



OVERSIGHT AND LIAISON WITH GENERAL MANAGER POLICY

Policy Owner: General Manager

Direction: 5. Our Civic Leadership

1. STATEMENT OF INTENT

- 1.1 The aim of this policy is to strengthen the executive management of North Sydney Council by detailing and clarifying the relationship, appropriate interface and day to day oversight by the Mayor of the General Manager. It will ensure that expectations and transparency of the interface between the Mayor and the General Manager is consistently applied to strengthen and maintain a positive working relationship between both parties.
- 1.2 This policy details the framework for the day to day oversight and liaison with the General Manager in accordance with appropriate legislative requirements, existing Council policies, the *Delegations of Authority Manual* and the Division of Local Government's *Guidelines for the Appointment and Oversight of General Managers*.

2. ELIGIBILITY

- 2.1 This policy applies to the Mayor, Councillors and General Manager of North Sydney Council.

3. DEFINITIONS

- 3.1 Act - *refers to the Local Government Act 1993.*
- 3.2 Regulation - *refers to the Local Government Regulation 2005.*
- 3.3 The governing body of Council - the elected Council.

4. PROVISIONS

- 4.1 The Council has delegated to the Mayor the responsibility of the day-to-day oversight of and liaison with the General Manager.

4.2 The Mayor will liaise with the General Manager in accordance with the requirements of the *Local Government Act 1993* and in keeping with the provisions of the *Councillor Access to Information and Interaction with Staff Policy, Delegations of Authority Manual* and the *Code of Conduct - Councillors and Staff*.

4.3 **The Mayor is responsible for:**

4.3.1 Approving the General Manager's application for leave

The General Manager is entitled to leave in accordance with the conditions set out in Clause 9 - Leave of the General Manager's Contract of Employment.

Applications for any paid or unpaid leave will be submitted to the Mayor for approval.

4.3.2 Approving Expenses Incurred by the General Manager

The General Manager is required to comply with the conditions contained in "Clause 12 - Expenses and credit cards" of the General Manager's Contract of Employment.

The General Manager will also comply with the provisions of Council staff policies relating to the allocation of credit cards, fuel cards, travel vouchers and other purchasing cards, petty cash and business related travel. The General Manager will present expense statements to the Mayor for approval as required.

Attendance at conferences is to be approved in advance by the Mayor.

4.4 **Gifts and Benefits**

The Mayor will be the acknowledging authority for all Gifts and Benefits Declaration Forms completed by the General Manager in keeping with the General Manager's Contract of Employment and Council's Gifts and Benefits Policy.

4.5 **General Manager's Appointment**

The Council will establish a selection panel for the purpose of selecting the General Manager in accordance with the Division of Local Government's Guidelines for the Appointment and Oversight of General Managers.

4.5.1 **Appointment and Dismissal of Senior Staff**

The General Manager may appoint or dismiss senior staff only after consultation with the Council (s337 of the Act).

Under Clause 217 of the Regulation, the General Manager must report to the Council at least annually on the contractual conditions of senior staff.

4.6 Management of the General Manager's Performance

The General Manager's performance management process will be conducted annually in accordance with the Division of Local Government's Guidelines for the Appointment and Oversight of General Managers.

The Council will establish a Performance Review Panel and delegate the task of performance reviews of the General Manager to this Panel. The Panel will comprise the Mayor, the Deputy Mayor, another Councillor nominated by the Council and a Councillor nominated by the General Manager.

The governing body of Council will select an external facilitator to assist with the process of performance appraisal and the development of new performance plans.

All Councillors not on the Panel can contribute to the process by providing feedback to the external facilitator or the Mayor on the General Manager's performance. The feedback will be provided to all Panel members prior to a meeting of the Panel.

All Councillors should be notified of relevant dates in the performance review cycle and be kept advised of the Panel's findings and recommendations.

The Panel will report back to the governing body of Council in a closed session the findings and recommendations of its performance review as soon as practicable following any performance review.

The performance management report of any Council staff member, including the General Manager, will not be released to the public and will be retained on the appropriate confidential Council employment file.

4.7 Delegations of Authority Manual

The General Manager is responsible for ensuring the Delegations of Authority Manual is updated annually and reported to Council for adoption. Under Sections 377-381 (except Section 377(1)) of the Act, the Council by resolution may delegate certain functions to the General Manager. Under Section 378 of the Act, the General Manager may sub-delegate a function delegated to him/her by the Council. However, the General Manager still retains responsibility to ensure that any sub-delegated function is carried out appropriately.

4.8 Council and Committee Meetings

4.8.1 Setting the Agenda for Council, Committee and Group Meetings

The General Manager will ensure the business paper (agenda) is prepared for each Council, Committee and Group Meetings in accordance with Clauses 240 and 241 of the *Local Government (General) Regulation 2005* and Clause 23 of Council's *Code of Meeting Principles and Practice*.

Once the agenda has been publicly notified to all members of the governing body, the General Manager or his/her nominee will be available to meet with the Mayor to discuss the matters on the agenda of either a Council or Committee meeting prior to the meeting being convened.

In accordance with clause 7.4 of Council's *Code of Conduct - Councillors and Staff*, the provision of information to a particular Councillor, including the Mayor, in the performance of their civic duties must also be made available to any other Councillor who requests it.

To ensure the independence of advice to the Council is maintained, the Mayor and Councillors cannot direct the General Manager or his/her staff in relation to the business paper (agenda) including, but not limited to, the preparation or removal of reports, Notices of Motion or Questions with Notice on an existing or future business paper (agenda).

4.8.2 Presiding at Council, Committee and Group Meetings

Under Section 266 of the Act, the Mayor presides at meetings of the Council. The General Manager, and/or his/her delegate in their absence, will attend all Council, Committee and Group Meetings. The General Manager and/or his/her delegate will be available to advise the Mayor and/or the Chairperson on the running of the meeting.

4.9 Civic Events, Ceremonies, Conferences and Forums

It is acknowledged that both the Mayor, Deputy Mayor, Councillors and the General Manager (or their delegate) will represent Council at Civic Events, Ceremonies and professional conference and forums etc. When both the Mayor and General Manager are speaking the Communications and Events Manager will coordinate the content of each speech to ensure consistency of message and avoid duplication. The content will reflect the policy position adopted by Council.

When the General Manager is speaking at a forum or conference, he/she will advise the governing body of Council of the topic of address. The governing body of Council supports the independence of the General Manager and will ensure that the General Manager is able to provide his/her professional views. The General Manager must make it clear when doing so if they are not the views of Council or its policies.

When speaking about the North Sydney Council, Council's policies and views will always be clearly represented by the Mayor and General Manager.

4.10 Conducting Meetings with Ministers and Members of Parliament

The Mayor, Deputy Mayor and Councillors will from time to time have reason to meet with Ministers and Members of Parliament to discuss issues of importance to the North Sydney local government area, the implementation of the North Sydney Community Strategic Plan and Council resolutions.

The General Manager and/or his/her delegate will accompany the Mayor, Deputy Mayor and/or Councillors to any meeting with a State Minister or Member of Parliament at which Council business will be discussed. This will ensure appropriate briefings can be given relating to Council's policies, operational matters or strategic impacts relating to the discussions and to ensure that the follow up of agreed actions at the meeting will take place.

The General Manager will provide a report of the outcome of such meetings to the next available meeting of Council.

4.11 Conducting Meetings with Constituents and those wishing to make representations to the Mayor**4.11.1 General Matters**

The Mayor may request that the General Manager (and/or his/her delegate) attend meetings with constituents or other parties. Adequate

notice (where practicable, no less than three (3) working days) and background information will be given to the General Manager to ensure that the General Manager is able to prepare for the meeting in advance. Meetings will be held during business hours and secretarial support will be provided as required to ensure that records are kept detailing the agenda and minutes of the meeting.¹

4.11.2 Matters relating to Complaints

The Mayor may receive complaints about the level of service provided by the Council's staff. These complaints will be referred to the General Manager prior to any meeting between the complainant, the Mayor and the General Manager taking place. This will ensure that appropriate preparations can be made and will be dealt with in accordance with the Council's *Complaints Handling Policy*. Meetings will be convened as outlined above in 4.11.1.

4.12 Managing Complaints about the General Manager

The Mayor will be responsible for managing complaints received about the General Manager, in accordance with the *Code of Conduct - Councillors and Staff*, the *Complaints Handling Policy* and the *Internal Reporting - Public Interests Disclosures Policy*.

4.13 Updating Relevant Information

Both the Mayor and General Manager will use their best endeavours to keep each other apprised of relevant issues relating to Council's operations and the local government sector. Whilst this should take place on an 'as needs' basis, a more formal regular update meeting may take place between the Mayor and the General Manager as agreed by both parties.

In accordance with clause 7.4 of Council's *Code of Conduct - Councillors and Staff*, the provision of information to a particular Councillor, including the Mayor, in the performance of their civic duties must also be made available to any other councillor who requests it.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 The General Manager is responsible for complying with the provisions of this policy and providing appropriate documentation in support of applications and expense claims.

¹ Meetings will be diarised in accordance with Council resolution - 9 December 2013 (Min. No.802).

- 5.2 The Mayor is responsible for approving applications from the General Manager under this policy, in accordance with the framework established in other related policies and guidelines.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Draft Advocacy Policy
- Code of Conduct - Councillors and Staff
- Contract of Employment - General Manager
- Complaints Handling Policy
- Delegations of Authority Manual
- Equipment Allocation Policy (staff policy)
- Gifts and Benefits Policy
- Internal Reporting - Public Interests Disclosures Policy
- Media Liaison Policy
- Lobbying Policy
- Purchasing Card Policy (staff policy)
- Petty Cash Procedures (staff guidelines)
- Training and Development Policy (staff policy)

The Policy should be read in conjunction with the following documents/legislation:

- Guidelines for the Appointment and Oversight of General Managers (July 2011)
- Division of Local Government, Department of Premier and Cabinet
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Public Interest Disclosures Act 1994
- Public Interest Disclosures Amendment Act 2011

Version	Date Approved	Approved by	Resolution No.	Review Date
1	26 September 2011	Council	664	2012/13
2	18 February 2013	Council	61	2016/17
3	15 September 2014	Council	394	2016/17
4	21 September 2015	Council	346	2016/17
5	20 March 2017	Council	52	2020/21
6	25 June 2018	Council	214	2020/21