

ATTACHMENT 2 – SIGNIFICANT NON-MANDATORY PROVISIONS (NOT IN CURRENT CODE)

Discretionary Item	Comment/Recommendation
Giving notice of business to be considered at council meetings	
<p>Clause 3.6.3 allows the general manager to prepare a report on a Councillor's notice of motion where it has legal, strategic, financial or policy implication.</p>	<p>Recommended – formalise current local government good practice.</p> <p>Essentially A councillor can call for a report back on any matter with legal, strategic, financial or policy implications prior Council being asked to make a decision.</p>
<p>Clause 3.6.4 requires allows the General Manager, on a Councillor's notice of motion for the expenditure of funds on works and/or services other than those already provided for in the adopted operational plan where it doesn't identify the source of to either:</p> <p>(a) prepare a report , or</p> <p>(b) defer the matter, pending a report.</p>	<p>Recommended – formalise current local government good practice</p> <p>This is similar to the above.</p>
<p>Clauses 3.11 Pre-meeting briefing</p> <p>Provisions relating to Pre-meeting briefing sessions including</p> <ul style="list-style-type: none"> • General Manager or staff to preside • Closed to the public • No debate or preliminary decisions • Declare conflicts of interest 	<p>Recommended.</p> <p>These provisions generally reflect and formalise current practice of holding General Manager Briefing Sessions.</p>
<p>4 PUBLIC FORUMS</p> <p>PART 4 deals with PUBLIC FORUMS but the OLG support Public forums not being held as part of a council or committee meeting. Its view is that Council or committee meetings should be reserved for decision-making by the council or committee of council.</p> <p>Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of code relating to the conduct of council and committee meetings.</p>	<p>Council currently conducts its Public Forums as part of the meeting. This practice is retained in the draft Code.</p> <p>Alternative: Should the good practice model be adopted, Council will need to adopt the model non-mandatory provisions. The provisions around speakers and time limits may be modelled around Council's existing Code provisions.</p> <p>It will also need to determine the time of the public forum. If this were to be done, Council might need to consider commencing the Public Forum at say 6pm or 6:30pm and depending on the number of speakers, the Council meeting could still commence at 7pm.</p>

Discretionary Item	Comment/Recommendation
The quorum for a meeting	
Clause 5.2.6 and 5.2.7 allows the mayor, in consultation with the general manager and, as far as is practicable, with each councillor, to cancel the meeting where it is apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire).	Recommended. New provision allowing cancellation of the meeting (rather than adjournment after a 30 minute wait) in specific circumstances. Currently the meeting would be required to be adjourned. Generally the business is considered at the next ordinary meeting.
7 MODES OF ADDRESS	
7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.	Recommended as clarifies naming convention
7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.	Recommended as clarifies naming convention
7.3 A councillor is to be addressed as 'Councillor [surname]'.	Recommended as clarifies naming convention
7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].	Recommended as clarifies naming convention
9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS	
Clauses 9.2.5 requires that a mayoral minute recommending unbudgeted expenditure must identify a source of funds or the matter be deferred for the general manager to report back.	Recommended. Reflects good administrative practice. Typically the Mayoral Minute in the first instance would call for a report back on the implications prior to a final decision being made.
Motions requiring the expenditure of funds	
Clause 10.4.1 is similar to 9.2.5 above but in reference to any motion or an amendment to a motion.	Recommended. Reflects good administrative practice. Typically the Motion in the first instance would call for a report back on the implications prior to a final decision being made.
13 DEALING WITH ITEMS BY EXCEPTION Part 13 Provisions relate to the practice of passing multiple items at once.	Not Recommended. Where there is no public forum or debate on items of business, Council has the opportunity to move those items on block. This provides for an efficient meeting and allows time for items in which there is discussion. Council wish to use this mechanism to streamline Council Meetings, the Model provisions under Part 13 would be adopted.

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<p><u>Representations by members of the public (for moving into confidential session)</u></p> <p>Clauses 14.4.3 and 14.4.4 support this practice.</p>	<p>Recommended.</p> <p>This provision requires members of the public to register prior to the meeting should they wish to speak on whether a confidential item on the business should be considered in closed session. It is rare that members of the public speak on such matters and as such they should follow the same process as the Public Forum speakers.</p>
<p>15 KEEPING ORDER AT MEETINGS</p> <p>Clauses 15.6.1 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings.</p>	<p>Recommended:</p> <p>Authority for the Mayor to exclude members of the public and/or councillors for misconduct during the meeting.</p>
<p>Rescinding or altering council decisions</p>	
<p>Clause 17.2.9 limits the use of rescission motions to be moved at the same meeting if it is deemed that it is a matter of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.</p>	<p>Recommended.</p> <p>Council's existing Code allows Councillors to lodge a rescission motion on the night of the meeting. The provision limits the lodgement and consideration of rescission motions on the same night if it is a matter of great urgency.</p>