

**Mayor:** Cr K Milne

**Councillors:** P Allsop  
R Byrnes  
C Cherry (Deputy Mayor)  
R Cooper  
J Owen  
W Polglase

# Late Agenda

## Ordinary Council Meeting Wednesday 17 April 2019

held at  
Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads  
commencing at 5.30pm

# Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

## Guiding Principles for Tweed Shire Council

### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

### (2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

### (3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

**Items for Consideration of Council:**

<b>ITEM</b>	<b>PRECIS</b>	<b>PAGE</b>
<b>LATE ITEMS</b>		<b>5</b>
<b>LATE REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE</b>		<b>5</b>
<b>35</b>	<b>LATE [PCG-CM] Code of Meeting Practice for Exhibition</b>	<b>5</b>

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## LATE ITEMS

### LATE REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

#### 35 LATE [PCG-CM] Code of Meeting Practice for Exhibition

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes  
Providing support to make it happen

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Behind the scenes
- 4.1 Assurance
- 4.1.1 Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

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#### SUMMARY OF REPORT:

The 2018 Model Code of Meeting Practice for Local Councils in NSW was prescribed on 14 December 2018 under the *Local Government (General) Regulation 2005 (Regulation)*.

Under section 440 of the *Local Government Act 1993*, each council is required to adopt a code of meeting practice based on the Model Code of Meeting Practice prescribed under the Regulation. The adopted Code of Meeting practice can vary from the Model Code but can be no less stringent and must contain the mandatory elements of the Model Code.

Council must adopt the new Model Code of Conduct and Procedures within six months of prescription, which is by 14 June 2019.

#### RECOMMENDATION:

**That Council approves the draft Code of Meeting Practice as attached to this report for public exhibition for a period of 28 days from Monday, 15 April 2019 until close of business on Monday, 13 May 2019 and allows submissions for 42 days from Monday, 15 April 2019 until close of business on Monday, 27 May 2019.**

## **REPORT:**

This report is a further report to the Council Meeting held on 4 April 2019.

### **Background**

The Model Meeting Code has two elements:

- Mandatory provisions (indicated in black font in Attachment 1) that reflect the existing meetings provisions of the Act and update and enhance the meetings provisions previously prescribed under the Regulation to reflect contemporary meetings practice by councils.
- Non-mandatory provisions (indicated in red font in Attachment 1) that cover areas of meetings practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as being best practice for the relevant area of practice.

Councils are required to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice prescribed by the Regulation. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

Council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council.

### **First Workshop**

A workshop was held with Councillors on 27 February 2019 to discuss:

- The new mandatory provisions in the Model Code of Meeting Practice;
- The new non-mandatory provisions in the Model Code of Meeting Practice; and
- The existing supplementary provisions in Council's existing Model Code of Meeting Practice which were historically adopted by Council.

Following the workshop, Councillors were provided with an email dated 15 March 2019 summarising the discussion and action items.

This report sets out a recommendation to adopt the Code of Meeting Practice as set out in Attachment 1.

### **Second Workshop**

At its meeting on 4 April 2019, Council resolved to defer consideration of the Code of Meeting Practice to a workshop. The intent of the workshop was for Councillors to work through amendments proposed by Councillor Milne at the 4 April 2019 meeting.

A workshop was held on 10 April 2019. At that workshop Councillors confirmed the below actions in relation to the proposed amendments. These actions are reflected in the Attachments to this report.

Proposed amendment	Workshop outcome
<p><b>Timing of ordinary council meetings</b></p> <p>Change clause 3.1 to the following:</p> <p><i>3.1 Council meetings are held at either the Council Chambers Civic and Cultural Centre, Tumbulgum Road, Murwillumbah. Council may resolve to hold Council meetings at the Harvard Room at the Tweed Heads Administration Building, Brett Street, Tweed Heads.</i></p> <p><i>These meetings are open to the public. Confidential items are considered in closed session, which excludes press and public.</i></p> <p><i>Council will hold a Planning Committee meeting (comprising all seven councillors) followed by a Council Meeting on the first and third Thursday of the month.</i></p>	<p>To reinstate clause 3.1 in Council's existing Code of Meeting Practice.</p>
<p><b>Petitions</b></p>	
<p>In clause 3 – Petitions add the following additional clause:</p> <p><i>Council may resolve to accept a petition and outline Council's preferred action or response in relation to the petition, which could include to receive and note, or request a report or workshop in relation to the petition request and its implications on Council's adopted Integrated Planning Reporting Framework documents.</i></p>	<p>In clause 3 – Petitions:</p> <p>Amend clause 3.29 to read as follows:</p> <p><i>To qualify as a 'petition' there must be at least 20 signatories and email addresses. All signatories must be residents or ratepayers of the Tweed Shire.</i></p> <p><i>Note additional minor consequential amendments were required to give effect to this amendment as status as a resident or ratepayer cannot be ascertained from email addresses.</i></p> <p>Add the following new clause:</p> <p><i>Council may resolve to accept a petition and outline Council's preferred action or response in relation to the petition, which could include to receive and note, or request a report or workshop in relation to the petition request and its implications on</i></p>

Proposed amendment	Workshop outcome
	<p><i>Council's adopted Integrated Planning Reporting Framework documents.</i></p> <p><i>Note: as a consequence of this amendment, existing clause 33 which was inconsistent with this was replaced with the new clause.</i></p>
<p><b>Giving notice of business to be considered at council meetings</b></p>	
<p>Remove clauses 3.15 and 3.16 (which are non-mandatory).</p>	<p>Update the draft to include the proposed amendment.</p>
<p><b>Public forum</b></p>	
<p>In section 4, add additional wording as follows:</p> <p><i>If the public forum is not fully subscribed, and there is time remaining, the Chairperson may permit additional speakers.</i></p>	<p>In section 4, add additional wording as follows:</p> <p><i>If the public forum is not fully subscribed, and there is time remaining, additional speakers may be permitted by a majority vote of the Council.</i></p>
<p>Amend clause 4.4 to read as follows:</p> <p><i>If a person applies to speak on a matter that is not an item of business on the agenda or applies to speak on more than one item on the agenda of the council meeting, the general manager, may allow that person to speak if timeslots have not been exhausted by those applying to speak on agenda items.</i></p>	<p>Update the draft to include the proposed amendment.</p>
<p>Amend clause 4.7 to read as follows:</p> <p><i>More than one speaker is permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.</i></p>	<p>Update the draft to include the proposed amendment.</p>
<p>Delete clause 4.8 and make the existing clause 4.9 a new clause 4.8:</p> <p><i>If more than the one speaker applies to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated</i></p>	<p>Delete clause 4.8 and make the existing clause 4.9 a new clause 4.8:</p> <p><i>If more than the one speaker applies to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated</i></p>



Proposed amendment	Workshop outcome
<p><i>chairperson, 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.</i></p>	<p><i>chairperson, 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. To the extent possible, a balance of speakers 'for' or 'against' any item will be maintained.</i></p>
<p>In clause 4.10 remove all references to the word 'written'.</p>	<p>Update the draft to include the proposed amendment.</p>
<p>Delete clause 4.11 and replace with the following:</p> <p><i>The order of speakers at the public forum is the order in which applications are received.</i></p>	<p>Update the draft to include the proposed amendment.</p>
<p>Amend clause 4.14 to read as follows:</p> <p><i>Each speaker will be allowed <b>five</b> minutes to address the council. An extension of time for up to a further five minutes may be permitted by the Chairperson.</i></p>	<p>Update the draft to include the proposed amendment.</p>
<p>Amend clause 4.14 to read as follows:</p> <p><i>A councillor (including the chairperson) may, through the chairperson, ask two questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument. A speaker may ask more than two questions if permitted by the Chairperson.</i></p>	<p>Update the draft to include the proposed amendment.</p>
<p>Amend clause 4.15 to read as follows:</p> <p><i>Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker to questions is to be limited to <b>two</b> minutes.</i></p>	<p>Update the draft to include the proposed amendment.</p>

Proposed amendment	Workshop outcome
<b>Order of business</b>	
Delete clauses 8.6 and 8.7 (Order of Business).	Retain the Order of Business with minor modification.
Delete clause 8.12.	Update the draft to include the proposed amendment.
<b>Motions requiring the expenditure of funds</b>	
Delete clause 9.9.	Update the draft to include the proposed amendment.
<b>Limitations on the number and duration of speakers</b>	
Amend clause 9.22 to read as follows:  <i>A councillor must not, without the consent of the Chairperson, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. Where the consent of the Chairperson is given for an extension of time, a councillor may not speak for longer than a further two minutes.</i>	Update the draft to include the proposed amendment.
In clause 9.23 delete the reference to “4 minutes 30 seconds” and replace with “five minutes”.	Update the draft to include the proposed amendment.
<b>Rescinding or altering council decisions</b>	
In clause 16.10 delete the reference to “2pm” to “3pm”.	Retain reference to 2pm.

### Adoption considerations

Council’s current adopted code of meeting practice remains in effect up until six months from the date on which the new Model Code of Meeting Practice was prescribed, which is 14 June 2019.

If council does not adopt a new code of meeting practice by this date, any provision of council’s adopted meeting code that is inconsistent with the mandatory provisions of the Model Code of Meeting Practice prescribed under the Regulation will automatically cease to have any effect to the extent that it is inconsistent with the mandatory provision of the Model Meeting Code.

Council will be required to webcast meetings of the council and committees of which all members are councillors from 14 December 2019. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.

Under section 361 of the LGA, Council must exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

**OPTIONS:**

1. Approve the proposed recommended Code of Meeting Practice as set out in the Attachment for public exhibition.
2. Not approve the proposed recommended Code of Meeting Practice as set out in the Attachment for public exhibition.
3. Approve an alternate version of the Code of Meeting Practice for public exhibition.

**CONCLUSION:**

Adoption of a Model Code of Meeting Practice is required by 14 June 2019.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice v2.6

**b. Budget/Long Term Financial Plan:**

Key change arising from the Code of Meeting Practice which will require budget allocation is the installation of equipment to enable webcasting.

**c. Legal:**

Yes, legal advice has been received.

**d. Communication/Engagement:**

**Consult** - We will listen to you, consider your ideas and concerns and keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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|---------------|--|
| Attachment 1. | Draft Code of Meeting Practice for exhibition (ECM 5845772).   |
| Attachment 2. | Comparison between draft Code of Meeting Practice that formed part of the business paper for Council Meeting on 4 April 2019 and Attachment 1 above (ECM 5845771). |
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