

Module 6 – How Council Makes Decisions

Narration script — one entry per slide

Slide 1 — How Council Makes Decisions

Welcome to Module 6 – How Council Makes Decisions. This module brings together a lot of what's come before it — governance, roles, good governance, conduct and integrity — because all of that exists to support one thing: sound, accountable decisions. Decision-making in local government isn't just about what happens in the meeting itself. It's shaped by delegations, by the advice councillors are required to consider, by the reasons behind a decision, and by the fact that council decisions can be legally challenged if they're made the wrong way. The council meeting is where decisions are formalised, but it's the last step in a much bigger process.

Slide 2 — Before You Begin

This module is for anyone considering election to Council, current councillors, and community members who want to understand how and why council decisions are made the way they are. One quick note on language: the Local Government Act refers to the "general manager," but this module uses Chief Executive Officer, or CEO, as we did in Module 2 — they're the same role, just different terms. This module draws on the Local Government Act, established local government decision-making practice, and established principles of how public decisions can be legally reviewed. You don't need to memorise every provision — the aim is to understand the shape of good decision-making. You can pause at any time.

Slide 3 — Decisions Are Made Collectively, By Resolution

A council can only make a decision one way: by resolution, at a properly convened meeting, where a motion is put and passed by the required majority. This isn't a formality — it's the whole basis of collective governance. No individual councillor, however senior or well-intentioned, can make a decision on Council's behalf outside that process, no matter how confident they are that they already know what Council would decide. The decisions Council makes at these meetings give direction and authority to the Chief Executive Officer to act — Council decides, the CEO and the organisation carry it out. It's also why councillors are expected to accurately represent Council's actual decisions afterwards, even ones they personally argued against, rather than continuing to advocate their own position publicly as if it were still Council's official position.

Slide 4 — Delegations: Freeing Council to Focus on What Matters

If Council had to personally decide every single matter it has power over, it would be meeting almost once a week, with administration effectively organised around Council meetings rather than getting to the things that actually need its attention. That's why the Act allows Council to delegate many of its functions and powers to the Chief Executive Officer, committees, or other officers — and the rationale is well established: delegation exists so Council meetings can concentrate specifically on policy and strategic matters, rather than routine operational decisions, while also improving responsiveness to the community and the efficiency of the organisation more broadly. But delegation has real limits. Some things can never be delegated — borrowing money, adopting the budget or strategic plan, appointing the CEO, setting by-laws, making rates, or disposing of council land, among others. That list isn't arbitrary. It's essentially a map of what Council's actual job is: direction, strategy, and the

handful of decisions too significant to hand to anyone else, however capable the organisation is at handling the rest.

Slide 5 — Receiving and Considering Qualified Advice

Section 65 of the Act requires something specific: if a decision needs advice from a qualified person, Council must not make that decision without considering that advice. Considering advice doesn't mean automatically agreeing with it — Council can still decide against it, and sometimes should. But it can't simply be ignored, and it can't be skipped because a decision feels obvious or urgent on the night. This connects directly to something covered earlier in this series: employees are expected to give frank and fearless advice, and this is where that advice actually lands — in front of Council, genuinely considered, before a decision is made, not filed away unread. A councillor who wants to move a motion against professional advice isn't doing anything wrong by doing so, unless the proposed action would itself be unlawful. What matters is that the advice was actually put before Council and properly weighed, not brushed aside because it was inconvenient.

Slide 6 — Before You Move a Motion: A Practical Checklist

Before submitting a motion, it's good practice for a councillor to genuinely think through a short checklist first. Is there a cost, and is it within the available budget? Does it align with the Annual Plan and Council's strategic priorities, or does it pull resources somewhere unplanned? What's the impact on employees' time and workload, realistically, once it lands on someone's desk? Are there alternative ways to achieve the same outcome that haven't been considered? And, tying back to the last slide, does this need advice from a qualified person under section 65 before Council can properly decide it? A council shouldn't decide a motion without having turned its mind to these questions. It's a genuinely useful checklist to run through before raising something at the table, not just a box-ticking exercise for the chairperson to worry about — a well-prepared motion that's already answered these questions tends to get a far better hearing than one that hasn't.

Slide 7 — Reasons for Decisions

When a motion matches the recommendation in the agenda report, that report itself stands as the reasoning behind the decision — nothing more needs to be said, since the reasoning is already on the record. But when a motion goes against the recommendation and the advice provided, that's different: Council needs to turn its mind to why, and a councillor moving that kind of motion should include their reasons as part of it, rather than leaving the record silent on why the advice wasn't followed. This isn't about making it harder to disagree with employee advice — councillors are entitled to, and sometimes should. It's about making sure that when Council does depart from advice, there's a clear, recorded reason on the file, not just a vote that overturned it with no explanation for anyone reading the minutes later.

Slide 8 — Conflicts of Interest and Sound Decision-Making

Good decision-making starts before the debate even begins, with a councillor being honest about whether they can actually bring an unbiased mind to the matter in front of them. A conflict of interest, financial or otherwise, doesn't just create a conduct risk covered in an earlier module — it puts the decision itself at risk, because a decision made while a conflict wasn't properly managed can be challenged on exactly the unbiased-decision-making ground we're about to cover. Managing it well is simple in principle: recognise it, declare it, and deal with it before the debate starts, not after someone else raises it. The detailed rules — the

difference between an absolute pecuniary interest and a more discretionary conflict of interest — are covered properly in the Conduct and Integrity module; the point here is that managing conflicts well is part of what makes a decision sound, not just part of staying compliant.

Slide 9 — Council Decisions Can Be Legally Challenged

Not every council decision is challenged the same way. Some decisions — certain planning matters, for example — have their own specific rights of appeal set out in legislation, with their own process and their own body to hear them. Judicial review is the backup: it applies by default when no specific right of appeal exists for that particular decision. Where it does apply, a court can be asked to examine not whether a decision was the right one, but whether it was made the right way. Broadly, a decision can be challenged if Council failed to consider something it was legally required to consider, took into account something it shouldn't have, denied someone a fair opportunity to be heard before a decision affecting them was made, or used a power for a purpose it wasn't actually given for. As a general rule, a court reviewing a decision won't substitute its own view of what the right answer was, only assess whether Council got there properly. There is one significant exception to that: a decision can still be overturned if it's so unreasonable that no reasonable council, acting on the same facts, could have arrived at it — a principle often called *Wednesbury* unreasonableness. That's a genuinely high bar, reserved for decisions that are irrational on their face, not simply ones a court might have made differently. This is a general principle of public administrative law, not something unique to Tasmania, but it applies squarely to councils.

Slide 10 — The Meeting Itself: Where Decisions Are Formalised

Everything covered so far shapes a decision before it ever reaches a meeting — but the meeting is still where it's formally made. Meetings are open to the public by default, closed only for specific reasons set out in the Meeting Procedures Regulations. A motion needs a mover and a seconder before it can be debated, and debate itself runs on set time limits. When it comes to the vote, every councillor has a deliberative vote — for or against the motion — and there's no neutral third option: a councillor who purports to abstain is taken, under the meeting procedures regulations, to have voted against. Every vote is recorded by name in the minutes, and the minutes themselves are the legal record of what was decided — not a summary, the actual record Council is bound by, confirmed at the next meeting. This module has deliberately focused on the principles behind decision-making rather than the detailed mechanics of running a meeting; the full detail — agendas, motions, voting procedure, how it all runs in practice — is covered properly in a dedicated meeting procedure module.

Slide 11 — Five Things to Remember

Before we finish, five things worth carrying forward. First: Council can only decide things collectively, by resolution, at a properly convened meeting — not through any individual councillor acting alone, however confident they are in their own judgement. Second: delegation exists so Council can focus its meetings on policy and strategy, not get buried in operational decisions that don't need its direct attention. Third: qualified advice under section 65 must genuinely be considered before a decision is made, even if Council ultimately decides differently — considering it isn't the same as agreeing with it. Fourth: departing from that advice isn't wrong, unless the action itself would be unlawful — but it does mean Council needs to record why, so the reasoning survives beyond the meeting itself. And fifth: a council decision can be challenged in court on how it was made, not just what was decided

— including whether a conflict of interest was properly recognised and managed along the way — which is exactly why sound process matters as much as the right outcome.

Slide 12 — Next Module

In the next module, Local Government Oversight, we'll look at the bodies that sit above individual councils — the Minister for Local Government, the Director of Local Government, the Ombudsman, the Integrity Commission, and the Tasmanian Audit Office — and how each of them fits into the wider system of accountability this module, and this series, has been building toward. Thank you for watching.