

Policy No. 4: Governance Charter

POLICY MANUAL

Policy No. 4	Governance Charter
Purpose	The purpose of this Policy is to provide a mutually agreed standard of behaviours and conduct for Councillors
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Council Meeting Date Minute Reference	21 January 2025 011/2025
Next Review Date	January 2020

POLICY

1. Definitions

Expected Behaviours

Includes, but not limited to:

- We work as a team, value each other's contribution and are accountable for our work;
- We support each other's roles to deliver the best outcomes for our customers and community;
- We are supported, trusted and empowered to do our work;
- We value open and transparent communication to keep each other well informed;
- We operate in an environment where people feel connected;
- We come prepared and willing to contribute in meetings;
- We actively listen and support a safe space for all;
- Our meetings stay on topic, and start and finish on time;
- We respect confidentiality;
- We understand and comply with our roles, governance obligations and meeting procedures;
- We are inclusive and respectful towards each other;
- We act with integrity and kindness;
- We are committed to resolving misunderstandings quickly;
- We practice gratitude, humility and empathy;
- We speak honestly about others;
- We do not speak over or interrupt others;
- We follow through on what is said at all times;
- We actively engage in healthy debate;

- We show open mindedness, listen to debate and are prepared to change our minds;
- We show genuine curiosity and seek to understand other's perspectives; and
- We maintain the desire to enhance the reputation of the Council, Councillors, the Council's staff and community members.

Self-regulation

Includes, but not limited to:

- calling out inappropriate behaviour;
- taking individual time-out when necessary;
- calling a time-out to de-escalate situations; and
- seeking out a mediator or coach.

PCBU

Person Conducting a Business or Undertaking for the purposes of the *Work Health and Safety Act 2012*.

2. Objective

The objectives of this Policy are to ensure that:

- a. the agreed behavioural standards required of all Councillors, individually and collectively, are applied in Council Meetings, Council Committee Meetings, Workshops and whilst undertaking all Council duties.
- b. self-regulation is applied where required.
- c. the public confidence in decisions made by Councillors at Meander Valley and Councillor conduct is evident and well considered.
- d. Meetings of Council operate in a safe, respectful and effective manner.
- e. the Council meets its obligations as a PCBU pursuant to the *Work Health and Safety Act 2012* in order to mitigate against psychosocial risks to Councillors, the Council's staff and others engaged in the Council workplace.

3. Scope

The Governance Charter is a mutually agreed behavioural standards required of all Councillors, individually and collectively, and applies in Council Meetings (open, closed and special) and Council Committee meetings (referred to collectively as Council meetings); Council Workshops and when undertaking all Council duties. This Policy applies to all Councillors undertaking duties at the Meander Valley Council.

4. Policy

4.1 Councillor Conduct

Section 28U of the *Local Government Act 1993* (the Act) requires that, in performing the functions and exercising the powers of their office with the Council, Councillors comply with the provisions of the Councillor Code of Conduct, as prescribed by the Minister for Local Government.

Meander Valley Council's Councillors are expected, individually and collectively, to comply fully with the requirements of holding their positions as Councillors, including but not limited to the Code of Conduct and the Act.

If another Councillor is concerned that the conduct of a Councillor is not consistent with the conditions in this Governance Charter or Code of Conduct, they are encouraged to raise their concerns directly with that Councillor, in a respectful manner or direct their concerns to the Mayor or General Manager if appropriate. This Governance Charter will be the most effective if Councillors self- and co-regulate and utilise informal means to resolve any issues. The manner in which issues are addressed or resolved may utilise a range of conflict resolution options including, but not limited to: mediation, agreement for arbitration, development or coaching. Concerns can also be raised for discussion at a Workshop where all Councillors can be involved in the resolution of issues by consensus.

In the event that issues cannot be resolved following Workshop discussions, more formal approaches (eg. formal resolution by Council) may need to be employed. The General Manager may provide an Agenda Item to a Council Meeting whereby recommendations are discussed and deliberated upon. If issues continue to occur and Councillors are still non-compliant further formal matters should be instigated (eg. further recommendations to Council for dealing with non-compliance) or referral via the established Code of Conduct process.

4.2 Process for Dealing with Councillor Conduct During Council Meetings that are Not Compliant with Expected Behaviours

In addition to Regulation 44 of the *Local Government (Meeting Procedures) Regulations 2025* (the Regulations), Council is able to determine any procedures relating to its Meetings as it considers appropriate. In the event of any inconsistency between the Regulations and additional procedures, the relevant provisions in the Regulations prevail. Councillor conduct that does not comply with this Governance Charter during Meetings will be deemed unsuitable conduct and the process for dealing with unsuitable conduct is detailed in this Governance Charter. In all circumstances, Councillors are able to raise a Point of Order regarding behaviour of other Councillors during Meetings. At all times, normal rules dealing with Points or Order apply during Meetings. The Meetings Chairperson has specific actions in Regulation 49 of the Regulations to address unsuitable conduct. Councillors are expected to identify when they may have a conflict of interest and take appropriate action.

4.3 Process for Dealing with Conduct by the Chairperson During Council Meetings that is Not Compliant with Expected Behaviours

If, during the course of a meeting, another Councillor reasonably believes that the conduct of the Chairperson is unsuitable conduct, the Councillor may raise the concern as a Point of Order. Normal rules dealing with Points or Order apply during Meetings at all times.

4.4 *Council Workshops*

Council Workshops are not formal meetings of Council but meetings where full and frank discussion between Councillors and the Council's staff can occur. Formal decisions are not made at Workshops and matters requiring a formal decision are referred to a Council Meeting. As such, formal meeting procedures as set out in the Regulations do not apply, however, all Councillors are required to comply with the Councillors Code of Conduct and this Governance Charter.

If, during a Workshop, a Councillor's behaviour is deemed not to be compliant with expected behaviours, any Councillor is able to call attention to that behaviour and seek appropriate discussion/resolution as per this Governance Charter and other adopted processes. If the matter is resolved, then no further action is required. However, if the matter is not resolved alternative dispute resolutions should be considered (eg. reporting the matter formally via a Council Meeting recommendation, Code of Conduct report, etc.).

4.5 *Conduct Breach*

A conduct breach occurs in the event that a Councillor's unsuitable conduct is reported to Council. This occurs when the General Manager provides a formal report via an Agenda Item to Council where recommendations are provided and voting occurs. If this occurs, it is the Council's responsibility as the PCBU, to resolve how to risk manage the Councillor's unsuitable conduct.

Any subsequent management of a Councillor's behaviour should be determined on a case by case basis taking into consideration that the Council meets its statutory obligations for good governance, non-discrimination and the health and safety of other Councillors, the Council's staff and others engaged in work with the Council.

Management options may include any or all of the following:

- a. a formal direction from the Council setting out behavioural expectations and consequences should the direction not be complied with;
- b. a requirement to unreservedly apologise for unsuitable conduct, generally or to specified individuals;
- c. a written apology, generally or to specified individuals;
- d. completion of a formal risk assessment about ongoing management of risks associated with a Councillor continuing unsuitable conduct;
- e. undertaking a training course or other professional development or coaching opportunity;
- f. attending mediation with another individual (Councillor, members of staff or other determined person);
- g. application of reasonable restrictions on a Councillor contact or interactions with other Councillors, members of staff or other determined person);
- h. reasonable restrictions of a Councillor attendance at the workplace;
- i. a direction by the PCBU for the Councillor to confirm with an application Code or Policy;
- j. referral of the matter to Worksafe Tasmania;

- k. request for the Minister to issue a performance improvement direction to a Councillor;
- l. authorisation for a complaint to be submitted by the PCBU against the Councillor for an alleged breach or breaches of the Councillor Code of Conduct; and
- m. any other measures the Council deems appropriate.

When determining the appropriate management options for a Councillor's conduct breach, the Council must consider and balance the management options with the statutory role and functions of a Councillor. Generally, management options should be proportionate to the risk constituted by unsuitable conduct. If unsuitable conduct by a Councillor continues then more management options may be imposed. The primary objectives are to enable all Councillors to perform their statutory roles and functions safely and to ensure that all Councillors conform to the requirements of the Governance Charter and other applicable legislation.

The Council may, as part of its management response, set reasonable time frames for compliance with any or all of its management options as determined by resolution. If a Councillor substantially fails to comply with management options, the General Manager is required to provide an Agenda Item to Council, as the PCBU, outlining the non-compliance whilst making further recommendations for dealing with the Councillor's non-compliance and unsuitable behaviours. Council deliberations on matters such as this should be conducted in a Closed Council Meeting.

The General Manager is required to maintain a Councillor Conduct Register for the duration of each Council term, to record any reprimands or conduct breaches by Councillors made under this Policy. The entire conduct history of a Councillor remains a relevant consideration under this Policy whilst a Councillors serves on Council.

5. Legislation and Related Standards

Councillor Code of Conduct

Policy No. 98: *Council Meeting Administration*

Work, Health and Safety Act 2012

Work Health and Safety Regulations 2022

Anti-Discrimination Act 1998

Local Government Act 1993

Local Government (Meeting Procedures) Regulations 2025

Local Government (Code of Conduct) Order 2024

6. Responsibility

Responsibility for the operation of this Policy rests with the General Manager.