of the *Local Government Act 1993* (Tas)

9 Section 64(2) of the *Local Government Act 1993* (Tas)

prescribed by the Act in respect to particular proposals and activities, the City also ensures that information is available via traditional and electronic means. The City engages in a range of community consultation on important issues and also uses the local press for providing notification.

Increasingly, the City's website and social channels is serving as the focal point for providing up-to-date information and service delivery to ratepayers and residents. Public consultation involving residents and ratepayers is facilitated by the City through a range of mechanisms which includes; information provision, community consultation and opportunities for public comment.

The Council, as a public authority, is also subject to the provisions of the Right to Information Act 2009.

As stated above, the Council proactively releases a range of information, however, if the information is not freely available we can assist a member of the public make an application for 'assessed disclosure' to request its release under the RTI Act. Further information on the process is included on the City's website.

### **By Elected Members**

All Elected Members have the right to inform themselves fully in respect to matters placed before a Council committee, or the full Council.

This includes the right to access and inspect files and documents relative to issues before the Council or one of its committees. However, as has been previously explained at common law, this right "is no roving commission to go and examine books or documents because (you) are a councillor - mere curiosity or desire to see and inspect is not sufficient".

Section 28 of the Act entitles councillors to:

- Information and documents required to perform any councillor functions (section 28A to 28C); and
- Documents relating to council and committee meeting agendas (section 28D).

Elected Members and staff may access Council records to assist in the performance of their official duties.

Council records may not be accessed to provide information on personal interest only.

Elected Members who wish to view Council records should make a request via the Manager Corporate Governance utilising the form that has been developed for this purpose. The request is to state in writing the relevance of the information or document to any of the Elected Member's functions and declare that if the matter were to be an item on the agenda at a Council or Committee meeting that they would not have or be unlikely to have any pecuniary interest in the matter.

The request may be refused on a number of grounds under the Act and if the information is confidential, the CEO may require the elected member to provide an undertaking to keep the information confidential.

A register of requests made by Elected Members will be kept and made available on the Hub and all information provided pursuant to a request by an elected member will be also published on the Hub.

Access may be provided to electronic documents contained in the City of Hobart's electronic document and records management system, TRIM, upon request. These files must be viewed on site.

Corporate documents are not to be removed from Council premises for any reason without the CEO's approval.

### **POLICIES**

The City has adopted a number of policies, delegations and management practices to guide the administration in the conduct of the City's operations. The policy and delegation regimes are key components of the City's governance framework. The City's policies are approved by the Council and reflect our values and strategic objectives. They provide transparency and assist in ensuring good governance of our capital city and are reviewed annually to maintain relevance and consistency.

Policies provide the City's administration and stakeholders with guidance for the implementation of processes. They have been drafted in a manner that allows Council to adopt policies in accordance with its role of providing policy direction to the administration of the City. These policies focus on setting standards in compliance with legislation, adopting values and/or guiding processes. These practices describe what is required to achieve each policy objective.

## DELEGATIONS

Delegations of authority are required in order to provide staff of the City with the power to exercise duties and make decisions required by legislation. Under the Act both the Council and the CEO are given certain functions and duties to be discharged. Council may delegate authority to perform some of its functions and duties to the CEO<sup>7</sup>. The CEO may delegate to any other officer, the authority to perform functions and duties that are exercisable by the CEO under the Act, or that have been delegated to the CEO by the Council<sup>8</sup>.

The objective of this delegation policy is to achieve the best possible results for the City, Council and the community through the effective harnessing of the input of, and co-operation between, Council, the administration and the community.

Council therefore re-affirms its responsibility, to consult, involve and be accountable to the community, and:

- To develop and monitor the implementation of strategic plans and budgets;
- To determine and monitor the application of policies, plans and programs for –
  - the efficient and effective provision of services and facilities; and
  - the efficient and effective management of assets; and
  - the fair and equitable treatment of employees of the council;
- To facilitate and encourage the planning and development of the municipal area in the best interests of the community;
- To appoint and monitor the performance of the Chief Executive Officer;
- To determine and review the council's resource allocation and expenditure activities; and
- To monitor the manner in which services are provided by the council.

Council acknowledges the responsibility of the Chief Executive Officer through the administration:

- To implement the policies, plans and programs of the council;
- To implement the decisions of the council;
- To be responsible for the day-to-day operations and affairs of the council;

- To provide advice and reports to the council on the exercise and performance of its powers and functions and any other matter requested by the council;
- To assist the council in the preparation of the strategic plan, annual plan, annual report and assessment of the council's performance against the plans;
- To coordinate proposals for the development of objectives, policies and programs for the consideration of the council;
- To liaise with the mayor on the affairs of the council and the performance of its functions;
- To manage the resources and assets of the council;
- To perform any other function the council decides.

The Council therefore adopts the following policies and processes in relation to the exercise of delegated authority:

### 1. Referral to Council

- A delegate shall refer any proposal whether for a project or program, for work, for a contract, or for a planning decision, to Council, without prior decision by the delegate wherever and whenever:
- The proposal raises an issue of significant public interest, concern or controversy, or is likely to do so
- The proposal raises an issue of policy or process not covered by existing policy or practice
- The proposal has given rise to substantial public objection or appears likely to do so
- The delegate recommends approval of the proposal, but such approval would be, or could reasonably appear to be, inconsistent with a previous decision or decisions by or on behalf of the Council
- Implementation of the proposal would require expenditure of Council funds, and such funds have not been specifically provided for in the budget
- The delegate is not satisfied that the proposal has been the subject of appropriate consultation with those likely to be interested in or affected by it
- The delegate is not satisfied that the proposal is one that is appropriate for the decision of the administration rather than the Council
- Any Elected Member has indicated a desire to call in the proposal for Council decision.



## 2. Limitation on Financial Delegations

Where the approval of a proposal would involve the expenditure of Council funds for which provision has been made in Council's budget, the authority of the delegate is nevertheless limited to the following amounts:

For the Chief Executive Officer	Unlimited within the approved Council budget.
For Directors and Departmental Heads (or equivalent) in charge of a division	Unlimited within the respective divisional or departmental budget forming part of the approved Council budget.
For Managers (or equivalent) in charge of a Unit \$500,000	\$50,000 within Unit budgets, with some exceptions limited to \$100,000 where operational requirements necessitate.
Other staff	Not more than \$25,000.

## 3. Difficult Issues

Whenever a major issue arises or any difficulty repeatedly arises in relation to the exercise of delegated authority, that issue or difficulty shall be referred to the Council for consideration.

## 4. Compliance with Policy

When exercising delegated authority the delegate shall use his or her best judgement to ensure compliance with each and all of the requirements of this resolution.

## 5. Emergency and/or Extraordinary Circumstances

As identified from time to time by resolution of Council, compliance with sections 1, 3 and 4 of this policy will be suspended where emergency and/or extraordinary circumstances arise (such as a state emergency being declared).

Where notice of such a proposed resolution has been given but quorum is unable to be achieved to consider the proposal, then suspension will be by agreement of both the Lord Mayor and, with such an agreement required to be notified to all Elected Members and published on the City's website forthwith.

All decisions that would normally have been dealt with by Council in open session, but which are made under delegation due to an emergency and/or extraordinary circumstances under this section, will be published on the City's website as soon as practicable.

## 6. Policy Review

All instruments of delegation shall be reviewed in the light of this policy and shall be further reviewed in the light of experience within one year after the election of each Council.

[Note: Appropriate consultation means consultation in accordance with Council's Consultation Framework].

# Compliance and Accountability

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Compliance and accountability are achieved through ensuring the integrity of the key operational and financial planning and reporting mechanisms that underpin the City's operations. The Annual Report and Annual Plan (which includes the annual budget) provide this information, and are supplemented by internal performance measurement instruments. The City operates according to the Integrated Planning and Reporting Framework.

## REGULATORY ROLE

The City has a regulatory role under numerous pieces of legislation. These include the Land Use Planning and Approvals Act 1993, Public Health Act 1997, Food Act 2003 and Dog Control Act 2000, although this list is not exhaustive. The City approaches this role in accordance with its Policy titled Compliance and Investigation Procedure<sup>10</sup>. This Policy outlines that the City takes a risk based approach to enforcement and compliance and provides clarity with respect to when the Council will take enforcement action and when it will not.

In addition, the City has a Policy titled Infringement Review Guidelines<sup>11</sup> that clarifies the processes and procedures undertaken by the City in relation to the exercise of Council's statutory obligation to review a decision to issue an infringement notice under Part 3 of the Monetary Penalties Enforcement Act 2005

## STATUTORY COMPLIANCE

Compliance with key financial and statutory requirements is assessed through the annual external audit conducted in accordance with the Act by the State Auditor General or his sub-contractor, in accordance with the Audit Act 2008. Also in accordance with the Act, Council has a Risk and Audit Panel which operates as required by Division 4 of that Act.

The City recognises the importance of ensuring that matters involving deliberations of Council, the implementation of resolutions, development of requisite plans and reporting of performance / outcomes are fully compliant with all legislation and regulations applicable to local government.

The City adheres to the following core principles and practices:

- Compliance is about our responsibilities as employees, our culture, and the systems and processes we use every day;
- Complying with both the letter and spirit of regulatory obligations is an essential part of an ethical culture and is critical to our success as a leading local government agency;
- We ensure that the letter and spirit of regulatory obligations are embedded into how we do business, how we conduct ourselves and how we expect our delivery partners to conduct themselves, how our systems and processes are designed and how they operate;
- Compliance with regulatory obligations is the responsibility of everyone in every area of the City;
- Visibility and accountability of senior management encourages a strong compliance culture and leadership;
- The role of senior management is to guide the organisation in embedding and maintaining compliance into how we do business; and
- Actively engage with regulatory bodies and industry forums to maintain high standards. Key components of a compliance framework that supports these principles are:
  - Environment: Council and Executive management oversight and accountability, culture and independent review;
  - Identification: identifying obligations and developing and maintaining compliance plans and an appropriate control framework as part of business planning;

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<sup>10</sup> Policy is currently under development and due to be considered by Council in June 2022.

<sup>11</sup> Policy is currently under development and due to be considered by Council in June 2022.

- Controls: policies, processes, procedures, internal audits, risk analysis, communication, support, training and documentation; and
- Monitoring and reporting: monitoring, incident and breach escalation, reporting, issues management and managing regulatory relationships. As with other forms of risk, business line management is primarily responsible for managing compliance risk and is provided with the following support:
  - Infrastructure to facilitate compliance planning and reporting;
  - Specialist advice in implementing regulatory initiatives and policies, and establishing compliance programs;
  - Analytical tools and advice for independent oversight of areas of strategic compliance risk; and
  - Reports on potential weaknesses across the division.

The City measures the effectiveness of its compliance program by adopting an enterprise-wide risk management approach, which includes internal audit; contract management and other operational reviews; mystery shopper exercises; customer surveys; and operational risk assessments. Further, the internal audit function is outsourced to a professional accounting and advisory firm whom recommend best practice and contemporary business processes to Council.

## RISK MANAGEMENT FRAMEWORK

Effective risk management requires taking an integrated and balanced approach to risk and reward, and helps us to both optimise financial growth opportunities and mitigate potential loss or damage. The City of Hobart has adopted a Risk Management Framework incorporating the following:

- Risk Management training program;
- Risk Management planning (as part of annual business planning);
- Risk appetite
- Risk register;
- Risk reporting;
- Risk and Audit Panel;
- Fraud and Corruption Prevention Strategy;
- Code of Conduct;
- Emergency Management Committee and response centre;

- Business Continuity Plan (including Disaster Recovery Plan); and
- Insurance program.

The Risk Management Framework involves the City collating and reporting on all the identified risk management initiatives to ensure adoption of a coordinated approach that will effectively minimise business, financial and physical risks to the City's assets and operations. The City's performance in implementing effective risk management strategies and following sound business practice is reinforced through access to independent legal advice, the conduct of annual compliance audits and the annual financial audit undertaken by professional, external auditors.

## WORK HEALTH AND SAFETY FRAMEWORK

The City of Hobart's Workplace Health and Safety Policy states that:

*The City of Hobart is committed to a safe and healthy work environment and safe systems of work to prevent injury and illness to Council workers, contractors, volunteers and visitors engaged in Council business.*

*The City is committed to meeting the requirements of the Work Health and Safety Act 2012, the Work Health and Safety Regulations 2012 and associated approved Codes of Practice.*

*The City will make sure that all persons with responsibilities under the Act understand and have the necessary support to meet the duty of care and due diligence obligations as specified in the Act, as far as is reasonably practicable.*

Under the Work Health and Safety Act 2012 ("the WHS Act") elected members are classified as a "worker". The Act therefore places the following duties on an elected member. While at work and elected member must:

1. Take reasonable care for his or her own health and safety;
2. Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons;
3. Comply, so far as reasonably able, with any reasonable instruction that is given by the Council, as body corporate, to allow the Council to comply with the Act; and
4. Co-operate with any reasonable policy or procedure of the Council, as body corporate, that relates to the health or safety at the workplace and that has been notified to workers

The City has comprehensive safety systems, conducts regular training and safety audits and has a range of committees and a governance structure to support its Work Health and Safety commitment.

## THE EXTERNAL AUDITOR:

- Provides independent audit opinions on both the general and special purpose financial reports of Council;
- Audits statutory returns relating to a number of Council activities (including the ratings return, domestic waste return, parking enforcement gain share); and
- Reports to the Council and the CEO of the conduct of audits, issues a management letter detailing any matters that arise during the course of audits and provides any supplementary reports where required.

The External Auditor also contributes to Council's Risk and Audit Panel meetings when required.

## INTERNAL AUDIT

Internal audit is an important part of the City's Risk Management Framework. Internal audit is directed to identify performance or compliance gaps to enable improvements to the City's efficiency, effectiveness and compliance. It also helps improve processes and makes them more rigorous and corruption resistant.

## RISK AND AUDIT PANEL

The Risk and Audit Panel (RAP) plays a pivotal role in the City's Governance Framework. The functions of the RAP is to<sup>12</sup> review the Council's performance in relation to:

- a) The Council's financial system, financial governance arrangements and financial management; and
- b) All plans of the Council under Part 7 of the Act; and
- c) All policies, systems and controls the Council has in place to safeguard its long-term financial position; and
- d) Whether the annual financial statements of the Council accurately represent the state of affairs of the Council;
- e) Whether and how the Part 7 plans are integrated and the processes by which, and assumptions under which, those plans were prepared;
- f) The accounting, internal control, anti-fraud, anti-corruption and risk management policies,
- g) systems and controls that the Council has in relation to safeguarding its long-term financial position;
- h) Whether the Council is complying with the provisions of the Act and any other relevant legislation;
- i) Whether the Council has taken any action in relation to previous recommendations provided by the audit panel to the Council and, if it has so taken action, what that action was and its effectiveness.

The RAP Terms of Reference set out the Panel's roles and responsibilities and its oversight of the internal and external audit functions, including any statutory duties. This Panel is made up of two members of the elected Council and three independent members, one of whom is the Chair of the Panel. The RAP is responsible for overseeing the coordination of the annual internal audit work program. The Panel meets at least six times a year.

## REGISTERS OF INTERESTS

Registers serve as important evidence to show that individual Council employees, Elected Members and the City are doing the right thing. Registers are a critical component to show transparency in the way the City conducts its affairs. Without registers there may be some doubt as to whether or not people followed the appropriate practices and acted ethically. Some registers are required to be kept by law while other registers are kept as a result of the City's policy decision, for example, to require declarations by staff of gifts and benefits they have been offered. Some of the registers held by the City include:

- Gifts and Benefits Register; and
- Pecuniary and Conflicts of Interests Register.

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12 Section 85A of the *Local Government Act 1993* (Tas) and clause 4 of the *Local Government (Audit Panels) Order 2014*

# Evaluation and Improvement

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The City is committed to ensuring the effectiveness and efficiency of its operations through a program of review. Council's Policy Lab will implement an annual Framework for Planning, Performance and Continuous Improvement across the organisation.

## COMMUNITY, BUSINESS AND RESIDENT SATISFACTION SURVEYS

The City also conducts an annual community and business satisfaction survey within its community. Regular reporting on community feedback and outcomes ensure confidence in the Council's services.

## PROFESSIONAL DEVELOPMENT FOR STAFF AND ELECTED MEMBERS

As part of ensuring that the City continues to provide contemporary, efficient and relevant services to the community it has a strategic and targeted professional development program for staff and elected members.

Part C of the Elected Member Development and Support Policy sets out the approach with respect to elected members and assists in elected members meeting their obligation under their Declaration of Office to engage in ongoing professional development.

When an elected member is elected to the Council they are required to make a declaration of office which is prescribed under the Act and the *Local Government (General) Regulations 2015*. The declaration states, inter alia, that each elected member declares they will engage in ongoing professional development.

It is for these reasons that the City of Hobart ensures that elected members have training and professional development opportunities available. The City ensures that regular training and information is provided to elected members on the following topics, although this list is not exhaustive:

- Code of Conduct
- Ethical decision-making
- Conflicts of interest

- Meeting procedures
- Decision-making in reference to Land Use Planning and Approvals Act 1993
- Financial literacy
- Media skills
- Capital works and asset management
- Work health and safety

These occur through formal training sessions in a workshop style through to the provision of reading material and specific tailored communications for elected members.

The City's Elected Member Development and Support Policy also provides for individual professional development for elected members. The process under the Policy requires elected members to prepare an individual professional development plan and provides \$5,000 per annum for each elected member to undertake professional development activities.

Opportunities for professional development are communicated to elected members through the Bulletin and centrally located on the Hub.

The City of Hobart values its people as its greatest asset and is therefore committed to their ongoing professional, vocational and personal development through the continuing provision of quality, timely and relevant training and development opportunities. These opportunities include internally and externally provided training, accredited and non-accredited training and professional development activities as well as study assistance. The approach to meeting this aim is set-out in the Council's Training and Development Policy.

## CUSTOMER SERVICE CHARTER

In furthering our customer experience objective to foster strong and respectful relationships with our customers and make it easy for them to do business with us, it is important to consider the feedback provided by our customers.

The Council is required to adopt a Customer Service Charter which is to:

- a) Specify the principles relating to services provided by the council; and
- b) Specify a procedure for dealing with complaints relating to services provided by the council;
- c) The manner in which a complaint referred to in section 339E of the Act may be made;
- d) The manner in which a response to a complaint is to be made;
- e) Opportunities for a review of a response by the CEO;
- f) The periods within which complaints are to be dealt with;
- g) Other actions that may be taken if a complainant is dissatisfied by the response; and
- h) Reporting of the complaints received.

In addition, the CEO is to provide a report to Council at least once a year of the number and nature of complaints received. This reporting and accountability framework helps to ensure that the Council remains responsive to the needs of its customers.

## EXTERNAL AGENCIES

There are a number of external organisations that through their statutory role provide oversight of the operation of local government. Where this occurs, it often results in recommendations or areas for improvement being identified. These are implemented by the City as a matter of course.

These agencies and their focus are listed below:

- Director of Local Government – enforcement of offences under the Local Government Act 1993
- Ombudsman – focus on the interaction of the Council with its customers.
- Integrity Commission – deals with misconduct on behalf of public officers.

# Conclusion

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The City of Hobart is committed to ensuring that the organisation continues to develop and maintain an effective governance framework and governance processes. The City's governance structures and focus need to be consistent with best practice governance frameworks across both the corporate and government sectors to confirm its place as a leader in national and international local government. In order to achieve this the City expects that its staff will demonstrate a strong work ethic and exhibit a high-level of commitment to continuous improvement in governance as they do their work.

The City is committed to revisiting and re-evaluating its governance in an ongoing dynamic process by improving the co-ordination of the various governance elements and testing the existing governance processes for effectiveness. This requires cooperation between Elected Members and staff in developing and evolving effective governance practices and procedures, and thereby reinforcing the continued delivery of strong effective governance by the City. The City recognises that in its endeavours to effectively lead, govern and serve, it must have in place a governance system of robust checks and balances to direct, control, monitor and ensure accountability and transparency in the provision of the City's operations



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