



5.3 INDEPENDENT REVIEW OF GOVERNANCE AND MEETING PROCESSES

File: N/a
Responsible Officer: Des Jennings, General Manager
Report prepared by: Tatiana Paniagua, Executive Officer

MINUTE NO. 25/173

DECISION

Cr Terrett/Cr McCullagh
That Council

- A) opt to release the report;
- and
- B) in relation to this matter
 - i) consider whether any discussion, decision, report or document is kept confidential or released to the public; and
 - ii) determined **to release the decision, report and/or document** to the public.

Carried

Voting for the Motion:

Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Mayor Knowles

RECOMMENDATION

That Council

- A) receive the report without further action;
- and
- B) opt to release the report;
- or
- C) opt to not release the report
- or
- D) opt to release a redacted version of the report
- and
- E) in relation to this matter
 - i) consider whether any discussion, decision, report or document is kept confidential or released to the public; and
 - ii) determined **not to release the decision, report and/or document** to the public.

CONFIDENTIALITY

In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, this matter is to be considered in the Closed section of the Council meeting as per Section 15(2):

- (a) *personnel matters, including complaints against an employee of the council and industrial relations matters;*
- (g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;*

Reason for Confidentiality

Mr Paul has advised that the report be made available to all Councillors on the basis that the report is "confidential" and has recommended

- a) **that the report be considered by Council in the closed meeting.**



Mr Paul's recommendation is in accordance with the Local Government (Meeting Procedure) Regulations:

Reg 15(2) "A part of a meeting may be closed to the public when any one or more of the following matters are being, or are to be, discussed at the meeting:

(a) personnel matters, including complaints against an employee of the council and industrial relations matters; and
(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;"

b) the report should not be made publicly available.

It would however be appropriate to distribute to Councillors on a confidential basis, for their information and consideration, a week or so prior to the report being considered by Council in closed meeting or initially at a closed workshop session.

1 PURPOSE OF REPORT

To present to Council the final review of the recommendations made by the Independent Advisor, Andrew Paul, in his report "Review of Governance and Meeting Processes", dated August 2024.

Furthermore, this report provides Council with Mr Paul's comments regarding the public release of his report, so that Council may revisit his feedback and make an informed decision on the proposed motion.

2 INTRODUCTION AND BACKGROUND

2.1 Introduction

The Office of Local Government has for some time been aware of tensions within the Northern Midlands Council between Councillors and executive staff.

Following a protracted period where it became apparent the relationship between some Councillors and the executive staff had deteriorated considerably, the Acting Director of Local Government met with the Council to discuss opportunities for trying to address the concerns raised by both sides.

At a special meeting of the Council on Monday 3 June 2024, at which the Acting Director Local Government attended, the Council resolved:

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;*
 - (vii) *any other matters identified or raised that may materially impact on 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.*

On 21 June 2024 the General Manager, Mr Des Jennings advised by email that the Mayor and the Acting Director of the Office of Local Government had agreed to the appointment of Mr Andrew Paul as the Independent Advisor to objectively review Council's governance and meeting procedures. The Independent Advisor, Andrew Paul, made 30 recommendations in his report from August 2024, as follows:

Report Recommendation	
1.	That the practice of reading the "guidelines for Council Meetings" be discontinued
2.	I recommend that the practice of breaking for dinner in the middle of the meeting cease.
3.	I recommend Council adopt additional protocols and rules around the conduct of meetings and that such rules once adopted be rigorously implemented by the Mayor. (See Appendix A)
4.	I would recommend that all Councillors undergo further training in the conduct of meetings and meeting procedure training.
5.	That care be taken in the wording of recommendations and motions to ensure that the outcome or action of the motion is not pre-committing funding to a future budget
6.	That care be taken in the wording of motions and recommendations to ensure that the outcome or action required by the motion is clear.
7.	I recommend that Councillors seek the support of Officers in the drafting of the wording of motions that differ from the Officer recommendation
8.	I would recommend that Councillors undertake further training in regard to their role as a Planning Authority in particular, the obligations of a Planning Authority in relation to decision making and the Planning Scheme
9.	I recommend that matters that are to be considered in Closed meeting be listed in the Agenda and that the reasons for consideration of the matters in Closed meeting be recorded in the Minutes of the meeting.
10.	I recommend that guidance be provided to Councillors on the drafting of rescission motions.
11.	It is recommended that the General Manager conduct a workshop session with the Mayor and Councillors on the "drafting of effective motions"
12.	That Council seek a report or advice on appropriate mechanisms to give effect to "notes" appended to Planning Permits.
13.	I recommend that in future Council adopt the rates and charges at a meeting subsequent to the adoption of the Council budget.
14.	I recommend that any matter that potentially results in the issue of a planning permit be considered in open meeting
15.	I recommend that where legal advice (qualified advice) is obtained in respect of a matter the advice, or a summary of that advice should be made available to the Council.
16.	I recommend that the Mayor, Councillors and the General Manager should actively and genuinely participate in a dedicated mediation process, delivered by an experienced mediation professional, that focusses on improving effective working relationships to improve Council governance.
17.	I recommend that Council work to develop a Respectful Relationships Policy.
18.	I would recommend that Council engage a suitably qualified professional to work with Council to develop a comprehensive Work Health and Safety Framework that in particular addresses bullying, harassment and psychosocial harm.
19.	I recommend that a new format declaration of interests' register be established and that all declarations of interest be recorded in the meeting Minutes.
20.	I recommend that Council establish an internal communications policy that sets out an agreed protocol between the Council and Senior staff in regard to what information is accessible, what information is not, a process for requesting information, expected timelines for a response and provision of information and a means of ensuring that the same level of information is provided to all Councillors.
21.	I recommend that a communications protocol be adopted to provide guidance for Councillors to contact Senior staff directly rather than all matters and contact to be directed through the office of the General Manager.
22.	I recommend that the General Manager prepare a weekly (or fortnightly) briefing report as a means of keeping Council informed.



Report Recommendation	
23.	I recommend that a new structure and format be introduced for the lodging and presentation in the agenda for Motions on Notice.
24.	That Council reintroduce as an agenda item “questions without notice” and that rules around the operation of questions without notice be included in the consolidated meeting procedures policy.
25.	I would recommend that the Executive Committee be wound up and that a GM review panel be appointed by Council with an agreed and approved policy for the review.
26.	That a report be presented to Council in relation to Special Committees, their capacity to comply with their delegated requirements and statutory obligations, the training needs of the Committees and how they are to be resourced going forward.
27.	I recommend that the Audit Panel be brought into compliance with the Audit Panel guidelines and Council policy.
28.	I recommend that to ensure that there is full transparency in resolutions of Council that relate to property purchase, acquisition or disposal the resolution should note the valuation and any guidance to the GM in relation to price.
29.	I would recommend that a separate councillor request tracking system be established and that all complaints and concerns raised by Council are entered into the database, along with expected response times and that the system is monitored to ensure that all requests are closed out and the timeframe in which this is achieved.
30.	I recommend that it would be beneficial for council to undertake a wider workforce cultural survey to better understand the issues and reasons guiding workplace culture.

At the Ordinary Meeting of Council on Monday, 21 October 2024, the Independent Advisor’s Report was presented for consideration of the recommendations it contained. In relation to the recommendations made by the Independent Advisor, Andrew Paul, Council resolved as follows:

That Council

A) *receives the Independent Advisor’s Report; and*

B) *notes the Independent Advisor’s Report Recommendations and adopts the following Recommended Actions*

	Report Recommendation	Action
1.	<i>That the practice of reading the “guidelines for Council Meetings” be discontinued</i>	<i>That the recommendation has been actioned</i>
2.	<i>I recommend that the practice of breaking for dinner in the middle of the meeting cease</i>	<i>That Council, subject to the ability to conclude open Council business before 6.30pm, break for the meal at the end of Open Council so there is no disruption to the livestream and public attendees, and commence with Closed Council after the meal break</i>
3.	<i>I recommend Council adopt additional protocols and rules around the conduct of meetings and that such rules once adopted be rigorously implemented by the Mayor. (See Appendix A)</i>	<i>That Council Officer’s prepare a separate report for Council’s consideration, taking into consideration Appendix A, within 6 months</i>
4.	<i>I would recommend that all Councillors undergo further training in the conduct of meetings and meeting procedure training</i>	<i>That regular training sessions be scheduled in conjunction with workshops to focus on specific training needs identified self-review sessions be incorporated into the training sessions 3) Council officers seek guidance from TASCAT</i>
5.	<i>That care be taken in the wording of recommendations and motions to ensure that the outcome or action of the motion is not pre-committing funding to a future budget</i>	<i>That the recommendation be considered</i>
6.	<i>That care be taken in the wording of motions and recommendations to ensure that the outcome or action required by the motion is clear</i>	<i>That the report recommendation be included in the training</i>



Report Recommendation		Action
7.	<i>I recommend that Councillors seek the support of Officers in the drafting of the wording of motions that differ from the Officer recommendation</i>	<i>That the report recommendation be actioned</i>
8.	<i>I would recommend that Councillors undertake further training in regard to their role as a Planning Authority in particular, the obligations of a Planning Authority in relation to decision making and the Planning Scheme</i>	<i>That regular training sessions be scheduled in conjunction with workshops to focus on specific training needs identified self-review sessions be incorporated into the training sessions 3) Council officers seek guidance from TASCAT</i>
9.	<i>I recommend that matters that are to be considered in Closed meeting be listed in the Agenda and that the reasons for consideration of the matters in Closed meeting be recorded in the Minutes of the meeting</i>	<i>That, if required, amendments be made to the disclosure of Closed Council matters subject to advice received from the Office of Local Government</i>
10.	<i>I recommend that guidance be provided to Councillors on the drafting of rescission motions</i>	<i>That Councillors receive advice from the General Manager in relation to the rescission of motions, prior to submitting a notice of motion</i>
11.	<i>It is recommended that the General Manager conduct a workshop session with the Mayor and Councillors on the "drafting of effective motions"</i>	<i>That a training session be scheduled in conjunction with workshops to focus on specific training needs</i>
12.	<i>That Council seek a report or advice on appropriate mechanisms to give effect to "notes" appended to</i>	<i>That a report be prepared for Council's consideration</i>

C) *in relation to this matter*

i) *consider whether any discussion, decision, report or document is kept confidential or released to the public;*

and

ii) *determined not to release the decision, report and/or document to the public, the decision to be reviewed at a future date (within 6 months);*

and

iii) *release a statement to the public advising that:*

The Council has received the Independent Advisor's report from Mr Andrew Paul and is working through the recommendations which cover a range of matters, including: general governance, meeting procedures, workplace culture and work health and safety. It is expected that the implementation of recommendations arising from the review will occur over an extended period of time.

Mr Paul noted in his report that Northern Midlands Council is in a sound financial position, has a strong portfolio of community assets and infrastructure, has significant growth opportunities and generally a bright future

and

iv) *release the Council's decision to the Acting Director of Local Government on a confidential basis.*

Over the past six months, Council has adopted a timetable to monitor the implementation of the recommendations, as resolved at the Ordinary Council Closed Meeting on 21 October 2024. To keep Elected Members informed, the "Implementation Plan Timetable" has been presented at each Workshop and/or Council Meeting since then, outlining progress in the implementation and/or compliance with the decisions made in October 2024 regarding the recommendations.



2.2 Background

The report makes a number of recommendations in relation to a range of matters including, general governance, meeting procedure, workplace culture and matters of workplace health and safety.

Mr Paul has advised that the report be made available to all Councillors on the basis that the report is "confidential" and has recommended

- a) *that the report be considered by Council in the closed meeting. Mr Paul's recommendation is in accordance with the Local Government (Meeting Procedure) Regulations:*

Reg 15(2) "A part of a meeting may be closed to the public when any one or more of the following matters are being, or are to be, discussed at the meeting:

*(a) personnel matters, including complaints against an employee of the council and industrial relations matters; and
(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;"*

- b) *the report should not be made publicly available. It would however be appropriate to distribute to Councillors on a confidential basis, for their information and consideration, a week or so prior to the report being considered by Council in closed meeting or initially at a closed workshop session.*

2.3 Executive Summary

The Executive Summary prepared by Mr Paul follows:

The principal term of reference of this engagement was to objectively review Councils governance arrangements and meeting procedures. In undertaking this task I have attended a Council meeting, reviewed all Council meetings dating back to December 2023 and interviewed all Councillors and a number of Council senior staff. Additionally, I have read agendas and minutes of meetings and have reviewed a large number of Council reports and policy documents.

Throughout the body of this report, I have made a number of observations and recommendations in relation to Councils governance arrangements, meeting procedures and communications. Perhaps most importantly the report also makes a number of recommendations on matters pertaining to workplace culture, relationships and the establishment of a policy framework and policies to address work place health and safety issues in particular bullying, harassment and psychosocial harm.

In regard to governance and meeting procedures the report identifies a range of matters where improvements in Councils governance and meeting procedures could be made. Such matters include the adoption of an extended and consolidated meeting procedures policy, changes to the format and conduct of Council meetings, advice in relation to Council acting as a Planning Authority, numerous other meeting related matters, the reintroduction of Questions without Notice to the Council meeting, recommendations in relation to Councillor training and the introduction of a weekly briefing report for the information of Council.

While numerous in number, many of the recommendations are technical in nature and respond to individual matters identified as part of this review. None of these matters indicate a significant failing in governance at Northern Midlands Council. It is undoubted that no Council of a similar size and nature as NMC has the capacity to be fully compliant with every rule and regulation all the time.

By far, the most concerning matter identified from this review is in regard to relationship breakdown between respective parties. This relationship breakdown manifests as behaviour that could only be described as bullying, harassment, constant and ongoing demands for information, legal action and code of conduct complaints and a general feeling of a sense of dread amongst many of the staff.



Irrespective of how good or bad governance arrangements at Council may be, without a strong, respectful working relationship between Council, Councillors, the General Manager and senior staff the organisation will not function well, and the Northern Midlands community will be the losers.

It is incumbent on all parties to set aside their differences and to work together to effect and deliver good outcomes for Northern Midlands.

This report identifies a range of actions and initiatives that I believe are essential for Northern Midlands Council to implement. As a first step in this regard, Council should engage a professional mediator to seek to resolve some of the underlying matters of disagreement and tension between the respective parties. Further, Council should then proceed to the development and adoption of a respectful working relationships policy, the

development and adoption of a Workplace Health and Safety framework, the implementation of an internal communications policy and the undertaking of a workforce culture survey.

Northern Midlands Council is in a sound financial position, has a strong portfolio of community assets and infrastructure, has significant growth opportunities and generally has a bright future. This, however, can only be achieved with the goodwill of all parties and a willingness to find common ground and to work collaboratively for the good of the community.

2.4 Legal Advice/Review

In regard to the recommendations of the report, advice was sought from Simmons Wolfhagen Lawyers in order to ascertain the legal standing of those recommendations and/or whether the recommendations relate to industry best practice in the opinion of the author.

The Simmons Wolfhagen advice notes:

In summary, it is our opinion that:

- (a) the report does not identify any material non-compliance by the Council of its legislative obligations;*
- (b) reflecting this, the recommendations are directed towards best-practice governance approaches and Council is not required to implement the recommendations to meet legislative requirements; and*
- (c) we generally endorse the report recommendations with the caveat that we do not have instructions to make an independent assessment of the facts and have based our opinion on the observations made by Mr Paul as outlined in the report.*

2.5 Implementation Plan Timetable

The Implementation Plan Timetable was presented and discussed at the workshop held on 7 October 2024 and has continued to be considered in subsequent workshops and meetings. It reflects the adoption of decisions made by Council at the Ordinary Closed Meeting on 21 October 2024, as follows:

	Recommendation	Legislative Requirement	Action	Timeframe	Responsible Officer	Status
1	That the practice of reading the "guidelines for Council Meetings" be discontinued	No	That the recommendation has been actioned	Implemented before November 2024 meeting	Mayor & GM	Complete
2	I recommend that the practice of breaking for dinner in the middle of the meeting cease.	No	That Council, subject to the ability to conclude open Council business before 6.30pm, break for the meal at the end of	Implemented from November 2024 meeting	GM	Complete



	Recommendation	Legislative Requirement	Action	Timeframe	Responsible Officer	Status
			Open Council so there is no disruption to the livestream and public attendees, and commence with Closed Council after the meal break			
3	I recommend Council adopt additional protocols and rules around the conduct of meetings and that such rules once adopted be rigorously implemented by the Mayor. (See Appendix A)	No	That Council Officer's prepare a separate report for Council's consideration, taking into consideration Appendix A, within 6 months	Ready for Council workshop 17/02/2025	GM/Corp Services Manager/ Exec Assistant/ Exec Officer	Complete
4	I would recommend that all Councillors undergo further training in the conduct of meetings and meeting procedure training.	No	That 1) regular training sessions be scheduled in conjunction with workshops to focus on specific training needs identified 2) self-review sessions be incorporated into the training sessions 3) Council officers seek guidance from TASCAT	Council moved motion at 17/03/2025 meeting to defer the implementation until new legislative requirements are released.	GM & Councillors	Council moved motion at 17/03/2025 meeting to defer the implementation until new legislative requirements are released.
5	That care be taken in the wording of recommendations and motions to ensure that the outcome or action of the motion is not pre-committing funding to a future budget	No	That the recommendation be considered	From November 2024 meeting	All Officers	Noted
6	That care be taken in the wording of motions and recommendations to ensure that the outcome or action required by the motion is clear.	No	That the report recommendation be included in the training	Council moved motion at 17/03/2025 meeting to defer the implementation until new legislative requirements are released.	All Officers	Council moved motion at 17/03/2025 meeting to defer the implementation until new legislative requirements are released.
7	I recommend that Councillors seek the support of Officers in the drafting of the wording of motions that differ from the Officer recommendation	No	That the report recommendation be actioned	From November 2024 meeting	Councillors	Noted
8	I would recommend that Councillors undertake further training in regard to their role as a Planning Authority in particular, the obligations of a Planning Authority in relation to decision making and the Planning Scheme	No Planning Authority requirements are legislative requirements	That 1) regular training sessions be scheduled in conjunction with workshops to focus on specific training needs identified 2) self-review sessions be incorporated into the training sessions	Council moved motion at 17/03/2025 meeting to defer the implementation until new legislative requirements are released.	GM & Councillors	Council moved motion at 17/03/2025 meeting to defer the implementation until new legislative requirements are released.



	Recommendation	Legislative Requirement	Action	Timeframe	Responsible Officer	Status
			3) Council officers seek guidance from TASCAT			
9	I recommend that matters that are to be considered in Closed meeting be listed in the Agenda and that the reasons for consideration of the matters in Closed meeting be recorded in the Minutes of the meeting.	No	That, if required, amendments be made to the disclosure of Closed Council matters subject to advice received from the Office of Local Government	From November 2024 meeting	GM	Complete.
10	I recommend that guidance be provided to Councillors on the drafting of rescission motions	No	That Councillors receive advice from the General Manager in relation to the rescission of motions, prior to submitting a notice of motion	Ready for decision to be made	GM	Council moved motion at 17/03/2025 meeting to defer the implementation until new legislative requirements are released.
11	It is recommended that the General Manager conduct a workshop session with the Mayor and Councillors on the "drafting of effective motions"	No	That a training session be scheduled in conjunction with workshops to focus on specific training needs	Ready for decision to be made	GM & Councillors	Council moved motion at 17/03/2025 meeting to defer the implementation until new legislative requirements are released.
12	That Council seek a report or advice on appropriate mechanisms to give effect to "notes" appended to Planning Permits.	No Impacts on Planning Permits / legal enforceability of notes	That a report be prepared for Council's consideration	Report prepared on being presented to elected members at the workshop on 7 April 2025.	Senior Planner	Completed at Council meeting 14 April 2025
13	I recommend that in future Council adopt the rates and charges at a meeting subsequent to the adoption of the Council budget.	No	That the recommendation be noted	June 2025	Corporate Services Manager	Noted, if needed.
14	I recommend that any matter that potentially results in the issue of a planning permit be considered in open meeting	Subject to legal advice	Agreed, except in exceptional circumstances	Implemented from November 2024 meeting	Senior Planner	Noted
15	I recommend that where legal advice (qualified advice) is obtained in respect of a matter the advice, or a summary of that advice, should be made available to the Council.	No	That the recommendation be noted	Implemented from November 2024 meeting	Officer authoring report & Exec Officer / GM review	Standard Practice
16	I recommend that the Mayor, Councillors and the General Manager should actively and genuinely participate in a dedicated mediation process, delivered by an experienced mediation professional, that focusses on improving effective working relationships to improve Council governance.	No	That Council officers prepare a brief and seek quotes for consideration at a Workshop (the report to include time, cost, etc.)	Dispute Resolution Policy for Elected Members was introduced as a policy on 17/03/2025	GM & Councillors	Dispute Resolution Policy for Elected Members was introduced as a policy on 17/03/2025 inline with LGAT requirements.



	Recommendation	Legislative Requirement	Action	Timeframe	Responsible Officer	Status
17	I recommend that Council work to develop a Respectful Relationships Policy.	No	That the recommendation be noted (noting this topic is already covered <i>Local Government (Code of Conduct) Order 2024</i> and in a number of Council policies)	By June 2025	HR -legal to assist	The concepts for this policy are already included in other workplace policies, i.e. Workplace Behaviour and Employee Code of Conduct Policy and Work Health and Safety and Employee Wellbeing Policy
18	I would recommend that Council engage a suitably qualified professional to work with Council to develop a comprehensive Work Health and Safety Framework that in particular addresses bullying, harassment and psychosocial harm.	WHS requirements are legislative requirements	That the recommendation has been actioned			Complete
19	I recommend that a new format declaration of interests' register be established and that all declarations of interest be recorded in the meeting Minutes.	No – new format not legislatively required. Declaration of Interests are legislative requirements	That the recommendation has been actioned	Implemented from November 2024 meeting	Exec Assistant	Complete
20	I recommend that Council establish an internal communications policy that sets out an agreed protocol between the Council and Senior staff in regard to what information is accessible, what information is not, a process for requesting information, expected timelines for a response and provision of information and a means of ensuring that the same level of information is provided to all Councillors.	Policy is not legislatively required Local Government Act provides for what information is accessible etc..	That Council officers prepare a Communications Policy and Protocol for Council consideration within 6 months	Adopted 2 May 2005 – Min. No. 117/05 (as Policy 41)	GM - legal to assist with drafting	Communications Policy currently in place and last reviewed 21 February 2022. Due for review in 2026. Section 4 outlines communications between Councillors and staff.
21	I recommend that a communications protocol be adopted to provide guidance for Councillors to contact Senior staff directly rather than all matters and contact to be directed through the office of the General Manager.	No	That the recommendation be noted	Adopted 2 May 2005 – Min. No. 117/05 (as Policy 41)	GM & HR - legal to assist	Communications Policy currently in place and last reviewed 21 February 2022. Due for review in 2026. Section 4 outlines communications between Councillors and staff.
22	I recommend that the General Manager prepare a weekly (or fortnightly) briefing report as a means of keeping Council informed.	No	That Council introduce onto the agenda for each scheduled Council Workshop a 10 minute opportunity at the end of the agenda to receive a verbal briefing and to	Implemented from November 2024 meeting	GM	See Recommendation Items 22 and 24. Implemented fortnightly circulation of briefing report



	Recommendation	Legislative Requirement	Action	Timeframe	Responsible Officer	Status
			provide an opportunity for Councillors to ask questions and a fortnightly Briefing Report be provided			from 1 November 2024.
23	I recommend that a new structure and format be introduced for the lodging and presentation in the agenda for Motions on Notice.	No	That the recommended action be included in the training	Ready for decision to be made	GM & Exec Officer/Exec Assistant & Councillors -legal to assist	Council moved motion at 17/03/2025 meeting to defer the implementation until new legislative requirements are released.
24	That Council reintroduce as an agenda item "questions without notice" and that rules around the operation of questions without notice be included in the consolidated meeting procedures policy.	Agenda Item – No Questions Without Notice provided for within the Meeting Regulations	That Council introduce onto the agenda for each scheduled Council Workshop a 10 minute opportunity at the end of the agenda to receive a verbal briefing and to provide an opportunity for Councillors to ask questions and a fortnightly Briefing Report be provided.	From November 2024 meeting for reintroduction on agenda Rules – by March 2025	GM & Exec Officer	See Recommendation Items 22 and 24. Implemented. Commenced Nov 2024, 10 minute Briefing/ Discussion Session on Workshop Agenda.
25	I would recommend that the Executive Committee be wound up and that a GM review panel be appointed by Council with an agreed and approved policy for the review.	No	That Council confirm the appointment of Council's Executive Committee and that minutes of meetings be circulated in the Closed Council Meeting Agenda	November 2024.	GM & Exec Assistant	Procedural Item in Closed Council Agenda - reporting on Exec Committee meetings held. Appointment of Executive confirmed – min. no. 22/389, 28 November 2022.
26	That a report be presented to Council in relation to Special Committees, their capacity to comply with their delegated requirements and statutory obligations, the training needs of the Committees and how they are to be resourced going forward.	No	That the recommendation is in process and being actioned	Report prepared on being presented to elected members at the workshop on 7 April 2025.	Exec Officer	Report has been prepared and is on the agenda for discussion by Council but has been deferred until a workshop after the budget.
27	I recommend that the Audit Panel be brought into compliance with the Audit Panel guidelines and Council policy.	Yes Audit Panel has legislative requirements	That it be noted that the Audit Committee is compliant and an additional independent member is being sought	Immediately	Corporate Services Manager	A delegate has been sought. As not a legislative requirement this can be ongoing.
28	I recommend that to ensure that there is full transparency in resolutions of Council that relate to property purchase, acquisition or disposal the resolution should note the valuation and any guidance to the GM in relation to price.	No	That the recommendation be noted	Implemented from November 2024 meeting	Exec Officer & GM	Standard practice
29	I would recommend that a separate councillor request tracking system be established and that all complaints and	No	That the recommendation be noted	Report prepared on being presented to elected members at	IT Officer	Completed at Council meeting 14 April 2025 as motion



	Recommendation	Legislative Requirement	Action	Timeframe	Responsible Officer	Status
	concerns raised by Council are entered into the database, along with expected response times and that the system is monitored to ensure that all requests are closed out and the timeframe in which this is achieved.			the workshop on 7 April 2025.		moved to implement system.
30	I recommend that it would be beneficial for council to undertake a wider workforce cultural survey to better understand the issues and reasons guiding workplace culture.	No	That the recommendation be noted and an internal review is underway	By June 2025	HR	Internal workforce plan Complete – adopted at 18 November 2024 Council Meeting.

3 STRATEGIC PLAN 2021-2027

3.1 Strategic Plan 2021-2027

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

Lead: Serve with honesty, integrity, innovation and pride

Leaders with Impact

Strategic outcomes:

- 1.1 Council is connected to the community
- 1.2 Councillors serve with integrity and honesty
- 1.3 Management is efficient, proactive and responsible

3.2 Integrated Priority Projects Plan 2021

Not applicable.

4 POLICY IMPLICATIONS

The Council's *Consolidated Meeting Procedures* was presented for review and subsequently endorsed on 17 February 2025. The update responds to the issues raised regarding the Council's meeting procedures and governance processes.

5 STATUTORY REQUIREMENTS

N/A

6 FINANCIAL IMPLICATIONS

The Office of Local Government funded the independent review; however, any actions taken by Council in relation to the review were or will need to be funded by Council.

7 RISK ISSUES

The following risks have been identified

- the continued perception that Council's governance practices, particularly in the context of statutory obligations, are non-compliant;
- that Council may be attempting to avoid scrutiny of its statutory obligations practices;
- impact on the working relationship between Council and the Office of Local Government;
- impact on the cohesive working relationship of Council and Councillors.



8 CONSULTATION WITH STATE GOVERNMENT

Not at this stage.

9 COMMUNITY CONSULTATION

Not applicable.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council can

- receive the report without further action
- opt to release or not release the report
- opt to release a redacted version of the report
- opt to release or not release any decision made in relation to the report and the recommendations

11 OFFICER'S COMMENTS/CONCLUSION

The recommendations and legal advice obtained in relation thereto were discussed at the 7 October 2024 workshop.

The recommendations reflect the direction of attendees and discussion at that workshop.

Mr Paul requested that the report be made available to all Councillors on the basis that the report is "confidential" and recommended

a) that the report be considered by Council in the closed meeting.

Mr Paul's recommendation is in accordance with the Local Government (Meeting Procedure) Regulations:

Reg 15(2) "A part of a meeting may be closed to the public when any one or more of the following matters are being, or are to be, discussed at the meeting:

*(a) personnel matters, including complaints against an employee of the council and industrial relations matters; and
(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;"*

b) the report should not be made publicly available.

It would however be appropriate to distribute to Councillors on a confidential basis, for their information and consideration, a week or so prior to the report being considered by Council in closed meeting or initially at a closed workshop session.

Officers recommend that the report be received without further action, except for matters subject to conditions requiring action, as follows:

1. Discontinue reading of "guidelines for Council Meetings" – Implemented before Nov 2024; Complete.
2. Cease dinner break during meetings – Now held after Open Council; Complete.
3. Develop and enforce additional meeting protocols (Appendix A) – Report prepared; Complete.
4. Councillors to receive further training in meeting procedures – Implementation deferred pending legislative changes.
5. Ensure motion wording doesn't pre-commit future budget funds – Noted from Nov 2024.
6. Ensure clarity in motion wording – Included in training; implementation deferred.
7. Councillors to seek Officer support in drafting motions – Actioned from Nov 2024; Noted.
8. Training on Planning Authority obligations – Implementation deferred pending legislative changes.
9. List Closed Meeting matters in agenda and include reasons in Minutes – Actioned from Nov 2024; Complete.



10. Provide guidance on rescission motions – Implementation deferred pending legislative changes.
11. GM to hold workshop on drafting effective motions – Implementation deferred pending legislative changes.
12. Report on enforceability of notes on Planning Permits – Being presented at 7 Apr 2025 workshop.
13. Adopt rates and charges at separate meeting after budget – Noted for June 2025.
14. Planning-related matters to be considered in open meetings – Agreed; Noted.
15. Share legal advice or summary with Council – Actioned from Nov 2024; Standard practice.
16. Engage mediator for governance improvement – Dispute Resolution Policy adopted 17/03/2025.
17. Develop Respectful Relationships Policy – Existing policies already address this; due by June 2025.
18. Develop comprehensive WHS Framework on bullying, harassment, and psychosocial harm – Complete.
19. New format for declaration of interests and include in minutes – Actioned from Nov 2024; Complete.
20. Establish internal communications policy – Policy in place since 2005; reviewed 2022, due 2026.
21. Adopt protocol for Councillor contact with Senior staff – Covered in existing policy; Noted.
22. GM to provide regular briefing reports – Implemented Nov 2024; Complete.
23. Restructure format for Motions on Notice – Implementation deferred pending legislative changes.
24. Reintroduce “questions without notice” to agenda – Implemented Nov 2024 with new briefing session; Complete.
25. Wind up Executive Committee and appoint GM review panel – Exec Committee retained; reported in Closed Agenda.
26. Report on Special Committees’ compliance, training, and resourcing – Presented at 7 Apr 2025 workshop; further discussion May 2025.
27. Bring Audit Panel into compliance – Already compliant; new independent member being recruited.
28. Include property valuations in Council resolutions – Actioned from Nov 2024; Standard practice.
29. Establish Councillor request tracking system – Report to be presented 7 Apr 2025 workshop.
30. Undertake a workplace culture survey – Internal review underway; target by June 2025.

Council must determine whether to release or not release Mr Andrew Paul’s report and/or the recommendations within the report and decision adopted by Council.

12 ATTACHMENTS

1. Northern Midlands Council - Independent Review (Final) [5.3.1 - 97 pages]
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