

POLICY NO LG02 TRAINING AND DEVELOPMENT FOR THE MAYOR AND COUNCILLORS POLICY

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	General Manager
LINK TO STRATEGIC PLAN:	... be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
STATUTORY AUTHORITY:	Local Government Act 1993
OBJECTIVE:	Council will develop and adopt a training and development plan each year so as to ensure that activities available to the Mayor and Councillors assist in the effective discharge of their responsibilities pursuant to the <i>Local Government Act 1993</i> .
POLICY INFORMATION:	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 21 August 2014 – Minute No 08/14.15.5.255 Amended 17 December 2018 – Minute No 12/18.16.3.318

POLICY

1. BACKGROUND

- 1.1 Break O'Day Council is committed to providing training and development activities for the Mayor and Councillors.

2. POLICY STATEMENTS

- 2.1 Particular emphasis will be given in the Training Plan to the training needs of any new members joining Council following a general or supplementary election.
- 2.2 In preparing its training and development plan the Council will utilize a range of strategies to identify the needs of Council and match these needs against its strategic and good governance objectives.

3. TRAINING AND DEVELOPMENT PLAN

- 3.1 Council recognizes that some of the training needs of the Mayor and Councillors will be specific to their legislative and governance roles and functions such as:
- Role and function of the Mayor and Councillors;
 - Relationship between the Mayor and Councillors, the General Manager and staff;
 - Meeting procedures;
 - Role as a Planning Authority;
 - Conflict of Interest; and
 - Code of Conduct.

- 3.2 Other training issues will emerge that are directly related to specific service areas and other community issues and address environmental, social and economic challenges facing the community.
- 3.3 It is recognized that a range of delivery methods will be required to support the training needs of the Mayor and Councillors, including:
- Seminars and informal (briefing) sessions conducted by the Break O'Day Council with appropriate guest speakers and trainers;
 - Attendance at seminars and conferences offered by organizations such as the Local Government Association of Tasmania (LGAT), Australian Local Government Association (ALGA) and other private providers that provide an opportunity for the Mayor and Councillors to gain new skills, network with other Council Members and staff from within and outside of Tasmania;
 - Purchase of training booklets and discussion papers that could be distributed to Members for information; and
 - On-line training delivery.
- 3.4 Council's Training Plan will include the agreed delivery method to respond to the needs of the Mayor and Councillors identified during the development of the Training Plan.

4. ANNUAL BUDGET ALLOCATION

- 4.1 A budget allocation will be provided to support the training and development activities undertaken by the Mayor and Councillors, and progress against expenditure of the budget allocation will be reported on an annual basis.
- 4.2 All training undertaken by the Mayor and Councillors will be recorded in the Council Allowances and Benefits Register which will be updated as required reflecting attendances. Additionally, all Training and Development activities undertaken will also be recorded in a corporate database, consistent with the organisational practice for recording staff training and development.

5. ATTENDANCE AT TRAINING PROGRAMS/ACTIVITIES

The Training Plan will determine the nature of training to be made available however access to training programs not directly conducted by the Break O'Day Council will require approval upon application by the Mayor and must link to the Training Plan unless otherwise agreed by the Council, the General Manager or his/her delegate.

Following attendance at a training program or activity, feedback about the nature of the training program/activity and the benefits gained through attendance along with feedback on ideas to enhance the program/activity should be provided either via a verbal or written report to the General Manager or at the next ordinary meeting of Council.

6. PAYMENTS/REIMBURSEMENTS

The reimbursement of expenses for training purposes must be approved by the General Manager, or his/her delegate, consistent with Council's Training Plan or through a separate resolution of Council endorsing attendance at the training program/activity. All reimbursement will be recorded in the Allowances and Benefits Register.

Where approval has been granted by Council for attendance at a training program/activity, reimbursement of expenses may be sought in accordance with the relevant provisions of the Local Government Act and Regulations and the Council's Elected Members' Allowances and Support Policy.

7. ANNUAL REPORTING

Council's annual report will include a segment regarding the operation of this Policy, the nature of matters raised in the Training Plan, attendances by Members and expenditure allocated and used for training of the Mayor and Councillors.

8. LEGISLATIVE REQUIREMENTS AND CORPORATE POLICY CONTEXT

In adopting this policy it is recognized that there are specific legislative requirements to be met as well as other corporate goals.

This policy is to be implemented in conjunction with relevant Council Policies and Strategies including:

- Elected Members' Allowances and Support Policy
- Councillors Code of Conduct Policy

9. MONITORING AND REVIEW

This Policy will be reviewed every four (4) years following a Council Election in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the Mayor and the General Manager.

ATTACHMENT A

Break O'Day Council has core roles and responsibilities pursuant to the *Local Government Act 1993*, as per below:

Part 3 – Local Government

Division 2 - Councils

20. Functions and powers

- (1) 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.
- (2) In performing its functions, a council is to consult, involve and be accountable to the community.
- (3) A council may do anything necessary or convenient to perform its functions either within or outside its municipal area.
- (4) A council may transfer to a single authority or a joint authority –
 - (a) any of its assets and liabilities on any condition it determines; or
 - (b) any of its employees.
- (5) A council may –
 - (a) acquire, hold, dispose of and otherwise deal with property; and
 - (b) sue and be sued in its corporate name.

Division 3 – Councillors

27. Functions of mayors and deputy mayors

- (1) The functions of a mayor 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 general manager 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.

- (1A) The mayor or deputy mayor is to represent accurately the policies and decisions of the council in performing the functions of mayor or deputy mayor.
- (2) The deputy mayor is to act in the position of mayor and exercise the powers and perform the functions of mayor if–
 - (a) the mayor is absent from duty as Mayor or from the State, otherwise unavailable for duty as mayor or unable to perform the functions of mayor; and
 - (b) the mayor or the council, by notice in writing, appoints the deputy mayor to act in the position.
- (2A) The mayor, by notice in writing, may delegate for a specified period –
 - (a) either or both of the functions referred to in [subsection \(1\)\(e\)](#) and [\(f\)](#) to the deputy mayor, a councillor or the general manager; and
 - (b) any other power or function of the mayor, other than the function referred to in [subsection \(1\)\(d\)](#) , to the deputy mayor.
- (3) An appointment under [subsection \(2\)](#) remains in force –
 - (a) for the period specified in the notice; or
 - (b) until sooner revoked.

28. Functions of councillors

- (1) A councillor, in the capacity of an individual councillor, 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.
- (2) The councillors of a 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 general manager;
 - (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.
- (3) In performing any function under this Act or any other Act, a councillor must not –
 - (a) direct or attempt to direct an employee of the council in relation to the discharge of the employee's duties; or
 - (b) perform any function of the mayor without the approval of the mayor.
- (4) A councillor is to represent accurately the policies and decisions of the council in performing the functions of councillor.

28A. Information and documents relating to functions

- (1) A councillor, in writing, may request the general manager to make available any information or document or a copy of any information or document in the possession of the council that may be required for the purpose of performing any of the councillor's functions.
- (2) A councillor who makes a request under [subsection \(1\)](#) is to –

- (a) state in writing the relevance of the information or document to any of the councillor's functions; and
 - (b) declare that he or she would not have, or would be unlikely to have, any pecuniary interest in the matter to which the information or document relates if the matter were to be an item on the agenda of a meeting of the council or a council committee.
- (3) The general manager may refuse the request of a councillor if –
- (a) the general manager believes that the request would unreasonably extend the resources of the council; or
 - (b) the councillor has declared an interest under [section 48](#) ; or
 - (c) the councillor has failed or refused to make a declaration under [subsection \(2\)\(b\)](#) ; or
 - (d) the general manager considers that the information or document requested is not required for the purpose of performing any of the councillor's functions.
- (4) If the general manager refuses the request the general manager is to advise the councillor in writing, stating the reasons for the refusal.
- (5) The general manager is to make any information or document made available to a councillor under this section available to any other councillor on request.