

Council Meeting

13/02/2019

Item No	8.18
Subject	Code of Meeting Practice - Review
Report by	Michael Mamo, Director City Performance
File	F11/563

Summary

A new Model Code of Meeting Practice ("Model Code") has been prescribed. Council is required to adopt a Code of Meeting Practice that is consistent with the Model Code. The Model Code allows discretion over some provisions that are classed as non-mandatory. Council's existing Code already has many mandatory and non-mandatory provisions. A draft Code is to be placed on public exhibition prior to a final decision being made by Council. The attached draft Code includes recommended non-mandatory provisions.

Council's current Advisory Committee structure is compliant with the Model Code and the existing Committee provisions have been incorporated in the draft Code. The Advisory Committee structure was determined in November 2017 and since that time some minor changes have been made. It is proposed to hold a Councillor/Staff workshop to review the structure and scope of the Advisory Committees to ensure they are fulfilling the outcomes envisaged and report back to Council.

Officer Recommendation

- 1 That the report on the review of the Code of Meeting Practice be received and noted.
 - 2 That the attached draft Code of Meeting Practice be placed on public exhibition in accordance with s361 of the Local Government Act.
 - 3 That a further report be presented to Council at the conclusion of the public exhibition and submissions period.
 - 4 That the Sport & Recreation Committee meet as scheduled and that the current practice of including representatives from local sporting clubs and associations relevant to priority items on the Committee agenda continue.
 - 5 That the General Manager arrange a Councillor/staff workshop to review the existing Advisory Committee structure.
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Background

A Model Code has been prescribed under the Local Government Act and Regulation. Councils are required to adopt a Code by 14 June 2019 that incorporates the mandatory provisions of the Model. Council may also wish to adopt the non-mandatory and supplementary provisions.

The mandatory and non-mandatory provisions of the Model Code are generally reflective of local government's current practice and that of this Council. There are some new provisions

previously not in the Act or Regulations but these are seen as good administrative practice e.g. calling of Extra-Ordinary Meetings, the use of mayoral minutes and notices of motion, the debate on amendments.

Some non-mandatory provisions are not new within local government practice but not currently in place at Bayside such as dealing with multiple items in one resolution, rescission motions and the use of notices of motion and mayoral minutes. The adoption of the non-mandatory provisions are generally supported as good meeting practice.

The significant non-mandatory provisions included or excluded from the draft Code follow:

- **Notices of Motion by Councillors (included)** – with legal, strategic, financial or policy implications – General Manager may prepare a report to the same Meeting;
- **Notices of Motion by Councillors (included)** – with expenditure or services not in adopted operational plan – General Manager may prepare a report to the same Meeting or defer the notice to the next meeting;
- **Public Forums during meeting (included)** - preferred model by the Office of Local Government is to have the Public Forums prior to the meeting whereas Council's practice has been retained i.e. to include it as part of the meeting;
- **Registration of Speakers (included)** – Speakers will need to register speak on whether Council should close the meeting to the Public (similar registration process to Public Forum speakers)
- **Cancellation of Meeting (included)** – where it is apparent that there will be a lack of a quorum or because of risk to the safety and welfare of attendees;
- **Modes of Address (included)** for the Mayor, Chairperson, Councillors and staff
- **Mayoral Minutes (included)** - with expenditure or services not in adopted operational plan and no source of funds identified – Council must defer pending a report by the General Manager to the next Meeting;
- **Motions/Amendment (included)** - requiring expenditure or services not in adopted operational plan - Council must defer pending a report by the General Manager to the next Meeting;
- **Dealing with Items by Exception (excluded)** – deal with multiple items in one resolution where no public speakers and no councillor wishes to speak against the recommendation.
- **Rescission Motion (included)** – moved at same meeting only in cases of urgency
- **Pre-Meeting Briefings (included)** – retention of existing practice of General Manager Briefing Sessions to inform Councillors on items of significance.
- **Taskforce & Advisory Committees (included)** – retention of existing provisions as to forums which include councillors and staff/community representatives.

The following attachments to this report are:

- Attachment 1 contains the significant Mandatory provisions of the Model Code which are not in Council's current Code and which Council will need to adopt;
- Attachment 2 contain the significant Non-Mandatory provisions of the Model Code which are not in Council's current Code;
- Attachment 3 is the draft Code of Meeting Practice colour coded showing the mandatory provisions and same/ similar provisions as the existing Code and recommended non-mandatory provisions (Attachment 3).
- The Model Code of Meeting Practice issued by the Office of Local Government colour coded to distinguish mandatory from non-mandatory provisions (see Attachment 4).

It is considered that the attached draft Code be placed on public exhibition. A further report will be made to Council at the end of the public exhibition and submission period.

Advisory Committee Review

The current Advisory Committee structure is in accordance with the Model Code and existing provisions relating to Councillor Forums (eg General Manager Briefings, Taskforce and Advisory Committees have been included in the draft Code.

Council adopted the current Advisory Committee structure in November 2017 and it is timely that the structure be reviewed to ensure it is meeting the outcomes envisaged by Council's decision. The terms of reference for the Committees has been amended from time to time but further improvements may be identified. Of the existing Committees the Sports & Recreation continues to meet frequently. It is will attended by non-member Councillors and representatives from local sports clubs and associations. The remaining Committees have been held in abeyance pending a review.

It is considered that a Councillor/Staff workshop be arranged to review the Committee Structure and report back to Council. In the interim the Sports & Recreation Committee will continue to meet as scheduled.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

Section 361 of the Act requires Council to place the draft Code on public exhibition for not less than 28 days and allow 42 days for submissions to be made to the Council. Council will provide public notice in the two local newspapers circulating in the local government area as well as on its website including on "Have Your Say".

Attachments

- 1 Attachment 1 - Significant Mandatory Meeting Provisions [↓](#)
- 2 Attachment 2 - Significant Non Mandatory Meeting Provisions [↓](#)
- 3 Attachment 3 - Bayside Council Code of Meeting Practice February 2019 (Draft) [↓](#)
- 4 Model Code of Meeting Practice (OLG Nov 2018) [↓](#)