

AGENDA DEVELOPMENT



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Agenda Development

- Encourage timely and well written reports
- Writing for decisions (and managing the meeting)
- Confidential information



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Agenda Development

- Important factors
 - Value of report / purpose (i.e. reports for note)
 - Public record, could it be dealt with via email, information sessions
 - Quality/relevance of attachments
 - Consult
 - Plain English, pros and cons, don't assume, tell a story, support recommendations, manage privacy provisions
- Resolutions/report writing
 - Resolutions need to be stand alone
- Don't encourage late attachments or tabled at meeting – unless paramount to decision/matter (they can become part of the minutes)



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General Advice

- Agenda – s245C LGR
 - 4 days before the meeting for indigenous councils
 - 2 days before the meeting for all other councils
- Simple and clear language, economical reports, provide pros/cons
 - Gains trust between elected representatives and officers
- Clear purpose of a report – what is being expected of Council
 - Noting, receiving, adopting, endorsing
 - Purpose - Clear, concise, upfront statement about what you want from the committee/Council
 - The purpose of this report is to seek Council's adoption of.....
 - The purpose of this report is to advise Council of.....
 - The purpose of this report is to provide Council an update on.....
 - The purpose of this report is to seek Council's direction on.....



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General Advice

- Resolution:
 - Noting, receiving, adopting, endorsing
 - Don't bury potential decision making issues in standard operation update
 - Recommendations become resolutions, both are public (even if the report is confidential)
 - That Council:
 - Note the minutes of the XXX committee
 - Endorse the draft community plan to be released for community consultation
 - Adopts the xxx Strategic Plan



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General Advice

- **Adoption:** Where Council is required to adopt the matter to take on the legal responsibility and/or be a policy, strategy or action of Council. Often a matter that will inform decision making.
- **Endorse:** To approve, support or sustain an action, process, direction, often with further reporting to occur. E.g. endorse attendance at an event or participate in an initiative or endorse the findings of the evaluation panel.
- **Authorise:** Provides the authorisation for Council to enter into an action and/or for an officer to undertake an action/activity. E.g. authorise the transfer of funds, authorise the CEO to enter into negotiations.
- **Delegates:** delegates the authority to progress, action, decide on behalf of council
- **Directs/Requests:** Formally requests action. Directs the CEO to undertake a course of action for the organisation.
- **Support:** To support an initiative to continue/proceed to the next phase. E.g. Support submitting an application or support a community activity.
- **Note/receive:** For information reports, where no action is required and/or to note previous decisions either under delegated authority or updates from previous council decisions.



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Confidential Reports / Items

S254J

- a) the appointment, discipline or dismissal of the chief executive officer;
- (b) industrial matters affecting employees;
- (c) the local government's budget;
- (d) rating concessions;
- (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;
- (f) matters that may directly affect the health and safety of an individual or a group of individuals;
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;
- (h) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967;
- (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State



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Confidential Reports / Items

- *Local Government Regulation 2012*
 - Provides for closed meeting s254J
 - Does not provide for confidential report
- Committee can't make it confidential – only delegated officers can through their report (consider s254J of Regulation).
- Confidential information only in confidential report
- Legal privilege – be aware of disclosing accidentally
- Politically challenging does not equal confidential
- Recommendation will be public and must be made in a public meeting s254J(3)
 - Ensure no confidential information is in the recommendation in the original report
- A report may not be confidential, but supporting documentation can be



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Confidential Reports / Items

- Insure that the officers reports states clearly why the report is to be dealt within closed session, including the relevant section of legislation (i.e. s254J(f))
- Privacy Act provisions
- Legal matters/sensitive
- Going into and out of closed session...
 - have all confidential reports together on the agenda!
 - this provision doesn't cater for reports that have confidential attachments



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Example of Recommendations - Confidential

- Tenders/sale of land:
 - Report is public
 - Attachments are confidential
 - Redact information
- Example of recommendation/s:
 - Maintain privacy/confidential information
 - Use property ID, not name of owner
 - Refer to tender #1 in report, detail is in the confidential attachment



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Example of Recommendations - Confidential

Purchase land

- Approves for the purpose of Lot X on RP XXXXX based on market value.
- That the Chief Executive Officer, or their delegate, be delegated authority to enter into negotiations to purchase Lot X on RPxxxxx, and execute the corresponding contract documents on behalf of Council, providing *(include any particular conditions if appropriate)*.

Or

- Approves for the recovery of rates arrears of Lot X on RP XXXXX through sale of land



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MEETING ETIQUETTE



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Meeting Etiquette

- Standing Orders & Meeting Procedures
- Members are the only decision makers and participants
- Observers – report writers: speak to reports when requested
 - Indicate to the Chair you wish to speak/respond
 - Questions on notice
- Be respectful of the right of the Committee/Council to make a decision and to be informed



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Meeting Etiquette

- Attendees – who needs to be there?
- Addressing members and the Chair/language
 - Maintain professionalism
- Ensure Acting staff are aware of processes (expose them to a meeting)
- General business – not operational issues



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Meeting Etiquette

- Raising matters / Late items –
 - Refrain from introducing new topics or attachments if they aren't relevant.
 - Refrain from surprise items that members haven't had the opportunity to familiarise
 - Refrain from bringing operational matters to Committee/Council



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CONFLICTS OF INTEREST



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Examples

PRESCRIBED CONFLICT OF INTEREST

Cr xxxxx, inform the meeting that I have a prescribed conflict of interest in this matter in relation to the application by <company name> as I am the President of this Association. As a result of my conflict of interest, I will now leave the meeting room while the matter is considered and voted on.

DECLARABLE CONFLICT OF INTEREST

Cr xxxxx declared a declarable conflict of interest for Report 5.9 Water Rates Remission as she owns an investment property in <town>.

Cr xxxx <left the meeting/ended the video conference> with the meeting room at <time> and did not participate in the discussion or vote on Report <#>



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Examples

Declarable Conflict Of Interest

Cr xxxx declared a declarable conflict of interest for Report xxxx as a family member is an employee of <council name> Council.

Councillors sought further insight from Cr xxx.

Resolution No.: xxxx

Moved: Cr xxxxx Seconded: Cr xxxxxx

That the Committee determines that Cr xxxx has a declarable conflict of interest for Report 5xxxx but should participate in the discussions and vote for this matter.



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Examples

Declarable Conflict Of Interest

Cr xxxx declared a declarable conflict of interest for Report xxxx as a family member is an employee of < council name > Council.

Councillors sought further insight from Cr xxx.

Resolution No.: xxxx

Moved: Cr xxxxx Seconded: Cr xxxxxx

That the Committee determines that Cr xxxx has a declarable conflict of interest for Report 5xxxx but should participate in the discussions as a reasonable person would trust that the final decision is made in the public interest and vote for this matter.

Option is for the Cr to remain in the room. i.e. motion carried with Cr xxx not participating in the vote

GVERNANCE
ADVISORY SERVICE