



**NORTHERN
MIDLANDS
COUNCIL**

MINUTES

SPECIAL MEETING OF COUNCIL

TUESDAY, 4 JUNE 2024



QUALIFIED PERSONS ADVICE

The *Local Government Act 1993* Section 65 provides as follows:

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
 - (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee;
 - and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

I therefore certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i) the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii) where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice, the advice from an appropriately qualified or experienced person.

LIVESTREAMING AND RECORDING OF COUNCIL MEETINGS

Ordinary and Special Council Meetings held in Council's Chambers at 13 Smith Street, Longford will be audio live streamed and recorded and made on the internet via Council's website www.nmc.tas.gov.au.

The recording will be uploaded to Council's website as soon as possible and no later than four business days after the Council meeting (not including the day of the meeting). A link to the streaming service and recording of meetings will be made available on Council's website for ease of access.

Closed Council Meetings will not be live streamed or recorded.

A copy of the recording of the meeting will be placed on Council's website as soon as practicable after the meeting, the Closed Council session of the meeting will be redacted.

Regulation 33(4) provides that "a Council may determine any other procedures relating to the audio recording of meetings it considers appropriate".

In addition to the Live Streaming Policy, Council is to audio record meetings to assist Council officers in the preparation of minutes of proceedings.

The provision for audio recording of Council meetings in this policy:

- only applies to formal Council meetings (ordinary meetings, special meetings and Annual General meetings);
- does not apply to closed sessions of Council;
- does not apply to Committees of Council;
- the recording will not replace written minutes and a transcript of the recording will not be prepared by Council;
- the recording may be used by Council staff to assist with the preparation of the minutes;
- the minutes of a meeting, once confirmed by Council, prevail over the audio recording of the meeting;

A member of the public may only use an audio recorder, or any other recording and/or transmitting device, to record the proceedings of a meeting of Council with the written permission of the General Manager for the express purpose proposed. The Northern Midlands Council reserves the right to revoke such permission at any time.

Unless expressly stated otherwise, Northern Midlands Council claims copyright ownership of the content of recordings of Council meetings ("the Recordings").

The Recordings may not be uploaded, displayed, transcribed and/or reproduced without the written permission of the General Manager for the express purpose proposed.

The Northern Midlands Council reserves the right to revoke such permission at any time. Apart from uses permitted under the *Copyright Act 1968*, all other rights are reserved.

Requests for authorisations, including authorisations for the use of recordings, should be directed to the General Manager, 13 Smith Street, Longford TAS 7301.


Des Jennings
GENERAL MANAGER



GUIDELINES FOR COUNCIL MEETINGS

EXPECTATIONS OF COUNCILLOR CONDUCT

- The *Code of Conduct for Elected Members Policy* sets out the standards of behaviour expected of Councillors with respect to all aspects of their role, including the following:
 - Councillors acknowledge the importance of high standards of behaviour in maintaining good governance and therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Policy;
 - Councillors are to be respectful in their conduct, communication and relationships with members of the community, fellow Councillors and Council employees in a way which builds trust and confidence in Council;
 - Councillors' actions must not bring the Council or the office of a Councillor into disrepute;
 - Councillors must treat all persons fairly, must not cause any reasonable person offence or embarrassment, and must not bully or harass any person;
 - Councillors must listen to, and respect, the views of other Councillors in Council meetings, and endeavor to ensure that issues, not personalities, are the focus of debate;
 - Councillors must show respect when expressing personal views publicly and the personal conduct of a Councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council;
- Pursuant to section 28(3)(a) of the *Local Government Act 1993*, Councillors must not direct or attempt to direct an employee of the council in relation to the discharge of the employee's duties;
- Pursuant to section 40 of the *Local Government Act 1993*, the chairperson may suspend a councillor from part or all of the meeting if the councillor makes a personal reflection about another councillor or an employee of the council and refuses to apologise; or interjects repeatedly; or disrupts the meeting and disobeys a call to order by the chairperson.

MEETING CONDUCT

- People attending Council Meetings are expected to behave in an appropriate manner.
- The following is not acceptable:
 - Offensive or inappropriate behaviour;
 - Personal insults; and
 - Verbal abuse.
- Pursuant to section 41 of the *Local Government Act 1993*, it is an offence if a member of the public hinders or disrupts a council meeting.
- In the case of any inappropriate outburst or derogatory behaviour, an apology from the offending party or parties will be requested. Anyone at the meeting, if they feel offended in any way by any such behaviour specified above, should immediately bring the behaviour to the notice of the Chairperson by the way of a Point of Order.
- The Chairperson has the right to evict from a meeting any person who is not behaving to an appropriate standard.

PUBLIC QUESTIONS AND STATEMENTS

Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* relates to the provision of Public Question Time during a Council meeting. Regulation 31(7) of the Regulations stipulate that "a Council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting."

Public question time is to commence at approximately 5.30pm and is to be conducted in accordance with the following guidelines:

- At each Council Meeting, up to 20 minutes, or such longer period as Council may determine by resolution at that meeting, is to be provided for persons at the meeting to ask questions.
- A person seeking to ask a question must firstly identify himself or herself by stating their name and the town they reside in.
- If more than one person wishes to ask a question, the Mayor is to determine the order in which those questions are asked.
- Questions must be directed to the Mayor who shall answer or direct the question to the appropriate Councillor or Council Officer. A question will be answered if the information is known otherwise taken on notice and responded to in writing within 10 working days. Questions should preferably be in writing and provided to the General Manager at the Council Meeting.
- A person is entitled to ask no more than two questions on any specific subject. If a person has up to two questions on several subjects, the Mayor may defer those questions until other questions have been asked and refer back to that person only if time permits.
- Each speaker is limited to a maximum of 3 minutes.

REPRESENTATIONS ON PLANNING ITEMS

A maximum of four persons per item (two for and two against) will be permitted to address Council on a planning item. After the representation has been made, Councillors are permitted to ask questions of the party who made the representation.

PETITIONS

Part 6, Division 1 of the *Local Government Act 1993* refers to the presentation of a petition to Council. Council is to treat any petition received in accordance with the provisions of the *Local Government Act 1993*.



MINUTES of the Special Meeting of the Northern Midlands Council held on Tuesday, 4 June 2024 at 5.00pm in person at the Council Chambers, 13 Smith Street, Longford

1 ATTENDANCE

PRESENT

Mayor Mary Knowles OAM, Deputy Mayor Janet Lambert, Cr Alison Andrews AM, Cr Richard Archer, Cr Matthew Brooks, Cr Richard Goss, Cr Andrew McCullagh, Cr Paul Terrett

In Attendance

Mr Des Jennings - General Manager, Miss Maree Bricknell - Corporate Services Manager, Mr Leigh McCullagh - Works Manager, Mr Kallun Willock - Executive Officer, Mrs Gail Eacher - Executive Assistant

Mr Michael Mogridge - Acting Executive Director, Office of Local Government, Policy and Delivery Division

APOLOGIES

Cr Dick Adams OAM



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3 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge and pay our respects to the Tasmanian Aboriginal Community as the traditional and original owners, and continuing custodians of this land on which we gather today and acknowledge Elders – past, present and emerging.

4 DECLARATIONS OF ANY PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

Council resolved to accept the following Declarations of Interest:

- Councillor Paul Terrett - Item 2.1 Closed Council (part of item)

As per the *Local Government Act 1993, Part 5 - Pecuniary Interests, section 48*:

- (1) *A councillor must not participate at any meeting of a council, council committee, special committee, controlling authority, single authority or joint authority in any discussion, nor vote on any matter, in respect of which the councillor–*
 - (a) *has an interest; or*
 - (b) *is aware or ought to be aware that a close associate has an interest.*
 - (2) *A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.*
-



5 ITEMS FOR THE CLOSED MEETING

MINUTE NO. 24/0184

DECISION

Cr Brooks/Deputy Mayor Lambert

That Council move into the “Closed Meeting” with the General Manager, Corporate Services Manager, Works Manager, Executive Officer, Executive Assistant and Acting Executive Director - Office of Local Government to discuss Closed Council Items.

Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Andrews, Cr Archer, Cr Brooks and Cr Goss

Voting Against the Motion:

Cr McCullagh and Cr Terrett

RECOMMENDATION
That Council move into the “Closed Meeting” with the General Manager, Corporate Services Manager, Works Manager, Project & Building Compliance Manager, Senior Planner, Executive Officer and Executive Assistant to discuss Closed Council Items.

Item	Local Government (Meeting Procedures) Regulations 2015 Reference
Personnel Matters	15(2)(a)

Local Government (Meeting Procedures) Regulations 2015 - Part 2 - Meetings

- (a) *personnel matters, including complaints against an employee of the council and industrial relations matters;*
- (b) *information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business;*
- (c) *commercial information of a confidential nature that, if disclosed, is likely to -*
 - (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.*
- (d) *contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal;*
- (e) *the security of -*
 - (i) *the council, councillors and council staff; or*
 - (ii) *the property of the council.*
- (f) *proposals for the council to acquire land or an interest in land or for the disposal of land;*
- (g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;*
- (h) *applications by councillors for a leave of absence;*
- (i) *matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;*
- (j) *the personal hardship of any person who is a resident in, or is a ratepayer in, the relevant municipal area.*



5.1 CLOSED COUNCIL DECISIONS RELEASED

2.1 OFFICE OF LOCAL GOVERNMENT: COMPLAINT RE COUNCIL GOVERNANCE PRACTICES

MINUTE NO. 24/0187

AMENDMENT

Cr Andrews/Cr Goss

That

- 1) Council authorises the Mayor to liaise with the Acting Director of Local Government to:
 - a) appoint an Independent Advisor to objectively review Council's governance and meeting procedures;
 - b) finalise a Terms of Reference for the scope of the Review, which at a minimum will provide that the Independent Advisor:
 - i) observe and review the conduct of Northern Midlands Council meetings since December 2023 and any other meetings raised by Councillors and Staff in the term of this Council;
 - ii) attends at least one ordinary Council meeting;
 - iii) offers to interview all Councillors and the Council's Senior Executive and relevant staff;
 - iv) determine that all councillors are clear on their responsibilities concerning the declaration of interest associated with matters on council meeting agendas and questions on notice
 - v) ensure that any communication in future between councillors and council employees is professional and uses appropriate language
 - vi) conduct a review of the Council governance in the context of compliance with statutory obligations, with a particular focus on:
 - Council meeting procedures;
 - Council's understanding of the appropriate separation of strategic and operational matters
 - provision of information to councillors;
 - internal processes in place to manage and resolve queries concerning Council governance;
- 2) the Acting Director and the Mayor will agree on an Independent Advisor with appropriate experience and expertise and subject to agreement, arrange for their commencement, with a view to completing the review by 31 August 2024;
- 3) note that the Independent Advisor will provide a Report to both Council and the Director of Local Government which will include any relevant findings and recommendations at the conclusion of the independent review.
- 4) in relation to this matter
 - a) consider whether any discussion, decision, report or document is kept confidential or released to the public; and
 - b) determined **to release** the decision to the public.

Cr Terrett declared an interest and left the meeting at 6.12pm

Cr Terrett returned to the meeting at 6.14pm

Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Andrews, Cr Archer, Cr Goss and Cr Brooks

Voting Against the Motion:

Cr McCullagh and Cr Terrett

The Amendment became the Motion and was Put and
Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Andrews, Cr Archer, Cr Goss, Cr Brooks and Cr Terrett

Voting Against the Motion:

Cr McCullagh



6 CLOSURE

MINUTE NO. 24/0188

DECISION

Deputy Mayor Lambert/Cr Andrews

That Council move out of the "Closed Meeting".

Carried Unanimously

Mayor Knowles closed the meeting at 6.32pm.

MAYOR _____ DATE _____