



**HUON VALLEY  
COUNCIL**

**Implementation of the Ministerial Directions  
and  
The Review of the Board of Inquiry  
Recommendations**

**As at August 2018**

## INTRODUCTION

On 8 September 2015 the Minister for Planning and Local Government established a Board of Inquiry pursuant to the *Local Government Act 1993*. The Board of Inquiry undertook a process of investigation and on 15 June 2016 a report to the Minister for Planning and Local Government (The Minister) was released which included 55 Recommendations.

The Minister, pursuant to section 225 considered the Report and chose to make 7 Ministerial Directions dated 15 June 2016.

The Huon Valley Councillors were dismissed, effective 10 October 2016.

Council at its Ordinary Meeting of 14 December 2016 approved a process and template to be used for the finalisation of the Implementation of the Ministerial Directions and the review of the Board of Inquiry Recommendations.

Following the December 2016 Council meeting, each of the tables were populated with HVC comments or actions on the progress or completion to date. The, then, Acting General Manager has met with Deputy Director of Local Government on two occasions to then review and discuss the actions to date and seek the Local Government Division's endorsement of the updated tables.

The Local Government Division, on 14 June 2017, confirmed its overarching statement in relation to the comments provided in the table:

*The Local Government Division is monitoring progress towards the implementation of the Ministerial Directions and Board of Inquiry recommendations which remain relevant after the dismissal of the councillors on 10 October 2016. The Division is satisfied that the Council is undertaking appropriate steps and will continue to liaise with senior management on items still to be actioned.*

- o Work has continued on the review of the Council's Community Engagement Framework. Consultation has been completed on the Draft Policy and Framework and a Report is to be presented to Council at the September 2018 ordinary meeting.

A full review of the implementation tables has been undertaken with a number of comments updated. This update included a number of the actions previously marked as 'ongoing' now marked 'completed'. These actions were instances of where Council processes were reviewed, amended and monitored for a period of time to ensure they are sufficient and meet the requirements of the Council.

## Implementation of Ministerial Directions

Direction Number	Direction	HVC Comment	<b>LGD Comment</b> C - complete NA - not applicable NFA - no further action at this time O - ongoing WIP - work in progress
1	b) facilitating the development of a Statement of Expectations to govern the relationship between the Mayor and General Manager in the discharge of their functions under the Act to include: <ul style="list-style-type: none"> <li>i. the timing of regular meetings;</li> <li>ii. the manner in which the outcomes of those meetings are recorded;</li> <li>iii. the scope of information that may be requested by the Mayor;</li> <li>iv. the timeframes for requesting information from the General Manager;</li> <li>v. the timeframes for providing information to the Mayor;</li> <li>vi. the development of authorisation processes for formal press releases issued by either office;</li> <li>vii. the roles of both parties in developing Council agendas and conduct at Council meetings; and</li> <li>viii. the process for dealing with disagreements on issues that arise that are not explicitly covered in the Statement of Expectations.</li> </ul>	A Statement of Expectations was approved at the August 2017 Ordinary meeting.  The Statement of Expectations will be included in the Council's Governance Framework.	C
5	Pursuant to section 225(2)(d) of the Act, within a period of 90 days, take steps to establish sufficient committees under sections 23 and 24 of the Act to enable the efficient discharge of the Council's powers and functions under the Act.	Council at Special Council Meeting of 11 August 2016 resolved the committee structure. The development of a Committee Policy was discussed at the May 2017 Council workshop where it was agreed a full review of all Council committees is required prior.  A Report on Council Committees and a Committees Policy will be presented to the September 2018 Council Meeting.	WIP  <div style="border: 1px solid red; padding: 5px; text-align: center;"> <b>Meeting: 29.08.2018</b>  <b>Item Number: 15.029/18*</b>  <b>Page 3 of 30</b> </div>
6	Pursuant to section 225(2)(d) of the Act, take the following steps:		

Direction Number	Direction	HVC Comment	LGD Comment C - complete NA - not applicable NFA - no further action at this time O - ongoing WIP - work in progress
	a) Within a period of six months, and taking into account Direction 3, in consultation with the community, develop a communication and consultation plan for all internal and external communications and consultation processes that is consistent with the eight characteristics of good governance outlined in the Good Governance Guide.	Community consultation on a draft Communications and Engagement Policy and Framework has been undertaken. A number of issues have been raised in the consultation that are currently under review.  A Report on the outcomes of the consultation along with any recommended amendments or direction to address issues raised will be presented to the September Council Meeting.	WIP
6	b) Within a period of 60 days, review processes to ensure the equitable provision of information to the Mayor and all councillors in a timely manner in order to enable them to fulfil their functions under sections 27 and 28 of the Act.	A Statement of Expectations was approved at the August 2017 Ordinary meeting.  The Statement of Expectations along with the processes to address this recommendation will be included in the Council's Governance Framework.	C
6	i) Within a period of 90 days, in consultation with the General Manager and the Local Government Division of the Department of Premier and Cabinet, develop a set of key performance indicators to measure the effectiveness of Directions 6(a) to (h) above.	Performance Indicators were approved at the August 2017 Ordinary meeting.	C
7	Pursuant to section 225(2)(d) of the Act, report every two months for the first six months, and then quarterly thereafter for the term of the current council, to the Local Government Division in the Department of Premier Cabinet on the progress of actions taken to comply with these.	Reporting continues between the Local Government Division and the Council as Council makes decisions on the orders.	O <div style="border: 1px solid red; padding: 5px; text-align: center;"><b>Meeting: 29.08.2018</b> <b>Item Number: 15.029/18*</b> <b>Page 4 of 30</b></div>

Direction Number	Direction	HVC Comment	LGD Comment C - complete NA - not applicable NFA - no further action at this time O - ongoing WIP - work in progress
6	e) Within a period of 60 days, ensure senior management are providing a supportive environment for council staff to come forward with workplace issues and concerns.	Various initiatives have been implemented as outlined in Attachment 1.	C
1	c) endorsing the Statement of Expectations;	Refer to 1B	NFA
	d) publishing the Statement of Expectations on the Council website within a period of 90 days; and	Refer to 1B	NFA
2	b) facilitating training for all councillors on their roles and responsibilities under the Act, with specific reference to the Good Governance Guide for Local Government in Tasmania published by the Department of Premier and Cabinet (the Good Governance Guide) and the Model Code of Conduct for Tasmanian Councillors set out in Schedule 1 of the <i>Local Government (Model Code of Conduct) Order 2016</i> , to be commenced within 45 days and completed within a period of six months.	Training to be provided on the appointment of an elected Council as part of the Induction program.	NFA
4	Pursuant to section 225(2)(b) of the Act, discontinue the portfolio system presently adopted by the Council within a period of 90 days.	Council at Special Council Meeting of 11 August 2016 resolved to discontinue Portfolio system – Resolution No. 15.030/16*	C
6	c) Within a period of 90 days, establish a General Manager Performance Review Committee, to include the Mayor as an ex officio member.	Performance Review Committee established by Council at Special Council meeting 11 August 2016 – Resolution No. 15.030/16*.	C
	d) Within a period of 60 days, develop a process for reviewing and monitoring the application of all human resource policies, plans and programs to ensure that councillors are able to perform their collective functions under section 28(2)(b) of the Act.	Quarterly HR reporting to Council established by Council at Special Council meeting 11 August 2016 – Resolution No. 15.030/16*.	C <div style="border: 1px solid red; padding: 5px; text-align: center;">Meeting: 29.08.2018 Item Number: 15.029/18* Page 5 of 30</div>
6	f) Within a period of 60 days, make corporate credit card statements for the past four financial years publicly available.	Council at a Special Council meeting of 11 August 2016	C

Direction Number	Direction	HVC Comment	LGD Comment C - complete NA - not applicable NFA - no further action at this time O - ongoing WIP - work in progress
		resolved and released all credit cards for the four year period – Resolution No. 15.029/16*.	
6	g) Within a period of 60 days, update the Audit Panel Charter to enable the referral of matters by parties other than the Council.	Council resolved to amend the Audit Panel Charter at an Ordinary Council Meeting of 27 July 2016.  Amendment to Charter endorsed by at the February 2017 Council meeting.	C
6	h) Within a period of 60 days, develop a transparent process for the regular review and communication of progress on issues raised with the Council.	Council resolved the implementation of the Current Issues Status Report at a Special Council meeting of 11 August 2016 – Resolution No. 15.034/16*.  Monthly report will continue to be presented to Council at each meeting	C
1	Pursuant to section 225(2)(d) of the Act, take steps to facilitate the development of a professional working relationship between the Mayor and the General Manager by: a) arranging for formal mediation and conflict resolution to be delivered by an independent provider and to commence within 30 days between the Mayor and General Manager; e) facilitating leadership development for the Mayor and the General Manager, including an assessment of individual competencies and areas for development, to be completed within a period of 60 days.	Not applicable from 10 October 2016.  Not applicable from 10 October 2016	NA  NA <div style="border: 1px solid red; padding: 5px; text-align: center;"><b>Meeting: 29.08.2018</b> <b>Item Number: 15.029/18*</b> <b>Page 6 of 30</b></div>

Direction Number	Direction	HVC Comment	LGD Comment C - complete NA - not applicable NFA - no further action at this time O - ongoing WIP - work in progress
2	Pursuant to section 225(2)(a) of the Act, rectify the irregular behaviour between councillors by:  a) facilitating mediated conflict resolution sessions for all councillors to be delivered by an independent provider and to commence within 60 days and continue for such period and at such intervals as the mediator determines; and	Not applicable from 10 October 2016	NA
3	Pursuant to section 225(2)(a) of the Act, beginning immediately and for a period of 12 months, ensure that all public statements made regarding Council positions and decisions are first approved by the Council or, where this is impractical, jointly endorsed by the Mayor and the General Manager.	Not applicable from 10 October 2016 No further action required	NA

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## Attachment 1

### Ministerial Direction 6(e)

*Pursuant to section 225(2)(d) of the Act, take the following steps:*

*e) Within a period of 60 days, ensure senior management are providing a supportive environment for council staff to come forward with workplace issues and concerns.*

Initiatives implemented include:

- Re-introduction of the Culture Statement to all employees with an emphasis placed on its importance and its role within the workplace
- Thank you cards and a chocolate for every member of staff distributed
- Regular Leadership Group meetings being held
- Introduction of the Integrity Commission Speak Up Programme
- Introduction of feedback boxes at worksites
- Completion of the Professional Development Process with feedback provided to all employees
- Several employees have undertaken a mental health first aid course
- Training has been completed in the following areas:
  - Fire wardens
  - First aid
  - Contact officers
  - Integrity Commission – Making Ethical Decisions at Work
- Stay Chatty information sessions has been held for employees
- A new staff intranet site has been developed and is accessible to all work sites
- Information regarding the Employee Assistance Program is readily available to all staff
- Feedback received by Council is distributed to all employees
- Professional Development Training continues to be scheduled
- Organisation restructure complete which includes management positions in each area to provide another point of contact.
- Review of all position descriptions undertaken
- E3 learning courses part of new employee induction program including HVC Induction, Bullying and Harassment, Work Health and Safety, Slips Trips and Falls and Manual Handling
- Posters located in various positions around the building advising who Contact Officers and First Aid Officers are.
- Health and Wellbeing survey conducted. Recommendations being progressed.
- 26Ten Grant
- Establishment of HSR Committee
- 12 staff undertaken Mental Health First Aid Training (July 2018)
- Reviewed E3 Learning content and entered into new agreement for department specific training modules
- Mental Health Posters displayed in Office
- Ritualize Program implemented
- Speak Up Stay Chatty Session held for staff
- Monthly Management Team meetings held to raise and discuss topics as well as distribute information to program areas



## Review of Board of Inquiry Recommendations

Recommendation Number	Finding	HVC Comment	<b>LGD Comment</b> <b>C</b> - complete <b>NA</b> - not applicable <b>NFA</b> - no further action at this time <b>O</b> - ongoing <b>WIP</b> - work in progress
R6	Where appropriate, the additional recommendations contained within this Report are implemented.	Assessment and implementation of all recommendations commenced 14 December 2016.	WIP
R7	The Statement of Expectations between the Mayor and the GM should include agreed protocols to fulfil their respective roles and functions under the Act, for endorsement by the full Council.	Refer to Ministerial Direction 1(b) Statement of Expectations has been adopted.	C
R16	Mandatory training on roles and responsibilities should be undertaken by all newly elected representatives, with an additional leadership module for first-time mayors.	Consideration of mandatory training is the responsibility of the Tasmanian Government; however the Council Induction Program does include training for all elected members on roles and responsibilities. A full review of the Induction Program will be undertaken prior to the appointment of the elected Council with consideration of the Human Resources employee induction program to be used as a model.	WIP
R18	At a future council meeting, the Council should consider its stated commitment to 'embrace diversity and new ideas' with a view to developing a strategy to operationalise this value, assist in the fulfilment of the Council's mission statement and ensure that councillors are able to properly perform their functions under section 28 of the Act.	<p>Community consultation on a draft Communications and Engagement Policy and Framework has been undertaken. A number of issues have been raised in the consultation that are currently under review.</p> <p>A Report on the outcomes of the consultation along with any recommended amendments or direction to address issues raised will be presented to the September Council Meeting.</p>	WIP  <div style="border: 2px solid red; padding: 5px; text-align: center;"> <b>Meeting: 29.08.2018</b>  <b>Item Number: 15.029/18*</b>  <b>Page 9 of 30</b> </div>

Recommendation Number	Finding	HVC Comment	<b>LGD Comment</b> <b>C</b> - complete <b>NA</b> - not applicable <b>NFA</b> - no further action at this time <b>O</b> - ongoing <b>WIP</b> - work in progress
R20	The Council review and confirm its communication and public information strategies against the eight characteristics of good governance outlined in the Good Governance Guide for Local Government in Tasmania.	<p>Community consultation on a draft Communications and Engagement Policy and Framework has been undertaken. A number of issues have been raised in the consultation that are currently under review.</p> <p>A Report on the outcomes of the consultation along with any recommended amendments or direction to address issues raised will be presented to the September Council Meeting.</p>	
R27	The Mayor should be consulted by the GM when setting Council meeting agendas.	<p>Consultation is undertaken with the Commissioner prior to the finalisation of each Council meeting agenda. This process has been included in the proposed Statement of Expectations.</p> <p>The Statement of Expectations will be included in the Council's Governance Framework.</p>	C
R32	In consultation with the community, the Council develop a communication and consultation plan covering internal and external communications and inclusive consultation processes.	<p>Community consultation on a draft Communications and Engagement Policy and Framework has been undertaken. A number of issues have been raised in the consultation that are currently under review.</p> <p>A Report on the outcomes of the consultation along with any recommended amendments or direction to address issues raised will be presented to the September Council Meeting.</p>	WIP  <div style="border: 1px solid red; padding: 5px; text-align: center;"> <b>Meeting: 29.08.2018</b>  <b>Item Number: 15.029/18*</b>  <b>Page 10 of 30</b> </div>
R33	The communication plan is to include behavioural protocols to	Information is contained within the	WIP



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	Interest or Skills relevant to the [Committee] area.	<p>committee structure. The development of a Committee Policy was discussed at the May 2017 Council workshop where it was agreed a full review of all Council committees is required prior.</p> <p>A Report on Council Committees and a Committees Policy will be presented to the September 2018 Council Meeting.</p>	
R49	The Council to request that WorkSafe Tasmania conduct an audit to ensure that all asbestos policies, procedures and processes are current and applied as required, including at the Cygnet Town Hall and the recreation area that was established at the site of the former Franklin Football Club rooms.	A review of Council's Asbestos Management Policy and Plan has been completed and signed off by Workplace Tasmania.	C
R50	Information sought by the Mayor about Council decisions relating to constituent queries should be provided in a timely manner.	To be addressed in the review of Council's Governance Framework.	WIP
R9	When making public statements on issues the subject of a formal council decision, the Mayor should only speak on behalf of the Council's decisions.	<p>Information is contained within the Good Governance Guide for Councillors published by the Local Government Division.</p> <p>The manner in which this will be incorporated or addressed will be considered in the review of Council's Governance Framework.</p>	O
R12	When responding to media or public enquiries about issues the subject of a formal council decision, the Mayor should refer enquirers to the minutes or the audio-recording of the relevant council meeting at which the issue was debated.	<p>Information is contained within the Good Governance Guide for Councillors published by the Local Government Division.</p> <p>The manner in which this will be incorporated or addressed will be considered in the review of Council's Governance Framework.</p>	O  <div style="border: 2px solid red; padding: 5px; text-align: center;"> <b>Meeting: 29.08.2018</b>  <b>Item Number: 15.029/18*</b>  <b>Page 12 of 30</b> </div>

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R13	Recommendations R9 and R12 should not apply during the period of a council election.	<p>Information is contained within the Good Governance Guide for Councillors published by the Local Government Division.</p> <p>The manner in which this will be incorporated or addressed will be considered in the review of Council's Governance Framework.</p>	O
R17	The GM should ensure fair and equitable treatment, including the provision of information, to all councillors.	To be addressed in the review of Council's Governance Framework.	O
R23	Information discussed in voluntary workshops should, where relevant to a Council decision, be disclosed at Council meetings and contained in Council meeting papers, subject to any restrictions contained in the Act.	<p>Where appropriate all relevant information is included in all reports to Council of topics which have been workshopped prior to presentation to Council.</p> <p>A full list of workshop topics is included on each Council meeting agenda.</p>	C
R28	The current policy on bullying and harassment be reviewed on a regular basis.	The policy was reviewed 10 October 2016 and will be regularly reviewed in line with Fair Work Act requirements. All staff are in the process of undertaking Bullying and Harassment training as part of the new online induction training offered to staff.	C
R29	Senior management should proactively take steps to provide a supportive environment where staff can safely come forward with their complaints.	Various initiatives have been implemented as outlined in Attachment 1.	C
R47	Ensure that the credit card policy is provided to all Council credit	All relevant policies are provided to all credit card holders and all	NFA

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	card holders and approval processes are accountable and transparent.	<p>transactions are checked to ensure compliance with policies. Executive Credit Card transactions are presented to Council every 2 months.</p> <p>The Tasmanian Audit Office is currently undertaking an audit of all Council credit cards. The Council will consider and adopt any required recommendations from the findings.</p>	
<b>R54</b>	The Council continue to engage with the Environment Protection Authority (EPA) in order to resolve the matter of water quality for the Russell River.	<p>The EPN issued by Council has been revoked and since early 2008 the regulation of activities associated with the Hatchery at Lonnavale has been conducted by the Tasmanian Government, currently the Environment Protection Authority (EPA) Division within the Department of Primary Industries, Parks Water and Environment.</p> <p>A meeting took place on 31 May 2017 between EPA representatives, Council's General Manager and Officers. At this meeting it was agreed that a number of actions will take place. 1/ The existing EPN will be reviewed and updated.</p> <p>2/ A new catchment study will be undertaken to determine if any changes have occurred</p> <p>3/ A new monitoring station will be installed 400metres downstream of the HAC facility</p>	<p>NFA</p> <div style="border: 1px solid red; padding: 5px; text-align: center;"> <p><b>Meeting: 29.08.2018</b>  <b>Item Number: 15.029/18*</b>  <b>Page 14 of 30</b></p> </div>



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R26	Behavioural expectations relating to meeting conduct are included in mandatory training for all Councillors.	Mandatory training is the responsibility of the Tasmanian Government; however Code of Conduct training is to be included in the Councillor's Induction Program.	C
R35	Conflict of interest continues to be a significant part of induction and training for all new Councillors in Tasmania. The Board recommends that this training is made mandatory.	Mandatory training is the responsibility of the Tasmanian Government; however this training is to be included in the Councillor Induction Program	C
R53	The Board recommends that, subject to confidentiality requirements, once the legal action is resolved, a full account of the detail behind the failed investment in collateralised debt obligations (CDOs) be made public by the Council to inform the community on this issue.	No further action required until the ongoing legal action is complete following which a report will be prepared for the Council in relation to this matter subject only to confidentiality and legal requirements.	NFA
R11	Council meetings should be audio-recorded and audio-recordings made accessible to the public.	Audio recording of Ordinary Council meetings commenced on 25 November 2015 and have continued since. Audio recordings are available on the Council website for a period of 6 months and by request after the online expiry.	C
R24	The press and residents wanting to know the reasons for decisions by individual Councillors should be referred to the audio-recordings of Council meetings.	Enquiries regarding decisions of Council are referred to the audio recordings that are posted on Council's website.	C
R30	In all instances, the Council's processes to resolve bullying and harassment complaints should be followed. If a complaint cannot be resolved through this process, the complainant may refer it to WorkSafe Tasmania or other relevant authority for investigation.	The policy was reviewed on 10 October 2016. The policy outlines the process that can be taken. The Council has a number of Contact Officers available to assist, with additional Officers identified with recent training undertaken.	C  <div style="border: 1px solid red; padding: 5px; text-align: center;"> <b>Meeting: 29.08.2018</b>  <b>Item Number: 15.029/18*</b>  <b>Page 16 of 30</b> </div>
R31	The application of the Council's policy on bullying and harassment	Council adopted at it Special Meeting	C



Recommendation Number	Finding	HVC Comment	LGD Comment C - complete NA - not applicable NFA - no further action at this time O - ongoing WIP - work in progress
	should be regularly monitored by Councillors in accordance with section 28 of the Act.	of 11 August 2016 the introduction of quarterly Human Resources Unit reporting, this continues to be in place with an Annual Statement produced in August each year.	
R34	The Council develop a process for determining, monitoring and reviewing the application of all HR policies at regular intervals to ensure they are followed in every instance.	Human resources report to Council on a quarterly basis as resolved by Council 11 August 2016 this includes any policy reviews.	C
R36	Disband the portfolio system and aggregate portfolio areas into Committees established under section 23 and 24 of the Act, as appropriate.	Portfolio system discontinued at Council meeting on 11 August 2016 and Committees determined.  Council at Special Council Meeting of 11 August 2016 resolved the committee structure. The development of a Committee Policy was discussed at the May 2017 Council workshop where it was agreed a full review of all Council committees is required prior.  A Report on Council Committees and a Committees Policy will be presented to the September 2018 Council Meeting.	C
R37	Committee chairs to report to the Council on a regular basis to ensure knowledge transfer.	Minutes of all meetings are circulated to all Councillors/Commissioner and published on Council's website.  Provision for Reports from Committees and other bodies will be made in the Agenda for the elected Council.	C  <div style="border: 1px solid red; padding: 5px; text-align: center;"><b>Meeting: 29.08.2018</b> <b>Item Number: 15.029/18*</b> <b>Page 17 of 30</b></div>
R41	The issue of land-use planning is included in councillors' induction training.	This training is included in the Councillor Induction Program.	C

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R43	In accordance with section 10 of the Local Government (Audit Panels) Order 2014, the Audit Panel determines its own work plan, including processes.	The Audit Panel independently determines its own work plan in accordance with its Charter.	C
R44	The Council's Audit Panel Charter should include a provision to enable councillors to refer matters directly to the Audit Panel.	Council resolved to amend the Audit Panel Charter at an Ordinary Council Meeting of 27 July 2016. Amended Audit Panel Charter adopted at the February 2017 Council meeting.	C
R45	A specific funding allocation should be identified in the Council's annual budget to ensure the adequate functioning of the Audit Panel.	The funding allocation for the Audit Panel is specifically identified in the budget. This is reviewed on an annual basis.	C
R46	For reasons of transparency and public confidence, and given the high levels of public interest in this matter, the Council should make corporate credit card statements publicly available for the past four financial years as soon as practicable.	Council at a Special Council meeting of 11 August 2016 resolved and released all credit cards for the four year period – Resolution No. 15.029/16*. Credit card transactions are regularly reported to the Council.	C
R51	All matters related to the Cygnet Caravan Park should be referred to the Audit Panel for consideration.	Referral completed and discussed at May 2017 Audit Panel meeting. The minutes of this meeting were presented to Council at its May 2017 meeting.	C
R52	A process be developed whereby matters that can potentially affect public safety and legal liability be afforded a high priority in work allocation of the Council.	Risk assessments are completed on as needs basis to ensure any risk is minimised. Action is taken where appropriate on issues raised with Council.	C
R55	The Council produce a regular Issues Progress Report to review unresolved issues and communicate progress to relevant stakeholders.	Council resolved the implementation of the Current Issues Status Report at a Special Council meeting of 11 August 2016 – Resolution No. 15.034/16*. This report is updated each month	C <div data-bbox="1765 1390 2063 1485" style="border: 1px solid red; padding: 5px; text-align: center;"> <b>Meeting: 29.08.2018</b>  <b>Item Number: 15.029/18*</b>  <b>Page 18 of 30</b> </div>

Recommendation Number	Finding	HVC Comment	LGD Comment C - complete NA - not applicable NFA - no further action at this time O - ongoing WIP - work in progress
		and is included on all agendas commenced at Council meeting 11 August 2016.	
R1	Pursuant to section 226(1)(b) of the Act, the Minister should recommend that the Governor by order dismiss the councillors and appoint a Commissioner under section 231 of the Act to perform the functions of the Council.	Not applicable to Council.	NA [Note – recommendations relating to actions for the Minister or the Tasmanian Government are not applicable to the Council]
R2	A new election is not called for a minimum period of 12 months.	Not applicable to Council.	NA
R3	The question of whether the Minister should have the power to dismiss a Council's General Manager should be referred to the review of the Local Government Act 1993.	Not applicable to Council.	NA
R4	Pursuant to section 225(2) of the Act, the Minister should direct the Council to: (a) arrange mediation and formal conflict resolution with regard to the key relationships between the Council, Mayor and General Manager (GM); (b) publicly commit to support and participate in these processes in good faith; (c) develop a Statement Of Expectations to govern the relationship between the GM and Mayor, under the direction of the Director of Local Government; (d) request that the Director of Local Government develop a set of indicators against which to assess whether key council relationships are functional; (e) take such steps as are necessary to ensure that the Council meets the indicators developed under R4(d) within six months, as assessed under R4(f); and (f) arrange for its performance against the indicators to be reviewed and assessed by the Director of Local Government and reported to the Minister every three months, for the life of the current Council.	Not applicable to Council.	NA  <div data-bbox="1787 1362 2089 1461" style="border: 1px solid red; padding: 5px; text-align: center;"><b>Meeting: 29.08.2018</b> <b>Item Number: 15.029/18*</b> <b>Page 19 of 30</b></div>

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R5	If the Council fails to comply with any of recommendations R4(a)-(c) within six months, or fails to meet key indicators referred to in R4(d)-(f), then, pursuant to section 226(2) of the Act, the Minister should recommend that the Governor by order dismiss the councillors and appoint a Commissioner under section 231 of the Act to perform the functions of the Council until the next scheduled council elections (October 2018).	Not applicable to Council.	NA
R10	When the Mayor's view differs from a council decision, his view should be put on record in the Council's meeting minutes.	Not applicable as of 10 October 2016.	NA
R14	The broader application of a Mayor speaking only on behalf of Council, and the use of audio-recordings for Council meetings, should be referred to the review of the Act.	Not applicable to Council.	NA
R15	Consideration of additional legislative powers for Mayors of Tasmanian Councils should be referred to the review of the Act.	Not applicable to Council.	NA
R19	Following the commencement of the new statewide Local Government Code of Conduct, the Director of Local Government prioritises the delivery of training to the Huon Valley Council as soon as practicable.	The Local Government Division provided Code of Conduct training to the Council on 22 August 2016. The Councillor Induction Program includes training on the Code of Conduct.	NA
R22	Regulations 15(2) and 15(8) of the Local Government (Meeting Procedures) Regulations be referred to the review of the Act to ensure that Councils maximise both the use of open council to consider agenda items and the public release of information considered in closed Council meetings.	Not applicable to Council.	NA
R25	For broader application, these transparency and accountability issues should be considered in the review of the Act.	Not applicable to Council.	NA
R42	Tourism-related concerns raised through the Inquiry's submission process should be referred to the Joint Huon/Kingborough Tourism Steering Committee or other body, as appropriate.	Huon Valley Council has no further role in the Huon Trail. The Steering Committee has also been disbanded and Council contributes to promotional activities undertaken by Destination Southern Tasmania.	NA  <div style="border: 1px solid red; padding: 5px; text-align: center;"> <b>Meeting: 29.08.2018</b>  <b>Item Number: 15.029/18*</b>  <b>Page 20 of 30</b> </div>
R48	The Director of Local Government investigate whether there was	Not applicable to Council.	NA

Recommendation Number	Finding	HVC Comment	<b>LGD Comment</b> <b>C</b> - complete <b>NA</b> - not applicable <b>NFA</b> - no further action at this time <b>O</b> - ongoing <b>WIP</b> - work in progress
	a failure to declare a conflict of interest by the Mayor and Councillor Wilson under section 48 of the Act; and the GM under section 55 of the Act.		

**Attachment 1**  
**Board of Inquiry Recommendation 29**

*Senior management should proactively take steps to provide a supportive environment where staff can safely come forward with their complaints.*

Initiatives implemented include:

- Re-introduction of the Culture Statement to all employees with an emphasis placed on its importance and its role within the workplace
- Thank you cards and a chocolate for every member of staff distributed
- Regular Leadership Group meetings being held
- Introduction of the Integrity Commission Speak Up Programme
- Introduction of feedback boxes at worksites
- Completion of the Professional Development Process with feedback provided to all employees
- Several employees have undertaken a mental health first aid course
- Training has been completed in the following areas:
  - Fire wardens
  - First aid
  - Contact officers
  - Integrity Commission – Making Ethical Decisions at Work
- Stay Chatty information sessions has been held for employees
- A new staff intranet site has been developed and is accessible to all work sites
- Information regarding the Employee Assistance Program is readily available to all staff
- Feedback received by Council is distributed to all employees
- Professional Development Training continues to be scheduled
- Organisation restructure complete which includes management positions in each area to provide another point of contact.
- Review of all position descriptions undertaken
- E3 learning courses part of new employee induction program including HVC Induction, Bullying and Harassment, Work Health and Safety, Slips Trips and Falls and Manual Handling
- Posters located in various positions around the building advising who Contact Officers and First Aid Officers are.
- Health and Wellbeing survey conducted. Recommendations being progressed.
- 26Ten Grant
- Establishment of HSR Committee
- 12 staff undertaken Mental Health First Aid Training (July 2018)
- Reviewed E3 Learning content and entered into new agreement for department specific training modules
- Mental Health Posters displayed in Office
- Ritualize Program implemented
- Speak Up Stay Chatty Session held for staff
- Monthly Management Team meetings held to raise and discuss topics as well as distribute information to program areas

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**GLENORCHY CITY COUNCIL**

**BOARD OF INQUIRY RECOMMENDATIONS**

<b>Board of Inquiry Recommendations</b>	<b>Comment</b>
<p><b>3.A.1 Relationships between the Mayor and the Aldermen</b>  <b>Recommendation:</b> that within three months of a council term, the Mayor and aldermen approve a Statement of Expectations to establish agreed protocols for fulfilment of their mutual and respective obligations under the Act and the Regulations, and to provide for the good governance of the council.</p>	<p>Specific to Glenorchy however the statement of expectations adopted by the Huon Valley Council will be included in the Council's Governance Framework.</p>
<p><b>Recommendation:</b> that the Director of Local Government issue a model Statement of Expectations for Mayors and Aldermen, and that adoption of a Statement of Expectations be recommended to all councils.</p>	<p>This is a matter for the Director. A model statement for all Councils is supported and will be considered if and when a model statement is issued.</p>
<p><b>Recommendation:</b> that the Act be amended to make training in local government procedures mandatory for all aldermen, and that the provision include a commitment by candidates for election to undertake such training within six months of the declaration of the poll.</p>	<p>This is a matter for the Director.</p>
<p><b>Recommendation:</b> that council review and formalise its induction procedures for new mayors and new aldermen, including the roles to be undertaken by the mayor and the general manager in the induction procedures.</p>	<p>Specific to Glenorchy however Huon Valley induction is being prepared for an elected Council.</p>
<p><b>Recommendation:</b> that council undertake an annual review of its own performance, including but not limited to its compliance with the Act and associated Regulations, compliance with the Code of Conduct, compliance with its Statement of Expectations, compliance with its policies and procedures, its conduct of meetings and workshops, and its oversight and review of the general manager.</p>	<p>This recommendation is to be considered in conjunction with future Governance reporting and Audit Panel requirements.</p>
<p><b>Recommendation:</b> that council determine its aldermanic professional development program based on the outcomes of its annual review.</p>	<p>This recommendation is to be considered in conjunction with future Governance reporting and Audit Panel requirements.</p>

<p><b>Recommendation:</b> that the Act and the Regulations be amended to provide additional powers for the popularly elected mayor. These powers should include, but not necessarily be limited to, the mayor's automatic representation of council on all external bodies (with the power to delegate such representation); the mayor's power to approve the agenda prior to its release by the general manager; the mayor's power to approve the release of the draft minutes to other aldermen; the mayor's power to approve the general manager's leave; the mayor's power to appoint an acting general manager.</p>	<p>This is a matter for the Director. Amendments have been made to the <i>Local Government Act 1993</i> in relation to representation and clarification of appointment of an Acting General Manager</p>
<p><b>3.A.1.1 November 2014: Election of aldermen to the General Manager Performance Review Committee (GMPRC)</b></p> <p><b>Recommendation:</b> that the mayor be ex-officio a member of any committee established to make recommendations regarding the general manager's KPIs, and/or make recommendations regarding changes to his remuneration; and that the mayor be ex-officio the chairperson of any committee established to assess the performance of the general manager and/or to consider changes to the general manager's contract of employment.</p>	<p>Whilst specific to Glenorchy the Huon Valley Council has formally established the Governance Committee as the General Manager Performance Review Committee. The Mayor is a member and the Chair of that Committee ex-officio. This has been reflected in amendments to the <i>Local Government Act 1993</i> for the Mayor to lead that process.</p>
<p><b>3.A.1.2 October 2015: Election to GMC</b></p> <p><b>Recommendation:</b> that the mayor ex-officio be appointed as council's representative on all external bodies, with the power to delegate that appointment to another alderman should the mayor wish to do so. The process of such delegation should be part of the Statement of Expectations of the mayor and aldermen.</p>	<p>Amendments to the <i>Local Government Act 1993</i> have clarified the Mayor's role to represent the Council on regional, state and federal level organisations and forums.</p> <p>The Council's Governance Framework sets out the Mayor's role and proxy representation to the Deputy Mayor however this can be clarified in the context of the Act changes.</p>
<p><b>3.A.1.4 Media Statements and Letters</b></p> <p><b>Recommendation:</b> that protocols regarding media statements be included in the Mayor and Aldermen's Statement of Expectations.</p>	<p>Media statements is a matter specifically dealt within the Huon Valley Council Board of Inquiry. The role of the Mayor under the <i>Local Government Act 1993</i> has been clarified to act as the spokesperson of the Council.</p>
<p><b>3.A.2.3 The General Manager's Contract of Employment</b></p> <p><b>Recommendation:</b> that should council establish a committee to consider matters pertaining to the general manager's contract of employment, the committee should be authorised only to make recommendations to full council for decision. Recommendation: that council remove any provision for payment of a performance</p>	<p>This is specific to Glenorchy. The Huon Valley Council has adopted a process through the Governance Committee. It will be a matter for that Committee to adopt appropriate procedures and contractual documentation.</p> <div data-bbox="1720 1359 2020 1455" style="border: 1px solid red; padding: 5px; text-align: center;"> <p><b>Meeting: 29.08.2018</b>  <b>Item Number: 15.029/18*</b>  <b>Page 24 of 30</b></p> </div>



<p>bonus from the general manager's contract of employment. Recommendation: that council adopts the Remuneration clauses of the General Manager Template Contract of Employment of LGAT for the general manager's CoE, with particular reference to relevant factors to be considered in reviewing the general manager's remuneration package.</p>	
<p><b>3.A.2.4.2 3 January 2016 – 2 January 2017 Assessment Period</b></p> <p><b>Recommendation:</b> that the general manager's Key Performance Indicators (or similar assessment tools) be considered by full council. Should council establish a committee to provide recommendations to council regarding the general manager's KPIs, its terms of reference should ensure that all aldermen are given ample opportunity to have input into setting the general manager's KPIs.</p>	<p>This is specific to Glenorchy. The Huon Valley Council has adopted a process through the Governance Committee. It will otherwise be a matter for the full Council to consider.</p>
<p><b>3.A.2.5.3 Review of the Period 3 January 2016 – 2 January 2017</b></p> <p><b>Recommendation:</b> that all aldermen be involved in appraising the general manager's performance, and that the matter not be delegated to a council committee. Should council establish a committee to provide recommendations to council regarding the general manager's performance, its terms of reference should ensure that all aldermen are given ample opportunity to have input into the final assessment and any outcomes of that assessment.</p>	<p>This is specific to Glenorchy. The Huon Valley Council has adopted a process through the Governance Committee. It will otherwise be a matter for the full Council to consider.</p>
<p><b>Recommendation:</b> that aldermen who are not members of a council committee considering the general manager's contract of employment, or a committee established to provide recommendations regarding the general manager's KPIs, or a committee established to provide an initial appraisal of the general manager's performance, be permitted to attend all committee meetings as observers.</p>	<p>This is specific to Glenorchy. The Huon Valley Council has adopted a process through the Governance Committee. It will otherwise be a matter for the full Council to consider.</p>
<p><b>3.A.3.2 Failure to liaise on Council meeting agenda</b></p> <p><b>Recommendation:</b> that the Meeting Regulations be amended so</p>	<p>This is a matter for the Director.</p>

<p>that while the agenda is drafted by the general manager, it must be approved by the mayor prior to release to the aldermen.</p>	
<p><b>3.A.3.7 Failure to provide adequate support for the Mayor and the Office of the Mayor</b></p> <p><b>Recommendation:</b> that within three months of a council term, or within three months of the election or re-election of the mayor, or within three months of the employment of a new general manager, the mayor and general manager approve a Statement of Expectations to establish agreed protocols for fulfilment of their mutual and respective obligations under the Act and the Regulations, and to provide for the good governance of the council.</p>	<p>The issue of statement of expectations has been dealt with by Huon Valley Council as a consequence of the Board of Inquiry.</p>
<p><b>3.A.4.5 Relationships with the community, Aldermen and Council staff</b></p> <p><b>Recommendation:</b> that GCC undertake an annual review of its performance in upholding the requirements of its Code of Conduct, and that its induction procedures include training in all aspects of the Code.</p>	<p>Specific to Glenorchy. Code of Conduct training will otherwise be considered as part of Councillor induction.</p>
<p>Recommendation: that all elected members undertake compulsory training in the Code of Conduct within three months of the commencement of a council term.</p>	<p>Specific to Glenorchy. Code of Conduct training will otherwise be considered as part of Councillor induction.</p>
<p><b>3.A.6.1 Compliance with Code for Tenders and Contracts</b></p> <p><b>Recommendation:</b> that council's Code for Tenders and Contracts be examined by the Auditor-General to determine whether it complies with the letter and the spirit of the Act.</p>	<p>This is specific to Glenorchy who were the subject of an Auditor-General Report. Compliance is a matter reviewed by Council's Audit Panel.</p>
<p><b>Recommendation:</b> that council upholds the principles of transparent and accountable governance through stringent compliance with its Code for Tenders and Contracts.</p>	<p>This is specific to Glenorchy who were the subject of an Auditor-General Report. Compliance is a matter reviewed by Council's Audit Panel.</p>
<p><b>Recommendation:</b> that the Auditor-General investigate whether council has complied with reg. 27(i) of the General Regulations, which state that council is not compelled to undertake a public tender process for a contract for goods or services, if the council resolves by absolute majority and states the reasons for the decision, being that a satisfactory result would not be achieved by</p>	<p>This is specific to Glenorchy who were the subject of an Auditor-General Report.</p>

<p>inviting tenders because of – (i) extenuating circumstances; or (ii) the remoteness of the locality; or (iii) the unavailability of competitive or reliable tenderers.</p>	
<p>Recommendation: that the Auditor-General investigate whether council has complied with s 29 of the General Regulations, which prescribes council's annual reporting requirements in relation to tenders and contracts.</p>	<p>This is specific to Glenorchy who were the subject of an Auditor-General Report.</p>
<p><b>3.A.6.2 Compliance with the nomination and appointment of Alderman to Committees and other bodies policy</b> <b>Recommendation:</b> that council amend its procedures for special committees, and representation on external bodies, to ensure that all council representatives report at least annually to council.</p>	<p>Representation on external bodies has been reflected in amendments to the <i>Local Government Act 1993</i> and will be considered as part of the review of the Council's Governance Framework in preparation for an elected Council.</p>
<p><b>Recommendation:</b> that council amend its procedures for determining membership of all committees and external bodies to allow consideration of the suitability and aptitude of aldermen seeking appointment.</p>	<p>Council's Policy in relation to Committees will be considered at the September Council Meeting.</p>
<p><b>Recommendation:</b> that the Statement of Expectations between the Mayor and Aldermen detail the process to be used should the mayor wish to delegate her representation of council on an external body to another alderman.</p>	<p>Huon Valley Council statement of expectations has been adopted. Proxy representation is considered in the Council's Governance Framework.</p>
<p><b>Recommendation:</b> that as part of its annual review of aldermanic performance, council assesses its compliance with its policies relating to committees.</p>	<p>Council's Policy in relation to Committees will be considered at the September Council Meeting.</p>
<p><b>3.A.6.3 Grievance Policy</b> <b>Recommendation:</b> that council amend its Grievance Policy to provide proper, safe channels for reporting complaints against senior staff.</p>	<p>This is a matter relevant to Glenorchy. The Council currently has appropriate grievance and HR policies.</p>
<p><b>3.A.7.3 Meeting Procedures and Accuracy of Minutes</b> <b>Recommendation:</b> that council audio records both open and closed sessions of all council meetings.</p>	<p>The recommendation was specific to the circumstances of Glenorchy to address conduct of closed meetings. The Huon Valley Council currently records open sessions of Council meetings in accordance with its Policy.</p>

<p><b>Recommendation:</b> that the Meeting Regulations be amended to make audio recordings of all sessions of all council meetings mandatory, unless an exemption is approved by the Minister.</p>	<p>This is a matter for the Director.</p>
<p><b>Recommendation:</b> that council undertake training in correct meeting procedure and the Meeting Regulations within three months of the commencement of a council term, and at least once more during the term of the council.</p>	<p>Training in meeting procedures will be undertaken as part of the Councillor induction program, not necessarily within those time frames.</p>
<p><b>Recommendation:</b> that when considering compliance with the Meeting Regulations as part of their annual review of their own performance, aldermen examine their use of closed council meetings, and the accuracy and relevance of minutes.</p>	<p>This is to be considered in conjunction with the Audit Panel and the outcomes of the Director's investigation into closed Council matters.</p>
<p><b>Recommendation:</b> that the Meeting Regulations be amended so that draft minutes are made available to the mayor within two working days of a meeting, and that they are released to other aldermen only with the approval of the mayor.</p>	<p>This is a matter for the Director.</p>
<p><b>Recommendation:</b> that to achieve greater understanding of council support requirements, the general manager ensure that relevant council staff are given adequate training in meeting procedure and the proper recording of minutes.</p>	<p>Relevant Council staff are trained and experienced in meeting procedure and the paper recording of minutes.</p>
<p><b>3.A.7.7 Staff Attendance</b> <b>Recommendation:</b> that council review staff attendance at council meetings to ensure that staff time is used efficiently and cost effectively, and that any staff attendance enhances the capacity of aldermen to make sound decisions.</p>	<p>This recommendation is specific to the circumstances at Glenorchy. This is otherwise a matter for the General Manager in discussion with an elected Council.</p>
<p><b>3.A.7.8 Council Workshops</b> <b>Recommendation:</b> that council establishes a calendar of workshops for each calendar year. The calendar should include adequate provision for workshops in setting the annual budget, including determining the capital works program and capital spending.</p>	<p>A draft calendar of workshops is prepared for each calendar year and will be considered in conjunction with an elected Council.</p>

<p><b>Recommendation:</b> that aldermen be provided with relevant information at least two days before workshops, to enable effective preparation.</p>	<p>Ideally information will be provided earlier than this time.</p>
<p><b>Recommendation:</b> that council develop a policy on workshops, to assist both aldermen and staff to make effective use of the workshop, without detracting from council's need to be transparent in its decision making.</p>	<p>This is and continues to be a matter of interest to the General Public arising out of the Council's Board of Inquiry and is being considered accordingly.</p>
<p><b>3.A.8 General Manager's return to work</b>  <b>Recommendation:</b> that the Act be clarified to ensure that the power to appoint an acting general manager lies with the mayor, with the proviso that an appointment must be approved by council at its next ordinary meeting.</p>	<p>Recent amendments have been made to the <i>Local Government Act 1993</i> to clarify appointment of an Acting General Manager.</p>
<p><b>Recommendation:</b> that council ensure that the general manager's contract of employment includes the provision that any leave (annual or personal) must be approved by the mayor.</p>	<p>This will be a matter for the Governance Committee acting as the General Managers Performance Review Committee to consider and recommendation to the Council.</p>
<p><b>Recommendation:</b> that any delegated authority given to the general manager to appoint an acting general manager during a period of leave be clearly limited to occasions when the general manager is fully able to fulfil the functions of his office.</p>	<p>This is consistent with previous practice of the Council. Appointment of an Acting General Manager has since been clarified in the <i>Local Government Act 1993</i>.</p>
<p><b>Part B: Management and Operations</b>  <b>Recommendation:</b> that the Act be amended to clarify that the Minister may direct a council to terminate the employment of a general manager following investigation by the Director of Local Government, or a Board of Inquiry, or similar investigative independent authority.</p>	<p>This is a matter for the Director.</p>
<p><b>3.B.5.3 Managing the performance of the DCG&amp;GC and/or failure of the DCG/GC to undertake her roles in accordance with the Act and the Regulations</b>  <b>Recommendation:</b> that council ensures that the general manager consults with the mayor and aldermen on senior executive appointments and associated remuneration packages.  <b>Recommendation:</b> that the Act be amended to make it mandatory for the general manager to consult the mayor and</p>	<p>These recommendations are specific to the circumstances at Glenorchy.</p>

<p>aldermen on senior executive appointments and associated remuneration packages.</p>	
<p><b>3.B.8.1 Budget 2016-17</b></p> <p><b>Recommendation:</b> that the general manager ensure that aldermen are given projected end of year financial results throughout the budget setting process, and that the trial results are updated as necessary to inform aldermen of council's financial position as accurately as possible before the next budget is approved.</p>	<p>Financial reporting is undertaken on a monthly basis.</p>
<p><b>3.B.9.1 Use of credit cards</b></p> <p><b>Recommendation:</b> that council amend its credit card procedures to restrict access to credit to the general manager and his direct reports. Recommendation: that council amend its procedures for monitoring credit card usage to ensure greater accountability and transparency in their use.</p>	<p>Council's Credit Card Policy will be reviewed in line with the LGAT model policy and Auditor-General's recommendations.</p>
<p><b>3.B.9.2 Legal Expenses</b></p> <p><b>Recommendation:</b> that council adopts a policy to govern the use of external legal advisors. The policy should include guidance on the circumstances in which the general manager may seek external advice, and direction on the maximum expense which can be incurred on any matter before the matter needs to be brought to council for approval. Council approval of such expense should be sought even if the amount is less than the total amount budgeted for that management section.</p>	<p>The recommendation is specific to the circumstances of Glenorchy, and addresses extraordinary circumstances. This outcome may otherwise fetter the ability of a General Manager to quickly and efficiently obtain qualified advice within the budget estimates.</p>
<p><b>Recommendation:</b> that council budgets include specific allocation of legal expenses within each management section, to enable aldermen to monitor resource allocation and delivery of efficient service.</p>	<p>This recommendation is specific to the circumstances at Glenorchy.</p>
<p><b>3.B.11.1 Proposed revision of the General Manager's Contract</b></p> <p><b>Recommendation:</b> that any advice required to assist council in matters pertaining to the general manager's contract of employment be obtained from independent external lawyers.</p>	<p>This will be a matter for the Governance Committee. In-house Counsel do not provide these services.</p> <div data-bbox="1720 1334 2024 1436" style="border: 1px solid red; padding: 5px; text-align: center;"> <p><b>Meeting: 29.08.2018</b>  <b>Item Number: 15.029/18*</b>  <b>Page 30 of 30</b></p> </div>