

XXX LOCAL DISTRICT COMMITTEE MEMORANDUM OF UNDERSTANDING



1. SCOPE

The XXX Local District Committee was established as a special committee of the Northern Midlands Council (Council) on XXXXX 1993 pursuant to section 24 of the *Local Government Act 1993*.

2. PURPOSE

The XXXX Local District Committee is to act in an advisory capacity only.

For the purposes of this Memorandum of Understanding the term "advisory" means:

- having or consisting in the power to make recommendations but not to take action enforcing them.

The purpose of the XXX Local District Committee is to:

- Provide a focal point ~~Be a communication channel~~ for information between the Northern Midlands Council and the community of XXXX;
- Identify and prioritise needs, concerns and expectations of the local community of XXXX and advise Council of these needs;
- Consider and provide feedback to ~~the Northern Midlands~~ Council in respect to ~~key strategic issues for the community of XXX~~ matters referred to the committee by Council.

3. PARTIES TO THE AGREEMENT

This agreement is between the Northern Midlands Council and the members of the XXXX Local District Committee.

4. MEMBERSHIP

Membership of the XXX Local District Committee shall comprise of a minimum of five (5) members and a maximum of ten (10) members.

Members are appointed for a term of two (2) years (term of membership). The term of membership is to commence in July and conclude in June.

Members are to comprise of residents of XXXX and representatives of ~~community~~ organisations based within those communities.

Membership of the XXX Local District Committee is to be advertised at least 6 weeks, but no more than 8 weeks prior to the expiration of a term of membership. Advertising is to occur:

- in the Northern Midlands Courier Newspaper; and
- ~~in at least one Tuesday publication of the Examiner on the Northern Midlands page; and~~
- on social media; and
- on Council's website.

Should the number of applications for membership exceed the number of vacancies, Council's Executive (comprising Mayor, Deputy Mayor and one Councillor) will determine the successful applicants in consultation with the Councillor representative/s to the Committee.

Committee membership is to be ratified by the Northern Midlands Council at the next ordinary Council meeting prior to the commencement of the membership term.

In the event that insufficient applications are received to fill the number of vacancies, Council will, periodically, re-advertise the positions in the Northern Midlands Courier Newspaper, on Council's website the Examiner Newspaper (Northern Midlands page) and via social media.

Applications to Committees with less than 10 members can be made at any time; however, applications will not be accepted for ratification within the final 3 months of a two-year term.

In the event that less than 5 applications for membership are received the Committee is to go into recess until a sufficient number of applications are received.

~~Membership is to be ratified by the Northern Midlands Council at an ordinary Council meeting prior to the commencement of the term of membership.~~

Membership will be subject to the current registration as a Council Volunteer and as such the contract with Council as a Volunteer extends to membership of the Committee.

At the conclusion of their terms of office, members are eligible to reapply for membership of the Committee.

The Committee shall have the power to appoint from within the membership the following officers:

- Chairperson
- Vice Chairperson

All officers shall be appointed at the General Meeting held at the commencement of a two-year term of appointment.

~~Members of the Committee will be deemed to vacate their position if they are absent without leave from three (3) consecutive meetings of the Committee.~~

The office of a member becomes vacant if the member is absent from 3 consecutive ordinary meetings of the Committee.

Council will give consideration to an application for an extended leave of absence which has been endorsed by the Committee on a case by case basis.

5. ROLES AND RESPONSIBILITIES

The following are the roles and responsibilities of the XXX Local District Committee:

- To draw the attention of notify Council to any of matters of concern (which Council is directly responsible for, or, may have influence over) within the XXXX district.
- To consider and report provide comment/advise on any matters which may be referred to it by the Northern Midlands Council.
- To liaise with the community and special interest groups to ascertain their views/opinions on local issues and projects, and notify Council of these.
- To receive communications from the local community and special interest groups and forward their letters/requests with appropriate comment/feedback recommendations to Council.
- To recommend provide to Council in March each year a prioritised list of works and services to be considered for funding, including projects that could be considered for funding under appropriate Federal and State Government schemes.

The following are the roles and responsibilities of the Council:

- To notify and communicate with the Committee on matters of interest or concern to the local community.
- To provide comment and advice on matters referred to it by the Committee.
- To receive and consider the prioritised list of works and services to be considered for funding, including projects that could be considered for funding under appropriate Federal and State Government schemes.

The Committee's primary and priority focus is to work with the Council to make the Northern Midlands an enviable place to live, work and play. shall be strategic and governance issues that affect the XXX community. Other matters shall be addressed directly using Council's existing structures – e.g. maintenance and routine issues.

6. MEETING PROCEDURES

Meetings are to be governed in accordance with the procedures stated above, and in the event, this Memorandum of Understanding is silent in respect to a procedure, reference is to be made to the *Local Government (Meeting Procedures) Regulations 2015* for the appropriate procedure.

There are to be a minimum of 6 meetings of the xxx Local District Committee on an annual basis. Meetings are to be held at a minimum once per quarter.

Meeting length is not to exceed 1.5 hours.

Notice of a meeting is to be given to the members of the XXX Local District Committee at least 4 days but not more than 14 days prior to an ordinary meeting.

An agenda for the meeting is to be provided to the members of the XXXX Local District Committee at least 4 days prior to an ordinary meeting.

A meeting quorum is a majority of the XXXX Local District Committee current membership. For example, if the total number of members is 8, the quorum is 5.

A decision by the XXXX Local District Committee is to be made by consensus (half the members present at a meeting, plus one). In the event the decision is split, the Chair is to make the final decision.

Guests attending XXXX Local District Committee meetings are to do so as observers only and may only participate on invitation by the Chair. Guests must abide by meeting protocol.

Guests wishing to make a presentation or to provide comment at a meeting are to seek consent from the Chair and/or Secretary prior to the meeting.

Unless otherwise agreed, such presentation or comment is limited to a maximum of 3 minutes.

Minutes of an ordinary meeting are to be circulated as soon as practicable after the meeting, but no more than 10 working days after the meeting.

If required, subgroup meetings will be arranged outside of ordinary meeting times, at a time convenient to the subgroup members.

Meetings are to be governed in accordance with the procedures stated above, and in the event, this Memorandum of Understanding is silent in respect to a procedure, reference is to be made to the *Local Government (Meeting Procedures) Regulations 2005 2015* for the appropriate procedure.

7. COMMUNICATION, INFORMATION SHARING AND CONSULTATION

The Northern Midlands Council will, at its Annual General next Ordinary Meeting, following a local government election, appoint a Councillor representative to the XXX Local District Committee. The role of the Councillor is to:

- Provide information to the Committee from the Council.

The Councillor representative is an advisory role only and the Councillor is not entitled to move or vote on any decisions made by the committee. The Chair may not withhold from an attending Councillor the freedom to speak at a meeting.

Minutes of the meetings of the XXX Local District Committee are to be reported to the Northern Midlands Council as an information item to the next Council meeting after the meeting of the XXX Local District Committee.

If the XXX Local District Committee wishes Council to investigate a matter it must put a motion to the Northern Midlands Council for consideration. The Secretary is to have listed in the next Council Meeting Agenda any motions reflected in the Committees minutes and report back to the Committee the outcome of the motions.

Any correspondence received by the membership in relation to the XXX Local District Committee, which has not been referred to the Committee by Council or generated by Council, is to be provided to Council within 14 days of receipt thereof. Correspondence will be recorded by Council and a formal response provided by Council. Approval of any correspondence to be sent by the XXX Local District Committee is to be sought from Council's Liaison Officer General Manager.

8. REVIEW AND EVALUATION

Council retains the right to review this Memorandum of Understanding at any time.

At the Biennial General Meeting of the XXX Local District Committee held at the commencement of each term of appointment, the XXX Local District Committee is to review the provisions of this Memorandum of Understanding and execute the document. suggest amendments to its content.

9. SECRETARIAL SUPPORT & RESOURCES

Provision of secretarial support will be provided :

- on a monthly basis, during office hours (subject to officer availability); or
- on a bi-monthly basis, for meetings out of office hours (subject to officer availability, for meetings commencing at or before 6.30pm), or
- \$2,500 in lieu of secretarial support. (Currently the monies are provided for projects subject to Council approval; and whether the funds are a reasonable incentive).

The Committees appointed Council Secretary will provide secretarial support for a maximum of 11 meetings per annum.

Secretarial support will not be provided for subgroup meetings; however, some administration assistance may be provided for approved projects.

The XXX Local District Committee is to opt for one of the following resources to be provided by the Northern Midlands Council:

- Secretarial assistance (meetings held in office hours) at scheduled monthly or bi-monthly meetings, subject to availability.

OR

- Secretarial assistance (meetings held out of office hours commencing at or before 6.30pm) at scheduled bi-monthly meetings, subject to availability.

OR

- An annual budget allocation of \$2,500, in lieu of secretarial assistance, will to be made available for projects, or secretarial support, as approved by Council.

XXX LOCAL DISTRICT COMMITTEE

CHAIRPERSON

DATE:

NORTHERN MIDLANDS COUNCIL

MAYOR

DATE:

WITNESS:

GENERAL MANAGER

DATE:

			Officer Comments
<p>The LDC's should be considered as consultative committees not advisory committees.</p>	<p>The PLDC are concerned that a change from an 'advisory body' to a 'consultative committee' may dilute PLDC's capacity to present matters to NMC which is one of its primary roles. Whilst the committee are happy to consult upon matters presented to it, our preference would be to retain our perceived role as a conduit for the Perth community. PLDC are concerned that our comments / input are not always respectfully acknowledged or responded to in a timely and/or relevant manner.</p>	<p>The RLDC feels very strongly that the local District Committees (LDCs) including the RLDC, should remain as advisory committees taking the view that an "advisory" body is free to give both solicited and unsolicited advice. A "consultative" body may be subject to a request for comment only.</p> <p>Of particular concern was the future role a Local District Committee would play interacting with Council if it became a consultative rather than an advisory body. The RLDC's first role under Section 5: Roles and Responsibilities, is to draw the attention of Council to any matters of concern within the Ross district. The RLDC can hardly perform that function properly, if the RLDC is to become a consultative body there for the sole purpose of commenting on any matter Council may choose to place before it for comment, but not be free in return to place matters of community concern before Council.</p> <p>The current RLDC and the various iterations that preceded it, have worked tirelessly and have exerted great efforts over the years to present the interests and concerns of the Ross Community to the Council. Despite those efforts, the RLDC is still viewed by some members of the Ross Community as an undemocratic "mouthpiece" of Council. To reduce the RLDC's role to that of a "consultative committee" would only reinforce that view in their eyes, and make the RLDC's role as a worthwhile district committee even more difficult to perform.</p>	<p>7. Communication, information sharing & consultation:</p>
<p>The content in relation to the scope should be amended; and the roles and responsibilities be clearly identified.</p>	<p>Whilst the PLDC agree with further definition of roles & responsibilities, we reinforce the need for NMC to repropagate in terms of its responsibilities to PLDC.</p>	<p>The RLDC is in agreement that the content of the MOU in relation to scope, roles and responsibilities needs better definition.</p> <p>The MOU should also include the provision of training in the roles and responsibilities of Committee members, particularly the various Chairs of Committees as they are the primary point of first contact in relation to the various committees.</p> <p>However the RLDC also notes that the current MOU makes no mention of the roles and responsibilities of Council. The lack of reciprocal responsibility not being clearly stated in the MOU is of concern to the RLDC, particularly in relation to Council's "Duty of Care" to its volunteers.</p> <p>It should be clearly stated in the MOU that Council has the responsibility as per Council's Volunteer Handbook to:</p> <ul style="list-style-type: none"> • Ensure volunteers are covered by adequate insurances; • Provide orientation and necessary training; • Establish clear lines of communication about complaints and conflict resolution procedures; • Provide safe and healthy working conditions; • Include volunteers in relevant decision making processes; • Provide supervision and support; • Provide emergency procedure guidelines; • Provide required documentation relating to the volunteer work to be undertaken. 	<p>4. Membership additional clause inserted: Membership will be subject to the current registration as a Council Volunteer and as such the contract with Council as a Volunteer extends to membership of the Committee.</p>
<p>Concerns about absence without leave and the termination of membership due to absence in relation to the suggestion that terminated members be excluded from further appointment for a period of 6 months.</p>	<p>PLDC is a voluntary committee & relies heavily upon the interest (& availability) of keen individuals.</p> <p>Termination & re-appointment should be considered on an individual basis in light of one's capacity to attend (or not attend) rather than a blanket exclusion for a nominated period. Clarification also needs to be provided on the term 'absent without leave' to clarify and/or spell out the significance of regular attendance.</p>	<p>The RLDC generally supports the termination of membership after absence from three consecutive meetings without authorised leave of absence, but does not support the exclusion of a terminated member for a further period of six months before they can apply for reappointment to the Committee. However the RLDC feels the term "absent without leave" in the current MOU needs clarification as to what grounds leave will, or will not be granted. It is also pointed out that attracting members to the RLDC in a very small village such as Ross is extremely difficult, and careful consideration should be given before terminating the membership of volunteers. This particularly applies in relation to absences in relation to medical treatment or compassionate grounds. As an alternative, it is suggested that if termination of membership is deemed absolutely necessary, then membership should be automatically reinstated after a waiting period equivalent to the term of the absence.</p>	<p>4. Membership amended: The office of a member becomes vacant if the member is absent from 3 consecutive ordinary meetings of the Committee. Council will give consideration to an application for an extended leave of absence which has been endorsed by the Committee on a case by case basis.</p>
<p>Councillor representatives attend meetings to provide</p>	<p>Although a Councillor cannot have voting rights, their support (or otherwise) of a</p>	<p>The RLDC has always included Councillors in all discussions, in fact Councillors have always been made welcome at all RLDC meetings and have been free to participate in any discussion they wish. The Chair</p>	<p>1 P a g e</p>

Local District Committees: Memorandum of Understanding Review – Comment Sheet
 Perth Local District Committee Avoca, Royal George & Rossairden Local District Committee Ross Local District Committee Officer Comments

<p>clarity on matters and are not in attendance as guests, but have no voting rights. The MOU needs to clarify that the Chair is not able to refuse the right of a Councillor to speak.</p>	<p>particular matter should be able to be noted. PLDC acknowledge that Councillors should be the advocate for their respective LDC's & support the right for them to be heard.</p>	<p>and members of the RLDC have invited Councillors to contribute to meetings on many occasions and the RLDC values their input and wisdom. The RLDC supports the proposal that the Chair should not be able to refuse a Councillor the right to speak at an LDC meeting</p>	<p>amended: The Councillor representative is an advisory role only and the Councillor is not entitled to move or vote on any decisions made by the committee. The Chair may not withhold from an attending Councillor the freedom to speak at a meeting.</p>
<p>Meeting Conduct</p>	<p>Limitation of meetings within office hours would exclude participation by residents who work and/or have family commitments. PLDC see no reason why location and time should not be determined by themselves in accordance with collective availability of its members. In addition, PLDC do not support the bi-monthly secretarial approach & would prefer regular monthly secretarial provision in line with its meeting dates. PLDC also acknowledges the role of NMC appointed secretary as a valuable conduit for feedback &/or information between the parties concerned.</p> <ul style="list-style-type: none"> PLDC have always maintained that bi-monthly meetings are ineffective & unduly delay response times for relevant community issues / concerns. 	<p>Section 6, paragraphs 6 and 7, namely the powers of the Chair in relation to permitting members of the public (excluding Councillors) to participate, comment or present at meetings In addition, to facilitate orderly and productive meetings, it is suggested that the MOU incorporates the NMC's rules for the conduct of meetings, e.g. <ul style="list-style-type: none"> People attending NMC Committee meetings are expected to behave in an appropriate manner. The following is not acceptable: Offensive or inappropriate behaviour, personal insults, verbal abuse. In the case of any inappropriate outburst or derogatory behaviour, an apology from the offending party or parties will be requested. Anyone at the meeting, if they feel offended in any way by any such behaviour specified above, should immediately bring the behaviour to the notice of the Chairperson by way of a point of order. The Chairperson has the right to evict from the meeting any person who is not behaving to an appropriate standard. </p>	<p>Registration as a volunteer provides protections as Volunteers are subject to the HR Employee Code of Conduct Policy; 6. Meeting Procedures provides the parameters for the conduct of meetings i.e. LDC's are subject to the LG (Meeting Procedures) Regulations 2015. (See Section 40 which deals with suspensions.)</p>
<p>Secretarial support only being provided for bi-monthly meetings held during office hours.</p> <ul style="list-style-type: none"> The provision of the \$2,500 in lieu of secretarial support. Currently the monies are provided for projects subject to Council approval; and whether the funds are a reasonable incentive. Timing and frequency of meetings. 	<p>PLDC acknowledges the NMC's current procedures which could be referenced within an updated MOU rather than specific conflict resolution provisions. Presumably, it would be council's final</p>	<p>The RLDC does not support the proposal for Secretarial support being available only for bi-monthly meetings, but does support the proposal for meetings to be held in office hours. In fact, two years ago the RLDC altered the date and time of their meetings so that they could be held consecutively with the meetings of the Campbell Town Forum thus better utilising the time of Council Officers and saving travelling costs. The RLDC would prefer to retain monthly meetings and secretarial support and is prepared to forego the offer of \$2,500 in lieu of Secretarial support. Even though the RLDC is currently performing its own Secretarial functions during the COVID-19 emergency, due to changing LDC membership it is not always the case that LDCs have access to suitable people that can record and distribute minutes accurately. The RLDC will continue to hold meetings during office hours, and will leave current meeting time and dates as is, until such time as NMC staff are able to attend after-COVID-19. The RLDC notes that the NMC appointed Secretary is the liaison between committee and Council, and can often provide feedback to both committee and NMC. This vital function would be lost if Secretarial support is not ongoing</p>	<p>It is noted that both of these policies already state that they apply to volunteers. The MOU should also state the dispute resolution process should also be available in the event of internal disputes between Committee members, and also available to deal with external disputes arising between Committee members and Councillors, Council Staff, and the general public.</p> <p>Registration as a volunteer provides protections as Volunteers are subject to the HR Employee Code of Conduct Policy; 6. Meeting Procedures provides the parameters for the conduct of meetings i.e.</p>

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Officer Comments

	determination in the event of any conflict based on dot point one. Clarification is probably warranted for internal and external disputes & appropriate resolution processes.	engage with other members of the committee and the community in general. This will hopefully lessen the need to use the conflict resolution process.	The MOU also needs to clearly spell out the procedure for dealing with physical, verbal and electronic approaches from the Media for comment on issues within local districts. The RLDC is generally aware that all requests for comment must be referred to the Mayor, but having it spelled out in the MOU and being able to advise the Media of that instruction, then removes any possible suggestion that the RLDC is buck passing and not concerned enough to make a direct comment	LDC's are subject to the LG (Meeting Procedures) Regulations 2015. (See Section 40 which deals with suspensions.)
Membership Appointments			<p>It would be helpful for prospective applicants to the various Local District Committees, to clarify the selection and appointment process used by Council to appoint members, and to include the process in the MOU.</p> <p>Perhaps the following matters could be clarified, i.e.,</p> <p>What is the criteria used for selecting individual applicants to be appointed? Is the criteria based on residency, previous committee service, business or community experience, educational qualifications, etc. or are committee members selected by another method?</p> <p>If there are more applications than vacancies, are the number of applicants reduced to the number of available vacancies by Council staff before the list is given to Councillors to approve at a Council meeting or is the full list of applicants given to Councillors who then make the decision as to who is appointed to a District Committee and who is not?</p>	<p>MOU - 4, Membership Arranged:</p> <p>Should the number of applications for membership exceed the number of vacancies, Council's Executive (comprising Mayor, Deputy Mayor and one Councillor) will determine the successful applicants in consultation with the Councillor representatives to the Committee.</p> <p>...</p> <p>Applications to Committees with less than 10 members can be made at any time; however, applications will not be accepted for ratification within the final 3 months of a two-year term.</p>

It should be noted that the Longford Local District Committee submission comprised of changes made to the current Memorandum of Understanding

Mr D Jennings,
General Manager,
Northern Midlands Council,
P.O. Box 156,
Longford TAS 7301

25th August 2020

BYEMAIL

Dear Des,

Re: Review of the Memorandum Of Understanding (MOU)

Thank you for your letters dated 15th May and 23rd July in relation to the above subject. The Ross Local District Committee (RLDC) appreciates the opportunity afforded by Council to provide constructive feedback on the proposed revision to the MOU.

After lengthy discussions and a thorough review of the current MOU, the RLDC would respectfully submit the following for Council's consideration.

1. *That LDCs should be considered as consultative committees, not advisory committees.* The RLDC feels very strongly that the Local District Committees (LDCs) including the RLDC, should remain as advisory committees taking the view that:

an "advisory" body is free to give both solicited and un-solicited advice. A "consultative" body may be subject to a request for comment only.

Of particular concern was the future role a Local District Committee would play interacting with Council if it became a consultative rather than an advisory body. The RLDC's first role under Section 5: Roles and Responsibilities, is to draw the attention of Council to any matters of concern within the Ross district. The RLDC can hardly perform that function properly, if the RLDC is to become a consultative body there for the sole purpose of commenting on any matter Council may choose to place before it for comment, but not be free in return to place matters of community concern before Council.

The current RLDC and the various iterations that preceded it, have worked tirelessly and have exerted great efforts over the years to present the interests and concerns of the Ross Community to the Council.

Despite those efforts, the RLDC is still viewed by some members of the Ross Community as an undemocratic "mouthpiece" of Council. To reduce the RLDC's role to that of a "consultative committee" would only reinforce that **view** in their eyes, and make the RLDC's role as a worthwhile district committee even more difficult to perform.

2. *The content in relation to the scope should be amended; and the roles and responsibilities clearly defined.*

The RLDC is in agreement that the content of the MOU in relation to scope, roles and responsibilities needs better definition. The MOU should also include the provision of training in the roles and responsibilities of committee members, particularly the various Chairs of Committees as they are the primary point of first contact in relation to the various committees.

However the RLDC also notes that the current MOU makes no mention of the roles and responsibilities of Council. The lack of reciprocal responsibility not being clearly stated in the MOU is of concern to the RLDC. particularly in relation to Council's "Duty Of Care" to its volunteers.

It should be clearly stated in the MOU that Council has the responsibility as per Council's Volunteer Handbook to:

- Ensure volunteers are covered by adequate insurances;
 - Provide orientation and necessary training;
 - Establish clear lines of communication about complaints and conflict resolution procedures;
 - Provide safe and healthy working conditions;
 - Include volunteers in relevant decision making processes;
 - Provide supervision and support;
 - Provide emergency procedure guidelines;
 - Provide required documentation relating to the volunteer work to be undertaken.
3. *Termination of membership* - The RLDC generally supports the termination of membership after absence from three consecutive meetings without authorised leave of absence, but does not support the exclusion of a terminated member for a further period of six months before they can apply for reappointment to the Committee. However the RLDC feels the term "*absent without leave*" in the current MOU needs clarification as to what grounds leave will, or will not be granted. It is also pointed out that attracting members to the RLDC in a very small Village such as Ross is extremely difficult, and careful consideration should be given before terminating the membership of volunteers. This particularly applies in relation to absences in relation to medical treatment or compassionate grounds. As an alternative, it is suggested that if termination of membership is deemed absolutely necessary, then membership should be automatically reinstated after a waiting period equivalent to the term of the absence.
4. *Councillor Representatives attending meetings* - The RLDC has always included Councillors in all discussions, in fact Councillors have always been made welcome at all RLDC meetings and have been free to participate in any discussion they wish. The Chair and members of the RLDC have invited Councillors to contribute to meetings on many occasions and the RLDC values their input and wisdom. The RLDC supports the proposal that the Chair should not be able to refuse a Councillor the right to speak at an LDC meeting.
5. *Secretarial support*- The RLDC does not support the proposal for Secretarial support being available only for bi-monthly meetings, but does support the proposal for meetings to be held in office hours. In fact, two years ago the RLDC altered the date and time of their meetings so that they could be held consecutively with the meetings of the Campbell Town Forum thus better utilising the time of Council Officers and saving travelling costs. The RLDC would prefer to retain monthly meetings and Secretarial support and is prepared to forego the offer of \$2,500 in lieu of Secretarial support. Even though the RLDC is currently performing its own Secretarial functions during the COVID-19 emergency, due to changing LDC membership it is not always the case that LDCs have access to suitable people that can record and distribute minutes accurately. The RLDC will continue to hold meetings during office hours, and will leave current meeting time and dates as is, until such time as NMC staff are able to attend after COVID-19.
- The RLDC notes that the NMC appointed Secretary is the liaison between committee and Council, and can often provide feedback to both committee and NMC. This vital function would be lost if Secretarial support is not ongoing.
6. *Council's existing Issue Resolution Policy and Issue Resolution Procedure should both be included in the MOU.* It is noted that both of these policies already state that they apply to volunteers.

The MOU should also state the dispute resolution process should also be available in the event of internal disputes between Committee members, and also available to deal with external disputes arising between Committee members and Councillors, Council Staff, and the general public.

7. The MOU also needs to clearly spell out the procedure for dealing with physical, verbal and electronic approaches from the Media for comment on issues within local districts. The RLDC is generally aware that all requests for comment must be referred to the Mayor, but having it spelt out in the MOU and being able to advise the Media of that instruction, then removes any possible suggestion that the RLDC is buck passing and not concerned enough to make a direct comment.
8. *The MOU should retain existing Section 6, paragraphs 6 and 7, namely the powers of the Chair in relation to permitting members of the public (excluding CouncilJ/ors) to participate, comment or present at meetings.*

In addition, to facilitate orderly and productive meetings, it is suggested that the MOU incorporates the NMC's rules for the conduct of meetings, e.g.

- People attending NMC Committee meetings are expected to behave in an appropriate manner.
 - The following is not acceptable: Offensive or inappropriate behaviour, personal insults, verbal abuse.
 - In the case of any inappropriate outburst or derogatory behaviour, an apology from the offending party or parties will be requested. Anyone at the meeting, if they feel offended in any way by any such behaviour specified above, should immediately bring the behaviour to the notice of the Chairperson by way of a point of order.
 - The Chairperson has the right to evict from the meeting any person who is not behaving to an appropriate standard.
9. *It would be helpful for prospective applicants to the various Local District Committees, to clarify the selection and appointment process used by Council to appoint members, and to include the process in the MOU.*

Perhaps the following matters could be clarified, i.e.,

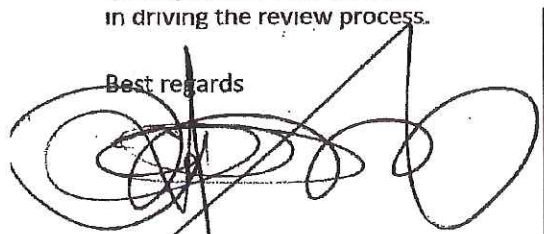
What is the criteria used for selecting individual applicants to be appointed? Is the criteria based on residency, previous committee service, business or community experience, educational qualifications, etc, or are committee members selected by another method?

If there are more applications than vacancies, are the number of applicants reduced to the number of available vacancies by Council staff before the list is given to Councillors to approve at a Council meeting, or is the full list of applicants given to Councillors **who** then make the decision as to who is appointed to a District Committee and who is not?

Thanks again Des, for the opportunity for the RLDC to participate in the revision of LDC's Memorandum Of Understanding.

Please contact me should you require any clarification of the above. I'm more than happy to meet with you in conjunction with the Chairs of the other LDCs, should you feel that such a meeting would be beneficial in driving the review process.

Best regards



Arthur Thorpe
Chair

Ross Loe | District Committee

Des Jennings
 General Manager - Northern Midlands Council
 PO Box 156
 Longford
 TAS 7301

28th August 2020

Re: Memorandum of Understanding Review

Dear Des,

Thank you for your correspondence of 15th May & 23rd July with regard to review of the current MOU. The PLDC have considered the current MOU and appreciate the opportunity to respond as follows:

1. The LDC's should be considered as consultative committees not advisory committees.

The PLDC are concerned that a change from an 'advisory body' to a 'consultative committee' may dilute PLDC's capacity to present matters to NMC which is one of its primary roles. Whilst the committee are happy to consult upon matters presented to it, our preference would be to retain our perceived role as a conduit for the Perth community. PLDC are concerned that our comments / input are not always respectfully acknowledged or responded to in a timely and/or relevant manner.

2. The content in relation to the scope should be amended; and the roles and responsibilities be clearly identified.

Whilst the PLDC agree with further definition of roles & responsibilities, we reinforce the need for NMC to reciprocate in terms of its responsibilities to PLDC.

3. Concerns about absence without leave and the termination of membership due to absence in relation to the suggestion that terminated members be excluded from further appointment for a period of 6 months.

PLDC is a voluntary committee & relies heavily upon the interest (& availability) of keen individuals. Termination & re-appointment should be considered on an individual basis in light of one's capacity to attend (or not attend) rather than a blanket exclusion for a nominated period. Clarification also needs to be provided on the term 'absent without leave' to clarify and/or spell out the significance of regular attendance.

4. Councillor representatives attend meetings to provide clarity on matters and are not in attendance as guests, but have no voting rights. The MOU needs to clarify that the Chair is not able to refuse the right of a Councillor to speak.

Although a Councillor cannot have voting rights, their support (or otherwise) of a particular matter should be able to be noted. PLDC acknowledge that Councillors should be the advocate for their respective LDC's & support the right for them to be heard.

5. Secretarial support only being provided for bi-monthly meetings held during office hours.

Limitation of meetings within office hours would exclude participation by residents who work and/or have family commitments. PLDC see no reason why location and time should not be determined by themselves in accordance with collective availability of its members. In addition, PLDC do not support the bi-monthly secretarial approach & would prefer regular monthly secretarial provision in line with its meeting dates. PLDC also acknowledges the role of NMC appointed secretary as a valuable conduit for feedback &/or information between the parties concerned.

PLDC have always maintained that bi-monthly meetings are ineffective & unduly delay response times for relevant community issues / concerns.

6. *Whether it is considered necessary to include a conflict resolution provision within the MOU.*

PLDC acknowledges the NMC's current procedures which could be referenced within an updated MOU rather than specific conflict resolution provisions. Presumably, it would be council's final determination in the event of any conflict based on dot point one. Clarification is probably warranted for internal and external disputes & appropriate resolution processes.

I trust the above feedback is useful and look forward to further assistance if required.

Regards



Tony Purse AIA (Chair)
Perth Local District Committee

Cc: PLDC Members

LONGFORD LOCAL DISTRICT COMMITTEE

MEMORANDUM OF UNDERSTANDING

1. SCOPE

The Longford Local District Committee was established as a special committee of the Northern Midlands Council 21 February 2011 pursuant to Section 24 of the Local Government Act 1993 as amended.

2. PURPOSE

The purpose of the Longford Local District Committee is to:

- Provide a focal point for information between the Northern Midlands Council and the community of Longford.
- Identify and prioritise needs of the local community of Longford.
- Consider and provide feedback to the Northern Midlands Council in respect of key strategic issues for the community of Longford.

3. PARTIES TO THE AGREEMENT

This agreement is between the Northern Midlands Council and the members of the Longford Local District Committee.

4. MEMBERSHIP

Membership of the Longford District Committee shall comprise of a minimum of five (5) members and a maximum of ten (10) members.

Members are appointed for a term of two (2) years (term of membership). The term of membership is to commence in July and conclude in June.

Members are to comprise of residents of Longford and representatives of community organisations.

Membership of the Longford District Committee is to be advertised at least 6 weeks, but no more than 8 weeks, prior to the expiration of a term of membership. Advertising is to occur:

- In at least two editions of the Northern Midlands Courier Newspaper.
- In at least one Tuesday publication of the Examiner on the Northern Midlands Page.
- On Social media – all Longford Community sites.

Should the number of applications for membership exceed the number of vacancies, the Council elected members will run a poll.

In the event that insufficient applications are received to fill the number of vacancies, Council will periodically, re-advertise the position in the Northern Midlands Courier Newspaper and via social media.

Applications to Committees with less than 10 members can be made at any time, however, applications will not be accepted for ratification within the final 3 months of a two-year term.

In the event that less than 5 applications for membership are received, the committee is to go into recess until a sufficient number of applications are received.

Membership is to be ratified by the Northern Midlands Council at an ordinary Council meeting prior to the commencement of the term of membership.

At the conclusion of their terms of office, members are eligible to reapply for membership of the Committee.

The committee shall have the power to appoint within the membership the following officers:

- Chairperson.
- Vice Chairperson.
- Minute taker.

All officers shall be appointed at the General Meeting held at the commencement of a two-year term of appointment.

5. VACATION OF OFFICE

Members of the Committee will be deemed to vacate their position if they:

- die; or
- resign; or
- are absent without leave from three (3) consecutive ordinary meetings of the District Committee; or
- is removed or dismissed from office under Local Government Act ; or
- becomes a paid employee of the council; or
- is no longer a resident of the Longford district.

6. ROLES AND RESPONSIBILITIES OF THE COMMITTEE

The following are the roles and responsibilities of the Longford Local District Committee:

- To draw the attention of Council to any matters of concern within the Longford district.
- To consider and report on any matters which may be referred to it by the Northern Midlands Council.
- To liaise with the community and special interest groups to ascertain their views/opinions on local issues and projects.
- To receive communications and special interest groups and forward their letters/requests with appropriate comment/recommendation to Council.
- To recommend to Council in March each year a prioritised list of works and services to be considered for funding under appropriate Federal and State Government Schemes.
- To provide comment to Council in respect to the Longford community's interest in land use planning matters such as scheme amendments and non-compliance issues.
- To contribute to a strategic plan that addresses capital works, routine and governance issues that would improve the amenity of the Longford community and such plan would be put forward to the Northern Midlands Council for consideration in planning and budget processes.

7. ROLES AND RESPONSIBILITIES OF COUNCIL TO THE COMMITTEE

The following are the roles and responsibilities of the Council to the Committees:

To provide a minute taker if requested.

To answer any questions arising out of the committee's deliberations in a timely manner in order that items can be moved through meetings.

To ensure that all motions of committees be tabled at the next meeting, or reasons given why this is not possible and details of when it might appear.

That reports developed by the Longford Local District Committee to present to Council, be referred direct to Council before Council staff draw up recommendations for community consultations.

8. MEETING PROCEDURES

Meetings should be held monthly or at least a minimum of six (6) meetings per year.

Notice of a meeting to be given to the members of the Longford District Committee at least 4 days but not more than 14 days prior to an ordinary meeting with an agenda provided at least 4 days prior to an ordinary meeting.

A meeting quorum is half the members plus one (1) of the current membership.

A decision by the Longford Local District Committee is to be made by a majority agreement – in the event of a tie, the Chair has the casting vote.

Under special circumstances and with Council approval, members of the Longford District Committee can attend a meeting via video conferencing.

The Councillor representative(s) is an advisory role appointed by the Council has speaking rights, but no voting rights.

Guests attending meetings are to do so as observers only and may only participate on invitation by the Chair and must abide by meeting protocol.

Guests wishing to make a presentation or to provide comment at a meeting are to seek consent from the Chair and/or Council representative prior to the meeting.

Unless otherwise agreed such presentation or comment is limited to a maximum of 3 minutes.

If required, subgroup meetings will be arranged outside ordinary meeting times at a time convenient to subgroup members and their deliberations reported back to the Committee.

Minutes of an ordinary meeting are to be circulated as soon as practical after the meeting to all Committee members and the nominated Council person responsible, but no more than 10 days after the meeting.

Meetings are to be conducted in accordance with the above procedures or if the rules are silent, then reference to the General Manager as to the appropriate action.

9. COMMUNICATION, INFORMATION AND CONSULTATION

The Northern Midlands Council will at its Annual General Meeting, following a local government election, appoint Council representative(s) to the Longford Local District

Committee. The role of the Councillor(s) is to provide information to the Committee from the Council.

Councillor representative(s) will act as liaison between the Longford District Committee and the Council and help provide information and responses from the Committee's deliberations forwarded to Council.

Any correspondence received by the Longford Local District Committee, which has not been referred to the Committee by Council or generated by Council, is to be provided to Council within 14 days of receipt thereof. Council will record such correspondence and a formal response will be provided by Council. Approval of any correspondence to be sent by the Longford District Committee is to be sought from the Council.

10. CONFLICT RESOLUTION

Members of the Longford Local District Committee, who are parties to any disagreement, should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been appointed to act in the best interests of the community.

The Committee's internal dispute resolution process should be the first step that is taken when there is a dispute between members.

A member who is party to any disagreement should request the Council representative(s) or the General Manager to assist that member in resolving the disagreement informally.

If the informal assistance does not resolve the disagreement, the General Manager may, with the consent of the parties involved, choose to appoint an external mediator to assist in the resolution of the disagreement. If an external mediator is appointed, members who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal code of conduct complaint to the Council.

11. REVIEW AND EVALUATION

At the General Meeting of the Longford Local District Committee held at the commencement of each term of appointment, the Longford Local District Committee is to review this Memorandum of Understanding and suggest amendments to its content.

12. RESOURCES

The following resources are provided by the Northern Midlands Council to the Longford Local District Committee include:

Secretarial assistance is available at normal meetings, if required and subject to availability, to be decided by the Committee. This is not available out of office hours and only available for an hour and a half.

If meeting is held outside Council hours, an annual budget of \$2,500 in lieu of secretarial assistance, will be made available for hiring of meeting premises and/or for projects made available approved by Council.

LONGFORD LOCAL DISTRICT COMMITTEE

CHAIRPERSON

DATE:

NORTHERN MIDLANDS COUNCIL

DATE:

WITNESS:

GENERAL MANAGER

DATE:



NORTHERN
MIDLANDS
COUNCIL

VOLUNTEER HANDBOOK



Welcome

Thank you for contributing your time and services to the Northern Midlands Council.

Volunteers are an important part of our organisation and it is our obligation to ensure you have an enjoyable and safe volunteering experience.

This handbook provides you with the information you need to enhance your volunteering experience, ensuring it is safe, productive and enjoyable.

Being a volunteer

A volunteer is a person who is acting on a voluntary basis.

The Northern Midlands Council supports volunteering to:

- ◆ Develop and strengthen the links between Council and our community;
- ◆ Provide personal development opportunities for individuals;
- ◆ Utilise the knowledge and experience of individuals within our community;
- ◆ Extend and expand the services to our community;
- ◆ Enable members of our community to have an active role in the Northern Midlands Council.



Your rights as a volunteer

As a volunteer you have the right to:

- ◆ Be respected and valued as a volunteer;
- ◆ Be appreciated and recognised for your contribution;
- ◆ Be managed within a structured volunteer management framework;
- ◆ Receive training to undertake your volunteering tasks (if required);
- ◆ Have your ideas welcomed and acknowledged;
- ◆ Be able to raise any grievance or issue;
- ◆ Work in a healthy and safe environment;
- ◆ Be supported by the Council;
- ◆ Have your skills, experience and qualifications acknowledged;
- ◆ Have your confidential and personal information managed in a sensitive manner that is in line with the *Privacy Act 1988 (Cth)* and the *Personal Information Protection Act (Tas) 2004*;
- ◆ Have the equipment and resources to complete your duties; and
- ◆ Be adequately covered by Council's insurance policies.

Your responsibilities as a volunteer

A volunteer is a worker as defined in the *Work Health & Safety Act 2012*. Accordingly, there are certain responsibilities you must meet in your role.

As a volunteer you have a responsibility to:

- ◆ Complete a Council Volunteer Registration Form;
- ◆ Adhere to all Council policies that apply to your position;
- ◆ Adhere to all legislation relevant to your duties;
- ◆ Immediately notify your Council Supervisor if you sustain a work related injury;
- ◆ Immediately report any unsafe working conditions and potential hazards to your Council Supervisor;
- ◆ Maintain confidentiality regarding Council business or any private or sensitive information you have access to during your volunteering duties;
- ◆ Undertake training (if required);
- ◆ Be punctual and reliable;
- ◆ Inform your Council Supervisor or other nominated person if you are unable to undertake your duties;
- ◆ Raise issues with your Council Supervisor when they arise;
- ◆ Communicate openly and honestly with those you volunteer with.

Council's rights and responsibilities

Council has the right to:

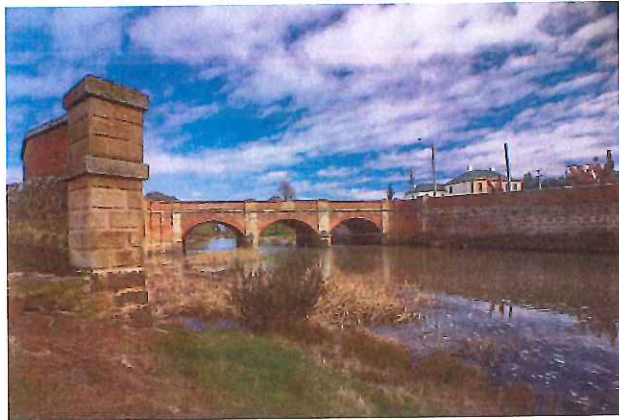
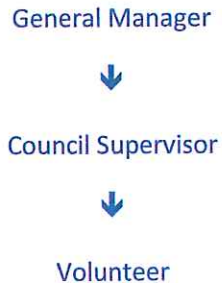
- ◆ Make decisions regarding volunteer placement;
- ◆ Review volunteer performance according to organisational policies and procedures;
- ◆ Expect volunteers to perform their tasks to the best of their ability;
- ◆ Expect volunteers to conduct their duties with respect and courtesy towards all customers, paid and voluntary staff;
- ◆ Release a volunteer who is deemed inappropriate for the volunteer role.

Council has the responsibility to:

- ◆ Ensure volunteers are covered by adequate insurances;
- ◆ Provide orientation and necessary training;
- ◆ Establish clear lines of communication about complaints and conflict resolution procedures;
- ◆ Provide safe and healthy working conditions;
- ◆ Include volunteers in relevant decision making processes;
- ◆ Provide supervision and support;
- ◆ Provide emergency procedure guidelines;
- ◆ Provide required documentation relating to the volunteer work to be undertaken.

Volunteering at the Northern Midlands Council

Organisational structure for volunteers



Orientation and Training

When you commence your volunteering role with Council any specific requirements of your role and Council procedures will be conveyed to you.

If you have any questions about your role or Council's policies or procedures you should refer these to your Council Supervisor.

If you are a member of a Facility Management Committee you will need to undertake a brief Work Health & Safety and Governance induction. These are conducted annually, you will need to make yourself available for the training if required.

If you are a volunteer at a museum or information centre you will need to participate in an orientation process with the Chairperson of that Committee, or a nominated delegate.

Personal Information and Privacy

Any information collected by Council in the course of your volunteering about you will be kept private and confidential in accordance with Council's Privacy Policy Statement, a copy of which can be obtained from your Council Supervisor.

Resignations

Should you wish to end your volunteering service please notify the Chairperson of the committee you are volunteering for (if applicable) and/or your Council Supervisor at your earliest convenience. Any ID badge, keys and Council property is to be returned to Council prior to your departure.

Work Health & Safety

As a Volunteer you must ensure you adhere to all Work Health & Safety requirements of the Council. This includes:

- ◆ Taking reasonable care for your own health and safety;
- ◆ Taking reasonable care that your acts or omissions do not adversely affect the health and safety of others;

- ◆ Complying, as far as you are reasonably able, with any reasonable instruction given by the Council;
- ◆ Cooperating with any reasonable policy or procedure of Council;
- ◆ Making yourself familiar with any emergency procedures in the facility in which you are volunteering;
- ◆ Having adequate experience with, or having received training in the operation of any plant you are required to use in the course of your volunteering duties; and
- ◆ Reporting any risks or hazards you may identify at the facility at which you are volunteering to your Council Supervisor.

At every Council owned facility there is an Emergency Evacuation plan clearly identifying the location of fire extinguishers, first aid kits, exits and an Emergency Assembly Point. A list of emergency contact numbers is also provided at each facility.

Equity

The Northern Midlands Council aims to ensure all Councillors, Staff, Volunteers and Customers are treated fairly and equally.

Volunteers are not to participate in any discriminatory behaviour at the facility at which they are volunteering, or, in connection with their role as a volunteer.

If you identify discriminatory behaviour you should report the same to your Council Supervisor, or the General Manager.

Insurance

Council has in place Public Liability and Personal Accident insurance to cover volunteers in the event they are injured in the course of their duties as a volunteer under the direction of Council. Personal accident insurance cover is to ensure volunteers are not out of pocket in the event they are injured, it is not a substitute for private health cover.

Council does not insure personal vehicles owned by a volunteer. If you have your own vehicle it must be registered and insured by you personally.

Code of Conduct

Council has in place an Employee Code of Conduct Policy. Pursuant to the policy an employee of Council, including its volunteers must:

- ◆ Act with honesty and integrity;
- ◆ Act with professionalism;
- ◆ Act in accordance with the law and policies and procedures;
- ◆ Declare and avoid conflicts of interest;
- ◆ Respect privacy and do not misuse information;
- ◆ Strive to be good citizens and achieve community respect.

For full details please refer to the Northern Midlands Council Employee Code of Conduct, a copy of which can be provided by your Council Supervisor.

Unacceptable behaviour

The Northern Midlands Council has a responsibility to ensure its staff and volunteers maintain a high standard of conduct in the performance of their duties. Unacceptable behaviour will be managed in a fair, reasonable and timely manner according to Council's Disciplinary Policy and Procedure, a copy of which can be provided by your Council Supervisor.

Grievances and complaints

The Northern Midlands Council will make every effort to solve a grievance in a manner acceptable to all parties. If a grievance cannot be resolved informally you may make a formal complaint in writing according to Council's Issue Resolution Policy and Procedure, a copy of which can be provided by your Council Supervisor.

Thank you

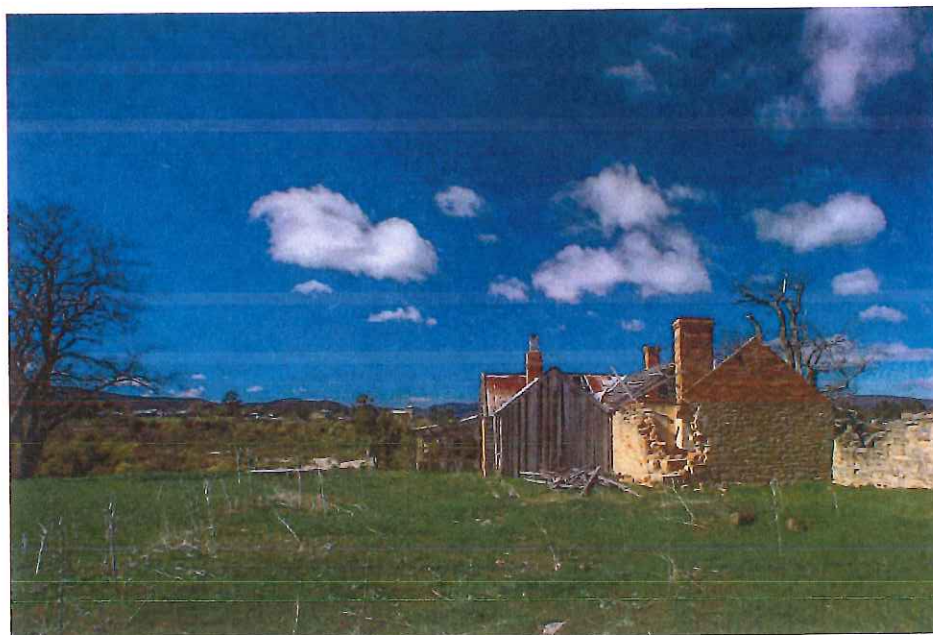
Thank you for your time donated to volunteering for the Northern Midlands Council. We hope this booklet answers any questions you may have about your volunteering role. If you have further queries please contact your Council Supervisor.

Volunteer Checklist

Have you:

- Completed your Volunteer Induction?
- Completed your Volunteer Registration Form?

Thank you! We look forward to working with you!



NORTHERN MIDLANDS COUNCIL
HUMAN RESOURCES POLICIES & PROCEDURES



Policy Name:	Employee Code of Conduct Policy
Policy Owner:	People & Culture Business Partner
Originated Date:	August 2015
Amended Date/s:	June 2017; May 2019
Review Date:	This Policy should be reviewed as required and/or as legislation changes
Replaced Policy:	Policy 56 – Employee Code of Conduct
Applicable Legislation:	<i>Age Discrimination Act 2004 (Cth)</i> <i>Anti-Discrimination Act 1998 (TAS)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Local Government Act 1993 (TAS)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Work Health & Safety Act 2012 (TAS)</i> <i>Workers Rehabilitation & Compensation Act 1988 (TAS)</i>
Publication Sources:	ECM - 15/013 - Human Resources Policies & Procedures LivePro / HR / HR Policies Works Depot, Childcare Facility and Pool Locations

1. AUTHORITY & APPLICATION:

This Policy should be considered in conjunction with the following policies and procedures:

- Alcohol & Other Drugs (AOD)
- Business Dress
- Communications & Social Media
- Disciplinary
- Diversity
- Equal Employment Opportunity
- Fitness for Work
- Gifts, Benefits & Donations
- Issue Resolution
- Motor Vehicle
- Overtime
- Performance Management

NORTHERN MIDLANDS COUNCIL
HUMAN RESOURCES POLICIES & PROCEDURES



- Recruitment & Selection
- Smoke Free Workplace
- Sun Protection
- Training & Development
- Work Health & Safety
- Working in Remote & Isolated Areas
- Workplace Behaviour Policy

Definitions

Confidential Information - any information, with the exception of information in the public domain other than as a result of a breach by the worker disclosed, or communicated to the worker by, or on behalf of, Council that:

- is marked or designated as 'confidential'
- would at law be considered secret or 'confidential' information of Council
- that the worker might reasonably expect Council to regard as confidential, or
- which comes into the worker's possession, or is learnt, accessed or generated by the worker, in the course of the worker's employment or engagement, whether or not the information was originally supplied by the Council; and
 - relates to Council dealings, customer or client lists, financial position and arrangements, funding, transaction, general affairs, contracts entered into, program planning and consultant's advice, promotional information, planning information, equipment and techniques used or any of the above matters for Council's business
 - without limiting the generality of the above relates to internal Council management, the structure of Council, information about workers, policies, marketing programs, strategies, plans, investments or aspects of its future operations; or
 - relates to internal Council management, the structure of the business of Council, Council personnel, marketing programs, strategies, plans, investments or aspects of its future operations

Conflict of Interest - an actual, potential or perceived conflict between duties or work or services provided to Council and private interests of a worker, in which the worker has private 'interests' which could improperly influence the performance of work, duties or services provided to Council by that worker.

Council - Northern Midlands Council.

Council Property - any real or tangible property (e.g. cash, motor vehicles, plant and equipment); and any intangible property (e.g. intellectual property and goodwill) owned by Council or in Council's possession or control.

NORTHERN MIDLANDS COUNCIL
HUMAN RESOURCES POLICIES & PROCEDURES



Councillor - an elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a Councillor as defined under section 3 of the *Local Government Act 1993 (TAS)*.

Employee - a person who carries out work for Council as an employee of Council.

General Manager - the General Manager of Council as appointed under section 61 of the *Local Government Act 1993 (TAS)*.

Infringing Workplace Behaviour - any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

Manager/Supervisor - a person at the workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

Other Persons at the Workplace - any person at the workplace who is not a worker including visitors and ratepayers.

Policy - this Policy including the Authority and Application.

Privileged Information - any information which is subject to legal professional privilege.

Sensitive Information - personal information or an opinion relating to personal information about individuals:

- racial or ethnic origin or
- political opinions or
- membership of a political association or
- religious beliefs or affiliations or
- philosophical beliefs or
- membership of a professional or trade association or
- membership of a trade union or
- sexual preferences or practices or
- criminal record and
- health information about an individual

Worker - a person who carries out work in any capacity for Council, including work as:

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work at Council
- an outworker
- an apprentice or trainee
- a student gaining work experience

NORTHERN MIDLANDS COUNCIL
HUMAN RESOURCES POLICIES & PROCEDURES



- a volunteer
- Councillor

Workplace - a place where work is carried out for Council.

Training

Council will provide all persons covered by this Policy with the appropriate training, so they are made aware of their responsibilities and obligations under the Policy.

Amendment

Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

Interpretation of Policy

The singular includes the plural and vice versa.

A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacement or re-enactments of any of them.

A reference to a policy or procedure means any approved policies or procedures of Council unless otherwise stated.

'Including' and similar expressions are not words of limitation.

A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.

Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.

Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.

It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of applicable laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant applicable laws, operational and personal circumstances.

NORTHERN MIDLANDS COUNCIL
HUMAN RESOURCES POLICIES & PROCEDURES



Questions relating to the interpretation, application or enforcement of this Policy should be directed to the person's manager/supervisor or the People & Culture Business Partner.

Reporting of Breaches

Persons covered under the paragraph 'Coverage' must reasonably report breaches of infringing workplace behaviour as follows:

For breaches by:

- an employee (other than the General Manager or other workers) the report must go to the reporting person's applicable manager/supervisor
- the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and

as otherwise required or permitted by applicable laws.

Breach of this Policy

Persons covered under the paragraph 'Coverage' who engage in infringing workplace behaviour may (as is appropriate) be subject to appropriate disciplinary action in accordance with the Disciplinary Policy and Procedure or removal from the workplace or termination of services (workers, other than employees and other persons at the workplace). Infringing workplace behaviour may also amount to breaches of applicable laws:

- exposing individuals to legal proceedings and
- making Council vicariously liable for the conduct of others

2. PURPOSE:

The aims of this Employee Code of Conduct Policy are to:

- ensure that employees understand their obligations and do not engage in infringing workplace behaviour
- provide a framework for employees to make decisions and engage in behaviours that are ethical and appropriate for Council and workers
- reflect Council's commitment to the highest standards of honesty and integrity in meeting the needs of Council and the community that we serve
- outline the standards of conduct or behavior expected at all times relevant to work and responsibilities
- operate within applicable laws and related Council documents and
- recognise that employees are ultimately responsible for their own behavior

NORTHERN MIDLANDS COUNCIL
HUMAN RESOURCES POLICIES & PROCEDURES



3. COVERAGE:

This Policy covers and applies to employees in relation to their behavior in the workplace; the performance of work for or in connection with Council and conduct outside the workplace or working hours if the acts or omissions:

- are likely to cause serious damage to the relationship between Council and workers or other persons at the workplace or
- are incompatible with an employees or other person at the workplace's duty to Council or
- damage or are likely to damage Council's interests or reputation

For the avoidance of doubt this Policy does not cover or apply to a Councillor.

4. REQUIREMENTS:

Employees must comply with this Policy. If employees are unsure with regards to compliance, consideration should be given to:

- discussions with other workers or managers/supervisors at the workplace to get an objective viewpoint
- what you would do if it was your money, time or equipment
- being on the receiving end of your decision or action
- whether you could adequately defend your actions to your immediate manager/supervisor
- the potential consequences of your behaviors or decisions for other workers, your family, Council ratepayers and wider community including whether you would feel comfortable with it reported in the media and
- who will benefit? Will it be fair to Council, the parties involved and yourself? If workers still have doubts about the correct thing to do, refer the matter to the General Manager for advice

Managers/Supervisors are required to reasonably promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.

5. GENERAL PRINCIPLES:

Acting with honesty and integrity

Acting with honesty and integrity will maintain the respect and confidence in Council. Employee's will:

- treat workers and other persons within the workplace with honesty, respect and courtesy

NORTHERN MIDLANDS COUNCIL
HUMAN RESOURCES POLICIES & PROCEDURES



- not take improper advantage of their positions in order to obtain a benefit for others or themselves
- report dishonest, unethical, fraudulent or corrupt behavior or maladministration by workers or other persons at the workplace
- not seek or accept any type of unauthorised compensation, fee/payment (i.e. monetary or non-monetary), commission or gratuity from a third party in connection with the operation of Council
- not offer or accept any, hospitality, or other financial/non-financial benefit without the prior written approval of the General Manager
- not make or take any bribes, kickbacks, inducements or other illegal payments of any kind for the benefit of any person or party in connection with obtaining orders or favourable treatment or for any other purpose in connection with the operations of Council
- report in writing to the General Manager with full details of any gifts, hospitality, or other financial/non-financial benefit received by employees and
- encourage and support good faith reporting of breaches of this Policy without retribution

Acting with professionalism

Professionalism is conduct that fosters and preserves reputations as individuals and that of Council. To demonstrate professionalism, employees will:

- not engage in or tolerate infringing workplace behavior
- with the exception of comments made not in contravention of the *Fair Work Act 2009 (Cth)* support and not publicly criticise decisions of Council
- not undermine or bring Council's integrity or reputation into disrepute
- work cooperatively as a team and treat workers and other persons at the workplace with respect and dignity
- exercise diligence, best endeavours and sound judgement when carrying out their duties or providing services
- maintain a professional relationship with third parties when engaged as a worker
- provide levels of service that they are competent and authorised to provide
- not make unauthorised statements or commitments on behalf of the Council

Acting in accordance with the law and policies and procedures

Employees should be familiar with and comply with all relevant laws and policies and procedures. Employees will:

- respect and abide by all applicable laws, policies and procedures
- comply with all lawful and reasonable directions from authorised persons
- only act within their authority
- protect Council property, in particular, take care to avoid or minimise the possibility of theft or misuse of Council property

NORTHERN MIDLANDS COUNCIL
HUMAN RESOURCES POLICIES & PROCEDURES



- only use Council property for Council purposes and in accordance with the appropriate authorisations
- not use Council property for private purposes unless authorised by their manager/supervisor and
- comply with delegations and other authorisations as directed

Declaring and avoiding conflicts of interest

Conflict of interests can jeopardise confidence in Council. Employees will:

- not take on personal business or financial or private interests that compete or conflict with Council's interests
- disclose to their manager/supervisor situations that may create a conflict of interest before conflict arises, or if one does occur, immediately on becoming aware
- seek approval before taking up other employment or engagements outside of their position with Council, where they may create a conflict of interest
- declare any conflict of interest that could occur through shareholdings, ownership of real estate or being the trustee or beneficiary of a trust
- not use or take advantage of any Council property or information belonging to Council for personal benefit or for the benefit of any other person
- not engage directly or indirectly in any outside business activity involving commercial contact with Council or work for the benefit of Council commercial customers, suppliers or competitors without the prior written consent of the General Manager and
- disclose ownership of shares in a listed entity which deals with or competes with Council to the General Manager

Respect privacy and do not misuse information

Employees will:

- not disclose confidential information to any person or entity without the prior written consent of the General Manager
- not disclose to any person or entity without the prior written consent of the General Manager or improperly use specific information that is part of a 'closed' Council or committee meeting or derived from Council business referred to in s338A and 339 of the *Local Government Act 1993 (TAS)*
- disclose confidential information if required by applicable laws, (e.g. court or tribunal order etc.) that before such disclosures are made, the nominated Council delegate is advised of the pending disclosure
- not use confidential information for the purpose of directly or indirectly obtaining personal gain or another benefit
- only access confidential information for authorised work related tasks
- not encourage others to disclose confidential information or sensitive information or privileged information

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- ensure the secure collection, storage and disposal of confidential information and sensitive information regardless of its medium and
- comply with applicable laws regarding declaration of any financial interest they or a close associate of theirs may have regarding any matter in which they provide advice to Council, make a decision or determination or make a recommendation to Council about

Corporate and personal responsibility

Council is committed to service excellence and aims to maintain public confidence and respect. Employees will:

- commit to taking reasonable care to avoid acts and omissions that may adversely affect themselves, workers and other persons at the workplace
- aim to be socially, financially and environmentally responsible in the use of Council resources and
- report any corrupt or fraudulent conduct or any maladministration