



AGENDA

CORPORATE SERVICES COMMITTEE

12 OCTOBER 2023

MEMBERSHIP: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

The meeting is scheduled to commence at 5.30 pm.

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CSC23/53	ELECTION OF CHAIRPERSON (ID23/2454)	
CSC23/54	LEAVE OF ABSENCE (ID23/2335)	
CSC23/55	CONFLICTS OF INTEREST (ID23/2334)	
CSC23/56	REPORT OF THE DUBBO REGIONAL LIVESTOCK MARKETS ADVISORY COMMITTEE - MEETING 12 SEPTEMBER 2023 (ID23/2296)	3
	The Committee had before it the report of the Dubbo Regional Livestock Markets Advisory Committee meeting held 12 September 2023.	
CSC23/57	REPORT OF THE FINANCIAL PERFORMANCE COMMITTEE - MEETING 19 SEPTEMBER 2023 (ID23/2332)	7
	The Committee had before it the report of the Financial Performance Committee meeting held 19 September 2023.	
CSC23/58	SERVICE REVIEW PROGRAM UPDATE (ID23/2382)	10
	The Committee had before it the report dated 3 October 2023 from the Director Strategy, Partnerships and Engagement regarding Service Review Program Update.	
CSC23/59	INVESTMENT UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - SEPTEMBER 2023 (ID23/2212)	31
	The Committee had before it the report dated 3 October 2023 from the Graduate Accountant regarding Investment Under Section 625 of the Local Government Act - September 2023.	

CSC23/60	DRAFT COUNCIL POLICY - CODE OF MEETING PRACTICE - RESULTS OF PUBLIC EXHIBITION (ID23/2320)	38
	The Committee had before it the report dated 20 September 2023 from the Governance Team Leader regarding Draft Council Policy - Code of Meeting Practice - Results of Public Exhibition.	



**DUBBO REGIONAL
COUNCIL**

Report of the Dubbo Regional Livestock Markets Advisory Committee - meeting 12 September 2023

**AUTHOR: Governance Officer
REPORT DATE: 20 September 2023**

The Council had before it the report of the Dubbo Regional Livestock Markets Advisory Committee meeting held 12 September 2023.

RECOMMENDATION

That the report of the Dubbo Regional Livestock Markets Advisory Committee meeting held on 12 September 2023, be adopted.



REPORT
DUBBO REGIONAL LIVESTOCK MARKETS
ADVISORY COMMITTEE
12 SEPTEMBER 2023

PRESENT: Councillors D Mahon, V Etheridge, the Director Organisational Performance, the Acting Manager Dubbo Regional Livestock Market (B Reiss), J Morris (Independent), K Parker (Independent), R Fletcher (Supply Chain), K Hammond (Supply Chain), P Devenish (Supply Chain), M Simmons (DSSA President), A Warriar (Government (LLS)) and P Baldwin (Supply Chain).

ALSO IN ATTENDANCE: The Executive Officer Organisational Performance

Councillor V Etheridge assumed the Chair of the meeting.

The proceedings of the meeting commenced at 4.05pm.

LMAC23/19 ACKNOWLEDGEMENT TO COUNTRY (ID23/1539)

Director Organisational Performance delivered an Acknowledgement of Country.

LMAC23/20 LEAVE OF ABSENCE (ID23/1541)

There were requests for leave of absence received from Councillor M Dickerson, Chief Executive Officer, B Agar (Government (LLS)), (Supply Chain), R Plasto (DSSA Member), R Andrew (Independent) and A Maclean (Government (Police)).

A Warriar and P Baldwin attended via Audio-Visual Link.

LMAC23/21 CONFLICTS OF INTEREST (ID23/1543)

There were no Conflicts of Interest declared.

LMAC23/22 REPORT OF THE DUBBO REGIONAL LIVESTOCK MARKETS ADVISORY COMMITTEE - MEETING 13 JUNE 2023 (ID23/2222)

The Committee had before it the report of the Dubbo Regional Livestock Markets Advisory Committee meeting held 13 June 2023.

OUTCOME

That the report of the Dubbo Regional Livestock Markets Advisory Committee meeting held

on 13 June 2023, be noted.

LMAC23/23 DUBBO REGIONAL LIVESTOCK MARKETS - TRANSIT FEE UPDATE (ID23/2090)

The Committee had before it the report dated 24 August 2023 from the Manager Commercial Strategy regarding Dubbo Regional Livestock Markets - Transit Fee Update.

OUTCOME

1. That the report Dubbo Regional Livestock Markets Fees & Charges Consultation be noted.
2. That the Manager of DRLM investigate costs involved in improving signage for the Transit Fee including a Billboard with Terms and Conditions.
3. That the administration fee of \$300 be deferred for a further 3 month period.
4. That further communication is sent to Transport carriers.
5. That invoices indicate future administration fee of \$300 if not booked online based on Terms and Conditions.

LMAC23/24 DUBBO REGIONAL LIVESTOCK MARKETS - SHEEP AND GOAT ELECTRONIC IDENTIFICATION IMPLEMENTATION PROGRAM (ID23/2096)

The Committee had before it the report dated 25 August 2023 from the Manager Commercial Strategy regarding Dubbo Regional Livestock Markets - Sheep and Goat Electronic Identification Implementation Program.

OUTCOME

That the report Dubbo Regional Livestock Markets Sheep and Goat Electronic Identification Program be noted.

LMAC23/25 DUBBO REGIONAL LIVESTOCK MARKETS STAFFING UPDATE (ID23/2113)

The Committee had before it the report dated 28 August 2023 from the Manager Commercial Strategy regarding Dubbo Regional Livestock Markets Staffing update.

OUTCOME

1. That the report Dubbo Regional Livestock Markets Staffing Update be noted.
2. That the book keeper position remain.
3. That the Manager of the Dubbo Regional Livestock Markets investigate improvements in process.

LMAC23/26 DUBBO REGIONAL LIVESTOCK MARKETS BUSINESS STRUCTURE SERVICE REVIEW (ID23/2151)

The Committee had before it the report dated 29 August 2023 from the Manager Commercial Strategy regarding Dubbo Regional Livestock Markets Business Structure Service Review.

OUTCOME

That the information contained within this report be noted.

LMAC23/27 BOOM GATES (ID23/2152)

The committee will be addressed by Manager Commercial Strategy regarding this item.

OUTCOME

That the address by the Manager Commercial Strategy be noted.

LMAC23/28 UPCOMING WORKS (ID23/2153)

The committee will be addressed by Manager Commercial Strategy regarding this item

OUTCOME

- 1. That the address by the Manager Commercial Strategy be noted.**
- 2. That the Manager of Dubbo Regional Livestock Markets investigate in-house calibration of scales on a weekly basis.**
- 3. That the Manager of Dubbo Regional Livestock Markets investigate the Nightwatchman's ability to euthanise, where required.**

The meeting closed at 4.55pm.

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CHAIRPERSON



**DUBBO REGIONAL
COUNCIL**

Report of the Financial Performance Committee - meeting 19 September 2023

**AUTHOR: Governance Officer
REPORT DATE: 21 September 2023**

The Council had before it the report of the Financial Performance Committee meeting held 19 September 2023.

RECOMMENDATION

That the report of the Financial Performance Committee meeting held on 19 September 2023, be adopted.



REPORT
FINANCIAL PERFORMANCE COMMITTEE
19 SEPTEMBER 2023

PRESENT: Councillors M Dickerson, M Wright, R Ivey, the Director Organisational Performance, the Chief Executive Officer and the Chief Financial Officer.

ALSO IN ATTENDANCE: The Governance Officer Governance.

Councillor M Wright assumed the Chair of the meeting.

The proceedings of the meeting commenced at 8.02 am.

FP23/25 ACKNOWLEDGEMENT OF COUNTRY (ID23/1441)

Clr M Wright delivered an Acknowledgement of Country.

FP23/26 LEAVE OF ABSENCE (ID23/1443)

There were requests for leave of absence received from the Director Strategy, Partnerships and Engagement.

Clr R Ivey attended via Audio-Visual Link

FP23/27 CONFLICTS OF INTEREST (ID23/1445)

There were no Conflicts of Interest declared.

FP23/28 REPORT OF THE FINANCIAL PERFORMANCE COMMITTEE - MEETING 16 MAY 2023 (ID23/2191)

The Committee had before it the report of the Financial Performance Committee meeting held 16 May 2023.

OUTCOME

That the report of the Financial Performance Committee meeting held on 16 May 2023, be noted.

FP23/29 REFERRAL OF 2022/2023 FINANCIAL STATEMENTS FOR AUDIT (ID23/2211)

The Committee had before it the report dated 4 September 2023 from the Chief Financial Officer regarding Referral of 2022/2023 Financial Statements for Audit.

RECOMMENDATION

- 1. That the Draft 2022/2023 Financial Statements submitted for audit be noted.**
- 2. That the address from the Chief Financial Officer and discussion of the Draft 2022/2023 Financial Statements be noted.**
- 3. That the typo of the year 2022 in the budget column of page 6 of the document be updated to 2023.**
- 4. That the audited financial statements be presented to the 26 October 2023 Council meeting.**

The meeting closed at 8.56am.

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CHAIRPERSON



REPORT: Service Review Program Update

DIVISION: Strategy, Partnerships and Engagement
REPORT DATE: 3 October 2023
TRIM REFERENCE: ID23/2382

EXECUTIVE SUMMARY

Purpose	Seek endorsement	Provide review or update
Issue	<ul style="list-style-type: none"> For the purpose of forwarding planning, resourcing and budgeting considerations, the Corporate Strategy and Performance branch are proposing a new service review program to commence January 2024. Staff have been seeking more formal direction and assistance when undertaking service reviews. A framework has been drafted for consideration. 	
Reasoning	<ul style="list-style-type: none"> Regular reporting on Council's Service Review Program is required under the Integrated Planning and Reporting Guidelines. 	
Financial Implications	Budget Area	<p>There are no costs associated with the Framework.</p> <p>Costs associated with the undertaking of Service Reviews are expenses by the service area to which the review relates, this report does not detail costs estimates for the proposed program.</p>
Policy Implications	Policy Title	There are no policy implications arising from this report.
	Impact on Policy	N/A

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

Theme: 4 Leadership

CSP Objective: 4.2 The resources of Council are sustainably managed

Delivery Program Strategy: 4.2.5 Service reviews are conducted to improve Council's performance

RECOMMENDATION

- 1. That the information regarding the current Service Review Program be noted.**
- 2. That the Draft Service Review Framework and 2024 - 2025 Service Review Program (as attached as Appendices 1 and 2) be endorsed.**

Murray Wood
Chief Executive Officer

NC
Director Strategy,
Partnerships and
Engagement

BACKGROUND

Previous Resolutions of Council

24 March 2022 CCL22/64	<ol style="list-style-type: none"> 1. That Council adopt the proposed Service Review program 2. That the Service Review program be put to Council’s Audit and Risk Management Committee for consideration, endorsement and subsequent oversight of the adopted program. 3. That it be noted that performance improvement activities will still be delivered by functional areas of Council at an operational scale that is lesser in scope than service reviews.
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REPORT

Completed Service Reviews 2022 - 2023

SERVICE REVIEW	SUMMARY OF OUTCOMES ACHIEVED
Media and Communications Level 3 review	<p>Implementation Plan - underway.</p> <p>42 recommendations (28 complete, 11 underway, three proposed not to be implemented due to organisation or service delivery change resulting in the action no longer being required)</p> <p>Actions since last report:</p> <p>Recommendation 35 - Media Policy endorsed by Council: policy recommended for endorsement by Corporate Services Committee in September 2023.</p> <p>Recommendation 36 - Presentation and media skills training – two groups provided presentation training in August 2023.</p>
Subdivision Planning Approvals Process Level 2 review	<p>Implementation Plan in response to recommendations is being developed by relevant service areas.</p> <p>Service Review recommendations are already informing process redesign, examination of positions/resources and system training.</p>
Aquatic Facilities Level 3 review	<p>Council endorsed a management contract arrangement in June 2023.</p> <p>Estimated saving of \$500,000 per annum.</p>
Finance Partners Model Review Level 1 review	<p>Implementation Plan – underway</p> <p>Due to competing organisational priorities no further action since last report, remaining with 7 of the endorsed actions completed.</p>
Library Services Regional and Local Level 3 review	<p>Review completed and presented to Executive Leadership Team and Audit and Risk Committee.</p> <p>Implementation Plan to be provided to the October 2023 Audit and Risk Committee meeting and via minutes to the October 2023 Culture and Community Committee meeting.</p>
Business continuity and resilience Water and Sewer Operations Level 2 review	<p>Implementation Plan – completed</p> <p>Staff survey culture and capability review undertaken.</p> <p>Structure review complete.</p> <p>IT infrastructure updated.</p>
Robotic Process	Implementation Plan – completed

Automation Corporate and financial services – stage 1 Level 1 review	18 candidates for automation identified. Implementation of recommendations were cost prohibitive in regards to further engagement of external consultants. Decision taken to undertake stage 2 component of the review and examine internal capacity to implement improvements on priority basis.
Cemetery services including maintenance and grave digging Level 1 review	Implementation Plan – completed. Review resulted in services continuing to be delivered internally.
Child care services Level 1 review	Implementation Plan – underway Review of financial performance and fees and charges in context of service delivery and industry comparisons. Review informed changes to fees and charges above CPI to be applied from the 1 January 2024.

Service Reviews currently underway from the 2022 - 2023 Program

SERVICE REVIEW	REVIEW SUMMARY AND STATUS
Dubbo Regional Livestock Markets Level 3 review	Currently undertaking legal due diligence component of service review in regards to relevant legislation. Legal consultants are developing appropriate contracts, policies and DRLM regulations to support this review. Regular updates continue to be provided to the DRLM Committee in regards to progress, decision points and the next steps.
Community Committees Level 1 review	Review underway. Surveys, workshop and individual interviews complete. Resource and outcome analysis complete. Recommendations being drafted. Report expected for October 2023 Council committee meeting.
Major projects management - internal service delivery: Stage 1 Level 2 review	Examine current internal project management service definition, design and structure. Intent for a holistic internal project management service, not limited to capital projects, supporting the whole organisation and support improved asset management practices. Initial analysis and options paper completed. Further consultation underway to inform service and structure design. Stage 1 Review expected for completion December 2023.
Wellington Caves Complex Level 3 review	Review underway. Stakeholder surveys complete, independent analysis of Caravan Park complete, independent analysis of Caves and Karst system complete, industry analysis complete. Financial analysis and future partnership options underway. Report expected to be presented to December 2023 Council committee meeting.
Information Service: Corporate Information Management Level 2 review	Review underway. Defined as Records Function. Survey and interviews complete and analysis complete. Recommendations being drafted. Report expected to be presented to Executive Leadership Team in October 2023.
Robotic Process Automation Corporate and financial services – stage 2	Further examine investment and resourcing options to support customer centric system and process improvement. Business case identifying potential structural change to support organisational system and process improvement service delivery complete and presented to Executive

Level 2 review	<p>Leadership Team.</p> <p>Process mapping project commenced, but investment in software on hold pending further internal and supplier consultation.</p> <p>A corporate system service review is proposed to inform potential system investment or redevelopment that will, if undertaken, deliver some further process automation outcomes.</p>
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Reviews not completed from the initial proposed list for 2022 - 2023 program included:

- Rural Road Maintenance Grading Program: proposed for 2024
- Major Infrastructure Delivery: Boundary Road Extension- proposed for 2024 for Wheelers Lane project
- Cultural Services: proposed for 2024
- Recreation Services: proposed for 2024
- Grants Attraction and Management: proposed for 2025
- Process Digitisation for Infrastructure Delivery: proposed to be undertaken as a business improvement action

Building asset management and property development were also proposed for potential service reviews in the 2022-2023 program, however, they were reprioritised due to organisational change and capacity to implement other service review projects. Whilst a full service review was not undertaken, the services and associated resourcing of these services has been reviewed by the new relevant Director to inform decision making.

Draft 2024 - 2025 Service Review Program

The Draft Service Review Program 2024 - 2025 (**Appendix 1**) proposes eight reviews, however, outcomes of the financial sustainability review will likely inform the identification of further service reviews, examining service delivery in line with strategic priorities and available resources.

Draft Service Review Framework

The Draft Service Review Framework (**Appendix 2**) outlines Dubbo Regional Council's approach to undertaking service reviews, the general process and roles and responsibilities.

The framework has been developed to provide Dubbo Regional Council (Council), community and staff clarity on the intent of service reviews, outline roles and responsibilities and support a consistent approach to our service review projects. The framework outlines the requirements set out by the Office of Local Government (OLG) through the Integrated Planning and Reporting guidelines and specifies the mechanics of reporting to stakeholders on the progress of the service review program.

Once endorsed, the 2024 - 2025 Service Review Program will be included as an appendix to the framework document.

Following the adoption of the draft Service Review Framework, staff will finalise the internal Service Review Handbook and Procedure. This document details key processes and templates to support staff to undertake a service review project in line with organisational expectations.

Consultation

The draft 2024 – 2025 Service Review Program and draft Service Review Framework was endorsed by the Audit, Risk and Improvement Committee at their meeting on 3 October 2023.

Resourcing Implications

There are no additional costs associated with implementation of the Service Review Framework. The coordination of the Service Review Program is funded through the Strategic Strategy, Partnerships and Engagement operational budget.

Costs associated with the undertaking of individual Service Reviews are expensed by the service area to which the review relates. Service review costs are largely related to the engagement of consultants however the majority of reviews are undertaken in house.

Key Date	Explanation
October 2023	Draft Service Review Framework and Draft Service Review Program presented to Council for consideration.
Quarterly	Ongoing reports to Audit Risk and Improvement Committee.
January 2024	Commencement of the 2024 - 2025 Service Review Program.
April 2024	Service review projects from the adopted program reflected in draft 2024/2025 Operational Plan.

APPENDICES:

- 1 [↓](#) Draft 2024 - 2025 Service Review Program
- 2 [↓](#) Draft Service Review Framework

Draft 2024 – 2025 Service Review Program

SERVICE REVIEW	DATE TO COMMENCE	PROPOSED SCOPE OVERVIEW
Corporate system review Level 2 review	February 2024 (pre work will commence late 2023)	The review will: <ul style="list-style-type: none"> • seek independent advice to review capabilities and shortcomings of corporate system across key functions including service provision from external system providers. • consider base case for general ledger rebuild and project plan for implementation of work orders in context of any potential future system change over.
Visitor Information Services – Dubbo and Wellington Level 2 review	January 2024 (pre work will commence late 2023)	The review will: <ul style="list-style-type: none"> • establish insight to current service delivery and financial analysis of the Dubbo and Wellington Visitor Information Centres as combined and separate entities and examine accreditation and industry benchmarking. • provide analysis of challenges and opportunities to both operational sites, examine service alignment within current operational branch and other services such as customer experience. • Explore opportunities for service delivery partnerships within Council and with external stakeholders.
Major projects management - internal service delivery: Stage 2 Level 2 review	TBC 2024 (timing will be based on the completion of stage 1)	The review will: <ul style="list-style-type: none"> • consider project management systems and processes for capital and non-capital projects across organisation. • undertake system evaluation in context of project management service structure and strategic asset management requirements.
Major Infrastructure Delivery:	April 2024	The review will: <ul style="list-style-type: none"> • enable the organisation to learn lessons from this major road infrastructure project at all stages from design, procurement and installation. • assess the performance of Council against original project performance targets.

<p>Wheeler Lane Stage 1 and 2 Level 1 review</p>		<ul style="list-style-type: none"> • undertake post event engagement with internal and external stakeholders to gain learnings regarding project engagement approach. • assess potential capability and capacity gaps in service delivery as well as opportunities to apply learnings to other infrastructure projects.
<p>Community, recreation and cultural services review: Stage 1 service definition. Level 1 review</p>	<p>January 2024 (pre work to commence late 2023)</p>	<p>The review will:</p> <ul style="list-style-type: none"> • establish insight to current service delivery of cultural services including definition of core services, service levels and performance indicators. • establish insight to current service delivery of recreation services including definition of core services, service levels and performance indicators. • establish insight to current service delivery of community services including definition of core services, service levels and performance indicators. • Undertake gap or overlap analysis of each defined service with existing resources and financial capacity as identified from financial sustainability review. <p>Outcomes from stage one review will inform any required stage 2 projects that may further examine service performance, design and structure.</p>
<p>Airport Operations Level 1 review</p>	<p>TBC 2024</p>	<p>The review will:</p> <ul style="list-style-type: none"> • consider current service design, structure and capacity in context of regulations, risk and operational requirements in addition to stakeholder expectations and satisfaction. • develop recommendations utilising insights from 2023 stakeholder survey project, industry benchmarks and consider future requirements in line with strategic precinct planning and expected service performance.
<p>Rural Road Maintenance Grading Program Level 2 review</p>	<p>August 2024</p>	<p>The review will:</p> <ul style="list-style-type: none"> • examine the current practice and determine if there is merit in a hierarchal approach to road maintenance. • determine merit/risk in heavily trafficked roads receiving more maintenance grading than those servicing a small number of land holders in the cycle.

		<ul style="list-style-type: none"> • examine efficiency of project management of both geographical and hierarchy approach in line with industry best practice. • Identify funding required to maintain or increase service levels on busier roads and maintain existing service levels on lower traffic roads. • review communications with community regarding the service and associated program activity.
Grant attraction and management Level 1 review	TBC 2025	<p>The review will:</p> <ul style="list-style-type: none"> • examine historical performance on delivering incoming grant funded projects/programs • undertake gap and risk analysis/identify challenges through-out the grant lifecycle including: <ul style="list-style-type: none"> - business case preparation and project prioritisation - identifying opportunities - making a successful application - finalising funding agreements/ contracts - project/program delivery - reporting, acquittals. • consider capability and capacity to support stakeholder and community applications. • consider capability and capacity challenges in regards to deliver on grant funded commitments.

Outcomes of the financial sustainability review will likely inform the identification of further service reviews, examining service delivery in line with priorities and available resources.

Dubbo Regional Council Service Review Framework



**DUBBO REGIONAL
COUNCIL**

SEPTEMBER 2023

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DRAFT

BACKGROUND

In September 2021 the Office of Local Government released updated Integrated Planning and Reporting Guidelines.

4.3

To encourage continuous improvement across the Council's operations, the Delivery Program must identify areas of service that the Council will review during its term, and how the Council will engage with the community and other stakeholders to determine service level expectations and appropriate measures.

The Operational Plan must specify each review to be undertaken in that year.

Legislation: Local Government Act 1993 Section 428A

<https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/>

Service Reviews & IPR guidelines

4.17

With respect to service reviews identified in the Delivery Program, the Operational Plan must specify each review undertaken in that year.

5.3

The Annual Report must include information about how the Council has progressed on the delivery of the service reviews it has committed to undertake in that year, the results of those reviews and any changes made to levels of service in the areas under review.

PRINCIPLES FOR SERVICE REVIEWS

Principles for Service Reviews proposed by the Local Government Review Panel in carrying out reviews include:

- A council must achieve continuous improvement in the provision of services and seek to ensure that its services are equivalent to 'best on offer' in its region.
- All services provided by a Council must meet defined performance outcomes and quality and cost standards developed by the council in consultation with local communities and key stakeholders.
- As part of service reviews, a Council must explore the potential for partnerships with adjoining or nearby councils, as well as other public or private service providers.
- Service reviews must take into account the importance of maintaining and where possible increasing local employment opportunities.
- Each service provided by a Council must be accessible to those members of the community for whom the service is intended.
- A council must report regularly to its community on its achievements to these principles.

SERVICE REVIEW PROGRAM

Dubbo Regional Council (DRC) resolved to endorse an 18 month Service Review Program in 2022.

The endorsed service review program only identified for areas to review, it did not define the scope any of the reviews. The scoping of reviews remained as an operational accountability of the Chief Executive Officer (CEO) working within the understood strategic direction and priorities set to the CEO by the Council. Reviews can focus on internal or external services. Program changes and amendments are accepted as the works are further defined and resources are applied to the Service Review Project. There was an exception where the scopes of two reviews were presented to Council due to the nature of those reviews and potential impact.

Reviews that are exploring a potential significant service delivery change, for example potential divestment, should have proposed project scopes resolved by Council. This is to mitigate the risk on investment in exploring avenues without there being an appetite for potential change regardless of the findings of any review. This simply wastes limited resources and engages community, or potential causes angst within community, in a process that will ultimately not inform any decision making.

Council has obligations under Section 428A of the Local Government Act 1993 to undertake service reviews under the auspice of an Audit, Risk and Improvement Committee. Whilst it is an obligation there is minimal direction provided to Council in how reviews are undertaken, what is reviewed or how many are reviewed.

Progress of the endorsed DRC program is reported to Audit and Risk Management Committee at least every six months and ultimately Council. A summary of all reviews is provided, with full report of major reviews provided in full to the Committee and Council (this applied to level 1 reviews as defined in this framework).

To support the implementation of an adopted Service Review Program the following conventions have been created;

- Standardised approach
- Roles and responsibilities
- Key four phase process
- Reporting process
- Definitions

These conventions are detailed within this framework. Operational level conventions including process maps and templates are included in the internal procedure document.

In undertaking service reviews for the purpose of continuous improvement, DRC is committed to proactively ensuring that “business as usual” is tested and alternatives are considered transparently.

Key points:

- Council must endorse a service review program that identifies areas for review.
- CEO is accountable for defining the scope of any service review.
- Any reviews that are actively exploring options that could result in significant change in service delivery should have the scope endorsed by Council.
- Progress is reported to Audit and Risk Management Committee and Council at least every six months.

PURPOSE OF THE FRAMEWORK

The purpose of this framework is to guide Dubbo DRC in a systematic review of its services to achieve the requirements as set out in the Office of Local Government's Integrated Planning and Reporting (IP&R) Guidelines and achieve our organisation vision of **"Creating Community for today and tomorrow"**.

The IP&R framework guidelines mandate that:

4.3

To encourage continuous improvement across the council's operations, the Delivery Program must identify areas of service that the council will review during its term, and how the council will engage with the community and other stakeholders to determine service level expectations and appropriate measures; and
"the Operational Plan must specify each review to be undertaken in that year."

The framework outlines:

- The purpose of the review program
- Council's approach to service reviews
- Roles and responsibilities for service reviews
- Expected benefits from a service review program.

This framework is applied in conjunction with DRC's Service Reviews Procedure, an internal reference and process document for all staff to refer to when undertaking and/or participating in services reviews at all levels.

This framework and associated service reviews, is underpinned by the following service performance principles:

- Services should be provided in an equitable manner and be responsive to the diverse needs of the community;
- Services should be accessible to the members of the community for whom the services are intended;
- Quality and costs standard for services set by the Council should provide good value to the community;
- Council should seek to continuously improve service delivery to the community in response to performance monitoring;
- Service delivery must include a fair and effective process for considering and responding to complaints about service provision.

Key points:

- The Framework is important to ensure integrity of program and alignment with IP&R guidelines and service performance principles.
- The Framework identifies the process in which reviews are undertaken at DRC.
- The Framework is supported by an internal procedure handbook.

APPROACH TO SERVICE REVIEWS

A common objective of a service review is to ensure 'value for money' for our ratepayers.

Reviews help to identify the mix of services and funding arrangements that best meet the community's needs.

The objective of any service review in exploring service delivery models is not centred on necessarily finding an alternative service model, the process in fact may prove the current approach is providing the best value for money for our ratepayers. Such an outcome is just a valuable in confirming that we are doing what community needs in an effective way.

A service review could be centred on a number of outcomes including:

- inform potential rationalisation of services
- explore increased efficiency or finding cost savings
- consider alternative service delivery mechanisms
- consider the potential for divestment
- minimising corporate risk.

Whilst the above outcomes are more centred on rationalisation and financial measures, and could be perceived in a negative light, just as equally service reviews can be centred on the below which reframes the process more positively:

- improve service delivery
- identify income generation
- respond to changing customer priorities and needs
- align the service with Council's vision
- optimise service levels to meet expectations
- build staff capacity and skills
- consider the provision of services with other organisations.

A key challenge in developing and considering a service review is that as individuals we all see value through different lenses. DRC serves a diverse community, with growing expectations and rightfully big aspirations for our region's future. It is critical that service reviews reflect relevant facts and data but also provide opportunity for appropriate stakeholders to provide input in context of the challenges and opportunities to best inform decision making.

In structuring the Service Review Program at DRC reviews are classified across three levels, being:

Level 1	The WHAT	What we are doing. A processes, a specific/defined service delivery area.
Level 2	The HOW	How we are achieving. Exploring service delivery structures, key process design, resourcing, benchmarked performance, post project learnings or key function reviews.
Level 3	The WHY	Why we are doing. Examining full functions or service areas in the context of challenges and opportunities, consideration of why we are operating that way, defining what is the expected performance level, or exploring alternative service delivery models.

Regardless of the scope, all service reviews have one shared purpose - to best ensure community value.

ROLES AND RESPONSIBILITIES

Role	Responsibilities
Council	<ul style="list-style-type: none"> • Service Review Framework adoption • Endorsement of Service Review Program • High level oversight of program implementation • Consideration of Level 3 Service Reviews and recommended actions • Provide strategic direction to the CEO that helps inform the prioritisation and scope of service reviews.
Chief Executive Officer	<ul style="list-style-type: none"> • Determine timetable of service reviews within adopted program and aligning required resources • Approval of service review scopes
Corporate Strategy and Performance	<ul style="list-style-type: none"> • Project management of identified service reviews, which may include: <ul style="list-style-type: none"> - engaging with stakeholders - gathering information - benchmarking, options and financial analysis - recommendations • Service review services (internal and external providers) <ul style="list-style-type: none"> - management of corporate templates - scope review and approval (prior to CEO) - first review of draft summary and findings/options - input to management response to final recommendations • Prepare and oversee the Service Review Program • Prepare Service Review Program reports • Monitoring of any implementation phase post review
'Service' Managers	<ul style="list-style-type: none"> • Validation of inputs collected by project team • Provision and support of data collection • Input to management response to final recommendations • Implementation of agreed recommendations
Service Review Project Sponsor (Internal)	<ul style="list-style-type: none"> • Overall success of the service review, including success of post-review process and implementation of action plans • The proponent of the service review, objectives and scope • Approval of service review brief, including scope, objectives and approach • Lead management response to final recommendations • Approval to release to stakeholders
Service Review Project Manager (Internal)	<ul style="list-style-type: none"> • Planning and execution of the service review project • On occasions (as determined by the scope and brief) an external contractor may be engaged to undertake delivery or facilitate a service review, the Project Manager role is always an internal staff member
Project Control Group members /stakeholders	<ul style="list-style-type: none"> • Proactive participation • Be an open contributor • Industry or subject experts may also be engaged as contactors to participate as a group member or stakeholder

SERVICE REVIEW PHASES

DRC service reviews are undertaken in a four-phase process. All four phases are supported by corporate templates that provide guidance to support consistency in approach and adequate reporting on the Service Review Program.

1. Service Review Project Brief	2. Service Review Project	3. Post Service Review	4. Service Review Monitoring
<ul style="list-style-type: none"> • Define what is the purpose of the review, what you're trying to achieve and how will this review will benefit community • Identify links to the Community Strategic Plan or corporate priorities • Develop the scope - what's in and what's out • Establish project team • Identify and engage stakeholders • Agree project governance structure • Identify key influencers, messaging and project risks • Establish project deliverables 	<ul style="list-style-type: none"> • Set project timelines • Undertake project in line with agreed deliverables • Communicate project approach with stakeholders • Analyse the current service performance and environment • Engage with stakeholders and seek feedback • Review alternatives • Analyse risks of change • Establish performance criteria for change • Develop clear recommendations 	<ul style="list-style-type: none"> • Engage with stakeholders on service review outcomes • Review recommendations and agree on future action • Develop an Implementation Plan based on agreed action • Develop a Change Management Plan • Evaluate the actual review process and document enhancements for future - did the project go as intended - why or why not. 	<ul style="list-style-type: none"> • Ongoing monitoring of the implementation plan • Evaluate the change management process and document enhancements for future • Report on outcomes and share key learnings

REPORTING PROCESS

DRC reports on its service reviews at various stages and to various stakeholders which is determined by the level being; Level 1 examining WHAT, Level 2 examining HOW and Level 3 examining WHY. There may be exceptions where a lower level service review would be reported to Council based on risk (i.e. reputation, financial, legal, impact or sensitivity). The process for reporting on the overall program is shown at Figure 1. The process for reporting on individual service reviews is shown at Figure 2.

Figure 1: Service Review Program reporting

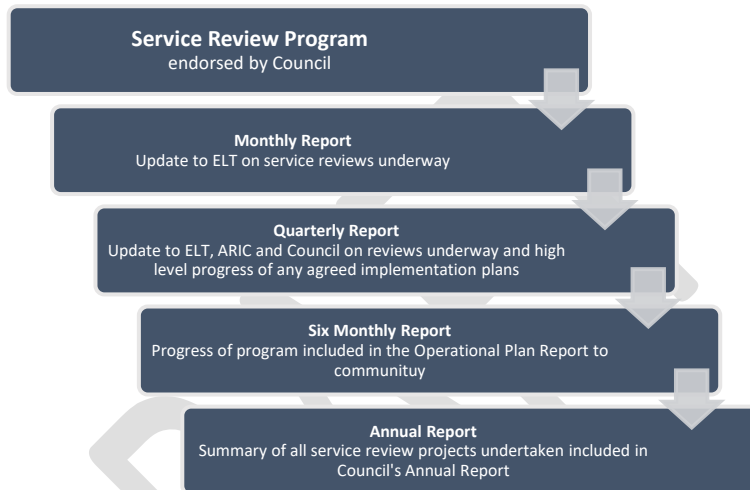
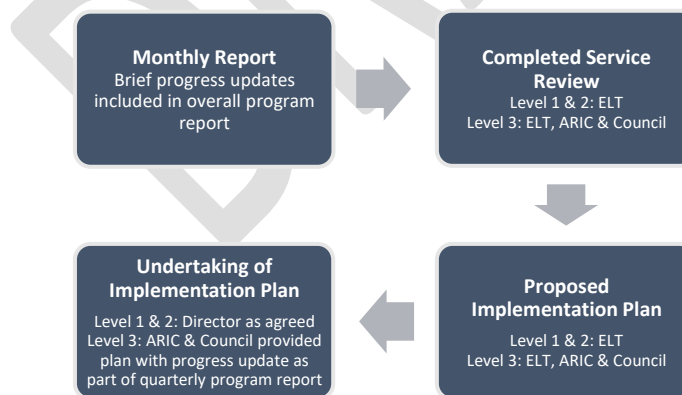


Figure 2: Individual service review project reporting



In response to recommendations arising from a service review an implementation plan can be provided within the same report as the actual Service Review Report, however development of an Implementation Plan often requires further analysis of the review recommendations, more stakeholder engagement and consideration of resources.

Project managers are supported by detailed process maps as part of the internal reference and procedure document.

OUTCOMES OF SERVICE REVIEWS

The value in undertaking a service review is only truly realised with the undertaking of action in response to recommendations AND the measurement of impact/change/improvement as a result of that action.

Service Review outcomes and associated actions are often formalised via adoption of an implementation plan, works program and/or action plan. Outcomes may also be formalised through their inclusion in Council's strategic documents such as the Delivery Program and Operational Plan. With agreement, Directors, Managers and Staff are also held accountable to achieved desired outcomes through their performance goals, service performance targets and service level commitments.

An outcome or by product of a service review may be a more detailed business case. Business cases are a key tool to inform evidence-based investment decisions by government. The objective of developing a robust a business case is to ensure resource allocation decisions are well timed, offer value for money, consider and mitigate risks and are consistent with DRC (community) priorities and objectives.

The NSW Government Business Case Guidelines (TPP18-06) establish a best practice, clear and consistent approach to preparing business cases which can provide guidance to relevant 'service' managers developing a business case in response to a service review recommendation <https://www.treasury.nsw.gov.au/information-public-entities/business-cases>.

RISKS

In undertaking service reviews project sponsors and project managers need to consider risk in the project design and implementation. Risk also needs to be considered in development of recommendations and the creation of any resulting implementation plan.

DRC adopted its Risk Management Council Policy in April 2023. The purpose of the Risk Management Policy is to provide direction and commitment to Risk Management principles as part of Council's management planning, decision making and the undertaking of operational activities. DRC recognises that risk management is fundamental to the organisation achieving its strategic and operational objectives and that it plays an integral role in day-to-day management and decision making at all levels.

DRC has three classifications for risks, which can be considered in context when undertaking service reviews.

1. **STRATEGIC RISK** - Strategic Risks are defined in the context of Council as risks where the causes/contributing factors are outside the control of Council, but, if they were to occur, they may be serious enough to require a revision of Council's Strategic plan and/or Council's Strategic Community Plan.
2. **ENTERPRISE (OPERATIONAL RISK)** - Enterprise (Operational) Risks are those where the causes are either inside or outside the control of Council, but, if they occur, they will impact on the achievement of Council's current Strategic Plan and/or Council's Strategic Community Plan.
3. **PROJECT RISK** - The management of risk in projects requires a unique approach given the significant difference in context. The assessment of project risk requires consideration of schedule, cost and performance within the context of the project so utilising the corporate risk context (e.g. Consequence Matrix) is not appropriate.

DEFINITIONS

WORD, PHRASE, NAME	DEFINITION
ARIC	Audit, Risk and Improvement Committee. Under section 428A of the Local Government Act, each council is required to have this committee to independently review and advise on numerous aspects of the council's operations including service reviews.
Benchmark/benchmarking	A standard or point of reference against which things may be compared.
Change Management Plan	A process a business follows to implement changes across the organisation.
Community Strategic Plan (CSP)	The Community Strategy Plan describes the community's vision and aspirations for a period of ten of or more years. With the CSP the Delivery Program and Operational Plan lists and reports on the adopted Service Review Program.
Detailed Business Case template	DRC template.
Engagement Strategy	<p>The IP&R Framework is underpinned by strong community engagement. Engagement with residents as well as business, state agencies and non-government organisations is essential to creating plans that will truly represent the aspirations and needs of the local community. The Engagement Strategy is based on the social justice principles of access, equity, participation and rights, and;</p> <ul style="list-style-type: none"> identifies relevant stakeholder groups in the community outlines the methods that the council will use to engage each of these groups. allows sufficient time to effectively undertake the engagement <p>It is important to understand the difference between informing the community about what the council is proposing, and empowering the community to play an integral role in determining the goals, strategies and actions to be undertaken.</p>
Risk Management Policy	DRC – Council Policy.
Executive Leadership Team (ELT)	Work group consisting of the Chief Executive Officer and all Directors.
External	Coming or derived from a source outside the subject affected.
Framework	A document providing an overarching structure that guides how an activity may be developed, approved, communicated and reviewed. An effective framework documents the processes to be followed at each stage of the activities lifecycle.
Health check	A current comprehensive evaluation of the crucial elements of the service business. It provides you several questions to help you concentrate on the business in a way that helps you see it from the point of view of an external expert.
Implementation Plan	A plan, post-service review that outlines steps/actions to be taken in respect to the service review recommendations. High level progress against this plan is included in quarterly reporting. Progress on Level 3 reviews implementation plans is to be provided to ELT, ARIC and Council.
Internal	Coming or derived from a source inside the subject organisation
'Service' Manager	Is the internal stakeholder who has core responsibility to deliver the service. Could be a Director, Manager, Coordinator or Team Leader. See Roles and Responsibilities for context within the Service Review Framework
Objectives	A thing aimed at or sought; a goal.
Outcome	Outcomes are what the business wants or needs to achieve. An outcome is the actual added value that results from the output for the target group.
Output	Describes the result of an activity a company carries out, but which does not have a measurable impact on its customers. The outcomes are what the business wants or needs to achieve.
Planning, Short-term, Medium-term, Long-term	Generally, anything below two years to be short-term; from two to ten years as medium term; and anything beyond 10 years to be long term.
Policy	A course or principle of action adopted or proposed by an organisation or individual.
Post Service Review Template	DRC template available to staff to reflect on project success and agree to implementation of any recommendations.
Procedure	A series of actions conducted in a certain order or manner.
Process	A series of actions or steps taken in order to achieve a defined and particular end.
Risk based approach	The risk-based approach has three steps: determine the risk profile, implement effective risk controls and balance the residual risk.
Senior Leadership Team (SLT)	Work group consisting of all staff that have Manager as their position title.
Service	The activities performed or authorised to be performed by the department including, but not limited to, its performance of duties, responsibilities, and functions in local government affairs and its exercise of power and authority in local government affairs. Local Government Services means those services generally supplied by local government,

	including but not limited to recreational facilities, water, sewage, waste disposal, and road maintenance.
Service area	A collective term used to identify a branch/s, team/s or function/s of Council that deliver services.
Service delivery	A business framework that supplies services from a provider to a client (internal or external). It also includes the constant interaction between the two parties during the duration of the time in which the provider supplies the service and the customer purchases/receives it.
Service Review Monitoring Template	DRC template available to staff. One is for monitoring service review project deliverables and one is for monitoring implementation of agreed recommendations.
Service Review Project Brief	DRC template available to staff to commence a service review project.
Sponsor	See Roles and Responsible for context within the Service Review Framework
Stakeholder	Any people or groups who are positively or negatively impacted by a project, initiative, policy or Organisation. They could be internal (people within your Organisation) or external (people outside of your Organisation).
Strategic alignment	Is the prudent arrangement of the various internal and external elements of an Organisation—from its business strategy to its Organisational structure—to best support the achievement of its long-term goals and purpose.
Strategic Business Case template	DRC template
Strategic planning	Long-term vision for the future. A blueprint of goals, planned projects to achieve those goals, and metrics to determine success.
Strategy	A plan of action designed to achieve a long-term or overall aim.
System	A set of principles or procedures according to which something is done; an organised scheme or method. A management information system (MIS) is a computer system consisting of hardware and software that serves as the backbone of an organisation's operations. An MIS gathers data from multiple online systems, analyses the information, and reports data to aid in management decision-making.
Workshop	A meeting at which a group of people engage in intensive discussion and activity on a particular subject or project.



REPORT: Investment Under Section 625 of the Local Government Act - September 2023

DIVISION: Organisational Performance
REPORT DATE: 3 October 2023
TRIM REFERENCE: ID23/2212

EXECUTIVE SUMMARY

Purpose	Provide review or update	Fulfil legislative requirement/compliance
Issue	<ul style="list-style-type: none"> Investment under Section 625 of the <i>Local Government Act 1993</i>. 	
Reasoning	<ul style="list-style-type: none"> Section 212 of the Local Government (General) Regulation 2021 Section 625 of the Local Government Act 1993 Council's Investment Policy and Strategy 	
Financial Implications	Budget Area	Organisational Performance
	Funding Source	Interest Earned on Investment
Policy Implications	Policy Title	Investment Policy 2023
	Impact on Policy	There are no policy implications arising from this report

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

Theme: 4 Leadership
 CSP Objective: 4.2 The resources of Council are sustainably managed
 Delivery Program Strategy: 4.2.1 The system of raising revenue is equitable and revenue from grants and other income sources is maximised

RECOMMENDATION

That the information contained within the Investment under Section 625 of the Local Government Act Report, dated 3 October 2023, be noted.

Abbey Rouse
Director Organisational Performance

KC
Graduate Accountant

BACKGROUND

As required by Section 212 of the *Local Government (General) Regulation 2021*, set out below are the details of all monies that Council has invested under Section 625 of the *Local Government Act 1993* as at 30 September 2023.

In accordance with the *Investment Ministerial Order* dated 12 January 2011, Dubbo Regional Council (Council) may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- a. any public funds or securities issued by or guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- b. any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- c. interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- d. any bill of exchange which has a maturity date of not more the 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- e. A deposit with the New South Wales Treasury Corporation on investment in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

Investments, when placed, have been done so in accordance with the *Local Government Act*, *Local Government (General) Regulations 2021* and Council's Investment Policy and Strategy. Interest on investments for the month of September 2023 has been accounted for on an accrual basis. This report details investments and annualised returns for the month of September 2023.

Interest earned on investments has been included within Council's 2023/2024 Operational Plan, with total income generated from the Investment Portfolio forecast to be in excess of \$7,463,425.00.

REPORT

Consultation

- Laminar Capital Pty Ltd provides advisory services to Council on any investment related decision.

Resourcing Implications

- The management of Council's investment portfolio is a primary activity of a staff member within Council's Financial Operations branch.

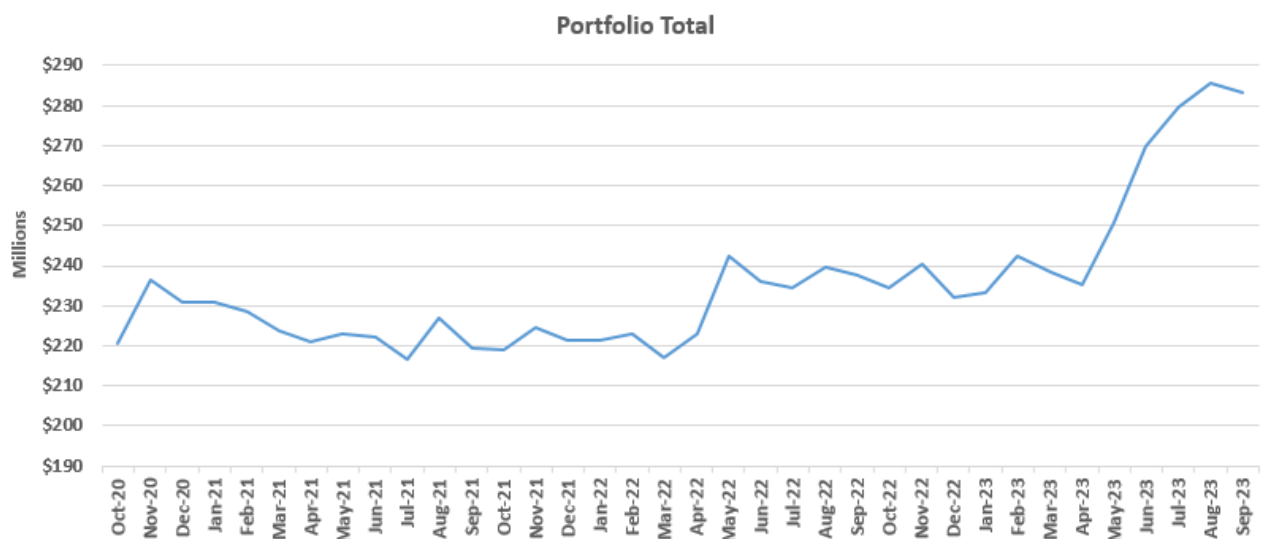
Portfolio Overview

The below table details Council’s current investment portfolio:

Issuer	Market Value	% Total Value
AMP Bank Ltd	3,073,701.36	1.08%
Australian Unity Bank (BPSS20)	4,088,328.76	1.43%
Auswide Bank Limited	13,572,825.00	4.76%
Bank of China (Australia) Limited	4,533,480.00	1.59%
Bank of China Limited, Sydney Branch	3,019,590.00	1.06%
Bank of Queensland Ltd	47,549,945.50	16.66%
Commonwealth Bank of Australia Ltd	55,225,507.28	19.35%
Heritage and People's Choice Limited t/as People's Choice Credit Union	10,124,452.05	3.55%
Judo Bank	16,290,024.37	5.71%
Macquarie Bank	7,660,640.00	2.68%
Macquarie Credit Union Limited	2,060,142.46	0.72%
ME Bank - a division of Bank of Queensland Ltd	5,293,643.85	1.85%
MyState Bank Ltd	21,169,221.10	7.42%
National Australia Bank Ltd	61,523,192.85	21.55%
Northern Territory Treasury Corporation	13,033,450.00	4.57%
Rabobank Nederland Australia Branch	4,965,450.00	1.74%
Suncorp-Metway Ltd	4,771,750.00	1.67%
UBS Australia Ltd	4,458,420.00	1.56%
Westpac Banking Corporation Ltd	3,019,689.87	1.06%
Portfolio Total	285,433,454.45	100.00%

^Portfolio overview represents total market value. Investment face value is \$283,070,842.15

^ NAB is inclusive of Councils cash account.



Investment Compliance

The following table shows that Council's investments are compliant with the revised Investment Policy that was adopted at the Ordinary Council meeting held 23 March 2023.

Issuer limits as at 30 September 2023



Interest Income

The below table details payments of interest paid to Council between 1 September 2023 to 30 September 2023.

Security ISIN	Security	Issuer	Income Expense Code	Settlement Date	Face Value (Basis of Interest Calculation)	Consideration Notional
AU3FN0069555	Auswide 1.3 10 Jun 2025 FRN	Auswide Bank Limited	IEI314280	11 Sep 2023	5,000,000.00	68,011.64
	AMP 0.75 15 Sep 2023 730DAY TD	AMP Bank Ltd	IEI315588	15 Sep 2023	2,000,000.00	15,000.00
AU3FN0067393	Auswide 0.9 17 Mar 2025 FRN	Auswide Bank Limited	IEI316210	18 Sep 2023	5,000,000.00	65,012.64
	JUDO 1.7 16 Sep 2026 1826DAY TD	Judo Bank	IEI318724	18 Sep 2023	3,000,000.00	51,000.00
AU3FN0061024	MYS 0.65 16 Jun 2025 FRN	MyState Bank Ltd	IEI303271	18 Sep 2023	8,000,000.00	102,033.01
	BOQ 3.35 20 Sep 2023 1826DAY TD	Bank of Queensland Ltd	IEI317502	20 Sep 2023	2,000,000.00	67,000.00
	BOQ 4.76 21 Sep 2026 1461DAY TD	Bank of Queensland Ltd	IEI248791	21 Sep 2023	5,000,000.00	238,000.00
	BOQ 4.91 23 Sep 2027 1826DAY TD	Bank of Queensland Ltd	IEI249109	25 Sep 2023	4,000,000.00	197,476.16
	NAB At Call In	National Australia Bank Ltd	IEI319099	29 Sep 2023		163,230.59
						966,764.04

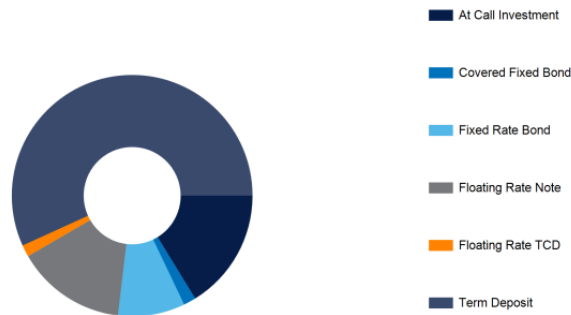
[^] Interest received consists of payments made to Council's allocated bank account and are exclusive of accruing interest.

Investment by Asset Class

The following table details Council’s investment holdings by investment type:

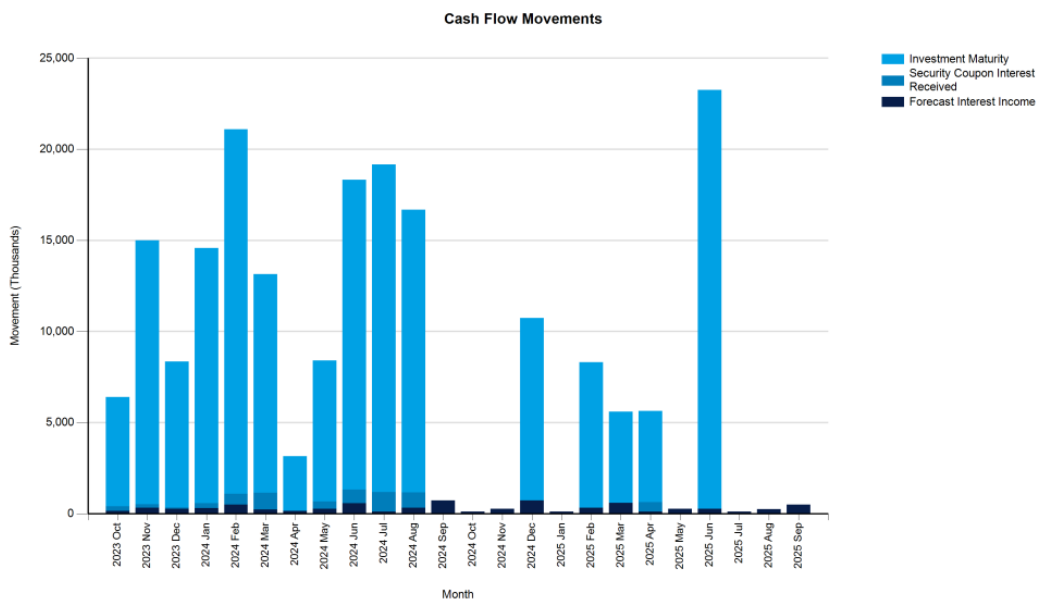
Security Type	Market Value	% Total Value
At Call Investment	46,320,842.15	16.23%
Covered Fixed Bond	4,771,750.00	1.67%
Fixed Rate Bond	25,659,540.00	8.99%
Floating Rate Note	42,099,915.00	14.75%
Floating Rate TCD	4,533,480.00	1.59%
Term Deposit	162,047,927.30	56.77%
Portfolio Total	285,433,454.45	100.00%

Market Value by Security Type

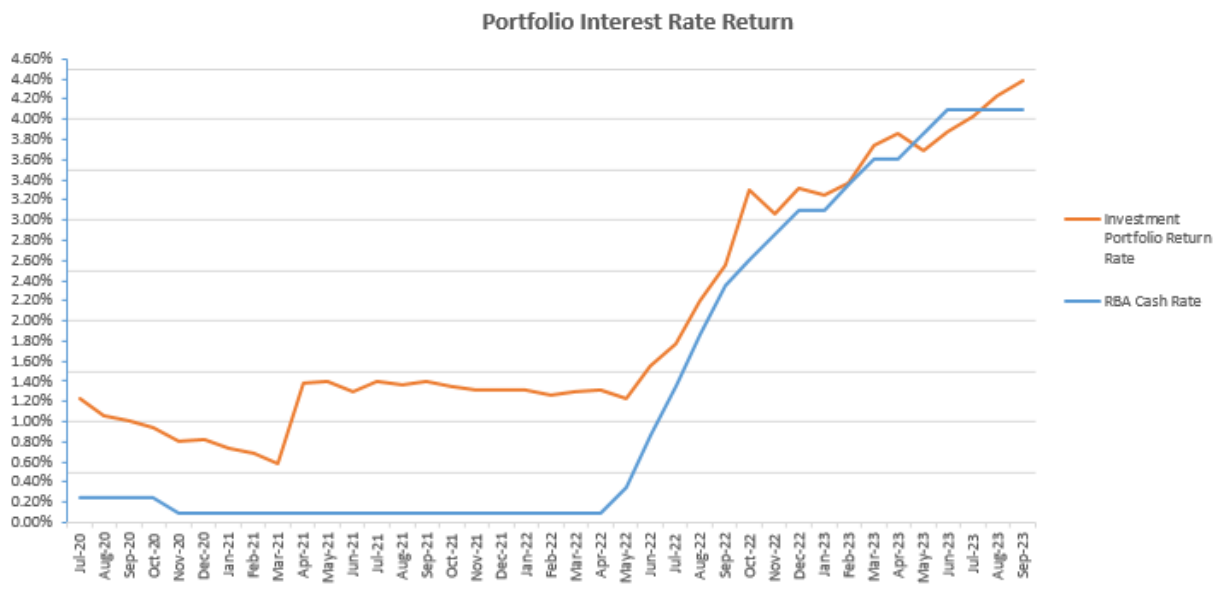
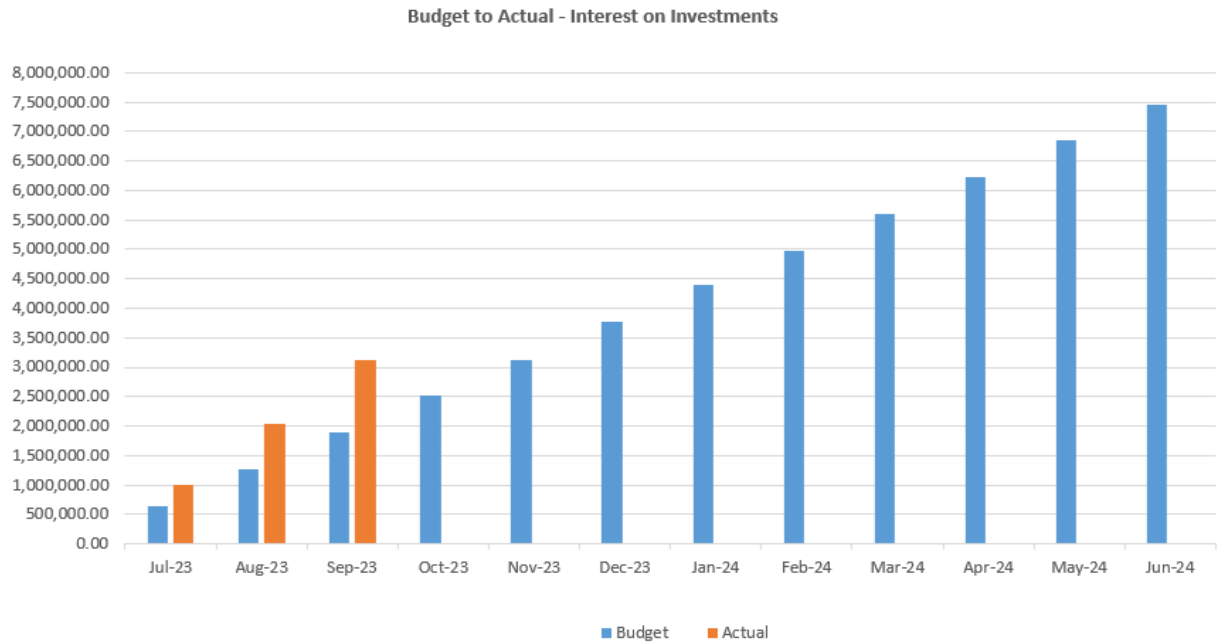


Future Maturity Cash flow

The below table details the expected cash flow of future investment maturity:



Budget to Actual – Total Accumulated Interest on Investments – Year to Date



The investment limit parameters prior to March 2021 were aligned to Tcorp’s investment guidelines, which are very restrictive and therefore reduced the opportunity to maximise investment returns for Council.

As at 30 September 2023, Council has investments totalling \$38,000,000 Face Value which were invested with fixed interest rates below the current Official Cash Rate of 4.10%. Of these investments \$12,000,000 will mature in the financial year ending 30 June 2024. These investments have interest rates ranging from 0.80% to 3.10%. Longer term investments beyond 30 June 2024 totalling \$26,000,000 were invested with interest rates ranging from

0.90% to 3.25%. These investments were placed with competitive interest rates at the time the investments were made.

Summary

Cash Account

Council outperformed the 11.00 am Official Cash Rate market benchmark for one month return of 4.10%, achieving a return of 4.50% for its At Call investments for the month of September 2023.

Investment Portfolio

Council outperformed the one month Bloomberg AusBond Bank Bill Index of 0.36%, with an average return of 4.38% for its overall portfolio return.



REPORT: Draft Council Policy - Code of Meeting Practice - Results of Public Exhibition

DIVISION: Organisational Performance
REPORT DATE: 20 September 2023
TRIM REFERENCE: ID23/2320

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Adopt a policy Provide review or update Seek endorsement 				
Issue	<ul style="list-style-type: none"> The public exhibition period for the draft Council Policy – Code of Meeting Practice has concluded, with zero submissions received. The draft policy now ready for adoption. 				
Reasoning	<ul style="list-style-type: none"> This is the second review of this policy for this Council Term. Minor changes made in this review as detailed in the report. 				
Financial Implications	<table border="1"> <tr> <td>Budget Area</td> <td>There are no financial implications arising from this report.</td> </tr> </table>	Budget Area	There are no financial implications arising from this report.		
Budget Area	There are no financial implications arising from this report.				
Policy Implications	<table border="1"> <tr> <td>Policy Title</td> <td>Code of Meeting Practice.</td> </tr> <tr> <td>Impact on Policy</td> <td>Once adopted with revisions, this will become the policy of council.</td> </tr> </table>	Policy Title	Code of Meeting Practice.	Impact on Policy	Once adopted with revisions, this will become the policy of council.
Policy Title	Code of Meeting Practice.				
Impact on Policy	Once adopted with revisions, this will become the policy of council.				

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

- Theme: 4 Leadership
- CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance
- Delivery Program Strategy: 4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner
-
- Theme: 4 Leadership
- CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance
- Delivery Program Strategy: 4.1.2 Council's decision-making processes are open, transparent and accountable

RECOMMENDATION

That the draft Council Policy, Code of Meeting Practice, as attached at Appendix 1, be adopted.

Abbey Rouse
Manager Corporate Governance

SW
Governance Team Leader

BACKGROUND

Previous Resolutions of Council

<p>27 July 2023 CCL23/196</p>	<p><i>“That the draft Council Policy “Code of Meeting Practice”, as attached as Appendix 1 to the report, be adopted by Council for the purposes of Public Exhibition for a period of 28 days, with Clauses 3.11 and 3.12, 3.12(a) and 3.12(b) being replaced with the following prior to being placed on Public Exhibition:</i></p> <ul style="list-style-type: none"> <i>i. 3.11 If the Chief Executive Officer considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the chief executive officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.</i> <i>ii. 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council’s current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the chief executive officer must either:</i> <ul style="list-style-type: none"> <i>(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or</i> <i>(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.</i> <i>iii. 3.9 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted eight business days before the meeting is to be held.</i> <i>iv. 20.25 The minutes of meetings of each Committee of the Council must be confirmed at the next Ordinary Council meeting”.</i>
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REPORT

The Code of Meeting Practice was reviewed and adopted in April 2022 as per the requirement under section 360(3) of the Local Government Act that the elected body must revise and adopt this policy within 12 months of the start of their term of council.

Also noting that public consultation is mandatory for this policy for significant changes.

The changes made with this review are as listed below, and are deemed to enhance a more efficient administrative process, in order to allow adequate processing and checking of reports and councillor notices of motions to allow for timely for Agenda and Business paper production and distribution.

Consultation

- The Code of Meeting Practice is written in accordance with the Office of Local Government's Model Code of Meeting Practice for Councils in NSW 2021.
- As per section 361 of the Local Government Act, the draft Code of Meeting Practice was placed on Public Exhibition for a period of "not less than 28 days" being 10 August to 15 September 2023.
- There were no public submissions during this period.

Resourcing Implications

- Nil.

Options Considered

- The majority of the provisions within this Policy are mandatory under the Model Code of Meeting Practice.
- Additional non-mandatory provisions were considered by the elected body in the last review early 2022 and were included in the Policy.
- Some new changes made in this review are for the purpose of timing to allow a more efficient processing and distribution of the Agenda and Business papers prior to the meeting.

Preferred Option

- All changes are indicated in red text in **Appendix 1**.
- Changes include (in red text):
 - Giving Notice of Business to be Considered at Council Meetings
 - 3.9 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted eight business days before the meeting is to be held.
 - 3.11 If the Chief Executive Officer considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the chief executive officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
 - 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of

the notice of motion. If the notice of motion does not identify a funding source, the chief executive officer must either:

- a. prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - b. by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.
- 20.25 The minutes of meetings of each Committee of the Council must be confirmed at the next Ordinary Council meeting.

Next Steps

- The Policy, if adopted, come into immediate effect.
- Once adopted, the Policy will be displayed on Council's website, in accordance with the Government Information (Public Access) Act.
- Relevant staff will be notified of the updated policy.
- Business paper release to the elected body will change to become Thursday prior to the meeting.
- Business paper release to the public, via Council's website, will change to be Friday prior to the meeting.

APPENDICES:

- 1 [↓](#) Draft Council Policy - Code of Meeting Practice



DUBBO
REGIONAL
COUNCIL

COUNCIL POLICY

Code of Meeting Practice

Date July 2023

Council Resolution Date

Clause Number

Responsible Position Manager Corporate Governance

Branch Corporate Governance

Division Organisational Performance

Version 5

TRIM Reference Number

Review Period Within 12 months of new Term of Council or when the Model Code of Meeting Practice is updated by the Office of Local Government NSW.

Review Date November 2024

Consultation Councillor Workshop
Public Exhibition prior to adoption

Document Revision History	
Description	Date
Amended and adopted by Council following merger between former Dubbo City and Wellington Councils	July 2016
Amended to include provision for web streaming of Council and Standing Committee meetings	October 2017
Amended to reflect position title change from General Manager to Chief Executive Officer	May 2018
Adopted by Council following workshop and Public Exhibition	July 2019
Submitted to Council for adoption following minor changes (see notes)	October 2021
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Amendments made for new Term of Council to reflect updated Model Code of Meeting Practice.	

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1. INTRODUCTION

PURPOSE

A Council and a Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by the Council.

BACKGROUND AND RELATED LEGISLATION

The Model Code of Meeting Practice for Local Councils in NSW (the Model Code) is made under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

Council must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code of Meeting, but may also include non-mandatory and other supplementary provisions of the Model Code providing that it does not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

This Code of Meeting Practice has been publically exhibited in accordance with the Act and adopted by the Council.

SCOPE

This Code applies to all meetings of Council and Committees of Council of which all the members are Councillors (Committees of Council). These Committees include the Committee of the Whole; the Infrastructure, Planning and Environment Committee; the Culture and Community Committee; and the Corporate Services Committee. Council Committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

DEFINITIONS

To assist in interpretation, the following definitions apply:

Term	Definition
The Act	<i>The Local Government Act 1993.</i>
Act of disorder	An act of disorder is defined in clause 15.11 of this code.
Amendment	In relation to an original motion, means a motion moving and amendment to that motion.
Audio recorder	Any device capable of recording speech.
Audio-visual link	means a facility that enables audio and visual communication between persons at different places
Business day	Any day except Saturday or Sunday or any other day the whole or part of which is observed a public holiday throughout NSW.
Chairperson	In relation to a meeting of the council, the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code; and in relation to a meeting of a committee, the person presiding at the meeting as provided by clause 20.11 of this code.

This code	Council's adopted Code of Meeting Practice.
Committee of the Council	A committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1.
Council official	Has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
Day	Calendar day.
Division	A request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion.
Foreshadowed amendment	A proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment.
Foreshadowed motion	A motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion.
MCOMP	NSW Government Model Code of Meeting Practice for Local Councils in NSW 2021.
Open voting	Voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
Planning decision	A decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.
Performance Improvement Order	An order issued under Section 438A of the Act.
Quorum	The minimum number of councillors or committee members necessary to conduct a meeting.
The Regulation	<i>The Local Government (General) Regulation 2021.</i>
Webcast	A video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time.
Year	The period beginning 1 July and ending the following 30 June.

RESPONSIBILITIES

A Council and a Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by the Council.

POLICY

See next page for Dubbo Regional Council's Code of Meeting Practice.

2. MEETING PRINCIPLES

(MCOMP Mandatory Provision 2.1)

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3. BEFORE THE MEETING

Timing of Ordinary Council Meetings

(MCOMP Mandatory Provisions 3.1 - 3.2)

3.1 The time, date and place of Ordinary meetings will be determined during the Ordinary meeting of Council held each September for the ensuing year, unless it is a Local Government election year in which case the Ordinary meeting dates will be determined in October for the ensuing year.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary Meetings

(MCOMP Mandatory Provision 3.3)

3.2 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting.

Note: Clause 3.2 reflects section 366 of the Act.

Notice to the Public of Council Meetings

(MCOMP Mandatory Provisions 3.4-3.6)

3.3 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of Committees of the Council.

Note: Clause 3.3 reflects section 9(1) of the Act.

3.4 For the purposes of clause 3.3, notice of a meeting of the Council and of a Committee of council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to Councillors of Ordinary Council Meetings

(MCOMP Mandatory Provisions 3.7 - 3.8)

3.6 The Chief Executive Officer must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.6 reflects section 367(1) of the Act.

3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.7 reflects section 367(3) of the Act.

Notice to Councillors of Extraordinary Meetings

(MCOMP Mandatory Provision 3.9)

3.8 Notice of less than three (3) days may be given to Councillors of an Extraordinary meeting of the Council in cases of emergency.

Note: Clause 3.8 reflects section 367(2) of the Act.

Giving Notice of Business to be Considered at Council Meetings

*(MCOMP Mandatory Provisions 3.10-3.11
MCOMP Non-mandatory Provisions 3.12-3.13)*

3.9 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~at~~ **eight business days before the meeting is to be held.**

3.10 A Councillor may, in writing to the Chief Executive Officer, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered. If a Councillor who has submitted a notice of motion under this clause wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.

3.11 A notice of motion lodged with Council must request the Chief Executive Officer to prepare a report on the subject of the notice of motion for a future meeting of Council that addresses the legal, strategic, financial or policy implications of the proposed motion.

3.12 A notice of motion for the expenditure of funds on works and/or

services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the Chief Executive Officer must either:

(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or

(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions With Notice

(MCOMP Mandatory Provisions 3.14-3.16)

3.13 A Councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the Chief Executive Officer about the performance or operations of the Council.

3.14 A Councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the Chief Executive Officer or a member of staff of the Council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of the Council.

3.15 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and Business Papers for Ordinary Meetings

(MCOMP Mandatory Provision 3.17-3.22)

3.16 The Chief Executive Officer must cause the agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.

3.17 The Chief Executive Officer must ensure that the agenda for an Ordinary meeting of the Council states:

(a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and

(b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and

(c) all matters, including matters that are the subject of staff reports and reports of Committees, to be considered at the meeting, and

(d) any business of which due notice has been given under clause 3.9.

3.18 Nothing in clause 3.17 limits the powers of the Mayor to put a Mayoral Minute to a meeting under clause 9.6.

3.19 Nothing in clause 3.17 limits the powers of the Chief Executive Officer to table a report at a meeting under clause 3.20.

3.20 Subject to clause 3.21, the Chief Executive Officer may, by report signed by the Chief Executive Officer, put to the meeting, in writing, without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

3.21 Any report put to the meeting under clause 3.20 must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of

their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.

3.22 The Chief Executive Officer must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

3.23 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.23 reflects section 9(2A)(a) of the Act.

3.24 The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Statement of Ethical Obligations*(MCOMP Mandatory Provision 3.23)*

3.25 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the Agenda and Business Papers to the Public*(MCOMP Mandatory Provision 3.24-3.27)*

3.26 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and Committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

Note: Clause 3.26 reflects section 9(2) and (4) of the Act.

3.27 Clause 3.26 does not apply to the business papers for items of business that the Chief Executive Officer has identified under clause 3.23 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.27 reflects section 9(2A) (b) of the Act.

3.28 For the purposes of clause 3.26, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

Note: Clause 3.28 reflects section 9(3) of the Act.

3.29 A copy of an agenda, or of an associated business paper made available under clause 3.26, may in addition be given or made available in electronic form.

Note: Clause 3.29 reflects section 9(5) of the Act.

Agenda and Business Papers for Extraordinary Meetings*(MCOMP Mandatory Provisions 3.28-3.32)*

3.30 The Chief Executive Officer must ensure that the agenda for an Extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

3.31 Despite clause 3.30, business may be considered at an Extraordinary meeting of the Council, even though due notice of the business has not been given, if:

(a) a motion is passed to have the business considered at the meeting, and

(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.

3.32 A motion moved under clause 3.31(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.33 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.31(a) can speak to the motion before it is put.

3.34 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.31(b) on whether a matter is of great urgency.

Pre-meeting Briefing Sessions

(MCOMP Non-mandatory Provision 3.33-3.38)

3.35 Prior to each Ordinary meeting of the Council, the Chief Executive Officer may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for Extraordinary meetings of the Council and meetings of Committees of the Council.

3.36 Pre-meeting briefing sessions are to be held in the absence of the public.

3.37 Pre-meeting briefing sessions may be held by audio-visual link.

3.38 The Chief Executive Officer or a member of staff nominated by the Chief Executive Officer is to preside at pre-meeting briefing sessions.

3.39 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or Committee meeting at which the item of business is to be considered.

3.40 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or Committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

3.41 A record of minutes will be taken in pre-meeting briefings including the items discussed, attendees at the

meetings, timings and conflicts of interest as detailed in clause 3.40.

4. PUBLIC FORUMS

(MCOMP Non-mandatory Provision 4.1-4.24)

4.1 The Council will hold a public forum during each Ordinary and Extraordinary meeting of the Council for the purpose of hearing oral submissions from members of the public.

4.2 Public forums may be held by audio-visual link.

4.3 Public Forum is limited to a maximum period of thirty (30) minutes and shall be held following "Apologies" on the Council agenda. Should there remain time following speakers who have previously nominated, the Mayor will enquire of the Public Gallery if there are any other speakers.

Should the number of nominated speakers exceed the thirty (30) minute time frame, a decision by Council may extend the time frame for Public Forum by a length of time nominated by the mover of the motion.

4.4 Members of the public wishing to discuss items of business listed on the business paper will be given preference over those wishing to discuss matters that are not included on the agenda to be considered at the meeting.

4.5 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received at least two (2) hours prior to the commencement of the public forum, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item, where applicable. Any material for distribution to the Council must be submitted with the application for approval by the Chief Executive Officer.

4.6 A person may apply to speak on more than one item however the total time that person speaks for must not exceed five (5) minutes.

4.7 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.8 The Chief Executive Officer or their delegate may refuse an application to speak at a public forum. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application and advise the chairperson prior to the respective public forum session.

4.9 No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.

4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the first two (2) speakers to register interest to speak on that item shall be permitted to speak to the item.

4.11 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may, in consultation with the Mayor or the chairperson as the case may be, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business. Additional speakers shall speak once all

registered speakers have spoken and will only be permitted provided that the maximum time for public forum of thirty (30) minutes is not exceeded.

4.12 Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs no less than one (1) business day before the public forum. The Chief Executive Officer or their delegate may refuse to allow such material to be presented should the request be unreasonable and the equipment not being readily available.

4.13 The Chief Executive Officer or their delegate is to determine the order of speakers at the public forum. This will usually be determined by the order in which the requests are received.

4.14 Each speaker will be allowed five (5) minutes to address the Council. This time is to be strictly enforced by the chairperson.

4.15 Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard and will be requested to return to their seat.

4.16 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.

4.17 Speakers at public forums **cannot** ask questions of the Council, Councillors, or Council staff.

4.18 The Chief Executive Officer or their nominee may, with the concurrence of the chairperson, address the Council for up to two (2) minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.

4.19 Where an address made at a public forum raises matters that require further consideration by Council staff, the Chief Executive Officer may recommend to the chairperson that the Council defer consideration of the matter pending the preparation of a further report on the matters.

4.20 When addressing the Council, speakers at public forums must comply with this code and all other relevant Council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct, or making other potentially defamatory statements.

4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.

4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the Chief Executive Officer or their delegate may refuse further applications

from that person to speak at public forums for a period of six (6) months. Should this speaker repeat this conduct following this suspension at a further public forum session, the Chief Executive Officer or their delegate may refuse further applications from that person to speak at public forums for a period of twelve (12) months. Should this speaker repeat this conduct following this second suspension at a further public forum session, the Chief Executive Officer or their delegate may refuse further applications from that person to speak at public forums indefinitely.

4.24 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so during the remainder of a Council or Committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

4.25 Where an address relates to an issue of general interest (that is a matter not listed on the agenda), it cannot be debated by Council except where in accordance with clause 9.3 of this code:

(a) a motion is passed to have the business considered at the meeting, and

(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

4.26 Speakers must conduct themselves with respect to Council and observe the rules of order and meeting procedure as contained in Council's Code of Meeting Practice. As part of Public Forum, the

Mayor shall ensure the conduct of public forum is such that presenters:

- confine their presentation to a statement of facts
- not insult or make personal reflections or impute improper motives to any Councillor or member of staff
- not say or do anything that is inconsistent with maintaining order at the meeting or is likely to bring Council into contempt
- allow other speakers to put their views without interruption.

4.27 Any potential tenderer (being a person or entity, including their agent, employee or representative, that has requested documents or information regarding a tender or quotation) must not be permitted to address a meeting of Council (including any Committee or Working Party of Council) regarding the relevant tender or quotation without the prior written consent of the Chief Executive Officer.

In deciding whether to grant such consent, the Chief Executive Officer may take into consideration: any relevant legislative requirements, tendering guidelines issued by the Office of Local Government from time to time, terms of the relevant tender or quotation documents, Council's Code of Conduct, and the rules of procedural fairness.

(It is noted that Council has a statutory obligation to ensure that any requests for tender or quotation documents, or information or clarification regarding the tender or quotation, from any potential tenderer must be directed to the responsible officer identified in the tender or quotation documents.)

4.28 It is Council's practice that members of the public who have an interest in matters before Council's standing committees (Infrastructure, Planning and Environment Committee;

Culture and Community Committee or Corporate Services Committee) are advised that they may attend and address those committees. This practice is more informal and there is often interaction, questions, or discussions between those persons and the Councillors and staff. This informality has been at the discretion of the Chairperson, noting that only those matters listed on the Committee's agenda will be discussed; matters of "general interest" are not to be raised by the public.

There is no specific agenda item for Public Forum during Committee meetings, but registered speakers will address the Council immediately prior to the subject matter on the agenda.

5. COMING TOGETHER

Attendance by Councillors at Meetings

(MCOMP Mandatory Provisions 5.1 – 5.8)

5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of Committees of the Council of which they are members.

Note: A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2 A Councillor cannot participate in a meeting of the Council or of a Committee of the Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

5.3 Where a Councillor is unable to attend one or more Ordinary meetings of the Council, the Councillor should formally request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

Note: The making an apology by a Councillor is to be done in writing to the Chief Executive Officer at least one (1) hour prior to the commencement of a meeting who will notify the Mayor, or chairperson prior to the commencement of a meeting. An apology will not be recorded for an absent Councillor who has not provided formal notification.

5.4 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

5.6 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1) (d) of the Act.

5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the Chief Executive Officer at least two (2) days' notice of their intention to attend.

The Quorum for a Meeting

(MCOMP Mandatory Provisions 5.9 – 5.13

Non-mandatory Provisions 5.14-5.16)

5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

Note: Clause 5.9 reflects section 368(2) of the Act.

5.10 A meeting of the Council must be adjourned if a quorum is not present:

(a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or

(b) within half an hour after the time designated for the holding of the meeting, or

(c) at any time during the meeting.

5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:

(a) by the chairperson, or

(b) in the chairperson's absence, by the majority of the councillors present, or

(c) failing that, by the Chief Executive Officer.

5.12 The Chief Executive Officer must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Mayor may, in consultation with the Chief Executive Officer and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to

the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.2.

Meetings Held Via Audi-Visual Link

(MCOMP Non-Mandatory Provisions 5.16 – 5.18)

5.15 A meeting of the Council or a Committee of the Council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the Chief Executive Officer and, as far as is practicable, with each councillor.

5.16 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the Chief Executive Officer must:

(a) give written notice to all councillors that the meeting is to be held by audio-visual link, and

(b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and

(c) cause a notice to be published on the council's website and in such other manner the Chief Executive Officer is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by Councillors at Meetings by Audi-Visual Link

(MCOMP Non-Mandatory Provisions 5.19 – 5.30)

5.18 Councillors may attend and participate in meetings of the Council and Committees of the council by audio-visual link with the approval of the Council or the relevant Committee.

5.19 A request by a Councillor for approval to attend a meeting by audio-visual link must be made in writing to the Chief Executive Officer prior to the meeting in question and must provide reasons why the Councillor will be prevented from attending the meeting in person.

5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a Councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19.

5.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.

5.22 A Councillor who has requested approval to attend a meeting of the Council or a Committee of the Council by audio-visual link may participate in the meeting by audio-visual link until the

Council or Committee determines whether to approve their request and is to be taken as present at the meeting. The Councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

5.23 A decision whether to approve a request by a Councillor to attend a meeting of the Council or a Committee of the Council by audio-visual link must be made by a resolution of the Council or the Committee concerned. The resolution must state:

(a) the meetings the resolution applies to, and

(b) the reason why the Councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

5.24 If the Council or Committee refuses a Councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

5.25 A decision whether to approve a Councillor's request to attend a meeting by audio-visual link is at the Council's or the relevant Committee's discretion. The Council and Committees of the Council must act reasonably when considering requests by Councillors to attend meetings by audio-visual link. However, the Council and Committees of the Council are under no obligation to approve a Councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the Councillor to attend the meeting by these means.

5.26 The Council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they

have attended a meeting of the council or a committee of the council by audio-visual link.

5.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the Public to Attend Council Meetings

(MCOMP Mandatory Provisions 5.31 – 5.33)

5.30 Everyone is entitled to attend a meeting of the Council and Committees of the Council. The Council must ensure that all meetings of the Council and Committees of the Council are open to the public.

Note: Clause 5.30 reflects section 10(1) of the Act. Committees of the Council in this context refers to standing committees where all Councillors are members.

5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.32 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a Committee of the Council if expelled from the meeting:

(a) by a resolution of the meeting, or

(b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.32 reflects section 10(2) of the Act.

Note: clause 15.14 confers a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. Clause 15.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of Meetings

(MCOMP Mandatory Provisions 5.34 – 5.39)

5.33 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

These meetings shall be webcast as an audio-visual live stream with a copy of the stream being retained on Council's website for a minimum period of 6 months.

5.34 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

(a) the meeting is being recorded and made publicly available on the council's website, and

(b) persons attending the meeting should refrain from making any defamatory statements.

5.35 The recording of a meeting is to be made publicly available on the council's website:

(a) at the same time as the meeting is taking place, or

(b) as soon as practicable after the meeting

5.36 The recording of a meeting is to be made publicly available on the council's website for at least twelve (12) months after the meeting.

5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clause 5.33 – 5.37 reflect section 236 of the Regulation.

5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the Chief Executive Officer and Other Staff at Meetings

(MCOMP Mandatory Provisions 5.40 – 5.43 and Non-Mandatory Provision 5.44)

5.39 The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all of the members are Councillors.

Note: Clause 5.39 reflects section 376(1) of the Act.

5.40 The Chief Executive Officer is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.

Note: Clause 5.40 reflects section 376(2) of the Act.

5.41 The Chief Executive Officer may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the Chief Executive Officer or the terms of employment of the Chief Executive Officer.

Note: Clause 5.41 reflects section 376(3) of the Act.

5.42 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the Chief Executive Officer.

5.43 The Chief Executive Officer and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the Chief Executive Officer.

6. THE CHAIRPERSON

The Chairperson at Meetings

(MCOMP Mandatory Provisions 6.1 – 6.2)

6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the Chairperson in the Absence of the Mayor and Deputy Mayor

(MCOMP Mandatory Provisions 6.3 – 6.8)

6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4 The election of a chairperson must be conducted:

(a) by the Chief Executive Officer or, in their absence, an employee of the Council designated by the Chief Executive Officer to conduct the election, or

(b) by the person who called the meeting or a person acting on their behalf if neither the Chief Executive Officer nor a designated employee is present at the meeting, or if there is no Chief Executive Officer or designated employee.

6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to Have Precedence

(MCOMP Mandatory Provisions 6.9)

6.9 When the chairperson rises or speaks during a meeting of the Council:

(a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and

(b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

7. MODES OF ADDRESS

(MCOMP Non-Mandatory Provisions 7.1 – 7.4)

7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

7.3 A Councillor is to be addressed as 'Councillor [surname]'.

7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname] or their position title.

7.5 During a meeting of the Council, all Councillors with the exception of the chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking.

8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

(MCOMP Mandatory Provisions 8.1/8.2 – 8.4)

8.1 The general order of business for an ordinary meeting of the council shall be:

- 01 Opening meeting
- 02 Prayer
- 03 Welcome to Country or Acknowledgement of Country
- 04 Apologies and applications for a leave of absence or attendance by audio-visual link by Councillors
- 05 Conflicts of Interest
- 06 Public Forum
- 07 Confirmation of Minutes
- 08 Mayoral minute(s)
- 10 Procedural Matters
- 11 Information Only Matters
- 12 Petitions
- 13 Matters Considered by Committees
- 14 Notices of Motion/ Notices of Motion of Rescission
- 15 Delegates' Reports
- 16 Reports from Staff
- 17 Questions on Notice
- 18 Comments and Matters of Urgency
- 19 Confidential matters
- 20 Conclusion of the meeting

8.2 The order of business as fixed under 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

8.4 With regard to the lodgement of petitions:

- (a) Petitions must be lodged in the format as specified in the Petitions Policy
- (b) Petitions may be lodged at a Council meeting however they are not to

be considered or debated unless a resolution of Council is passed to transact the business of the meeting and the chairperson rules it as a matter of urgency in accordance with clause 9.3.

(c) Petitions lodged with Council will be presented to Council for consideration at the next available Ordinary meeting of Council where the agenda has not already been determined.

8.5 (a) Questions on Notice must be lodged in writing with the Chief Executive Officer no later than 5pm five business days prior to the scheduled Ordinary Meeting of the Council.

(b) Questions on Notice must directly relate to the business of the Council and must put every such question directly, succinctly and without argument, in accordance with clause 9.18.

9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be Dealt with at a Council Meeting

(MCOMP Mandatory Provisions 9.1 – 9.5)

9.1 The Council must not consider business at a meeting of the Council:

(a) unless a Councillor has given notice of the business, as required by clause 3.10, and

(b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an Ordinary meeting or clause 3.9 in the case of an Extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

(a) is already before, or directly relates to, a matter that is already before the Council, or

(b) is the election of a chairperson to preside at the meeting, or

(c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or

(d) is a motion for the adoption of recommendations of a Committee, including, but not limited to, a Committee of the Council.

9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:

(a) a motion is passed to have the business considered at the meeting, and

(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

9.4 A motion moved under clause 9.3(a) can be moved without notice.

Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral Minutes

*(MCOMP Mandatory Provisions 9.6 – 9.9
Non-mandatory Provision 9.10)*

9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting, in writing, without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

9.7 A Mayoral Minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral Minute without the motion being seconded.

9.8 A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.

9.9 A Mayoral Minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.

9.10 Where a Mayoral Minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan, it must

identify the source of funding for the expenditure that is the subject of the recommendation.

If the Mayoral Minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the recommendation if adopted.

Staff Reports

(MCOMP Mandatory Provision 9.11)

9.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of Committees of Council

(MCOMP Mandatory Provisions 9.12 – 9.13)

9.12 The recommendations of a Committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.

9.13 If in a report of a Committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions

(MCOMP Mandatory Provisions 9.14 – 9.19)

9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.13.

9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.

9.16 A Councillor may, through the Chief Executive Officer, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the Chief Executive Officer at the direction of the Chief Executive Officer.

9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council or before the next meeting of Council with the response being circulated to all Councillors.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

10. RULES OF DEBATE

Motions to be Seconded

(MCOMP Mandatory Provision 10.1)

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of Motion

(MCOMP Mandatory Provisions 10.2 – 10.4)

10.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.

10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the council:

(a) any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or

(b) the chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's Duties With Respect to Motions

(MCOMP Mandatory Provisions 10.5 – 10.8)

10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions Requiring the Expenditure of Funds

(MCOMP Non-Mandatory Provision 10.9)

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the motion if adopted.

Amendments to motions

(MCOMP Mandatory Provisions 10.10 – 10.16)

10.10 An amendment to a motion must be moved and seconded before it can be debated.

10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.

10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.

10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed Motions

(MCOMP Mandatory Provisions 10.17 – 10.19)

10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the

previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the Number and Duration of Speeches

(MCOMP Mandatory Provisions 10.20 – 10.30)

10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

10.24 Despite clause 10.22, the Council may resolve to shorten the duration of

speeches to expedite the consideration of business at a meeting.

10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:

(a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or

(b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.

10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.

10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11. VOTING

Voting Entitlements of Councillors

(MCOMP Mandatory Provisions 11.1 – 11.3)

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council Meetings

*(MCOMP Mandatory Provisions 11.5 – 11.10
Non-mandatory Provision 11.11)*

11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.5 If a Councillor votes against a motion put at a Council meeting, the Chief Executive Officer must ensure that the Councillor's dissenting vote is recorded in the Council's minutes as if a division had been called.

11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.

11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The Chief Executive Officer must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.

11.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.

11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

11.10 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on Planning Decisions

(MCOMP Mandatory Provisions 11.12 – 11.15)

11.11 The Chief Executive Officer must keep a register containing, for each planning decision made at a meeting of the Council or a Council Committee (including, but not limited to a Committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

11.12 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

11.13 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.14 Clauses 11.11–11.13 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.14 reflect section 375A of the Act.

Note: The requirements of clause 11.11 may be satisfied by maintaining a register of the minutes of each planning decision.

12. COMMITTEE OF THE WHOLE

(MCOMP Mandatory Provisions 12.1 – 12.4)

12.1 The Council may resolve itself into a Committee to consider any matter before the Council.

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

12.3 The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the Council designated by the Chief Executive Officer, is responsible for reporting to the Council the proceedings of the Committee of the Whole. It is not necessary to report the proceedings in full, but any recommendations of the Committee must be reported.

12.4 The Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

13. DEALING WITH ITEMS BY EXCEPTION

(MCOMP Non-mandatory Provisions 13.1 – 13.7)

13.1 The Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

13.2 Before the Council or Committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

13.3 The Council or Committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or Committee must resolve to alter the order of business in accordance with clause 8.2.

13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

(MCOMP Mandatory Provisions 14.1 – 14.2)

14.1 The Council or a Committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

(a) personnel matters concerning particular individuals (other than Councillors),

(b) the personal hardship of any resident or ratepayer,

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,

(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it, or

(ii) confer a commercial advantage on a competitor of the Council, or

(iii) reveal a trade secret,

(e) information that would, if disclosed, prejudice the maintenance of law,

(f) matters affecting the security of the Council, Councillors, Council staff or Council property,

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,

(i) alleged contraventions of the Council's Code of Conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The Council or a Committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be Considered when Closing Meetings to the Public

(MCOMP Mandatory Provisions 14.3 – 14.7)

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

(a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

(a) are substantial issues relating to a matter in which the Council or Committee is involved, and

(b) are clearly identified in the advice, and

(c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

(a) a person may misinterpret or misunderstand the discussion, or

(b) the discussion of the matter may:

(i) cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or

(ii) cause a loss of confidence in the Council or Committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of Likelihood of Closure Not Required in Urgent Cases

(MCOMP Mandatory Provision 14.8)

14.8 Part of a meeting of the Council, or of a Committee of the Council, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter

that is likely to be considered when the meeting is closed, but only if:

(a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and

(b) the Council or Committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:

(i) should not be deferred (because of the urgency of the matter), and

(ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by Members of the Public

(MCOMP Mandatory Provisions 14.9-14.17)

14.9 The Council, or a Committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by Council no less than two (2) hours before the meeting at which the matter is to be considered.

14.12 The Chief Executive Officer (or their delegate) may refuse an application made under clause 14.11. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than three (3) speakers are to be permitted to make representations under clause 14.9 and each speaker shall be allowed a maximum of two (2) minutes to make representations to the Council.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the Chief Executive Officer or their delegate is to determine who will make representations to the Council.

14.15 The Chief Executive Officer (or their delegate) is to determine the order of speakers.

14.16 Where the Council or a Committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than three (3) speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed two (2) minutes to make representations, and

this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of Non-councillors from Meetings Closed to the Public

(MCOMP Mandatory Provisions 14.18 - 4.19)

14.18 If a meeting or part of a meeting of the Council or a Committee of the Council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of Councillors Attending Meetings by Audio-Visual Link

(MCOMP Non-Mandatory Provision 14.20)

14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be Disclosed in Resolutions Closing Meetings to the Public

(MCOMP Mandatory Provision 14.21)

14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

(a) the relevant provision of section 10A(2) of the Act,

(b) the matter that is to be discussed during the closed part of the meeting,

(c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions Passed at Closed Meetings to be Made Public

(MCOMP Mandatory Provisions 14.22 – 14.23)

14.22 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.23 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

15. KEEPING ORDER AT MEETINGS

Points of Order

(MCOMP Mandatory Provisions 15.1 – 15.3)

15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of Order

(MCOMP Mandatory Provisions 15.4 – 15.7)

15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.

15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of Dissent

(MCOMP Mandatory Provisions 15.8 – 15.10)

15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

15.1 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of Disorder

(MCOMP Mandatory Provisions 15.11 – 15.12)

15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:

(a) contravenes the Act, the Regulation or this code, or

(b) assaults or threatens to assault another Councillor or person present at the meeting, or

(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the Committee, or addresses or attempts to address the Council or the Committee on such a motion, amendment or matter, or

(d) insults, makes unfavourable personal remarks about or imputes improper motives to any other Council

official, or alleges a breach of the Council's Code of Conduct, or

(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the Committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

15.12 The chairperson may require a Councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b) or (e), or

(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or

(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How Disorder at a Meeting may be Dealt With

(MCOMP Mandatory Provision 15.13)

15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from Meetings

*(MCOMP Non-mandatory Provision 15.14 - 15.16
Mandatory Provisions 15.17 - 15.20)*

15.14 All chairpersons of meetings of the Council and Committees of the Council are authorised under this code to expel any person other than a Councillor, from a

Council or Committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the Committee of the Council.

15.15 Clause 15.14 does not limit the ability of the Council or a Committee of the Council to resolve to expel a person, including a Councillor, from a Council or Committee meeting, under section 10(2)(a) of the Act.

15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

Note: Clause 15.16 reflects section 233(2) of the Regulation.

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.

15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

How Disorder by Councillors Attending Meetings by Audio-Visual Link May be Dealt With

(MCOMP Non-Mandatory Provisions 15.21 – 15.22)

15.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of Mobile Phones and the Unauthorised Recording of Meetings

(MCOMP Mandatory Provisions 15.23 – 15.26)

15.22 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and Committees of the Council.

15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a Committee of the Council without the prior authorisation of the Council or the Committee.

15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the

meeting as provided for under section 10(2) of the Act.

15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16. CONFLICTS OF INTEREST

(MCOMP Mandatory Provision 16.1

Non-Mandatory Provision 16.2)

16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and Committees of the Council in accordance with the Council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's Code of Conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17. DECISIONS OF THE COUNCIL

Council Decisions

(MCOMP Mandatory Provisions 17.1 – 17.2)

17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

Note: Clause 17.1 reflects section 371 of the Act.

17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or Altering Council Decisions

(MCOMP Mandatory Provisions 17.3 – 17.9 and 17.11

Non-mandatory Provisions 17.10 and 17.12 – 17.14)

17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the

resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.

17.10 Where a Councillor intends to move a notice of motion to alter or rescind a resolution relating to a development application, the Councillor must advise the Chief Executive Officer their intent to do so immediately following the adoption of the motion and the notice of motion to alter or rescind a resolution must be submitted to the Chief Executive Officer no later than 48 hours after the completion of the meeting at which the resolution was adopted. This will allow the Council to delay the formal approval of the development application until the matter is finalised.

17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

Note: Clause 17.11 reflects section 372(6) of the Act.

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:

(a) a notice of motion signed by three Councillors is submitted to the chairperson, and

(b) a motion to have the motion considered at the meeting is passed, and

(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

17.15 Where a Councillor has indicated that they wish to submit a notice of motion under 17.12(a), the chairperson must adjourn the meeting for five (5) minutes to allow the preparation of the notice of motion.

Recommitting Resolutions to Correct an Error

(MCOMP Non-mandatory Provisions 17.15 – 17.20)

17.16 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

(a) to correct any error, ambiguity or imprecision in the council's resolution, or

(b) to confirm the voting on the resolution.

17.17 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.16(a), the Councillor is to propose alternative wording for the resolution.

17.18 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.16(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.19 A motion moved under clause 17.16 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.16 can speak to the motion before it is put.

17.20 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.16.

17.21 A motion moved under clause 17.16 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18. TIME LIMITS ON COUNCIL MEETINGS

(MCOMP Non-mandatory Provisions 18.1 – 18.5)

18.1 There are no time limits imposed on Council or Committee meetings however the chairperson may adjourn a meeting of Council or Committee if required due to the meeting not completing in a reasonable timeframe, following the moving and adoption of a motion to do so.

19. AFTER THE MEETING

Minutes of Meetings

(MCOMP Mandatory Provisions 19.1 – 19.7

Non-Mandatory Provision 19.2(a))

19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

Note: Clause 19.1 reflects section 375(1) of the Act.

19.2 At a minimum, the Chief Executive Officer must ensure that the following matters are recorded in the Council's minutes:

(a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,

(b) details of each motion moved at a Council meeting and of any amendments moved to it,

(c) the names of the mover and seconder of the motion or amendment,

(d) whether the motion or amendment was passed or lost, and

(e) such other matters specifically required under this code.

19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

Note: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors

after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to Correspondence and Reports Laid on the Table at, or Submitted to, a Meeting

(MCOMP Mandatory Provisions 19.8 – 19.11)

19.8 The Council and Committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the Council or the Committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of Decisions of the Council

(MCOMP Mandatory Provision 19.12)

19.12 The Chief Executive Officer is to implement, without undue delay, lawful decisions of the Council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20. COUNCIL COMMITTEES

Application of this Part

(MCOMP Mandatory Provision 20.1)

20.1 This Part only applies to Committees of the Council whose members are all Councillors.

Council Committees Whose Members are all Councillors

(MCOMP Mandatory Provisions 20.2 – 20.4)

20.2 The Council may, by resolution, establish such Committees as it considers necessary.

20.3 A Committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

20.4 The quorum for a meeting of a Committee of the Council is to be:

- (a) such number of members as the Council decides, or
- (b) if the Council has not decided a number – a majority of the members of the Committee.

Functions of Committees

(MCOMP Mandatory Provision 20.5)

20.5 The Council must specify the functions of each of its Committees when the Committee is established but may from time to time amend those functions.

Notice of Committee Meetings

(MCOMP Mandatory Provisions 20.6 – 20.7)

20.6 The Chief Executive Officer must send to each Councillor, regardless of whether they are a Committee member, at least three (3) days before each meeting of the Committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a Committee meeting called in an emergency.

Attendance at Committee Meetings

(MCOMP Mandatory Provisions 20.8 – 20.9)

20.8 A Committee member (other than the Mayor) ceases to be a member of a Committee if the Committee member:

- (a) has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the Council are members of the Committee.

Non-members Entitled to Attend Committee Meetings

(MCOMP Mandatory Provision 20.10)

20.10 A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at a meeting of the Committee. However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and Deputy Chairperson of Council Committees

(MCOMP Mandatory Provisions 20.11 – 20.14)

20.11 The chairperson of each Committee of the Council must be:

- (a) the Mayor, or
- (b) if the Mayor does not wish to be the chairperson of a Committee, a member of the Committee elected by the Council, or
- (c) if the Council does not elect such a member, a member of the Committee elected by the Committee.

20.12 The Council may elect a member of a Committee of the Council as deputy chairperson of the Committee. If the Council does not elect a deputy chairperson of such a Committee, the Committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting chairperson of the Committee.

20.14 The chairperson is to preside at a meeting of a Committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in Committee Meetings

(MCOMP Mandatory Provisions 20.15 – 20.18)

20.15 Subject to any specific requirements of this code, each Committee of the Council may regulate its own procedure. The provisions of this code are to be taken to apply to all Committees of the Council unless the

Council or the Committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the Committee is equal, the chairperson of the Committee is to have a casting vote as well as an original vote unless the Council or the Committee determines otherwise in accordance with clause 20.15.

20.17 Voting at a Council Committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of Committee Meetings to the Public

(MCOMP Mandatory Provisions 20.19 – 20.21)

20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of Committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.

20.19 If a Committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in Committee Meetings*(MCOMP Mandatory Provision 20.22)*

20.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council Committee Meetings*(MCOMP Mandatory Provision 20.23, 20.25 – 20.29**Non-mandatory provision 20.23(a) and 20.24)*

20.22 Each Committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a Committee must ensure that the following matters are recorded in the Committee's minutes:

(a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,

(b) details of each motion moved at a meeting and of any amendments moved to it,

(c) the names of the mover and seconder of the motion or amendment,

(d) whether the motion or amendment was passed or lost, and

(e) such other matters specifically required under this code.

20.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

20.24 If a Councillor votes against a motion put at a Committee of Council meeting, the Chief Executive Officer must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

20.25 The minutes of meetings of each Committee of the Council must be confirmed at ~~a subsequent meeting of the Committee—the next Ordinary Council meeting.~~

20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.29 The confirmed minutes of a meeting of a Committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

21. IRREGULARITIES

(MCOMP Mandatory Provision 21.1)

21.1 Proceedings at a meeting of a Council or a Council Committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Councillor or Committee member, or
- (c) any defect in the election or appointment of a Councillor or Committee member, or
- (d) a failure of a Councillor or a Committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or Committee meeting in accordance with the Council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.