

Ordinary Meeting of Council

Thursday 14 October 2021

AGENDA

Notice of Meeting

Councillors of the Tamala Park Regional Council are advised that a meeting will be held at the City of Stirling, 25 Cedric Street, Stirling on Thursday 14 October 2021 at 6:00pm.



JON MORELLINI
Chief Executive Officer

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park*

TABLE OF CONTENTS

MEMBERSHIP	4
PRELIMINARIES.....	4
1. OFFICIAL OPENING	4
DISCLOSURE OF INTERESTS	4
2. PUBLIC STATEMENT/QUESTION TIME.....	4
3. APOLOGIES AND LEAVE OF ABSENCE.....	4
4. PETITIONS.....	4
5. CONFIRMATION OF MINUTES.....	4
5A BUSINESS ARISING FROM MINUTES	5
6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION).....	5
7. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 7.1 – 7.9)	5
7.1 BUSINESS REPORT – PERIOD ENDING 7 OCTOBER 2021.....	6
7.2 PROJECT FINANCIAL REPORT – AUGUST 2021.....	12
7.3 SALES AND SETTLEMENT REPORT – PERIOD ENDING 7 OCTOBER 2021.....	14
7.4 STATEMENTS OF FINANCIAL ACTIVITY FOR AUGUST 2021	20
7.5 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR AUGUST 2021	24
7.6 COUNCIL MEETING SCHEDULE 2022.....	26
7.7 CATALINA GREEN BUILDERS DISPLAY VILLAGE 1 – COMMERCIAL TERMS AND LOT ALLOCATION PROCESS	29
7.8 PROJECT FORECAST (2021).....	34
7.9 TAMALA PARK REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2021	41
8. COMMITTEE REPORTS 8.1.....	45
AUDIT COMMITTEE (6 AUGUST 2021)	45
8.1 REVIEW OF THE AUDITOR REPORT FOR THE FINANCIAL YEAR ENDED JUNE 2021	45
9. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	46
10. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	46
11. URGENT BUSINESS APPROVED BY THE CHAIR.....	46
12. GENERAL BUSINESS.....	46
13. DECISION TO MOVE TO CONFIDENTIAL SESSION.....	46
13.1 CONFIDENTIAL: REVIEW OF DELIVERABLES – DEVELOPMENT MANAGER'S KEY PERFORMANCE INDICATORS	47
This item satisfies the requirements of Section 5.23(2) c) and e) of the Local Government Act 1995, enabling it to be considered at a meeting, or part of a	

meeting, that is closed to members of the public and is to be considered under Item 13.1..... 47

13.2 CONFIDENTIAL: CATALINA GREEN NEIGHBOURHOOD CENTRE BUSINESS CASE.....47

This item satisfies the requirements of Section 5.23(2) c) and e) of the Local Government Act 1995, enabling it to be considered at a meeting, or part of a meeting, that is closed to members of the public and is to be considered under Item 13.2..... 47

13.3 CONFIDENTIAL: CATALINA CENTRAL LOCAL CENTRE SITE – PROPOSED SUBDIVISION.....47

This item satisfies the requirements of Section 5.23(2) c) and e) of the Local Government Act 1995, enabling it to be considered at a meeting, or part of a meeting, that is closed to members of the public and is to be considered under Item 13.3..... 47

13.4 CONFIDENTIAL: SURVEYING SERVICES TENDER 05/202147

This item satisfies the requirements of Section 5.23(2) c) and e) of the Local Government Act 1995, enabling it to be considered at a meeting, or part of a meeting, that is closed to members of the public and is to be considered under Item 13.4..... 47

14. FORMAL CLOSURE OF MEETING47

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Andres Timmermanis (DEPUTY CHAIR)	Cr Gary Mack
City of Joondalup	Cr John Chester Cr Phillipa Taylor	Cr Christopher May Cr Suzanne Thompson
City of Perth	Cr Brent Fleeton	Cr Clyde Bevan
City of Stirling	Cr Karen Caddy (CHAIR) Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri	Cr Karlo Perkov
Town of Victoria Park	Cr Claire Anderson	
City of Vincent	Cr Joanne Fotakis	Cr Alex Castle
City of Wanneroo	Cr Brett Treby Cr Domenic Zappa	Cr Natalie Sangalli Cr Vinh Nguyen

Representatives from the Satterley Property Group will be in attendance at the meeting.

PRELIMINARIES

1. OFFICIAL OPENING

DISCLOSURE OF INTERESTS

2. PUBLIC STATEMENT/QUESTION TIME

3. APOLOGIES AND LEAVE OF ABSENCE

4. PETITIONS

5. CONFIRMATION OF MINUTES

That the Council CONFIRMS and the Chair signs the minutes from the Ordinary Council Meeting held 19 August 2021 as a true and accurate record of proceedings.

5A BUSINESS ARISING FROM MINUTES

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

7. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 7.1 – 7.9)

7.1 BUSINESS REPORT – PERIOD ENDING 7 OCTOBER 2021

Responsible Officer: Manager Project Coordination

Attachments: Nil

Voting Requirements: Simple Majority

RECOMMENDATION

That the Council RECEIVES the Business Report to 7 October 2021.

PURPOSE

The report provides information to the Council on key activities, programs and milestones.

BACKGROUND

The business of the Council requires adherence to many legislative provisions, policies and procedures that aim at best practice. There are also many activities that do not need to be reported formally to the Council but will be of general interest to Council members and will also be of interest to the public who may, from time to time, refer to Council minutes.

In the context of the above, a Business Report provides the opportunity to advise on activities that have taken place between meetings. The report will sometimes anticipate questions that may arise out of good governance concerns by Council members.

COMMENT

1. Civil Construction - Status

Stage 28 – Catalina Beach

Titles for 34 lots in Stage 28 issued on 1 September 2021.

Connolly Drive/Aviator Boulevard Roundabout

Civil works for the Connolly/Aviator Boulevard roundabout are well-advanced and due to be completed mid-November 2021.

Catalina Beach Foreshore Access Road / Carpark

Earthworks for the Beach Foreshore Access Road and Carpark have been completed. Civil works are in progress and due to be completed in mid-December 2021.

Portofino Promenade/Longbeach Promenade

Civil works for the Portofino Promenade and Longbeach Promenade extensions are in progress and will be completed in conjunction with completion of the Foreshore Access Road and Carpark works.



Portofino Promenade extension under construction, Catalina Beach

Stage 27B – Catalina Beach

Civil works for Stage 27B (32 lots) commenced on 23 September 2021. Practical completion is anticipated in mid-February 2022.

Catalina Green

Earthworks for Phase 1 of Catalina Green commenced late August 2021 and are expected to be completed mid-November 2021. Close attention has been given to the protection of existing trees that have been identified for retention within the subdivision.

Civil design drawings for the first stage of subdivision (Stage 36) have been submitted to the City of Wanneroo for approval.



Catalina Green Earthworks in progress

Stage 18C – Catalina Central

Civil design drawings for 28 lots have been submitted to the City of Wanneroo for approval. Construction is forecast to commence in late October 2021.

Stage 30 – Catalina Beach

Civil design drawings for 37 lots have been submitted to the City of Wanneroo for approval. Construction is forecast to commence in November 2021.

2. Landscape Works – Status

Foreshore Access Road and Carpark

The first stage of revegetation works of the earthwork batters adjacent to the Foreshore Access Road and Carpark has been completed. A second stage of revegetation works of road and carpark verges will be undertaken in winter 2022 following the completion of civil works.



Revegetation works adjacent to the Foreshore Access Road alignment

The Clearing Permit for the Foreshore Access Road and Carpark requires the TPRC to revegetate an area of approximately 1.3ha to offset the vegetation clearing associated with the road works. The TPRC has completed the first stage of offset planting of approximately 1,000m² in the coastal conservation reserve approximately 200m to the north of the Foreshore Access Road. This complements recent work undertaken by the City of Wanneroo to install fencing to protect dunes and formalise walk trails.



Offset revegetation completed near the Foreshore Access Road works area

Portofino Promenade and Longbeach Promenade

Landscape works will follow the completion of civil works for these road extensions in early 2022.

Stage 28 Display Village/Marmion Avenue West

Landscaping of the verges opposite the Stage 28 Display Village and adjacent to Marmion Avenue is programmed to commence November 2021.

Catalina Beach Park – Phase 2

Landscape works are programmed to commence April 2022.

Foreshore Park

Landscape works are programmed to commence April 2022.

Aviator Boulevard Greenlink

Landscape works for the Aviator Boulevard Greenlink extension from Roulettes Parade to Connolly Drive in Catalina Central are programmed to commence November 2021.

Connolly Drive/Aviator Boulevard Roundabout and Entry Statement

Landscape works for the Connolly/Aviator Roundabout and adjoining entry statements for Catalina Central are programmed to commence late November 2021.

Catalina Green

Landscape design for streetscape works and entry statements on Connolly Drive and Neerabup Road and parkland adjacent to Neerabup Road in the first phase of the Catalina

Green development area is well advanced. Landscape works are programmed to commence in May 2022.

3. Housing Construction

The following table provides an overview of the current progress of housing construction to 30 September 2021:

Stage	Total Lots	Under Construction	Completed	Vacant
Stages 1 – 15, 17A, 18A, 18B, Stage 25 (Display Village), 25B	885	1	882	2
Stage 16A	17	10	0	7
Stage 17B	36	5	27	4
Stage 25	38	2	33	3
Stage 25 (Builders Release)	7	0	6	1
Stage 26	38	16	18	4
Stage 27A	20	7	0	13
Total	1,041	41	966	34

4. Community Events

A new Community Development event series called the Weekend Connector is being implemented during FYE 2022 to provide regular connection opportunities for residents and engagement of local community groups and businesses. Weekend Connector events will be held on the first Sunday each month at Drimmie Park in Catalina Central.

The first event in the series was held on 5 September 2021 on Father's Day and was attended by 50 residents who enjoyed TPRC provided coffee and a pop-up reading corner and story time facilitated by Paint the Town REaD. The next event will be held on 3 October 2021 and will feature a yoga session and promotion of mental health awareness.



5. Commercial Centres

Aviator Boulevard, Catalina Central

Construction of the childcare centre being developed at the corner of Aviator Boulevard and Roulettes Parade is well-advanced. The childcare centre is due to open for business in early 2022. Stage 2 of the development will include several shop tenancies (300m² net lettable area) and a 170m² café and is due to be completed by May 2023.



Catalina Central Local Centre – Child Care Centre under construction

Connolly Drive, Catalina Green

The first stage of civil works within Catalina Green will include the local centre site located at the intersection being construction at Connolly Drive and Aviator Boulevard. A tender/expression of interest campaign is being proposed by Satterley to offer the site to market, consistent with the approved Annual Plan FYE 2022. A separate report on this matter is included in Item 13.3.

6. Planning Applications

Stage 18C – Catalina Central

Subdivision approval for Stage 18C consisting of 28 residential lots, was issued by the Western Australian Planning Commission on 10 August 2021.

Stage 27C, 29 and 30 – Catalina Beach

Subdivision approval for Stages 27C, 29 and 30 consisting of 117 residential lots, was issued by the Western Australian Planning Commission on 18 August 2021.

Stages 36 and 37 – Catalina Green

Subdivision approval for the first phase of Catalina Green consisting of 127 residential lots and a commercial lot, was issued by the Western Australian Planning Commission on 4 August 2021.

Stage 28 Builders' Display Village – Development Application

Planning approval for the development of the Stage 28 Builders' Display Village was issued by the City of Wanneroo 8 September 2021.

7.2 PROJECT FINANCIAL REPORT – AUGUST 2021

Responsible Officer:	Chief Executive Officer
Attachments:	Letter from Satterley Property Group dated 28 September 2021 with Financial Report
Voting Requirements:	Simple Majority

RECOMMENDATION

That the Management Committee RECEIVES the Project Financial Report (August 2021) submitted by the Satterley Property Group.

PURPOSE

To consider the Project Financial Report for August 2021 submitted by the Satterley Property Group.

POLICY REFERENCE

N/A

LOCAL GOVERNMENT ACT/REGULATION

N/A

PREVIOUS MINUTES

N/A

FINANCIAL/BUDGET IMPLICATIONS

Review of Project Financial Report for August 2021.

RISK MANAGEMENT IMPLICATIONS

Risk Ref: 2	Risk Rating:
Strategic - Stable and effective governance environment.	Moderate
Action:	
SPG and TPRC provide reports/information to Council Meetings.	

The report provides information to the Management Committee on Catalina Project financial outcomes in particular, revenue, expenditure and variances to ensure transparency and governance of financial activity.

BACKGROUND

At its meeting of 17 June 2021, the Council approved the Project Budget FYE 2022, submitted by the Satterley Property Group (Satterley).

The Development Manager's Key Performance Indicators 2020 - Governance, requires the preparation of monthly progress reports.

COMMENT

Satterley has prepared a Catalina Financial Report for August 2021 for the Project. The report has been prepared on a cash basis and compares actual expenditure to approved budget expenditure for the period 1 August 2021 to 31 August 2021 and is attached at Appendix 7.2

The Financial Report identifies the following main areas of variance:

1. Residential settlement revenue for the year to date to 31 August 2021 is \$1.25m, which is \$1.45m behind the approved August 2021 budget due to four less settlements.
2. Expenditure was \$505k under budget, in the following areas:
 - Lot Production \$312k under budget;
 - P&L expenditure is \$59k under budget;
 - Infrastructure \$484k under budget;
 - Clearance Bonds \$403k adverse to budget;
 - Indirect consultants \$38k under budget;
 - Landscaping \$15k under budget;
3. Year to date sales for FYE 2022 are \$3.1m ahead of budget due to higher average price \$44k per lot and six more sales than budget.

The Satterley Financial Report provides detail on the variations.

Satterley representatives will be in attendance to present the report.

7.3 SALES AND SETTLEMENT REPORT – PERIOD ENDING 7 OCTOBER 2021

Responsible Officer: Manager Project Coordination

Attachments: Staging Plan

Voting Requirements: Simple Majority

RECOMMENDATION

That the Council RECEIVES the Sales and Settlement Report to 7 October 2021

PURPOSE

To advise the Council of the status of sales, settlements and sales releases.

POLICY REFERENCE

N/A

LOCAL GOVERNMENT ACT/REGULATION

Local Government Act 1995: Sect 3.58 – Disposal of Property.

PREVIOUS MINUTES

N/A

FINANCIAL/BUDGET IMPLICATIONS

Income under this matter will be posted under item I145011 (Income on Lot Sales):

Budget Amount:	\$ 29,575,138
Received to Date:	\$ 1,241,988
Balance:	\$ 28,333,150

RISK MANAGEMENT IMPLICATIONS

Risk Ref: 2	Risk Rating:
Strategic - Stable and effective governance environment.	Moderate
Action:	
SPG and TPRC provide reports/information to Council Meetings.	

The report provides information on Catalina Project sales/settlements and variances to ensure the Council is well informed on sales and market trends.

BACKGROUND

The Sales and Settlement Report provides the Management Committee with a status update of sales and settlements for the Project. The Staging Plan provided under Appendix 7.3 identifies the extent of the stage boundaries referenced within the report.

COMMENT

Table 1 provides a summary of the Catalina Estate Sales and Settlement position for lots released up to 5 October 2021.

Table 1: Summary of Sales and Settlement of Lots – Catalina Estate

Stage/ Release Date	Release Date	Lots Released	Lot Sizes (m ²)	Sold*	Stock	Settled
Completed Stages	-	1001	174 - 658	1001	0	1001
Stage 16A	Aug-20	17	375 - 450	17	0	15
Stage 18C	Sep-21	21	183-558	10	11	0
Stage 26 (3)	Dec-19	7	367 - 481	7	0	7
Stage 27A (1)	Aug-20	12	225 - 450	12	0	11
Stage 27B (1)	Jun-21	11	300 - 617	11	0	0
Stage 27B (2)	Jul-21	12	375 - 539	12	0	0
Stage 28 (1)	Nov-20	10	357 - 450	10	0	7
Stage 28 (2)	Feb-21	10	370 - 450	10	0	8
Stage 28 (DV)	Mar-21	12	375 - 474	9	3	2
Stage 28 (3)	Apr-21	6	375 - 449	6	0	3
Total		1,119	174 - 658	1,105	14	1,054

Table 2: Summary of Net Sales for FYE 2022 against Budget – Catalina Estate

	Jul	Aug	Sep	Oct	YTD	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYE 22
Budget	8	8	8	10	34	9	10	9	10	9	10	9	10	110
Actual	9	13	16	7	45*									
Variance	+1	+5	+7	-3	+9									

*10 sales are subject to advertising

The Project currently holds 51 contracts, 15 unconditional, 26 conditional and 10 pending advertising and acceptance.

14 released lots are currently available, comprised of the stock listed in Table 3:

Table 3: Summary of Available Stock Position – Catalina Estate

Stage	No. of Lots	Title Status
Stage 28 (Beach Precinct) Builders Display Village	3*	Titled
Stage 18C (Central Precinct)	11	Untitiled

The Stage 28 titles issued on 1 September 2021. All lots in this stage have either been sold or allocated to builders for the display village pending the signing of sales contracts. Lot settlements commenced in mid-September and the majority should settle by November 2021.

Table 4: Summary of Settlements for FYE 2022 against Budget – Catalina Estate

	Jul	Aug	Sep	Oct	YTD	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYE 22
Budget	3	5	2	5	15	2	7	4	6	17	8	20	19	98
Actual	1	3	16	2	22									
Variance	-2	-2	+14	-3	+7									



Titled Stage 28 lots, looking north.

Northern Corridor Estates Analysis

Table 5 provides a summary of sales at developments in the northern corridor.

Table 5: Summary of Sales in Northern Corridor (September 2020 to August 2021)

ESTATE	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	Jun	Jul	Aug	12 Month Total Sales
NORTH-WEST METRO													
Alkimos Beach (Alkimos)	0	7	5	7	5	12	7	5	5	6	10	13	82
Alkimos Vista (Alkimos)	3	2	7	7	3	-1	11	10	3	4	3	5	57
Allara (Eglinton)	13	2	3	-3	3	3	7	8	2	2	11	8	59
Amberton (Eglinton)	15	18	10	10	5	7	13	13	15	12	13	10	141
Beaumaris (Iluka)	0	2	1	3	1	0	0	0	0	0	0	6	13
Burns Beach (Burns Beach)	0	0	0	0	0	0	0	0	0	0	0	0	0
Catalina (Clarkson-Mindarie)	16	10	6	3	-2	9	6	10	3	2	9	13	85
East of the Beach (Eglinton)	0	-1	3	3	8	7	12	12	5	12	9	10	80

Agenda TPRC Council Meeting – 14 October 2021

Eden Beach (Jindalee)	7	8	7	13	12	5	15	5	4	10	9	4	99
Shorehaven (Alkimos)	5	10	7	8	10	9	15	15	7	9	8	14	117
Trinity (Alkimos)	20	8	11	1	12	7	15	15	8	5	16	20	138
TOTAL	79	66	60	52	57	58	101	93	52	62	88	103	871
CATALINA SHARE (%)	20.3 %	15.2 %	10.0 %	5.8 %	0 %	15.5 %	5.9 %	10.7 %	5.7 %	3.2 %	10.2 %	13 %	10%

Note 1: Satterley reporting is based on 'mid-month' sales period.

Note 2: Satterley has expressed caution that these sales results are indicative only based on information obtained in the marketplace and supplied on a voluntary basis.

Table 6 provides a summary of available stock in the northern corridor.

Table 6: Summary of Price of Available Lots in Northern Corridor Estates

Estate	225sqm Price (\$)	300sqm Price (\$)	375sqm Price (\$)	450sqm Price (\$)	500sqm + Price (\$)	Total Dwellings	Stock
Allara	n/a	n/a	n/a	220,000	235,000	3,405	10
Alkimos Beach	n/a	225,000	262,000	n/a	n/a	2,413	15
Amberton	n/a	n/a	285,000	330,000	379,000	2,500	13
Burns Beach	n/a	n/a	445,000	550,000-565,000	n/a	1,580	13
Catalina Central	n/a	n/a	274,000	n/a	284,000	2,480	11
Catalina Beach	n/a	n/a	n/a	n/a	n/a		3
Eden Beach	n/a	n/a	298,000	339,000-344,000	n/a	1,100	13
Shorehaven	289,000	n/a	n/a	n/a	n/a	2,800	7
Trinity	n/a	195,000	255,000	248,000-285,000	n/a	2,500	30

Lot Releases

Stage 18C – Catalina Central

- Number of Lots: 28
- Construction: October 2021 (Commence)
- Practical Completion: February 2022
- Titles Forecast: March 2022

The first release of 21 Lots in Stage 18C occurred on 15 September 2021. 12 sales have been achieved to date, though this includes 10 sales subject to advertising and acceptance.

Stage 30 – Catalina Beach

- Number of Lots: 37
- Construction: November 2021 (Commence)
- Practical Completion: April 2022
- Titles Forecast: May 2022

The first release of 18 lots in Stage 30 will occur on 13 October 2021.

Stage 36 – Catalina Green

- Number of Lots in Stage: 74
- Construction: Commenced - Earthworks in progress
- Practical Completion: April 2022
- Titles Forecast: May 2022

The first release of 24 lots in Stage 30 will occur on 13 October 2021.

Marketing

Current project marketing is focussed on lead generation and brand awareness campaigns through social media advertising (primarily Google and Facebook) and search engine optimisation.

Catalina Green pre-launch messaging has commenced in advance of the first release of lots in Stage 36 and various marketing collateral has been prepared including the updated Catalina brochure, a new Catalina Green flyer and artist impressions. Satterley report strong positive initial feedback from its prospective purchaser database.

Signage across the Project and at the Sales Office has been updated with new imagery and Catalina Green branding.



Signage on Neerabup Road in Catalina Central



Signage at corner of Neerabup Road and Connolly Drive in Catalina Green

7.4 STATEMENTS OF FINANCIAL ACTIVITY FOR AUGUST 2021

Responsible Officer:	Chief Executive Officer
Attachments:	Statements of Financial Activity for 31 August 2021
Voting Requirements:	Simple Majority

RECOMMENDATION

That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending 31 August 2021.

PURPOSE

Submission of the Statement(s) of Financial Activity required under the *Local Government Act 1995*.

LOCAL GOVERNMENT ACT/REGULATION

- *Local Government Act 1995*: Sect 6.4(1): Financial Report Required
- *Local Government (Financial Management) Regulations 1996*: Regulation 34 Composition of Report
- *Local Government (Financial Management) Regulations 1996*: Regulation 34 (5) Material Variance Reports [10%]
- *Local Government (Audit) Regulations 1996*: Regulation 14 Compliance Audit Item

RISK MANAGEMENT IMPLICATIONS

Risk Ref: 8	Risk Rating:
TPRC Operations - Financial Management of TPRC	Low
Action:	
Preparation and reporting on monthly accounts for Council approval.	

The submission of the Statement(s) of Financial Activity is required under the *Local Government Act 1995* and necessary to ensure transparency and governance of financial activity.

BACKGROUND

It is a mandatory requirement that the Council receives, reviews and records in the Council's public minutes a statement of financial activity showing annual budget estimates and the figures for budget estimates, income and expenditure and variances at the end of each month. The report is also to show the composition of assets and other relevant information.

COMMENT

The detailed Statements contained in the Appendices reflect the budget proposals and direction adopted by the Council.

Variances at period ending 31 August 2021 exceeding 10% were experienced in relation to the following:

Interest Earnings	The favourable variation relates to term deposits matured early than anticipated.
Other Revenue	The unfavourable commission is due to lower than anticipated investments.
Depreciation	The favourable variation relates to depreciation having not yet been expensed.
Employee Costs	The unfavourable variation relates to three pay periods for the month of August and advertising for vacant positions.
Insurance	The unfavourable relates to insurance paid earlier than expected.
Interest	The unfavourable is just a minor variance.
Other Expenditure	The unfavourable relates to paid earlier than anticipated.
Materials and Contracts	The favourable variation relates to less than anticipated office expenditure.
Utilities	The favourable variation relates to a minor variance of general utility bills.
Income Sale of Lots	The unfavourable variation relates to less lots sold due to titles
Land Production Costs	The favourable variation relates to less expenditure incurred on lot development.
GST Withheld Member Councils	The favourable variation relates to less GST due to less lots sold.

The information in the appendices is summarised in the tables following.

Financial Snapshot as at 31 August 2021

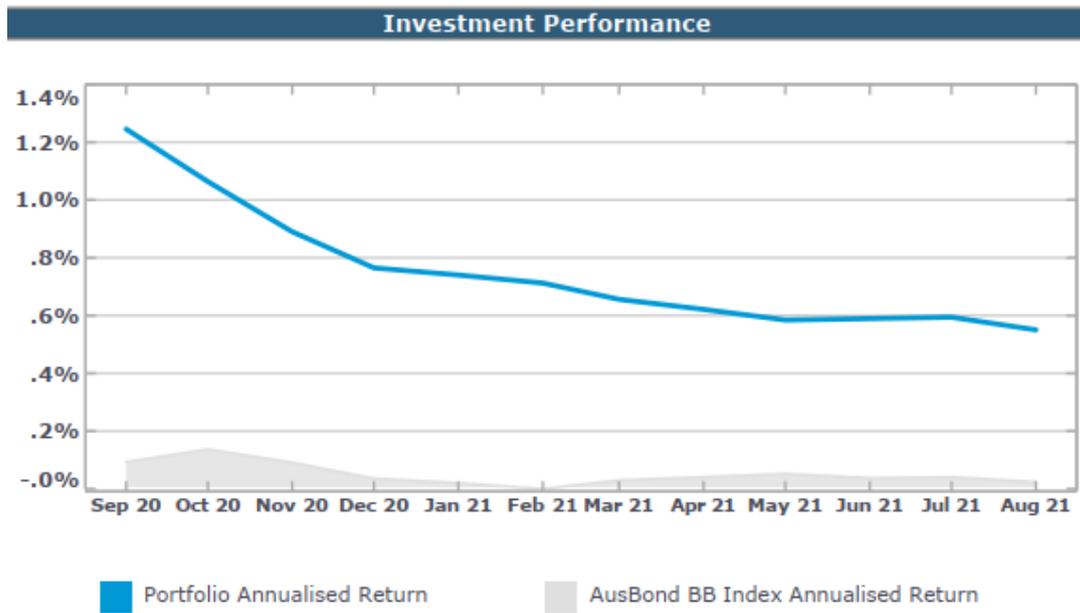
	2021-22 ADOPTED BUDGET	2021-22 BUDGET YTD	2021-22 ACTUAL YTD	VARIANCE		VARIANCE %
				FAVOURABLE	UNFAVOURABLE	
REVENUE	\$	\$	\$	\$	\$	%
Interest Earnings	337,115	56,186	218,930	162,744		289.65%
Other Revenue	22,380	3,730	2,687		(1,043)	-27.96%
	\$359,495	\$59,916	\$221,617	\$162,744	(\$1,043)	
LESS EXPENDITURE						
Depreciation	(56,207)	(9,368)	0	9,368		100.00%
Employee Costs	(648,534)	(108,089)	(148,116)		(40,027)	-37.03%
Insurance	(16,874)	(2,812)	(10,773)		(7,961)	-283.11%
Interest	(1,000)	(167)	(42)	125		74.85%
Materials and Contracts	(338,762)	(56,460)	(27,430)	29,030		51.42%
Other	(171,005)	(28,501)	(39,265)		(10,764)	-37.77%
Utilities	(6,663)	(1,111)	0	1,111		100.00%
OTHER						
Profit/(loss) on Disposal of Asset	60,500	60,500	55,000		(5,500)	-9.09%
Members Equity						
Income Sale of Lots - Subdivisions	34,575,138	2,708,232	1,244,368		(1,463,864)	-54.05%
Land Production Costs	(45,814,343)	(2,492,592)	(1,744,975)	747,617		29.99%
GST Withheld Member Councils	(2,524,805)	(137,366)	(87,955)	49,411		35.97%
Profit distribution/Contributions Returned	(10,280,000)	0	0			
	(\$25,222,555)	(\$67,734)	(\$759,188)	\$836,662	(\$1,528,116)	
Total Change in Equity	(\$24,863,060)	(\$7,818)	(\$537,571)	\$999,406	(\$1,529,159)	

Balance Sheet Summary as at 31 August 2021

	Actual 2020-21 \$	Actual 2021-22 \$	Variance \$	Variance %
Current assets				
Cash and cash equivalents	53,313,471	52,608,411	(705,060)	-1.32%
Trade and other receivables	354,701	465,354	110,653	31.20%
Total current assets	53,668,172	53,073,765	(594,407)	-1.1%
Non-current assets				
Inventories	1,600,000	1,600,000	0	0.00%
Right of use assets	20,114	20,114	0	0.00%
Property, plant and equipment	102,610	102,610	0	0.00%
Total non-current assets	1,722,723	1,722,723	0	0.00%
Total assets	55,390,896	54,796,488	(594,407)	-1.07%
Current liabilities				
Trade and other payables	116,281	65,394	50,888	43.76%
Lease Liabilities	20,878	14,930	5,949	28.49%
Provisions	283,214	283,214	0	0.00%
Total current liabilities	420,373	363,537	56,836	13.5%
Non-current liabilities				
Lease Liabilities	0	0	0	0.00%
Provisions	1,231	1,231	0	0.00%
Total non-current liabilities	1,231	1,231	0	0.00%
Total liabilities	421,604	364,767	56,836	13.48%
Net assets	54,969,292	54,431,721	(537,571)	-0.98%

Investment Summary Report August 2021

By Product	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	6,000,000.00	6,008,334.25	0.6500
Cash	2,006,361.96	2,006,361.96	0.4000
Term Deposit	40,057,420.15	40,142,409.50	0.5252
	48,063,782.11	48,157,105.71	0.5356



Agenda TPRC Council Meeting – 14 October 2021

Term Deposits							
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)
13-Sep-21	1,000,000.00	0.6500%	Macquarie Bank	A+	1,000,000.00	15-Dec-20	1,004,630.14
14-Oct-21	3,000,000.00	0.7000%	Westpac Group	AA-	3,000,000.00	14-Oct-20	3,018,526.03
26-Oct-21	3,000,000.00	0.6000%	Westpac Group	AA-	3,000,000.00	26-Oct-20	3,015,287.67
23-Nov-21	1,000,000.00	0.5000%	Macquarie Bank	A+	1,000,000.00	24-Mar-21	1,002,205.48
9-Dec-21	3,000,000.00	0.4800%	Westpac Group	AA-	3,000,000.00	10-Dec-20	3,003,274.52
14-Dec-21	2,000,000.00	0.4800%	Westpac Group	AA-	2,000,000.00	14-Dec-20	2,002,051.51
24-Jan-22	1,000,000.00	0.5000%	Macquarie Bank	A+	1,000,000.00	24-Mar-21	1,002,205.48
25-Jan-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	30-Apr-21	1,001,528.77
10-Feb-22	2,000,000.00	0.5500%	AMP Bank	BBB	2,000,000.00	10-May-21	2,003,435.62
10-Feb-22	3,000,000.00	0.5500%	AMP Bank	BBB	3,000,000.00	10-May-21	3,005,153.42
14-Feb-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	12-May-21	1,001,380.82
23-Feb-22	1,000,000.00	0.5000%	Macquarie Bank	A+	1,000,000.00	24-Mar-21	1,002,205.48
4-Mar-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	6-Aug-21	1,000,320.55
7-Mar-22	3,000,000.00	0.5000%	ME Bank	BBB+	3,000,000.00	8-Mar-21	3,007,273.97
9-Mar-22	2,000,000.00	0.5000%	ME Bank	BBB+	2,000,000.00	9-Mar-21	2,004,821.92
9-Mar-22	3,009,692.06	0.3700%	National Australia Bank	AA-	3,009,692.06	10-Mar-21	3,015,031.17
14-Mar-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	12-May-21	1,001,380.82
5-Apr-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	6-Aug-21	1,000,320.55
11-Apr-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	9-Aug-21	1,000,283.56
5-May-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	6-Aug-21	1,000,320.55
11-May-22	1,000,000.00	0.5000%	ME Bank	BBB+	1,000,000.00	12-May-21	1,001,534.25
5-Jul-22	2,047,728.09	0.7500%	AMP Bank	BBB	2,047,728.09	9-Aug-21	2,048,695.85
13-Feb-23	2,000,000.00	0.5200%	National Australia Bank	AA-	2,000,000.00	13-Aug-21	2,000,541.37
	40,057,420.15	0.5252%			40,057,420.15		40,142,409.50

Fixed Rate Bonds							
Maturity Date	Face Value (\$)	Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)
15-Jun-22	3,000,000.00	0.6000%	NT T-Corp Bond (Jun22) 0.60%	Aa3	3,000,000.00	17-Feb-21	3,003,846.58
15-Jun-23	3,000,000.00	0.7000%	NT T-Corp Bond (Jun23) 0.70%	Aa3	3,000,000.00	14-Apr-21	3,004,487.67
	6,000,000.00				6,000,000.00		6,008,334.25

7.5 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR AUGUST 2021

Responsible Officer: Chief Executive Officer

Attachments: 1. Summary Payment Lists for August 2021
2. CEO Credit Card Statement for August & September 2021

Voting Requirements: Simple Majority

RECOMMENDATION

That the Council:

- 1. RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for the month of August 2021:**
Month ending 31 August 2021 (\$1,656,479)
Total Paid - \$1,656,479
 - 2. APPROVES the CEO Credit Card Statement for the period August – September 2021.**
-

PURPOSE

Submission of payments made under the CEO's Delegated Authority for the months ending 31 August and 30 September 2021.

LOCAL GOVERNMENT ACT/REGULATION

- *Local Government Act 1995: Sect 5.42 - Delegation given for Payments*
- *Local Government (Financial Management) Regulations 1996: Regulation 13(1) - Monthly Payment list required*
- *Local Government (Audit) Regulations 1996: Regulation 13 - Compliance Audit Item*

RISK MANAGEMENT IMPLICATIONS

Risk Ref: 8	Risk Rating:
TPRC Operations - Financial Management of TPRC	Low
Action:	
Preparation and reporting on monthly accounts for Council approval.	

The report provides information to Council on expenditure for August – September 2021 to ensure transparency and governance of financial activity.

BACKGROUND

A list of accounts paid under delegation or submitted for authorisation for payment is to be submitted to the Council at each meeting. It is a specific requirement of the Regulations that the list state the month (not the period) for which the account payments or authorisation relates.

COMMENT

Payments made are in accordance with authorisations from the Council, approved budget and, TPRC procurement and other relevant policies. Payments are reviewed by TPRC Accountants Moore Australia following completion of each month's accounts.

7.6 COUNCIL MEETING SCHEDULE 2022

Responsible Officer: Chief Executive Officer

Voting Requirements: Simple Majority

RECOMMENDATION

1. That the schedule of Ordinary Council meetings dates be **APPROVED** for 2022 as follows:
 - 17 February 2022 (City of Perth)
 - 14 April 2022 (City of Wanneroo)
 - 16 June 2022 (Town of Victoria Park)
 - 18 August 2022 (City of Stirling)
 - 20 October 2022 (Town of Cambridge)
 - 9 December 2022 (City of Joondalup)
 2. That the commencement time for Council meetings be 6:00pm.
 3. That Council meetings be held on a rotational basis at participant Council premises.
 4. That the schedule of Management Committee meetings dates be **APPROVED** for 2022 as follows:
 - 17 March 2022
 - 19 May 2022
 - 21 July 2022
 - 15 September 2022
 - 17 November 2022
 5. That the Management Committee meetings be held at the City of Stirling and the commencement time be 6:00pm.
 6. That the schedule of meeting dates be advertised as required by the *Local Government Act 1995*.
-

PURPOSE

To set dates for Ordinary Council meetings and Management Committee meetings for 2022 to facilitate advertising by the TPRC.

POLICY REFERENCE

N/A

LOCAL GOVERNMENT ACT/REGULATION

Local Government Act Section 5.25(g)
Local Government (Administration) Regulations 1996 Part 12 - Publication of meetings open to public

PREVIOUS MINUTES

- Council Meeting - 8 October 2020 (Item 8.6 - Meeting Schedule 2021)
- Council Meeting - 17 October 2019 (Item 9.11 - Meeting Schedule 2020)

FINANCIAL/BUDGET IMPLICATIONS

N/A

RISK MANAGEMENT IMPLICATIONS

Risk Ref: 2	Risk Rating:
Strategic - Stable and effective governance environment.	Moderate
Action:	
TPRC provide reports/information to Council Meetings.	

BACKGROUND

Councils are required to advertise dates of all Council and some other classes of meetings where delegated authority of the Council may be exercised. Advertising is required to provide the opportunity for members of the public to attend meetings and be informed about governance of the local authority. Where an advertised meeting date is changed re-advertising is required.

In the case of a Regional Council advertising occurs by publication in a newspaper circulating in the Regional Council area, by exhibition on a notice board at each of the participant local governments and exhibition on a notice board at each of the libraries of the participant Councils.

COMMENT

Council meetings are mainly held on a Thursday, on a bi-monthly basis. The following schedule of Ordinary Council meetings and Management Committee meetings is proposed:

Ordinary Council Meetings

17 February 2022 (City of Perth)
14 April 2022 (City of Wanneroo)
16 June 2022 (Town of Victoria Park)
18 August 2022 (City of Stirling)
20 October 2022 (Town of Cambridge)
9 December 2022 (City of Joondalup)

Management Committee Meetings

17 March 2022
19 May 2022
21 July 2022
15 September 2022
17 November 2022

The Council has previously set the time for commencement of Ordinary Council meetings at 6:00pm as this seems to suit the convenience of most Council members. Meetings have previously been held at participant Council premises on a rotational basis. This provides an equal opportunity for each of the Councils to host the Regional Council.

Management Committee meetings are mainly held on a Thursday, in between Council meetings. The Committee has previously set the time for commencement of meetings at 6:00pm as this seems to suit the convenience of most Council members. The Management Committee has previously determined that the meetings will be held at the City of Stirling.

7.7 CATALINA GREEN BUILDERS DISPLAY VILLAGE 1 – COMMERCIAL TERMS AND LOT ALLOCATION PROCESS

Responsible Officer: Manager Project Coordination

Attachments: Satterley correspondence dated 28 September 2021

Voting Requirements: Simple Majority

RECOMMENDATION

That the Council **APPROVES** the commercial terms and conditions, the lot allocation process and the criteria for the sale of lots to builders in the Catalina Green Builders Display Village 1, as set out in the Satterley Property Group correspondence dated 28 September 2021.

PURPOSE

To consider commercial terms and conditions, the lot allocation process and the criteria for the sale of lots in the Catalina Green Builders Display Village 1, as proposed by the Satterley Property Group (Satterley).

POLICY REFERENCE

N/A

LOCAL GOVERNMENT ACT/REGULATION

Local Government Act 1995: Sect 3.58 – Disposal of Property

PREVIOUS MINUTES

N/A

FINANCIAL/BUDGET IMPLICATIONS

Expenditure under this matter will be incurred under Item E145211 (Lot Production):

Budget Amount: \$15,204,546
Spent to Date: \$ 491,912
Balance: \$14,712,634

RISK MANAGEMENT IMPLICATIONS

Risk Ref: 4	Risk Rating:
Development Project – Development Manager regulatory compliance.	Moderate
Action:	
Development Agreement including KPIs relating to compliance, including reporting on compliance breaches.	

The report relates to the terms, conditions and allocation process and criteria for the sale of lots in the Catalina Green Builders Display Village.

BACKGROUND

At its meeting of 21 April 2016, the Council considered the Catalina Display Villages Strategy (March 2016), prepared by Satterley.

The Strategy outlined the planned location and indicative timeframes for development of builders' display villages throughout Catalina Estate and the commercial terms and the process and criteria for the allocation of lots to builders.

When the Strategy was prepared, the first builders display village was operating in Catalina Central and a second display village was about to open in an adjacent stage. The Strategy proposed the development of three additional display villages, two in Catalina Beach (the first in 2018 and a second in 2021) and one in Catalina Grove (now referred to as Catalina Green) in 2020.

The Council resolved to receive the Strategy and approve the location of the first display village in Catalina Beach, but resolved to advise Satterley that it considered the approval of the proposals for the display village in Catalina Grove and the second display village in Catalina Beach to be premature.

At its meeting of 20 August 2020, the Council approved the Catalina Grove Development Strategy (July 2020), prepared by Satterley, to guide the development, marketing and sale of land in Catalina Green. The Strategy identified that a display village adjacent to Connolly Drive would have the following advantages:

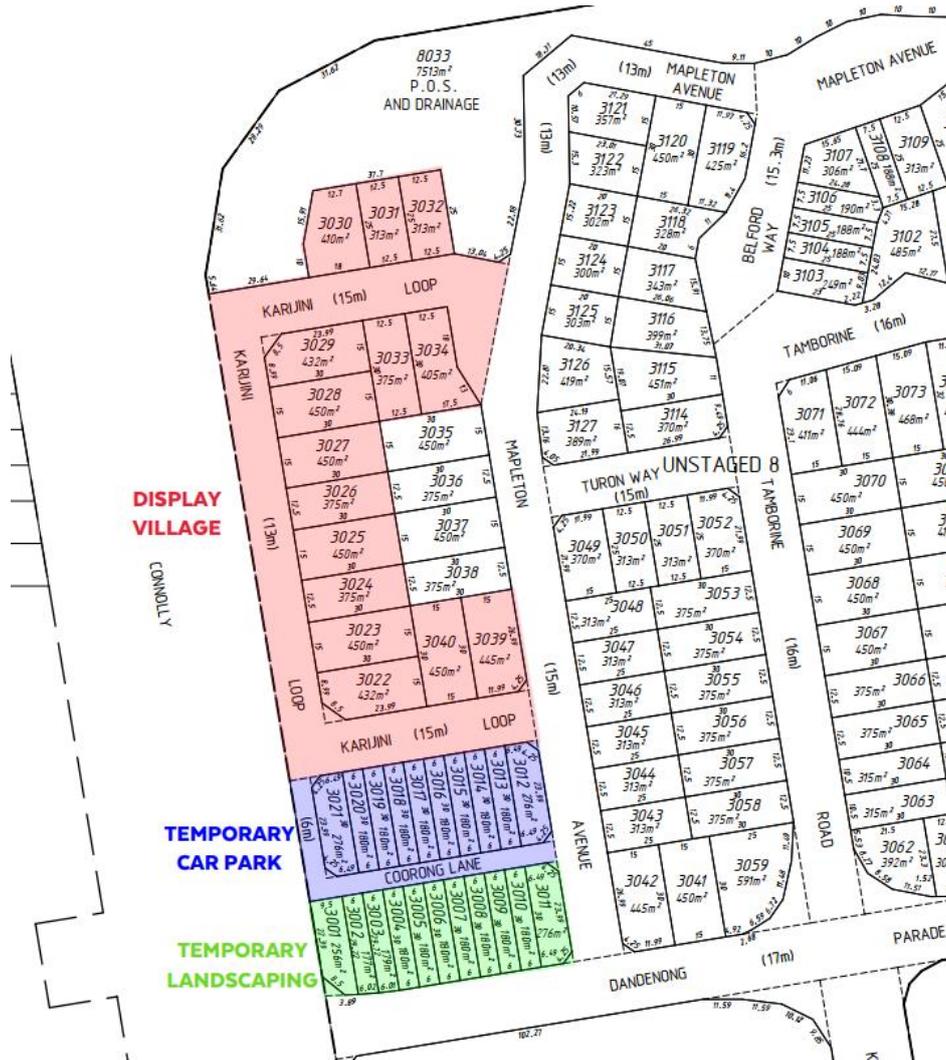
- High quality homes built to frame the entry to the development and act as a design benchmark;
- Presale of lots to builders offers security of sales for the large initial construction costs for the first stage of development.
- Builders will generate enquiry and traffic to the development that can be leveraged by the Project.
- Builders will look to establish homes quickly and in turn activate the precinct.

Council requested at its 20 August 2020 meeting that Satterley provide additional advice on a range of matters, including the builders' display village. At its meeting of 10 December 2020, the Council received additional advice from Satterley that indicated it would seek expressions of interest in Q4 of FYE 2021 from builders to construct display homes in a village to comprise of approximately 10-14 lots in a highly visible location adjacent to Connolly Drive. Satterley also indicated that the proposed location and lot mix will provide for a range of home types to be displayed, ranging from compact lots for terrace and cottage homes to conventional lot sizes, enabling the village to appeal to a wide range of builders and purchasers.

COMMENT

Satterley has provided correspondence, dated 28 September 2021 and contained in Appendix 7.7, which recommends that the Council approve the Catalina Green Display Village 1 commercial terms and conditions, allocation process and criteria that will apply to the sale of lots within the display village.

Satterley recommends that the display village comprise 15 lots ranging in area from 313m² to 450m² in the location shown on the following plan.



It is noted that the proposed display village does not include any of the compact lot product to be built in the first stages of Catalina Green, which Satterley advise is due to the following:

- Portion of the area approved for subdivision for a series of 180m² terrace lots is required for temporary carparking for the display village.
- Display homes on conventional 375m² to 450m² lots are indicative of the predominant lot mix to be offered in the first stages of Catalina Green and lots of this size are likely to appeal to a wider range of builders than more compact lots would.
- There is currently stronger market demand for conventional sized lots than compact lots and concern that increasing costs of constructing two-storey homes, as will be a requirement applied on the concept lots, will deter demand for smaller lot product.
- There is scope to expand the display village in future to include display homes featuring the compact terrace lots to the south of the where the initial village is to be located.

The proposed commercial terms and conditions for the display village are as follows:

1. \$5,000 deposit, payable within five working days of contract acceptance.
2. Settlement, 21 days from the issue of the lot title.

3. Contract terms, cash unconditional.
4. Practical completion of the display home no later than 57 weeks for single storey dwellings and 65 weeks for double storey dwellings from settlement or from the date of approval of the development application for the Catalina Green Display Village 1.
5. The display home being open for the minimum of 2:00pm to 5:00pm on Wednesday and 1:00pm to 5:00pm on Saturdays, Sundays and public holidays, or as agreed by the TPRC.
6. The display home being designed and constructed in accordance with the Catalina Green Design Guidelines and Estate Covenants.
7. The display home incorporating the following sustainability initiatives:
 - Installation of solar panels with a minimum 3kW system;
 - Installation of high star-rated electrical and water appliances;The above initiatives may be substituted with other sustainability initiatives at the TPRC's discretion.
8. The builder being required to undertake landscaping of the lot including reticulation to the verge. A landscape plan must be provided for the TPRC's approval prior to landscaping works being undertaken within the building setback. The TPRC is to provide verge landscaping (including a street tree) upon the installation of reticulation.
9. The display home being open for a minimum of two years, with an option to extend for a further year at the discretion of the TPRC.
10. A building rebate of 2.5% of the purchase price (inclusive of GST) to be paid to participating builders, subject to compliance with conditions 1 to 8 above, within 60 days of the opening of the display home. The rebate would equate to approximately \$7,250, based on a lot sale price of \$290,000.
11. A further building rebate of 2.5% of the purchase price (inclusive of GST) to be paid to participating builders, subject to compliance with condition 9 above. The further rebate would similarly equate to approximately \$7,250, based on a lot sale price of \$290,000.

Satterley proposes that a tender process be conducted to call for submissions from builders to purchase a lot in the display village. The following selection criteria is proposed to assess received submissions:

- Capacity to meet market demand (30%) – to be based on rankings under Reed construction data for the Perth metropolitan region, number of homes the builder has constructed previously in Catalina and demonstration of the builder's financial capacity to complete development.
- Building Design (40%) – the tenderer must demonstrate how the display home meets the vision and objectives of the TPRC and the Catalina Green Design Guidelines. Builders will be encouraged to provide proposed elevations and concept plans demonstrating their design.
- Sustainability and innovation (30%) – the tenderer must confirm compliance with the mandatory sustainability initiatives outlined in the contract terms and any additional initiatives proposed and show how innovation is incorporated in the display home. Relevant initiatives include energy efficiency, water efficiency, waste management and use of innovative, cost-effective building materials.

The tenderer that achieves the highest ranking will be given the first preferred lot allocation. The tender that achieves the second-highest ranking will be given the second lot allocation and so on until all lots have been allocated. Any lot not allocated will be re-offered to tenderers

in the same order of rankings. Any remaining display lot will be held in reserve pending review by Satterley and the TPRC.

CONCLUSION

The location of the Catalina Green Display Village 1 and the number of lots it is to comprise is consistent with the approved development strategy for Catalina Green (previously named Catalina Grove). It will also help continue to set a high standard of housing in a highly visible location, consistent with the Catalina Green Design Guidelines.

It is noted that the display village will feature conventional-sized lots, as this is indicative of the majority of lots to be available for sale in the Catalina Green and likely to appeal to a higher proportion of builders. Opportunities will remain to showcase in future display homes on the more compact terrace lots to be created to the south of the proposed first village.

The commercial terms and conditions proposed by Satterley for the sale of display home lots are similar to what apply in Catalina Beach Display Village 2, which are considered to have been effective and are considered acceptable.

The Project Budget makes allowance for the payment of rebates to display village builders, which is considered to be sufficient for the likely cost to be incurred with the proposed builder rebates. This is in line with previous Display Village lot sales.

Satterley recommends conducting a tender process to seek submissions from builders to purchase and develop lots in the display village. The allocation criteria proposed are similar to what applied in the display villages in Catalina Beach.

The Council has delegated authority to the Chief Executive Officer to advertise the tender and execute the allocation process in accordance with selection rankings recommended by Satterley.

It is recommended that the Council approve the commercial terms and conditions, the lot allocation process and the criteria for the allocation of lots to builders in Catalina Green Builders Display Village 1, as proposed by Satterley.

7.8 PROJECT FORECAST (2021)

Responsible Officer: Manager Project Coordination

Attachments: Satterley Property Group correspondence (dated 2 September 2021)

Voting Requirements: Simple Majority

MANAGEMENT COMMITTEE RECOMMENDATION

Moved Cr Sandri, Seconded Cr Lagan.

That the Council:

1. RECEIVES the Satterley Property Group correspondence dated 2 September 2021 in relation to opportunities to increase lot income and reduce development costs to maximise Project financial returns.
2. REQUESTS the Satterley Property Group to prepare an updated Project Forecast as part of its mid-year review of the Project Budget FYE 2022 for consideration at its November 2021 workshop, incorporating updated pricing as set out in its correspondence dated 2 September 2021.
3. Prior to the October 2021 Council meeting, REQUIRES the report to be updated to reflect additional information contained in the Satterley Property Group presentation to the Management Committee meeting.

The Motion was put and declared CARRIED (5/0).

TPRC RECOMMENDATION TO THE MANAGEMENT COMMITTEE

That the Council:

1. RECEIVES the Satterley Property Group correspondence dated 2 September 2021 in relation to opportunities to increase lot income and reduce development costs to maximise Project financial returns.
 2. REQUESTS the Satterley Property Group to prepare an updated Project Forecast as part of its mid-year review of the Project Budget FYE 2022 for consideration by the Council at its December 2021 meeting, incorporating updated pricing as set out in its correspondence dated 2 September 2021.
-

PURPOSE

To consider correspondence prepared by the Satterley Property Group (Satterley) on opportunities to address reduced Project cashflow identified in its proposed Project Forecast (2021).

POLICY REFERENCE

N/A

LOCAL GOVERNMENT ACT/REGULATION

N/A

PREVIOUS MINUTES

- Council Meeting – 19 August 2021 (Item 8.5 – Project Forecast 2021)
- Council Meeting – 15 April 2021 (Item 8.1 – Project Forecast Review)
- Council Meeting – 18 June 2020 (Item 9.5 – Project Forecast 2020)

FINANCIAL/BUDGET IMPLICATIONS

Input into TPRC project and financial planning.

RISK MANAGEMENT IMPLICATIONS

Risk Ref: 1	Risk Rating:
Strategic – Common vision	Moderate
Action:	
Council to determine Project Forecast 2020 (Scenarios) which will provide a guide to the long term cashflow direction of the Project and to provide the basis of Project and financial planning and project profit.	

An updated Project Forecast will assist to guide project and financial planning.

BACKGROUND

The Project Forecast is intended as a general guide to the long term cashflow direction of the Project and to provide the basis of project and financial planning and the forecasted profit and distributions for the TPRC and member local governments.

At its meeting of 20 June 2018, the Council approved the Project Forecast (2018).

At its meeting of 18 June 2020, the Council considered the Project Forecast (2020), as prepared by Satterley, which contained three long-term scenarios to assist the Council in determining the strategic direction of the Catalina Project, particularly in relation to lot sales rates and pricing. The Council resolved to defer consideration of the Project Forecast (2020) and request Satterley to update the Project Forecast Scenarios (2020) in light of amended lot pricing and supporting analysis. The Council also authorised engagement of an independent consultant to review the Project Forecast (2020), undertake a benchmarking exercise on key project elements and provide advice and recommendations to the Council.

A key consideration for the review was the substantial reduction in project profit and distributions between the Project Forecast (2018) and the Project Forecast (2020), noting a \$84.2M cashflow reduction between the two forecasts.

In October 2020, CBRE (Valuers) was engaged to undertake an independent review of the Project Forecast (2020), undertake a benchmarking exercise on key project elements and provide advice and recommendations to the Council. CBRE’s review concluded that the Project Forecast (2020) is an appropriate general guide for the Project and financial planning,

providing only a very slight bias to conservatism with lot prices and escalations and the outlook of the market indicates the prospect for buoyant conditions in the short to medium term. At its meeting of 15 April 2021, the Council received the CBRE report (December 2020) on the review of Project Forecast (2020) and requested Satterley provide an updated Project Forecast that accounts for changing market conditions experienced in the later part of 2020 and early 2021.

At its meeting of 19 August 2021, the Council received an updated Project Forecast (2021), as prepared by Satterley. The Project Forecast (2021) indicated a significant reduction in project profit of \$100.3M since the Project Forecast (2018), with income reduced by \$54.3M and development costs increased by \$46.0M. The Council requested that Satterley identify opportunities to increase lot income and reduce development costs in order to maximise financial returns to the member Councils while delivering environmental, social and economic objectives and provide a report on this matter for consideration at the Council's October 2021 meeting.

COMMENT

Satterley has provided correspondence, dated 2 September 2021, in relation to opportunities to increase lot income and reduce development costs, which is contained in Appendix 7.4 and summarised below. Satterley also presented additional information to the Management Committee meeting of 24 September 2024 that details how the progression of urban, civil and landscape design plans for Catalina Green has influenced evolving financial projections provided between the approved Project Forecast (2018) and the Project Forecast (2021). The additional information is also summarised below.

Catalina Green Developable Area/Lot Yield

Satterley advises that the Project Forecast (2018) was prepared on an assumption that approval would be obtained for approximately 2.6ha of land in Catalina Green to be rezoned under the Metropolitan Region Scheme from Parks and Recreation to Urban, which was subsequently rejected. It was also prepared prior to any detailed design for earthworks, drainage or public open space/tree retention design being undertaken.

The Project Forecast (2021) is based on an approved concept plan for Catalina Green that indicated 5.46ha less residential development area than the concept plan that informed the Project Forecast (2018). The consequential reduction in development yield reduced unescalated revenue by approximately \$20.9M.

Detailed design for Catalina Green continues to be refined and the latest concept has increased the residential development area by 3.57ha compared to the plan that informed the Project Forecast (2021). Satterley advises that it is continuing to examine opportunities to increase development yield while maintaining the pursuit of the Council's development objectives for the precinct, particularly in respect to tree retention.

The sequence of plans below indicate how the concept designs that have informed the Project Forecasts between 2018 and 2021 have evolved and continue to be refined in the latest working concept design.

The table that follows details the impact that the evolving concept plans have had on anticipated developable area, yield and revenue projections.

Agenda TPRC Council Meeting – 14 October 2021

	2018 Forecast Approved	2021 Forecast - Updated Pricing Approved Concept Design	Latest Concept Design
Earthworks Inputs	No	Yes	Yes
Drainage Inputs	No	Yes	Yes
Tree Retention	No	Yes	Yes
AREA			
Total Residential Area	27.54ha	22.08ha	25.65ha (+3.57ha)
Residential (Green Titled)	24.90ha	20.63ha	24.12ha (+3.49ha)
Residential (Green Titled) Yield	771	645	To be determined
Special Sites (Apartments)	2.64ha	1.45ha	1.52ha (+0.07ha)
Special Sites	11	5	To be determined
Commercial	2.13ha	2.00ha	2.00ha
Public Open Space, Conservation & Drainage	7.19ha	9.43ha	8.21ha (-1.23ha)
Roads, Verges and Infrastructure	15.20ha	15.95ha	13.60ha (-2.34ha)
Total Area	52.06ha	49.46ha	49.46ha
MRS Amendmet Rejection Area		2.60ha	2.60ha
Amended Total Area		52.06ha	52.06ha
UNESCALATED REVENUE			
Residential (Green Titled)	\$161,185,278	\$150,065,063	
Average Lot Price Unescalated	\$209,060	\$232,659	
Special Sites (Apartments)	\$11,670,000	\$4,347,600	
Average Special Site Rate Unescalated (\$m2)	\$300	\$300	
Commercial	\$7,455,000	\$5,000,000	
Average Commercial Rate Unescalated (\$m2)	\$350	\$250	
TOTAL UNESCALATED REVENUE	\$180,310,278	\$159,412,663	
ESCALATED REVENUE			
Revenue Escalation %	4.0%	3.0%	
Residential (Green Titled)	\$186,282,501	\$173,465,652	
Special Sites (Apartments)	\$13,104,828	\$5,269,850	
Commercial	\$7,885,901	\$5,000,000	
TOTAL ESCALATED REVENUE	\$207,273,230	\$183,735,502	

The refinement of the latest concept design is showing a potential additional +3.49ha of residential green titled lots and +0.07ha additional special site lot area. The residential component may see any additional 60-80 lots over and above the current Project Forecast 2021. This will form part of the planned workshop discussions to finalise the mid-year budget review.

Income

Satterley notes that CBRE's review of the Project Forecast (2020) had found lot pricing assumptions were conservative. It advises that the Project Forecast (2021) was based on May 2021 lot pricing and expected to achieve a long-term average of eight sales per month and since this time estates in the northern corridor have continued to experience strong sales and positive sentiment remains in the market.

Satterley has modelled price increases across all three Catalina precincts, based on the pricing set out in the following table.

CATALINA Project Forecast Updated Pricing						
PRODUCT TYPE	YIELD	CURRENT (SEP-21)	PREVIOUS (MAY-21)	VARIANCE	VARIANCE (%)	
Beach						
Front 10.5 x 30 315m ²	42	340,000	314,290	25,710	8%	
Front 12.5 x 30 375m ²	82	375,000	345,000	30,000	9%	
Front 15 x 30 450m ²	80	440,000	385,000	55,000	14%	
Rear 6 x 30 180m ²	52	215,000	181,732	33,268	18%	
Central						
Front 12.5 x 30 375m ²	63	280,000	235,000	45,000	19%	
Front 15 x 30 450m ²	46	315,000	265,000	50,000	19%	
Rear 7.5 x 30 225m ²	61	175,000	179,455	(4,455)	(2%)	
Green						
Front 10.5 x 30 315m ²	526*	230,000	225,000	5,000	2%	
Front 12.5 x 30 375m ²	27	270,000	227,113	42,887	19%	
Front 15 x 30 450m ²	32	305,000	238,500	66,500	28%	

*Includes Catalina Green assumed yield following phase one of 518 lots at 312m² average.

Satterley advises that the price changes have a positive impact on the May 2021 forecast gross income with an increase of \$32.5M. It is noted that this recovers approximately 60% of the reduction in gross income of \$54.3M between the 2018 and 2021 forecasts.

PROJECT FORECAST ANALYSIS	2021 PROJECT FORECAST CURRENT PRICING	2021 PROJECT FORECAST PREVIOUS PRICING	VARIANCE
ASSUMPTIONS			
Base pricing	Current (Sep-21)	Previous (May-21)	+8.7%
Sales rate	8 per month	8 per month	-
Income escalation rate	3.0%	3.0%	-
Cost escalation rate	2.0%	2.0%	-
NPV OUTCOMES			
NPV @ 6%	\$86.1m	\$65.7m	\$20.4m
NPV @ 8%	\$72.5m	\$54.5m	\$18.0m
NPV @ 10%	\$61.4m	\$45.5m	\$16.0m
PROJECT CASHFLOW			
Gross Income	\$660.0m	\$627.4m	\$32.5m
Development Costs	\$388.1m	\$387.3m	(\$0.8m)
Net Cashflow	\$271.9m	\$240.1m	\$31.8m
Final settlement date	Nov-35	Nov-35	-

Development Costs

As was noted in the report to the Council's meeting of 19 August 2021, development costs increased by \$46.0M between the 2018 and 2021 forecasts, comprised of the following increases:

- \$8.3M Infrastructure costs.
- \$8.8M Lot production costs, with a \$9.3M escalation variance due to the deferral of works and extended duration from the Project Forecast (2018).
- \$10.8M Landscape costs, mostly attributable to an increased scope of works for Catalina Green.
- \$3.3M Marketing and community development costs due to the extended Project duration.
- \$12.7M Administration costs due to extended Project duration resulting in higher holding costs, such as rates, taxes, audits and maintenance.

- \$1.5M due to the extended Project duration.

Satterley advises that the Project Forecast (2021) incorporated cost estimates provided by the Project's engineering and landscape consultants in April and May 2021 and based on 7% cost escalation for FYE 2022 and 2% annually thereafter.

Satterley has modelled alternative cost escalation scenarios from a 'low' scenario of 1% annual increase to a 'high' 2.5% increase. It advises the difference between these scenarios equates to \$18.8M. Adoption of a 2% annual cost increase beyond FYE 2022 is towards the conservative end of the modelled escalation scenarios and is considered to be a prudent approach, supported by the CBRE review.

Satterley advises that cost estimates will be continually updated as an input to subsequent budget updates as further planning and detailed design is undertaken and that development costs will be carefully monitored, controlled and value will be added through efficient earthworking and servicing methodologies. Satterley has not identified any other opportunities to minimise cost increases for the Project.

CONCLUSION

The Project Forecast is a general guide to the long term cashflow direction. Despite the inherent uncertainties associated with forecasting over the lengthy timeframe of the Project's lifecycle, there is a reasonable expectation that the Project Forecast can be used by the TPRC as the basis of Project and financial planning and that the forecasted Project profit and distributions can be relied upon by the member local governments.

A significant and concerning decline in Project profit of \$100.3M emerged between the last approved Project Forecast (2018) and the most recent Project Forecast (May 2021). Satterley has since modelled lot sales price increases which would have a positive impact on gross income of \$32.5M. It has not identified any opportunities to significantly decrease development costs.

The key objective of the Economic pillar of the Strategic Community Plan (2020), adopted by the Council at its February 2020 meeting, is to maximise returns for member Councils while delivering environmental, social and economic objectives.

It is recommended that the Council receives Satterley's advice on the Project Forecast (2021), as set out in its correspondence dated 2 September 2021, and require it to provide an updated Project Forecast as part of its mid-year review of the Project Budget FYE 2022 for consideration at a workshop scheduled for November 2021, incorporating the updated pricing contained in the latest advice and informed by the latest working concept plan for Catalina Green.

7.9 TAMALA PARK REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2021

Responsible Officer: Chief Executive Officer

Attachments:

1. Tamala Park Regional Council Meeting Procedures Local Law 2021 (Gazettal Version)
2. Tamala Park Regional Council Meeting Procedures Local Law 2021 (Working Version clean)
3. Tamala Park Regional Council Meeting Procedures Local Law 2021 (Working Version tracked changes)

Voting Requirements: Absolute Majority

TPRC RECOMMENDATION TO THE COUNCIL

That the Council:

1. **NOTES** the notice of the Chair, in accordance with Section 3.12 of the *Local Government Act 1995* of the purposes and the effect of the proposed Tamala Park Regional Council Meeting Procedures Local Law 2021 (Proposed Local Law).
 2. **AUTHORISES** the giving of local public notice, under section 3.12(3)(a) of the Local Government Act in relation to the Proposed Local Law.
 3. **REQUESTS** the Chief Executive Officer to comply with the other requirements of section 3.12(3) of the Local Government Act in relation to the Proposed Local Law.
 4. **NOTES** that the matter will be referred back to the Council for consideration after the last day for submissions under the local public notice.
-

PURPOSE

The purpose of this report is to give notice of the purposes and the effect of Tamala Park Regional Council Meeting Procedures Local Law 2021 and seek the Council's approval for public advertising, in accordance with 3.12 of the *Local Government Act 1995 (the Act)*, of the Tamala Park Regional Council Meeting Procedures Local Law 2021.

LOCAL GOVERNMENT ACT/REGULATION

Local Government Act 1995; s3.12
Local Government (Functions and General) Regulations 1996; r3
Local Government Act 1995, s1.7

RISK MANAGEMENT IMPLICATIONS

Risk Ref: 7	Risk Rating:
TPRC Operations – Internal Controls	Low
Action / Strategy to Manage:	
Management Policies and Procedures reviewed and approved by Council.	

The approval of the TPRC Meeting Procedures (Local Law) is required to comply with Section 3.12 of the *Local Government Act 1995* and to effect good governance and conduct of Council meetings.

FINANCIAL AND RESOURCE IMPLICATIONS

Expenditure under this matter will be incurred under Item E145029 (Advertising Public / Statutory):

Budget Amount:	\$	17,000
Spent to Date:	\$	2,592
Balance:	\$	14,408

BACKGROUND

The TPRC Standing Orders Local Law 2006 was adopted by Council on 20 July 2006 and published in the Government Gazette on 4 August 2006. In accordance with section 3.16(1) of *The Local Government Act 1995* Local Laws are required to be periodically reviewed.

A review was undertaken with the revised Tamala Park Regional Council Meeting Procedures Local Law 2021 presented to Council at its meeting on the 19 August 2021. Council deferred the item and requested for the CEO to seek clarification of the potential modification of Part 9.1.

The TPRC has undertaken a process of clarification and sought legal review. The legal review has highlighted a number of other changes required to ensure that it is not recommended for disallowance by the Joint Standing Committee on Delegated Legislation.

The legal review also advised that the previous version proposed, incorrectly contained notes and reproduced provisions of the Local Government Act within the version which was to be the Gazettal Version.

Two versions have therefore been created and are attached to this report. One being the Gazettal Version that does not contain any notes or reproduced provisions of the Local Government Act or the Administration Regulation. The other being the Working Version which contains notes and reproduced provision of the *Local Government Act 1995* and *Local Government (Administration) Regulation 1996*.

DETAILS / DISCUSSION

The procedure for making local laws is detailed in Section 3.12 of the Local Government Act 1995 which states that the first action in the process of making a local law is for the Chair to give notice to the meeting of the *purpose* and *effect* of the proposed local law. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this is achieved by ensuring that:

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

The *purpose* and *effect* of the proposed Tamala Park Regional Council Meeting Procedures Local Law 2021 is as follows:

The *purpose* of the proposed Tamala Park Regional Meeting Procedures Local Law 2021 is to provide the rules that apply to the conduct of meetings of the Council and its Committees.

The *effect* of the Tamala Park Regional Council Meeting Procedures Local Law 2021 is intended to result in:

- (a) better decision making by the Council and its Committees;
- (b) the orderly conduct of meetings dealing with Council business;
- (c) better understanding of the process of conducting meetings;
- (d) more efficient and effective use of time at meetings.

A review of the TPRC Standing Orders 2006 has been undertaken in line with Section 3.12 of the Act, copy attached at Appendix 7.9.

The review identified a number of opportunities to improve the overall arrangement and operation of the Local Law. Due to the number of changes identified to the existing Standing Orders, a new local law is proposed.

There are two version attached to this report being the Gazettal and Working Versions. The Joint Standing Committee on Delegated Legislation (JSCDL) requires that local laws that are made under the Local Government Act and published in the Government Gazette must not contain notes or reproduced provisions of other legislation. However many local governments have found that it is useful to have a working, or unofficial, version of local law (particularly standing orders or meeting procedures) that include many, if not all, of the relevant provisions of the Local Government Act and the Administration Regulations.

The changes requested at the 19 August 2021 Council Meeting have been incorporated. A number of other changes have also been made with comments provided in the tracked version. Other amendments relate to key terms that are used in the local law. By way of overview, the JSCDL requires that, subject to limited exceptions, all terms used in a local law are to be in lower case. This is to ensure consistency with the position under the Local Government Act and the Administration Regulations in their use, for example, of 'member', 'presiding member', 'committee' etc.

One of the key terms used in the Working Version is 'presiding member'. This term covers the person presiding at a meeting of the council and the person presiding at meeting of a committee. The 'presiding member' is not necessarily the chairperson (or chairpersons) of the TPRC.

Another key term used in the Initial Draft is 'Chair' however, the Local Government Act provides for the election of a 'chairperson' and a 'deputy chairperson' for each regional local government under section 3.64(e). The TPRC's Establishment Agreement provides for the election of a 'chairman' and 'deputy chairman' (see clause 6.3). In this situation the Working Version uses 'chairman' instead of 'chair', and uses 'deputy chairman' instead of 'Deputy Chair'.

The development of local laws requires statutory advertising and consultation with members of the public throughout the local law-making process. This includes giving state-wide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:

- (a) advertising in a newspaper circulating throughout the state;
- (b) displaying a public notice at the TPRC Administration Building;
- (c) advertising on the TPRC website;
- (d) providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made.

Following the completion of the statutory advertising and consultation a report will be presented to the Council for consideration. The Council is then to consider the recommendations in the

report and may, by an absolute majority, proceed with the Local Law as proposed, or make minor alterations to the extent that the final document is not significantly different to that which was put to public notice. Following the required advertising and consideration of submissions it is anticipated that the current Standing Orders may be repealed.

The adopted local law will then need to be published in the Government Gazette, with a copy to be sent to the Minister, and a memorandum to be sent to the Parliament's Joint Standing Committee.

After publication of the local law in the Gazette the Council is to give public notice:

- (a) Stating the title of the local law; and
- (b) Summarising the purpose and effect of the local law (specifying the date on which it comes into operation); and
- (c) Advising that the local law is published on the TPRC's official website and that copies of the local law may be inspected at or obtained from the TPRC's Administration Office.

A local law made under section 3.12 of *the Local Government Act 1995* comes into operation on the day on which it is published in the *Gazette* or on such later day as may be specified in the local law.

CONCLUSION

The review of the TPRC Standing Orders 2006 has been undertaken in line with Section 3.12 of the Act, with the resultant consolidation of the Tamala Park Regional Council Meeting Procedures Local Law 2021.

The Tamala Park Regional Council Meeting Procedures Local Law 2021 is consistent with current legislative requirements.

It is recommended that Council:

1. NOTES the notice of the Chair, in accordance with Section 3.12 of the *Local Government Act 1995* of the purposes and the effect of the proposed Tamala Park Regional Council Meeting Procedures Local Law 2021 (Proposed Local Law).
2. AUTHORISES the giving of local public notice, under section 3.12(3)(a) of the Local Government Act in relation to the Proposed local Law.
3. REQUESTS the Chief Executive Officer to comply with the other requirements of section 3.12(3) of the Local Government Act in relation to the Proposed Local Law.
4. NOTES that the matter will be referred back to the Council for consideration after the last day for submissions under the local public notice.

8. COMMITTEE REPORTS 8.1

AUDIT COMMITTEE (6 AUGUST 2021)

**8.1 REVIEW OF THE AUDITOR REPORT FOR THE FINANCIAL YEAR ENDED
JUNE 2021**

Meeting yet to be held at time of agenda release.

9. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN
10. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
11. URGENT BUSINESS APPROVED BY THE CHAIR
12. GENERAL BUSINESS
13. DECISION TO MOVE TO CONFIDENTIAL SESSION

That the Council:

Move into Closed Session and exclude members of the press and public from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 5.23 of the *Local Government Act 1995*, as items 13.1 – Confidential: Review of Deliverables – Development Manager’s Key Performance Indicators 13.2 – Confidential: Catalina Green Neighbourhood Centre Business Case, 13.3 – Catalina Central Local Centre Site – Proposed Subdivision, 13.4 Confidential: Surveying Services Tender 05/2021

- c) *a contract entered into, or which may be entered into, by the TPRC and which relates to a matter to be discussed at a meeting (section 5.23(2)(c));*
- d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; or*
- e) *a matter that if disclosed, would reveal –*
 - i) *Information that has a commercial value to a person; or*
 - ii) *Information about the business, professional, commercial or financial affairs of a person where the information is held by, or is about, a person other than the TPRC (section 5.23(2)(e)).*

**13.1 CONFIDENTIAL: REVIEW OF DELIVERABLES – DEVELOPMENT
MANAGER’S KEY PERFORMANCE INDICATORS**

This item satisfies the requirements of Section 5.23(2) c) and e) of the Local Government Act 1995, enabling it to be considered at a meeting, or part of a meeting, that is closed to members of the public and is to be considered under Item 13.1.

**13.2 CONFIDENTIAL: CATALINA GREEN NEIGHBOURHOOD CENTRE
BUSINESS CASE**

This item satisfies the requirements of Section 5.23(2) c) and e) of the Local Government Act 1995, enabling it to be considered at a meeting, or part of a meeting, that is closed to members of the public and is to be considered under Item 13.2.

**13.3 CONFIDENTIAL: CATALINA CENTRAL LOCAL CENTRE SITE –
PROPOSED SUBDIVISION**

This item satisfies the requirements of Section 5.23(2) c) and e) of the Local Government Act 1995, enabling it to be considered at a meeting, or part of a meeting, that is closed to members of the public and is to be considered under Item 13.3.

13.4 CONFIDENTIAL: SURVEYING SERVICES TENDER 05/2021

This item satisfies the requirements of Section 5.23(2) c) and e) of the Local Government Act 1995, enabling it to be considered at a meeting, or part of a meeting, that is closed to members of the public and is to be considered under Item 13.4.

14. FORMAL CLOSURE OF MEETING

APPENDICES

Appendix 7.2

28 September 2021

Mr Jon Morellini
Chief Executive Officer
Tamala Park Regional Council
PO Box 655
INNALOO WA 6918

Dear Jon

Catalina Financial Report for August 2021

Please find attached the Catalina Financial Report for August 2021. This report has been prepared on a cash basis and compares actual income and expenditure to the June 2021 approved budget for the period 1 August 2021 to 31 August 2021.

Residential settlement revenue for the year to date to 31 August 2021 is \$1.25m which is \$1.45m behind the approved 'August 2021' budget due to 4 less settlements.

YTD Sales for FYE2022 are \$3.1m ahead of budget due to higher average price \$44k/lot and 6 more sales than budget.

Overall year to date expenditure for FYE2022 is \$505k under budget per the approved 'June 2021' budget, with \$1.6m spent against a budget of \$2.1m. The main areas of variances are summarised below:

- Lot Production is \$312k under budget, noting the following variances:
 - Stages 36-40 Earthworks \$592k under budget as earthworks now undertaken a stage at a time;
 - Stage 28 \$398k over budget due to timing, works now commenced;
 - Stage 29 \$35k under budget due to timing of invoice payments;
 - Stage 36 \$80k under budget due to timing of invoice payments;
 - \$3k combined minor variances.
- Landscaping is \$15k under budget, noting the following variances:
 - Preliminary landscaping consultancy \$87k over budget;
 - Beach foreshore access area \$109k under budget;
 - \$7k combined minor variances.
- Infrastructure Spend is \$484k under budget, noting the following variances:
 - Connolly Drv Aviator Blvd Intersection \$362k under budget;
 - Foreshore Access Rd \$270k under budget;
 - Portofino Extension \$128k over budget;
 - \$20k combined minor variances.



- Clearance bonds \$403k adverse to budget – delayed return (timing).
- Indirect Consultants are \$38k under budget due to timing of invoice payments.
- P&L expenditure is \$59k under budget, noting the following variances:
 - Sales & Marketing is \$28k under budget due to timing of spend;
 - Community and Development \$12k under budget due timing of invoice payments;
 - Maintenance \$62k under budget due to timing of invoice payments;
 - Contingency \$98k not required;
 - Rates & Taxes \$170k ahead of budget due to timing of invoice payments;
 - \$29k under budget - combined minor variances for other Overheads.

Please refer to the attached Cashflow Analysis for a more detailed analysis of actual to budget variances. Should you have any queries on this report, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ross Carmichael'.

Ross Carmichael
General Manager Finance

Catalina Actual vs Budget Analysis

Jamaica Park Cashflow FY2022		Actual MTD Vs Budget Aug 2021		Year to date Vs Budget to Aug 2021		Project to date Vs Budget to Aug 2021		Bud Comparison: Jun 21 Approved	
Job Description	Account Description	Actual 1 month to Aug 2021	Budget 1 month to Aug 2021	YTD to Aug 2021	YTD budget	PTD to Aug 2021	PTD budget	Variance	Comments regarding variance
REVENUE									
Settlements	Settlement revenue	951,500	1,726,749	1,256,500	2,708,233	275,919,500	277,759,694	(1,840,194)	1 settlements YTD ex GST Margin scheme.
Margin GST	Margin GST	(10,346)	(22,841)	(44,511)	(36,511)	(9,930,114)	(3,985,554)	55,440	GST Margin as detailed in Burgess Rawson valuations
Direct Selling Costs		(44,556)	(79,114)	(56,558)	(124,209)	(12,592,891)	(12,641,412)	48,521	Includes Commission and Management Fees
Interest Income		2,382	0	2,382	0	93,295	89,000	4,295	Penalty interest income on settlements
Forfeited Deposits		0	0	0	0	27,273	27,273	0	
Other Income		0	0	0	0	3,728,594	3,728,594	0	
Rebate Allowance	Special sites revenue	(35,502)	(126,149)	(70,977)	(187,841)	(6,185,009)	(7,629,021)	1,444,012	Construction Recycling, Fencing, Landscapes, Shared Bore, Solar, and Display Builder Rebates
		90,647	0	90,647	0	0	0	0	
		903,478	1,498,645	1,116,836	2,359,672	257,060,648	257,348,575	(287,927)	
LOT PRODUCTION									
Completed Earthworks		0	0	0	0	13,529,541	13,502,429	(27,113)	
Earthworks Stages 36-40	Stetworks / Earthworks	0	592,831	0	592,831	14,720	592,831	578,111	
Total Earthworks Stage 36-40		0	592,831	0	592,831	14,720	592,831	578,111	
Completed Stages		0	0	0	0	46,092,294	46,092,295	1	
Stage 18C	Stetworks / Earthworks	0	0	0	0	0	0	0	
	Authorities Fees	0	0	0	0	5,539	0	(5,539)	
	Direct Consultants	11,340	12,944	11,340	25,813	5,370	68,447	63,077	
Total Stage 18C		11,340	12,944	11,340	25,813	10,909	68,447	57,538	

Catalina Actual vs Budget Analysis

Job Description	Actual MTD Vs Budget Aug 2021			Year to date Vs Budget to Aug 2021			Project to date Vs Budget to Aug 2021			Comments regarding variance
	Actual 1 month to Aug 2021	Budget 1 month to Aug 2021	Variance	YTD to Aug 2021	YTD budget	Variance	PTD to Aug 2021	PTD budget	Variance	
Stage 27A	16,679	0	(16,679)	16,679	0	(16,679)	702,811	1,758,744	1,055,933	
Steworks / Earthworks	0	0	0	0	0	0	132,310	214,474	82,164	
Authorities Fees	0	0	0	931	0	(931)	78,248	104,750	26,502	
Direct Consultants	16,679	0	(16,679)	17,610	0	(17,610)	913,370	2,077,968	1,164,598	
Total Stage 27A	16,679	0	(16,679)	17,610	0	(17,610)	913,370	2,077,968	1,164,598	
Stage 27B	0	0	0	5,450	0	(5,450)	5,450	0	(5,450)	
Steworks / Earthworks	0	0	0	336	0	(336)	1,410	0	(1,410)	
Authorities Fees	0	0	0	0	0	0	35,938	75,158	41,220	
Direct Consultants	6,109	13,430	7,322	16,290	26,783	10,493	40,797	75,158	34,361	
Total Stage 27B	6,109	13,430	7,322	22,076	26,783	4,707	1,792,435	2,354,238	561,803	
Stage 28	396,561	0	(396,561)	396,561	0	(396,561)	269,413	286,100	16,687	
Steworks / Earthworks	0	0	0	0	0	0	133,327	152,961	19,634	
Authorities Fees	4,288	0	(4,288)	12,339	10,461	(1,878)	2,195,175	2,793,299	598,123	
Direct Consultants	400,848	0	(400,848)	408,900	10,461	(398,439)	0	0	0	
Total Stage 28	400,848	0	(400,848)	408,900	10,461	(398,439)	0	0	0	
Stage 29	0	0	0	0	0	0	3,221	0	(3,221)	
Steworks / Earthworks	0	0	0	0	0	0	0	0	0	
Authorities Fees	0	0	0	0	0	0	0	0	0	
Direct Consultants	1,530	18,390	16,860	1,530	36,674	35,144	109,385	109,385	0	
Total Stage 29	1,530	18,390	16,860	1,530	36,674	35,144	109,385	109,385	0	
Stage 36	0	0	0	0	0	0	0	0	0	
Steworks / Earthworks	0	0	0	0	0	0	0	0	0	
Authorities Fees	14,175	47,685	33,510	14,175	95,093	80,918	236,493	236,493	0	
Direct Consultants	14,175	47,685	33,510	14,175	95,093	80,918	236,493	236,493	0	
Total Stage 36	28,350	95,370	67,020	28,350	190,186	161,836	472,986	472,986	0	
Total Stage 37	0	0	0	0	0	0	0	0	0	
Steworks / Earthworks	0	0	0	0	0	0	0	0	0	
Authorities Fees	0	0	0	0	0	0	0	0	0	
Direct Consultants	0	0	0	0	0	0	0	0	0	
Total Stage 37	0	0	0	0	0	0	0	0	0	
Various Stages	0	350,000	350,000	0	(403,530)	(403,530)	896,155	842,625	(53,530)	
TOTAL LOT PRODUCTION	450,681	1,035,281	584,600	475,681	384,126	(91,555)	81,983,389	86,921,409	4,940,019	Within budget
LANDSCAPING										
Completed Landscaping	0	0	0	0	0	0	7,149,264	0	(7,149,264)	
Catalina Beach Foreshore Node / Beach Connect	0	0	0	0	0	0	889	0	(889)	
Catalina Beach Portofino Medians	0	0	0	0	0	0	506	0	(506)	
Catalina Beach Greenlink Stage 25	0	0	0	0	0	0	3,941,470	0	(3,941,470)	
Catalina Beach Greenlink Stage 25	0	0	0	0	0	0	120,249	118,508	(1,741)	
Preliminary Landscaping Consultancy	76,245	7,086	(69,159)	101,835	14,130	(87,705)	403,665	326,563	(77,101)	
Environmental Landscaping	3,692	13,909	10,216	5,485	27,736	22,252	285,315	343,879	58,564	
Public Art	15,000	0	(15,000)	15,000	0	(15,000)	171,764	0	(171,764)	
Fauna Relocation	0	0	0	0	0	0	37,080	0	(37,080)	
Western Cell Entry Statement & Greenlink	0	0	0	0	0	0	59,051	0	(59,051)	
Stage 11 Landscape Phase 2	0	0	0	17,278	0	(17,278)	760,968	743,691	(17,278)	
Marrion Ave Shrub Planting	0	0	0	0	0	0	18,751	17,282	(1,469)	
Beach Foreshore Access Area 1	54,860	0	54,860	109,402	109,402	0	0	109,402	109,402	
Beach South Buffer	2,089	0	2,089	4,166	4,166	0	0	4,166	4,166	
TOTAL LANDSCAPING	94,937	77,943	(16,994)	139,598	155,434	15,836	18,140,810	18,099,210	(41,601)	Within budget
INDIRECT CONSULTANTS										
Planning - indirect	0	20,930	20,930	16,498	41,738	25,240	2,649,259	2,688,797	39,539	
Architect	0	672	672	1,340	1,340	0	15,100	24,879	9,779	
Environmental	0	1,679	1,679	3,349	3,349	1,573	371,395	360,165	(11,230)	
Geotechnical	0	513	513	1,023	1,023	0	12,300	19,744	7,444	
Title - Survey & Legal fees	2,250	1,344	(906)	2,681	2,681	(4,602)	174,488	172,601	(1,887)	
Engineering fees	0	4,298	4,298	3,584	8,572	4,988	296,270	298,274	2,004	
Traffic planning	0	76	76	152	152	0	84,181	85,240	1,059	
Landscaping consultancy	0	0	0	0	0	0	9,936	0	(9,936)	
Miscellaneous Consultants	0	2,249	2,249	4,485	4,485	3,413	7,762	34,986	27,225	
Planning - fire & safety	0	211	211	420	16,280	15,860	5,045	5,045	(11,235)	
Planning - Hydrology	0	2,002	2,002	3,992	3,992	0	132,273	145,511	13,238	
Planning - Sustainability	0	951	951	1,896	1,896	1,896	26,805	38,076	11,271	
Acoustic & Noise Consult	0	120	120	240	240	0	8,265	240	(8,025)	
Tree Mapping	0	169	169	335	335	335	4,406	9,951	(5,545)	
TOTAL INDIRECT CONSULTANTS	2,250	35,214	32,964	32,412	70,223	37,811	3,808,721	3,877,511	68,790	Within budget
INFRASTRUCTURE										
Completed Infrastructure	0	0	0	0	0	0	11,110,854	11,110,854	0	
Connolly Drive Aviator Blvd Intersection	249,336	302,953	53,617	249,336	604,150	354,814	102,519	706,669	604,150	
Connolly Drive Aviator Blvd Intersection	0	3,672	3,672	0	7,324	7,324	108,142	112,145	4,003	

Catalina Actual vs Budget Analysis

Tannalia Park Cashflow FY2022		Actual MTD Vs Budget Aug 2021		Year to date Vs Budget to Aug 2021		Project to date Vs Budget to Aug 2021		Bud Comparison: Jun 21 Approved			
Job Description	Account Description	Actual 1 month to Aug 2021	Budget 1 month to Aug 2021	Variance	YTD to Aug 2021	YTD budget	Variance	PTD to Aug 2021	PTD budget	Variance	Comments regarding variance
SPECIAL SITES & FIXED ASSETS											
Lot 1 Group Housing Site Construction		0	0	0	0	0	0	172,782	172,782	0	
Removal of temp sales office		0	0	0	0	0	0	8,636	8,636	0	
Sales Office Building		0	0	0	0	0	0	573,050	573,981	932	
Sales Office Retrofit		0	0	0	0	0	0	11,186	3,440	(7,746)	
Sales Office Carparks		0	0	0	0	0	0	98,087	98,087	0	
Temp Sales office services		0	0	0	0	0	0	3,812	3,812	0	
Sales Office Construction Western		0	0	0	0	0	0	624,762	625,505	744	
Sales office carparks Western		0	0	0	0	0	0	240,000	240,000	0	
Security Cameras		0	0	0	0	0	0	19,560	19,560	0	
TOTAL SPECIAL SITES & FIXED ASSETS		0	0	0	0	0	0	1,751,875	1,745,804	(6,070)	Within budget
TOTAL CONSTRUCTION		1,195,600	1,723,005	527,405	1,309,300	1,755,585	446,285	117,650,028	123,769,069	6,119,041	Within budget
LAND											
PROFIT & LOSS EXPENDITURE											
Sales & Marketing		1,500	6,667	5,167	2,450	13,333	10,883	261,889	293,832	31,943	
Brand Development		0	1,667	1,667	0	3,333	3,333	111,667	122,641	10,974	
Sales Office & Builder Rel.		4,727	1,667	(3,060)	6,357	3,333	(3,024)	149,243	158,226	8,983	
Brochures		3,529	16,667	13,137	20,278	33,333	13,055	960,591	1,022,647	62,056	
Advertising		7,851	5,000	(2,851)	7,851	10,000	2,149	452,544	498,183	45,639	
Signage		780	1,667	887	1,560	3,333	1,773	10,971	16,528	5,557	
Website		0	0	0	0	0	0	19,550	28,903	9,353	
Promotions		0	0	0	0	0	0	7,424	13,198	5,775	
Public Relations		0	0	0	0	0	0	1,973,879	2,154,158	180,280	Within budget
Total Sales and Marketing		18,387	33,333	14,946	38,496	66,667	28,171	499,990	642,050	142,061	Within budget
Total Community Development Administration		5,541	10,313	4,772	8,461	20,625	12,164	273,787	243,217	(30,570)	
Audit and Tax		840	1,012	172	3,280	2,018	128	47,209	49,828	2,619	
Cleaning		0	506	506	1,890	1,009	1,009	0	6,190	6,190	
Computer Costs		0	304	304	0	605	605	1,338	12,405	11,067	
Couriers		1,553	1,012	(541)	1,577	2,018	441	127,443	124,707	(2,737)	
Electricity & Gas		0	506	506	0	1,009	1,009	3,184	6,693	3,509	
Insurance		0	4,215	4,215	0	8,406	8,406	199,392	232,807	33,415	
Legal fees		0	506	506	0	1,009	1,009	863	4,791	3,928	
Licenses & Fees		0	506	506	0	1,009	1,009	2,244	32,500	30,257	
Postage, Print & Stationery		0	0	0	0	0	0	467,350	467,350	0	
Rent - Sales Office & Cprk		0	1,518	1,518	0	3,026	3,026	1,076	26,803	25,727	
Sundry Office Expenses		0	2,108	2,108	0	4,203	4,203	0	16,703	16,703	
Training		750	3,372	2,622	0	6,725	4,975	188,213	199,738	11,525	
Valuations		24,172	0	(24,172)	1,750	1,750	0	852,318	921,950	69,632	
Rates & Taxes		53,609	61,279	7,671	59,212	122,120	62,908	2,445,996	2,708,723	261,727	
Maintenance		0	0	0	0	0	0	53,798	53,798	0	
Maint- Carpark Makegood		0	3,035	3,035	0	6,053	6,053	28,877	53,350	24,473	
Security		82,760	79,878	(2,882)	238,566	159,209	(79,357)	4,694,087	5,161,553	467,466	Within budget
Contingency		22,058	74,826	52,769	22,058	120,281	98,223	2,188,164	492,306	(1,695,859)	Actual Contingency spend applied to cost types above.
Contingency Offset Transfer		0	0	0	0	0	0	0	0	0	
Total Administration Finance		128,745	188,350	69,605	307,581	366,782	59,201	7,167,955	8,450,067	1,282,112	
Total Finance		1,324,345	1,921,355	597,010	1,616,881	2,122,367	505,486	124,817,983	132,219,136	7,401,152	Within budget
Total P&L Expenditure		1,324,345	1,921,355	597,010	1,616,881	2,122,367	505,486	124,817,983	132,219,136	7,401,152	Within budget
Grand Expense Total		1,324,345	1,921,355	597,010	1,616,881	2,122,367	505,486	124,817,983	132,219,136	7,401,152	Within budget

Catalina Actual vs Budget Analysis

Job Description	Account Description	Actual MTD Vs Budget Aug 2021	Year to date Vs Budget to Aug 2021	Project to date Vs Budget to Aug 2021	Bud Comparison: Jun 21 Approved			
Job Description	Account Description	Actual 1 month to Aug 2021	Budget 1 month to Aug 2021	Variance	PTD to Aug 2021	PTD budget	Variance	Comments regarding variance

Contingency Summary		120,281
YTD Budget		0
Contingency Transferred (Actual & Budget)		120,281
Contingency not yet used		
List of Contingency items transferred year to date		
<u>Period</u>	<u>Job Description</u>	<u>Amount</u>
		0
Budget Transfers		
List of Budget items transferred year to date		
<u>Period</u>	<u>Job Description</u>	<u>Amount</u>
		0

Note: Actual Contingency spend in prior years is reported against the job that the spend relates to.

CATALINA
FINANCE REPORT
AUGUST 2021

1.0 Management Accounts

1.1 KEY STATISTICS

1.1.1 RESIDENTIAL LOTS & DISTRIBUTIONS								
	<u>Lots Produced (titles)</u>		<u>Sales</u>		<u>Settlements</u>		<u>Distributions</u>	
	<u>Actual</u>	<u>Budget (Jun-21)</u>	<u>Actual</u>	<u>Budget (Jun-21)</u>	<u>Actual</u>	<u>Budget (Jun-21)</u>	<u>Actual</u>	<u>Budget (Jun-21)</u>
Prior Years	1,041	1,041	1,061	1,067	1,032	1,033	78,000,000	78,000,000
Jul-2021	-	34	9	8	1	3	-	-
Aug-2021	-	-	13	8	3	5	-	-
Sep-2021	-	-	-	8	-	2	-	-
Sep Qtr	-	34	22	24	4	10	-	-
Oct-2021	-	-	-	10	-	5	-	-
Nov-2021	-	-	-	9	-	2	-	-
Dec-2021	-	-	-	10	-	7	-	-
Dec Qtr	-	-	-	29	-	14	-	-
Jan-2022	-	-	-	9	-	4	-	-
Feb-2022	-	62	-	10	-	6	-	-
Mar-2022	-	-	-	9	-	17	-	-
Mar Qtr	-	62	-	28	-	27	-	-
Apr-2022	-	79	-	10	-	8	-	-
May-2022	-	-	-	9	-	20	-	-
Jun-2022	-	-	-	10	-	19	-	10,000,000
Jun Qtr	-	79	-	29	-	47	-	10,000,000
PTD	1,041	1,075	1,083	1,083	1,036	1,041	78,000,000	78,000,000
Full 2021/22 Year	-	175	22	110	4	98	-	10,000,000
2022/23		81		110		108		6,000,000
2023/24		103		96		104		8,000,000

- There were 13 sales and 3 residential settlements for August.

1.2 Sales & Settlements

	<u>MTH Act</u>	<u>MTH Bgt (Jun-21)</u>	<u>YTD Act</u>	<u>YTD Bgt (Jun-21)</u>	<u>PTD Act</u>	<u>PTD Bgt (Jun-21)</u>
Residential						
- Sales #	13	8	22	16	1,083	1,083
- Sales \$	5,097,000	2,708,888	8,732,000	5,636,728	294,063,500	292,900,953
- Sales \$/lot	392,077	338,611	396,909	352,296	271,527	270,453
- Settlements #	3	5	4	8	1,036	1,041
- Settlements \$	991,500	1,726,750	1,256,500	2,708,235	275,919,500	277,759,696
- Settlements \$/lot	330,500	345,350	314,125	338,529	266,332	266,820
Special Sites						
- Sales #	-	-	-	-	4	4
- Sales \$	-	-	-	-	3,772,000	3,772,000
- Sales \$/lot	-	-	-	-	943,000	943,000
- Settlements #	-	-	-	-	4	4
- Settlements \$	-	-	-	-	3,772,000	3,772,000
- Settlements \$/lot	-	-	-	-	943,000	943,000
Lots Under Contract						
- Unsettled sales #	47			12	Titled	
- Unsettled sales \$	18,144,000			35	1,046 incl. Spec sites	
- Unsettled sales \$/lot	386,043					

CATALINA
FINANCE REPORT
AUGUST 2021

1.3 Cashflow - MTD Actuals to budget

	<u>MTD Act</u>	<u>MTD Bgt</u> <i>(Jun-21)</i>	<u>Variance</u>
<u>Income</u>			
Settlement Revenue	991,500	1,726,749	(735,249)
Margin GST	(10,346)	(22,841)	12,495
Direct selling costs	(44,556)	(79,114)	34,558
Interest Income	2,382	-	2,382
Forfeited Deposits	-	-	-
Other Income	-	-	-
Rebate Allowance	(35,502)	(126,149)	90,647
	<u>903,478</u>	<u>1,498,645</u>	<u>(595,167)</u>
<u>Development costs</u>			
WAPC Land Acq.	-	-	-
Lot production	450,681	685,281	234,600
Clearance Bonds	-	350,000	350,000
Landscaping	94,937	77,943	(16,994)
Consultants	2,250	35,214	32,964
Infrastructure	647,732	574,567	(73,165)
Sales office building	-	-	-
	<u>1,195,600</u>	<u>1,723,005</u>	<u>527,405</u>
<u>Overheads</u>			
Sales & marketing	18,387	33,333	14,946
Community Develop.	5,541	10,313	4,772
Administration	82,760	79,878	(2,882)
Finance/Contingency	22,058	74,826	52,769
	<u>128,745</u>	<u>198,350</u>	<u>69,605</u>
Net Cashflow	<u>(420,867)</u>	<u>(422,710)</u>	<u>1,843</u>

1.4 Cashflow - YTD Actuals to budget

	<u>YTD Act</u>	<u>YTD Bgt</u> <i>(Jun-21)</i>	<u>Variance</u>
<u>Income</u>			
Settlement Revenue	1,256,500	2,708,233	(1,451,733)
Margin GST	(14,511)	(36,511)	22,000
Direct selling costs	(56,558)	(124,209)	67,651
Interest Income	2,382	-	2,382
Forfeited Deposits	-	-	-
Other Income	-	-	-
Rebate Allowance	(70,977)	(187,841)	116,864
	<u>1,116,836</u>	<u>2,359,672</u>	<u>(1,242,836)</u>
<u>Development costs</u>			
WAPC Land Acq.	-	-	-
Lot production	475,631	787,656	312,025
Clearance Bonds	-	(403,530)	(403,530)
Landscaping	139,598	155,434	15,836
Consultants	32,412	70,223	37,811
Infrastructure	661,659	1,145,801	484,143
Sales office building	-	-	-
	<u>1,309,300</u>	<u>1,755,585</u>	<u>446,285</u>
<u>Overheads</u>			
Sales & marketing	38,496	66,667	28,171
Community Develop.	8,461	20,625	12,164
Administration	238,566	159,209	(79,357)
Finance/Contingency	22,058	120,281	98,223
	<u>307,581</u>	<u>366,782</u>	<u>59,201</u>
Net Cashflow	<u>(500,044)</u>	<u>237,306</u>	<u>(737,350)</u>

1.5 Bonds

	<u>Last Year</u>	<u>Last Month</u>	<u>This Month</u>
City of Wanneroo	242,868	896,155	896,155
	<u>242,868</u>	<u>896,155</u>	<u>896,155</u>

Bonds relate to stages 25, 16A & 27A early clearances.

CATALINA
FINANCE REPORT
AUGUST 2021

2.0 PROFIT & LOSS

	<u>MTH Act</u>	<u>MTH Bqt</u> (Jun-21)	<u>Var</u>	<u>YTD Act</u>	<u>YTD Bqt</u> (Jun-21)	<u>Var</u>	<u>PTD Act</u>	<u>PTD Bqt</u> (Jun-21)
- Revenue \$ (Stlmts)	991,500	1,726,750	(735,250)	1,256,500	2,708,235	(1,451,735)	275,919,500	277,759,696
- Revenue \$/lot	330,500	345,350		314,125	338,529		266,332	266,820
- Selling & GST \$	92,552	169,693	77,141	121,269	268,999	147,729	24,528,067	25,333,059
- Selling & GST \$/lot	30,851	33,939		30,317	33,625		23,676	24,335
- Cost of sales \$	343,587	732,521	388,934	453,404	1,121,526	668,122	97,301,216	99,872,568
- Cost of sales \$/lot	114,529	146,504		113,351	140,191		93,920	95,939
- Gross profit \$	<u>555,361</u>	<u>824,536</u>	<u>(269,175)</u>	<u>681,827</u>	<u>1,317,710</u>	<u>(635,883)</u>	<u>154,090,217</u>	<u>152,554,069</u>
- Gross profit \$/lot	<u>185,120</u>	<u>164,907</u>		<u>170,457</u>	<u>164,714</u>		<u>148,736</u>	<u>146,546</u>
- Gross profit Mgn %	<u>56.01%</u>	<u>47.75%</u>		<u>54.26%</u>	<u>48.66%</u>		<u>55.85%</u>	<u>54.92%</u>
- Special Sites \$	-	-	-	-	-	-	2,091,959	2,091,959
- Other income \$	2,382	-	2,382	2,382	-	2,382	268,138	263,843
- Sales & Marketing \$	26,995	44,101	17,106	50,024	88,202	38,177	2,482,983	2,733,397
- Administration \$	78,611	97,239	18,628	102,812	193,957	91,144	5,250,009	5,371,129
- Finance/Other \$	-	-	-	-	-	-	198,181	198,181
- Contingency \$	22,058	74,827	52,769	22,058	120,281	98,223	22,058	237,157
- Net profit \$	<u>430,079</u>	<u>608,369</u>	<u>(178,290)</u>	<u>509,315</u>	<u>915,271</u>	<u>(405,956)</u>	<u>148,497,083</u>	<u>146,370,008</u>
- Net profit \$/lot	<u>143,360</u>	<u>121,674</u>		<u>127,329</u>	<u>114,409</u>		<u>143,337</u>	<u>140,605</u>

- Year to date Gross profit is \$636k unfavourable to budget due to 4 less settlements.
- Year to date Overheads are \$227k below budget due to:
 - Marketing \$38k favourable due - timing;
 - Admin \$91k favourable - timing (mainly R&M);
 - Unused Contingency \$98k.

YEAR TO DATE VERSUS FULL YEAR BUDGET

	<u>YTD Act</u>	<u>Full Year Bqt</u>	<u>Var</u>
- Revenue \$ (Stlmts)	1,256,500	29,575,140	(28,318,640)
- Revenue \$/lot	314,125	301,787	
- Selling & GST \$	121,269	3,170,867	3,049,598
- Selling & GST \$/lot	30,317	32,356	
- Cost of sales \$	453,404	15,715,690	15,262,286
- Cost of sales \$/lot	113,351	160,364	
- Gross profit \$	<u>681,827</u>	<u>10,688,583</u>	<u>(10,006,756)</u>
- Gross profit \$/lot	<u>170,457</u>	<u>109,067</u>	
- Gross profit Mgn %	<u>54.26%</u>	<u>36.14%</u>	
- Special Sites \$	-	3,059,650	(3,059,650)
- Other income \$	2,382	-	2,382
- Sales & Marketing \$	50,024	570,645	520,620
- Administration \$	102,812	1,215,869	1,113,057
- Finance \$	-	-	-
- Contingency \$	22,058	1,999,327	1,977,269
- Net profit \$	<u>509,315</u>	<u>9,962,392</u>	<u>(9,453,078)</u>
- Net profit \$/lot	<u>127,329</u>	<u>101,657</u>	

2.1 GROSS PROFIT ANALYSIS

Actual

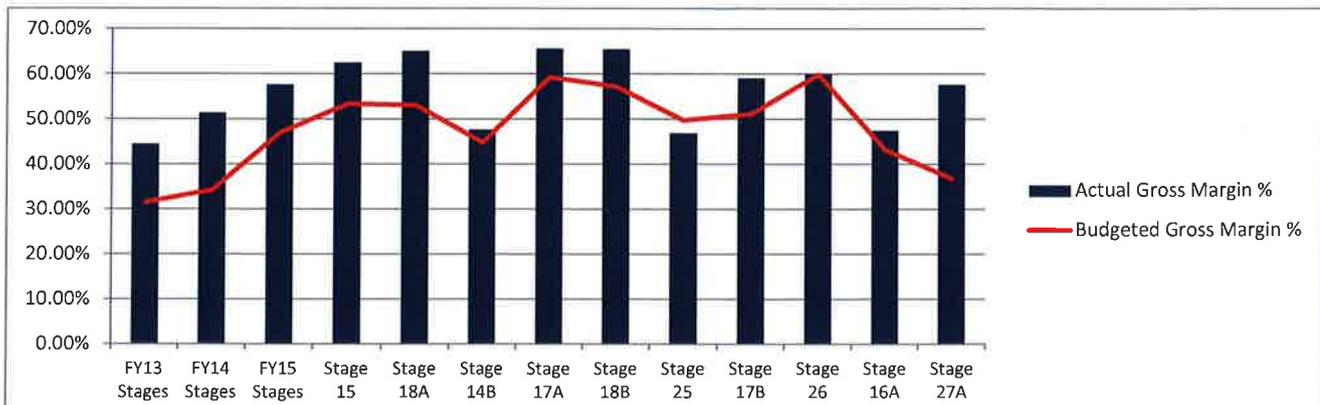
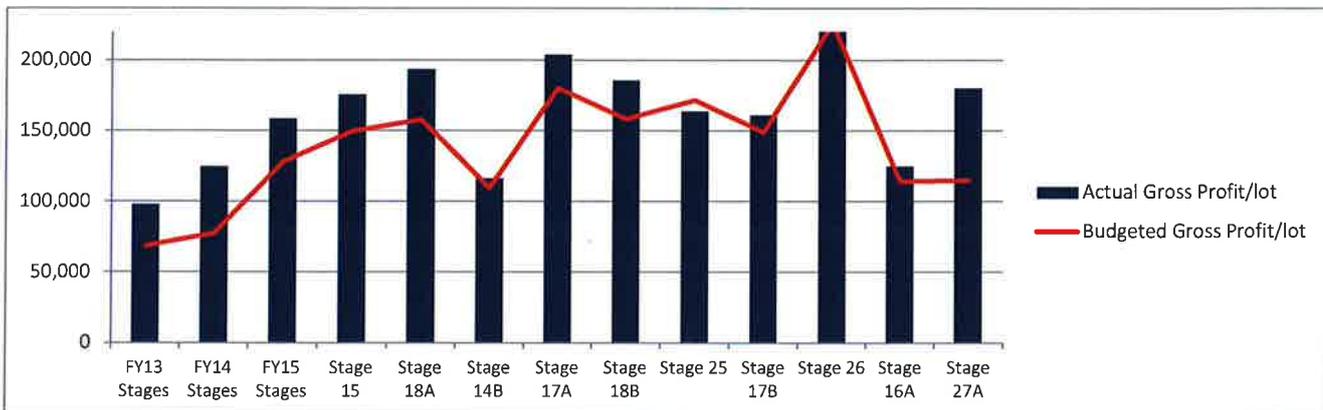
Stages	Title Issue Date	Revenue	Revenue/lot	Direct Selling & COGS (incl. GST)		Actual Gross	Actual Gross	Actual Gross
				Direct Costs/lot	Profit	Profit/lot	Margin %	
Incentives Writeback					-4,253,385			
FY13 Stages	2012 / 2013	51,375,500	220,496	28,570,159	122,619	22,805,341	97,877	44.39%
FY14 Stages	2013 / 2014	50,325,000	243,116	24,477,309	118,248	25,847,691	124,868	51.36%
FY15 Stages	2014 / 2015	77,688,000	275,489	32,963,408	116,892	44,724,592	158,598	57.57%
Stage 15	15-Dec-15	15,444,000	280,800	5,791,567	105,301	9,652,433	175,499	62.50%
Stage 18A	27-May-16	8,626,000	297,448	3,015,429	103,980	5,610,571	193,468	65.04%
Stage 14B	28-Oct-16	2,444,000	244,400	1,281,011	128,101	1,162,989	116,299	47.59%
Stage 17A	20-Feb-17	7,774,000	310,960	2,674,295	106,972	5,099,705	203,988	65.60%
Stage 18B	13-Jun-17	8,792,000	283,613	3,035,185	97,909	5,756,815	185,704	65.48%
Stage 25	8-Aug-17	19,958,000	350,140	10,611,845	186,173	9,346,155	163,968	46.83%
Stage 17B	22-May-18	9,827,500	272,986	4,024,875	111,802	5,802,625	161,184	59.04%
Stage 26	26-Sep-19	13,767,500	372,095	5,524,109	149,300	8,243,391	222,794	59.88%
Stage 16A	25-Jan-21	3,952,000	263,467	2,078,100	138,540	1,873,900	124,927	47.42%
Stage 27A	24-Feb-21	5,946,000	312,947	2,521,953	132,734	3,424,047	180,213	57.59%
		<u>275,919,500</u>		<u>122,315,859</u>		<u>153,603,641</u>		

- Values for actuals are based on 'settled lots only' for the relevant stages.

Budget

Stages	Budget Version	Revenue	Revenue/lot	Direct Selling & COGS (incl. GST)		Budgeted Gross	Budgeted Gross	Budgeted Gross
				Direct Costs/lot	Profit	Profit/lot	Margin %	
FY13 Stages	May-12	51,358,953	217,623	35,200,675	149,155	16,158,278	68,467	31.46%
FY 14 Stages	Jun-13	46,931,935	226,724	30,917,421	149,360	16,014,514	77,365	34.12%
FY 15 Stages	Aug-14	76,167,089	273,000	40,469,170	145,051	35,697,919	127,950	46.87%
Stage 15	Aug-15	15,433,000	280,600	7,203,599	130,975	8,229,401	149,625	53.32%
Stage 18A	Jun-16	8,626,000	297,448	4,048,854	139,616	4,577,146	157,833	53.06%
Stage 14B	Jun-16	2,448,087	244,809	1,352,232	135,223	1,095,855	109,585	44.76%
Stage 17A	Jun-16	9,427,756	304,121	3,845,430	124,046	5,582,326	180,075	59.21%
Stage 18B	Jun-16	8,584,690	276,925	3,677,414	118,626	4,907,276	158,299	57.16%
Stage 25	Aug-17	19,696,448	345,552	9,915,141	173,950	9,781,307	171,602	49.66%
Stage 17B	Dec-17	10,496,494	291,569	5,131,807	142,550	5,364,687	149,019	51.11%
Stage 26	Jun-19	14,347,000	377,553	5,766,060	151,738	8,580,940	225,814	59.81%
Stage 16A	Dec-20	4,498,002	264,588	2,555,841	150,344	1,942,161	114,245	43.18%
Stage 27A	Dec-20	6,251,840	312,592	3,951,378	197,569	2,300,462	115,023	36.80%
		<u>274,267,294</u>		<u>154,035,023</u>		<u>120,232,272</u>		

- Values for budget are based on 'total lots' for the relevant stages.



* Stage 27A Gross profit / lot is \$64k above budget due to savings on construction. Stage 27A was originally budgeted as a single stage 27, but when it was split into 2, the construction budget was split 50/50. We therefore expect extra costs for stage 27B.

Catalina

Finished Lots & Cost of Lots Sold calculations to 31 Aug 2021

Title date: Completed 7-Nov-12 7-Nov-12 28-Oct-16 20-Feb-17 13-Jun-17 8-Aug-17 8-Aug-17 8-Aug-17 22-May-18 26-Sep-19 25-Jan-21 24-Feb-21 **TOTAL**

	Completed	7-Nov-12	7-Nov-12	28-Oct-16	20-Feb-17	13-Jun-17	8-Aug-17	8-Aug-17	8-Aug-17	22-May-18	26-Sep-19	25-Jan-21	24-Feb-21	TOTAL
	Completed	Rest Stages	Stage 2	Central Cell Sales Office	Stage 14B	Stage 17A	Stage 18B	Stage 25 Sales Office	Stage 25 GHS Lot 2179	Stage 17B	Stage 26	Stage 16A	Stage 27A	
Direct costs														
Civil Construction			3,312,998	89,540	633,835	795,104	794,550	4,918,686	83,260	253,163	968,747	1,238,569	945,403	707,388
Siteworks			2,790,163	565,550	732,033	662,381	4,380,662	75,529	245,432	925,137	1,149,147	926,000	652,600	852,600
URD Power			402,401	58,285	38,071	101,169	448,388	7,731	7,731	7,610	43,149	2,403	2,403	27,152
Third Pipe			159,885											
General			50,089	10,000	25,000	31,000	58,000			36,000	25,000	17,000	20,000	20,000
MATV			209,432	51,015	116,369	136,672	31,636			174,117	21,273	7,636	7,636	7,636
Sewer headwks			161,433	4,363	6,839	10,835	261,837	4,514	4,514	183,682	12,947	101,201	113,955	113,955
Local authority fees			100,077	2,705	6,750	83,700	35,653	615	615	12,684	12,947	28,623	17,424	17,424
Local authority scheme costs			37,093	1,003	25,550	29,762	156,600			97,200	13,620			
Survey & legal fees			205,607	5,557	18,200	85,250	159,500	2,750	12,341	100,839	104,500	77,057	19,000	19,000
Engineering fees														58,349
Sales Office Build Cost				330,780										
Finished Goods Adjustments	31,206	-	1,044,810	-	11,250	-	220,060	-	-	-	82,824	-	13,932	13,932
	420,826	43,233,645	2,981,830	411,370	733,850	1,071,063	1,114,003	5,367,017	92,084	1,389,173	1,670,342	1,168,434	930,048	930,048
Earthworks Allocation	260,179	11,806,198	447,375	12,091	50,570	123,078	152,616	1,077,304	18,574	166,059	672,342	112,605	303,183	303,183
Indirect Costs														
Land														
Infrastructure	84,898	6,012,456	265,106	7,165	70,224	235,295	282,496	620,746	7,879	31,674	521,532	176,806	245,746	245,746
Landscape	118,628	8,518,643	333,226	9,006	154,123	495,646	594,017	1,308,860	16,613	66,785	1,270,179	409,039	568,530	568,530
TOTAL COST	884,530	69,570,942	4,027,536	439,633	1,008,767	1,925,082	2,143,132	8,373,927	135,150	2,778,227	4,134,395	1,866,884	2,047,507	2,047,507
Lots	3	769	37	1	10	25	31	58	1	36	38	17	20	20
COST PER LOT	294,843	90,469	108,852	439,633	100,877	77,003	69,133	144,378	135,150	77,173	108,800	109,817	102,375	102,375
Lots settled	3	769	37	1	10	25	31	57	-	36	37	15	19	1,040
COST OF LOTS SETTLED	884,530	69,570,942	4,027,536	439,633	1,008,767	1,925,082	2,143,132	8,229,549	-	2,778,227	4,025,595	1,647,251	1,945,132	98,625,375
Stage Area (m2)	10,900	261,394	6,849	320	2,926	10,128	11,236	11,236	255	13,154	15,904	6,632	6,615	6,615
Cost per m2	81	266	588	1,374	345	190	191	745	530	243	260	281	310	310
Avg lot size	3,633	340	185	320	293	405	362	194	255	1,795	419	390	331	331
Other cash expenditure														
Direct Selling & Proj Mgt Costs														24,883,946
Marketing costs														2,482,983
Administration														5,250,009
Finance														198,181
Contingency														22,058
TOTAL COSTS														131,462,551

PERIODIC ANALYSIS	Month	YTD	PTD	PY Jun-21
Lots settled	3	4	1,040	1,036
Cost of lots settled	343,587	453,404	98,625,378	98,171,975
Direct selling costs	92,552	121,269	24,883,946	24,762,677
Marketing costs	26,995	50,024	2,482,983	2,432,968
Administration	78,611	102,812	5,250,009	5,147,196
Finance	-	-	198,181	198,181
Contingency	22,058	22,058	22,058	-
TOTAL COSTS	563,803	749,567	131,462,554	130,712,987

Catalina COGS Calc
31-Aug-21

Job	Titled Date	Direct Cost	Indirect Cost	COGS Total	Lot #	Titled	Untitled	COGS/Lot	Settled Lots	PTD COGS	Finished Goods	FG/Lot
140-01-001	17-Oct-2012	4,004,839	637,443	4,642,282	35	35	-	132,637	35	4,642,282	-	-
140-01-002	7-Nov-2012	3,429,204	598,332	4,027,537	37	37	-	108,852	37	4,027,537	-	-
140-01-003	14-Jan-2013	3,002,658	554,241	3,556,899	43	43	-	82,719	43	3,556,899	-	-
140-01-004	20-Mar-2013	3,371,482	800,585	4,172,067	47	47	-	88,767	47	4,172,067	-	-
140-01-005	20-May-2013	4,894,899	968,068	5,862,967	63	63	-	93,063	63	5,862,967	-	-
140-01-06A	18-Jan-2013	483,435	179,725	663,160	8	8	-	82,895	8	663,160	-	-
140-01-06B	19-Jan-2015	1,100,352	510,130	1,610,482	24	24	-	67,103	24	1,610,482	-	-
140-01-06C	3-Apr-2014	671,286	211,296	882,581	10	10	-	88,258	10	882,581	-	-
140-01-007	31-Oct-2013	4,146,749	938,488	5,085,238	63	63	-	80,718	63	5,085,238	-	-
140-01-008	16-Jan-2014	4,389,068	881,805	5,270,874	53	53	-	99,450	53	5,270,874	-	-
140-01-009	8-May-2014	4,640,905	814,395	5,455,300	51	51	-	106,967	51	5,455,300	-	-
140-01-010	8-May-2014	2,460,031	595,126	3,055,157	30	30	-	101,839	30	3,055,157	-	-
140-01-011	1-Oct-2014	4,797,823	1,320,873	6,118,696	64	64	-	95,605	64	6,118,696	-	-
140-01-012	3-Dec-2014	3,225,081	1,064,585	4,289,666	49	49	-	87,544	49	4,289,666	-	-
140-01-13A	30-Mar-2015	2,965,498	717,571	3,683,069	37	37	-	99,542	37	3,683,069	-	-
140-01-13B	11-May-2015	2,739,324	986,155	3,725,479	45	45	-	82,788	45	3,725,479	-	-
140-01-014	4-Jun-2015	3,619,629	1,347,229	4,966,858	63	63	-	78,839	63	4,966,858	-	-
140-01-015	15-Dec-2015	3,073,171	1,243,145	4,316,316	55	55	-	78,478	55	4,316,316	-	-
140-01-18A	27-May-2016	1,453,614	760,239	2,213,853	29	29	-	76,340	29	2,213,853	-	-
140-01-14B	28-Oct-2016	784,420	224,347	1,008,767	10	10	-	100,877	10	1,008,767	-	-
140-01-017	20-Feb-2017	1,194,140	730,941	1,925,081	25	25	-	77,003	25	1,925,081	-	-
140-01-18B	13-Jun-2017	1,266,620	876,513	2,143,133	31	31	-	69,133	31	2,143,133	-	-
140-02-025	8-Aug-2017	6,444,321	1,929,606	8,373,927	58	58	-	144,378	57	8,229,549	144,378	144,378
140-01-17B	22-May-2018	1,555,232	1,222,995	2,778,227	36	36	-	77,173	36	2,778,227	-	-
140-02-026	26-Sep-2019	2,342,687	1,791,711	4,134,398	38	38	-	108,800	37	4,025,598	108,800	108,800
140-01-16A	25-Jan-2021	1,281,039	585,845	1,866,884	17	17	-	109,817	15	1,647,251	219,633	109,817
140-02-27A	24-Feb-2021	1,233,232	814,276	2,047,508	20	20	-	102,375	19	1,945,133	102,375	102,375
140-70-001	7-Nov-2012	423,461	16,171	439,633	1	1	-	439,633	1	439,633	-	-
140-70-004	12-Dec-2013	20,322	41,798	62,119	1	1	-	62,119	1	62,119	-	-
140-70-005	8-Aug-2017	110,657	24,492	135,149	1	1	-	135,149	-	-	135,149	135,149
140-70-007	17-Oct-2012	222,150	87,611	309,761	1	1	-	309,761	1	309,761	-	-
140-70-008	1-Oct-2014	438,532	74,117	512,649	1	1	-	512,649	1	512,649	-	-
140-70-028	8-Aug-2017	338,259	98,459	436,718	1	1	-	436,718	-	-	436,718	436,718
76,124,119		23,648,314	99,772,433	1,047	1,047	1,047	-	98,625,378	1,040	98,625,378	1,147,054	1,147,054

Appendix 7.3

LEGEND

-  CATALINA ESTATE BOUNDARY
-  TITLED LOTS
-  LOTS TO BE TITLED
-  CIVIL CONSTRUCTION COMMENCED BUT NOT TITLED
-  CONSERVATION AREA - CONFIRMED
-  CONSERVATION AREA - SUBJECT TO FUTURE PLANNING
-  SUBJECT TO FUTURE PLANNING



CATALINA FYE 2022 OPERATIONS

Catalina Estate. TAMALA PARK

A Tamala Park Regional Council Project

NORTH



Scale: 1:7500 @ A3



0 75 150 225m

PLAN: TAMCA-1-033 REVISION: A
 DATE: 09/06/2021 DRAWN: JP
 PROJECTION: PCG 94 PLANNER: TV
 DATUM: AHD CHECK: JH



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Appendix 7.4

5 October 2021

Mr Jon Morellini
Chief Executive Officer
Tamala Park Regional Council
PO Box 655
INNALOO WA 6918

Dear Jon

COMPILATION REPORT TO THE TAMALA PARK REGIONAL COUNCIL

We have compiled the accompanying Local Government special purpose financial statements of Tamala Park Regional Council, which comprise the Statement of Financial Activity (by Statutory Reporting Program), a summary of significant accounting policies and other explanatory notes for the period ending 31 August 2021. The financial statements have been compiled to meet compliance with the *Local Government Act 1995* and associated Regulations.

THE RESPONSIBILITY OF THE TAMALA PARK REGIONAL COUNCIL

The Tamala Park Regional Council are solely responsible for the information contained in the special purpose financial statements and are responsible for the maintenance of an appropriate accounting system in accordance with the relevant legislation.

OUR RESPONSIBILITY

On the basis of information provided by Tamala Park Regional Council we have compiled the accompanying special purpose financial statements in accordance with the requirements of the *Local Government Act 1995*, associated Regulations and APES 315 *Compilation of Financial Information*.

Our procedures use accounting expertise to collect, classify and summarise the financial information, which Tamala Park Regional Council provided, in compiling the financial statements. Our procedures do not include verification or validation procedures. No audit or review has been performed and accordingly no assurance is expressed.

The Local Government special purpose financial statements were compiled exclusively for the benefit of Tamala Park Regional Council. We do not accept responsibility to any other person for the contents of the special purpose financial statements.



Russell Barnes
Director
[Moore Australia \(WA\) Pty Ltd](http://www.moore-australia.com.au)

5 October 2021

Mr Jon Morellini
Chief Executive Officer
Tamala Park Regional Council
PO Box 655
INNALOO WA 6918

Dear Jon

ACCOUNTING SERVICE INFORMATION REPORT FOR THE PERIOD ENDED 31 AUGUST 2021

We advise that we have completed the compilation of your Statutory Monthly Statement of Financial Activity (by Statutory Reporting Program) for the month ended 31 August 2021 and enclose our Compilation Report and Statements.

We are required under APES 315 *Compilation of Financial Information* to report certain matters in our compilation report. Other matters which arise during the course of our compilation that we wish to bring to your attention are raised in this report.

It should be appreciated that our procedures are designed primarily to enable us to compile the monthly financial statements and therefore may not bring to light all weaknesses in systems and procedures, or all financial matters of interest to management and Council, which may exist. However, we aim to use our knowledge of the Council's financial operations gained during our work to make comments and suggestions, which, we hope, will be useful to you.

Please note our report does not include details of the material variances between the year to date. Please note in order to meet legislative requirements, details and explanations of the material variances between the year to date actuals and year to date budget need to be completed by Council staff, as required by *Local Government (Financial Management) Regulation 34(1) (d)*.

COMMENTS/SUGGESTIONS

- We have updated the accounts to reflect the lease liability as at 31 August 2021.
- We have updated the accounts to reflect the interest accrued as at 31 August 2021.

MATTERS FOR MANAGEMENT ATTENTION:

We noted no other matters we wish to draw to management's attention.

Should you wish to discuss any matter relating to our service or any other matter, please do not hesitate to contact us.

Yours sincerely



Russell Barnes
Director

Moore Australia (WA) Pty Ltd

**Tamala Park Regional Council
Management Information Report**

Period Ending 31 August 2021

Topic	Item	First Identified	Explanation	Action Required	Priority
Investing activities	Capital acquisitions	July 2021	There is a capital budget for furniture and equipment \$5,000. Additions below \$5,000 are required by legislation to be expensed.	We recommend a budget amendment for items to be reclassified as operating expenditure.	Medium
Operating expenditure	Depreciation	July 2021	Depreciation has not been processed in 2021/22.	When the 2020/21 Annual Financial Statements have been adopted depreciation will be processed.	Low

Approval:  Russell Barnes, Director

TAMALA PARK REGIONAL COUNCIL
MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the period ending 31 August 2021

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Statement of Financial Activity by Program	3
Statement of Financial Activity by Nature or Type	5
Basis of Preparation	6
Note 1 Contributed Equity	7
Note 2 Statement of Financial Activity Information	8
Note 3 Cash and Financial Assets	9
Note 4 Receivables	10
Note 5 Other Current Assets	11
Note 6 Payables	12
Note 7 Disposal of Assets	13
Note 8 Capital Acquisitions	14
Note 9 Lease Liabilities	16
Note 10 Other Current Liabilities	17
Note 11 Explanation of Material Variances	18

KEY TERMS AND DESCRIPTIONS
FOR THE PERIOD ENDED 31 AUGUST 2021

STATUTORY REPORTING PROGRAMS

Regional Council operations as disclosed in these financial statements encompass the following service orientated activities/programs.

PROGRAM NAME AND OBJECTIVES

ACTIVITIES

GOVERNANCE

To provide good governance to the Regional Council

Member of Council allowances and reimbursements and administration expenses

GENERAL PURPOSE FUNDING

To collect interest on investments

Interest revenue

OTHER PROPERTY AND SERVICES

To monitor and control Council's overheads on operating accounts

Other unclassified activities

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2021**

STATUTORY REPORTING PROGRAMS

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	2(c)	53,551,892	53,551,892	53,551,892	0	0.00%	
Revenue from operating activities							
General purpose funding - other		337,115	56,186	221,617	165,431	294.43%	▲
Other property and services		82,880	64,230	55,000	(9,230)	(14.37%)	▼
		419,995	120,416	276,617	156,201		
Expenditure from operating activities							
Governance		(171,005)	(28,501)	0	28,501	100.00%	▲
Other property and services		(1,068,040)	(178,007)	(225,631)	(47,624)	(26.75%)	▼
		(1,239,045)	(206,508)	(225,631)	(19,123)		
Non-cash amounts excluded from operating activities	2(a)	(4,293)	(51,132)	(55,000)	(3,868)	(7.56%)	
Amount attributable to operating activities		(823,343)	(137,224)	(4,014)	133,210		
Investing Activities							
Proceeds from disposal of assets	7	60,500	60,500	55,000	(5,500)	(9.09%)	
Payments for property, plant and equipment and infrastructure	8	(5,000)	0	0	0	0.00%	
Amount attributable to investing activities		55,500	60,500	55,000	(5,500)		
Financing Activities							
Payments of member contributions	1	(45,814,343)	(2,492,592)	(1,744,975)	747,617	29.99%	▲
Proceeds from member contributions	1	34,575,138	2,708,232	1,244,368	(1,463,864)	(54.05%)	▼
Payments of GST Withheld	1	(2,524,805)	(137,366)	(87,955)	49,411	35.97%	▲
Payments for principal portion of lease liabilities	1	(36,000)	(5,778)	(5,948)	(170)	(2.94%)	
Payments of profit distribution	1	(10,000,000)	0	0	0	0.00%	
Payments of contribution refund	1	(280,000)	0	0	0	0.00%	
Amount attributable to financing activities		(24,080,010)	72,496	(594,510)	(667,006)		
Closing funding surplus / (deficit)	2(c)	28,704,039	53,547,664	53,008,368			

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to threshold. Refer to Note 11 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2021-22 year is \$5,000 or 10.00% whichever is the greater.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

**KEY TERMS AND DESCRIPTIONS
FOR THE PERIOD ENDED 31 AUGUST 2021**

NATURE OR TYPE DESCRIPTIONS

REVENUE

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

EXPENSES

EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2021**

BY NATURE OR TYPE

	Ref Note	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	Adopted Budget					
	\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	2(c)	53,551,892	53,551,892	53,551,892	0	0.00%
Revenue from operating activities						
Interest earnings		337,115	56,186	218,930	162,744	289.65% ▲
Other revenue		22,380	3,730	2,687	(1,043)	(27.96%)
Profit on disposal of assets	7	60,500	60,500	55,000	(5,500)	(9.09%)
		419,995	120,416	276,617	156,201	
Expenditure from operating activities						
Employee costs		(648,534)	(108,089)	(148,116)	(40,027)	(37.03%) ▼
Materials and contracts		(338,762)	(56,460)	(27,430)	29,030	51.42% ▲
Utility charges		(6,663)	(1,111)	0	1,111	100.00%
Depreciation on non-current assets		(56,207)	(9,368)	0	9,368	100.00% ▲
Interest expenses		(1,000)	(167)	(42)	125	74.85%
Insurance expenses		(16,874)	(2,812)	(10,773)	(7,961)	(283.11%) ▼
Other expenditure		(171,005)	(28,501)	(39,270)	(10,769)	(37.78%) ▼
		(1,239,045)	(206,508)	(225,631)	(19,123)	
Non-cash amounts excluded from operating activities	2(a)	(4,293)	(51,132)	(55,000)	(3,868)	(7.56%)
Amount attributable to operating activities		(823,343)	(137,224)	(4,014)	133,210	
Investing activities						
Proceeds from disposal of assets	7	60,500	60,500	55,000	(5,500)	(9.09%)
Payments for property, plant and equipment and infrastructure	8	(5,000)	0	0	0	0.00%
Amount attributable to investing activities		55,500	60,500	55,000	(5,500)	
Financing Activities						
Payments of member contributions	1	(45,814,343)	(2,492,592)	(1,744,975)	747,617	29.99% ▲
Proceeds from member contributions	1	34,575,138	2,708,232	1,244,368	(1,463,864)	(54.05%) ▼
Payments of GST Withheld	1	(2,524,805)	(137,366)	(87,955)	49,411	35.97% ▲
Payments for principal portion of lease liabilities	1	(36,000)	(5,778)	(5,948)	(170)	(2.94%)
Payments of profit distribution	1	(10,000,000)	0	0	0	0.00%
Payments of contribution refund	1	(280,000)	0	0	0	0.00%
Amount attributable to financing activities		(24,080,010)	72,496	(594,510)	(667,006)	
Closing funding surplus / (deficit)	2(c)	28,704,039	53,547,664	53,008,368	(539,296)	

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold.

Refer to Note 11 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

BASIS OF PREPARATION

REPORT PURPOSE

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*. Note: The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

BASIS OF ACCOUNTING

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

The *Local Government Act 1995* and accompanying Regulations take precedence over Australian Accounting Standards where they are inconsistent.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

CRITICAL ACCOUNTING ESTIMATES

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

PREPARATION TIMING

Date prepared: All known transactions up to 05 October 2021

SIGNIFICANT ACCOUNTING POLICES

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Regional Council controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements.

GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

ROUNDING OFF FIGURES

All figures shown in this statement are rounded to the nearest dollar.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2021

NOTE 1
CONTRIBUTED EQUITY

Movement in Financing Activities as Represented by:

	Land Sales Year to Date 31 August 2021	Development Expenses Year to Date 31 August 2021	Contributed Equity Year to Date 2021	Return of Contribution Year to Date 2021	Rates Equivalent Year to Date 2021	Payments of Lease Liabilities Year to Date 2021	GST Withheld Year to Date 2021	Total Movement Year to Date 2021
Town of Victoria Park	\$ 103,697	\$ (145,415)	\$ 0	\$ 0	\$ 0	(496)	(7,330)	(49,543)
City of Perth	103,697	(145,415)	0	0	0	(496)	(7,330)	(49,543)
Town of Cambridge	103,697	(145,415)	0	0	0	(496)	(7,330)	(49,543)
City of Joondalup	207,395	(290,829)	0	0	0	(991)	(14,659)	(99,085)
City of Wanneroo	207,395	(290,829)	0	0	0	(991)	(14,659)	(99,085)
Town of Vincent	103,697	(145,415)	0	0	0	(496)	(7,330)	(49,543)
City of Stirling	414,790	(581,657)	0	0	0	(1,983)	(29,318)	(198,168)
Total	1,244,368	(1,744,975)	0	0	0	(5,948)	(87,955)	(594,510)

	Land Sales Adopted Budget	Development Expenses Adopted Budget	Contributed Equity Adopted Budget	Return of Contribution Adopted Budget	Rates Equivalent Adopted Budget	Payments of Lease Liabilities Adopted Budget	GST Withheld Adopted Budget	Total Movement Adopted Budget
	\$ 2,881,262	\$ (3,817,862)	\$ (833,333)	\$ (23,333)	\$ 0	\$ (3,000)	\$ (210,400)	(2,006,668)
	2,881,262	(3,817,862)	(833,333)	(23,333)	0	(3,000)	(210,400)	(2,006,668)
	2,881,262	(3,817,862)	(833,333)	(23,333)	0	(3,000)	(210,400)	(2,006,668)
	5,762,523	(7,635,724)	(1,666,667)	(46,667)	0	(6,000)	(420,801)	(4,013,335)
	5,762,523	(7,635,724)	(1,666,667)	(46,667)	0	(6,000)	(420,801)	(4,013,335)
	2,881,262	(3,817,862)	(833,333)	(23,333)	0	(3,000)	(210,400)	(2,006,668)
	11,525,046	(15,271,448)	(3,333,333)	(93,333)	0	(12,000)	(841,602)	(8,026,670)
	34,575,138	(45,814,343)	(10,000,000)	(280,000)	0	(36,000)	(2,524,805)	(24,080,010)

Movement in Total Equity Represented by:

	Closing Balance 30 June 2021	Movement in Contributed Equity	Net Result	Year to Date 2021
	\$ 4,490,196	(49,543)	4,249	4,444,902
	4,490,196	(49,543)	4,249	4,444,902
	4,490,196	(49,543)	4,249	4,444,902
	8,980,387	(99,085)	8,498	8,889,800
	8,980,387	(99,085)	8,498	8,889,800
	4,490,196	(49,543)	4,249	4,444,902
	17,963,589	(198,168)	16,995	17,782,416
Total	53,885,147	(594,510)	50,986	53,341,623
Total Movement in Equity				(543,524)

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

	Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities				
		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	7	(60,500)	(60,500)	(55,000)
Add: Depreciation on assets		56,207	9,368	0
Total non-cash items excluded from operating activities		(4,293)	(51,132)	(55,000)

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation* 32 to agree to the surplus/(deficit) after imposition of general rates.

		Last Year Closing 30 June 2021	This Time Last Year 31 August 2020	Year to Date 31 August 2021
Adjustments to net current assets				
Add: Provisions - employee	10	283,214	267,082	283,214
Add: Lease liabilities	9	20,878	50,436	14,930
Total adjustments to net current assets		304,092	317,518	298,144

(c) Net current assets used in the Statement of Financial Activity

Current assets				
Cash and cash equivalents	3	1,008,998	5,473,893	6,550,991
Financial assets at amortised cost	3	52,304,473	42,806,835	46,057,420
Receivables	4	341,214	305,333	462,552
Other current assets	5	3,996	3,596	1,500
Less: Current liabilities				
Payables	6	(106,789)	(55,897)	(64,095)
Lease liabilities	9	(20,878)	(50,436)	(14,930)
Provisions	10	(283,214)	(267,082)	(283,214)
Less: Total adjustments to net current assets	2(b)	304,092	317,518	298,144
Closing funding surplus / (deficit)		53,551,892	48,533,760	53,008,368

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

Description	Classification	Unrestricted	Restricted	Total	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	Cash \$				
Cash on hand								
Municipal bank	Cash and cash equivalents	2,967,310	0	2,967,310	0	Westpac	0.10%	Nil
Settlement proceeds	Cash and cash equivalents	1,185,732	0	1,185,732	0	Westpac	0.05%	Nil
At call account	Cash and cash equivalents	391,485	0	391,485	0	NAB	Variable	Nil
Cash management	Cash and cash equivalents	102	0	102	0	Macquarie	Variable	Nil
Accelerator	Cash and cash equivalents	2,006,362	0	2,006,362	0	Macquarie	Variable	Nil
Term Deposit 9747	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.65%	Sep-21
Term Deposit 0647	Financial assets at amortised cost	3,000,000	0	3,000,000	0	Westpac	0.70%	Oct-21
Term Deposit 2250	Financial assets at amortised cost	3,000,000	0	3,000,000	0	Westpac	0.60%	Oct-21
Term Deposit 4415	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.50%	Nov-21
Term Deposit 1526	Financial assets at amortised cost	3,000,000	0	3,000,000	0	Westpac	0.48%	Dec-21
Term Deposit 8662	Financial assets at amortised cost	2,000,000	0	2,000,000	0	Westpac	0.48%	Dec-21
Term Deposit 1466	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.50%	Jan-22
Term Deposit 1214	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.45%	Jan-22
Term Deposit 7868	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.50%	Feb-22
Term Deposit 645	Financial assets at amortised cost	3,000,000	0	3,000,000	0	AMP	0.55%	Feb-22
Term Deposit 646	Financial assets at amortised cost	2,000,000	0	2,000,000	0	AMP	0.55%	Feb-22
Term Deposit 3491	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.45%	Feb-22
Term Deposit 3064	Financial assets at amortised cost	3,000,000	0	3,000,000	0	ME Bank	0.50%	Mar-22
Term Deposit 3127	Financial assets at amortised cost	2,000,000	0	2,000,000	0	ME Bank	0.50%	Mar-22
Term Deposit 0755	Financial assets at amortised cost	3,009,692	0	3,009,692	0	ME Bank	0.37%	Mar-22
Term Deposit 9832	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.45%	Mar-22
Term Deposit 6355	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.45%	Mar-22
Term Deposit 8568	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.45%	Apr-22
Term Deposit 5721	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.45%	Apr-22
Term Deposit 0002	Financial assets at amortised cost	1,000,000	0	1,000,000	0	Macquarie	0.45%	May-22
Term Deposit 1959	Financial assets at amortised cost	1,000,000	0	1,000,000	0	ME Bank	0.50%	May-22
Term Deposit AA1101A	Financial assets at amortised cost	3,000,000	0	3,000,000	0	NT Bonds	0.60%	Jun-22
Term Deposit 9279	Financial assets at amortised cost	2,047,728	0	2,047,728	0	AMP	0.75%	Jul-22
Term Deposit 3473	Financial assets at amortised cost	2,000,000	0	2,000,000	0	NAB	0.52%	Feb-23
Term Deposit AA1102A	Financial assets at amortised cost	3,000,000	0	3,000,000	0	NT Bonds	0.70%	Jun-23
Total		52,608,411	0	52,608,411	0			
Comprising								
Cash and cash equivalents		6,550,991	0	6,550,991	0			
Financial assets at amortised cost		46,057,420	0	46,057,420	0			
		52,608,411	0	52,608,411	0			

KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.

Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	0	136,991	32,235	0	0	169,226
Percentage	0%	81%	19%	0%	0%	
Balance per trial balance						
Sundry receivable						169,226
Accrued interest						293,326
Total receivables general outstanding						462,552

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for impairment of receivables is raised when there is objective evidence that they will not be collectible.

Other current assets	Opening Balance 1 July 2021	Asset Increase	Asset Reduction	Closing Balance 31 August 2021
	\$	\$	\$	\$
Other current assets				
Settlement bonds	1,000	500	0	1,500
Prepayments	2,996	0	(2,996)	0
Total other current assets	3,996	500	(2,996)	1,500
Amounts shown above include GST (where applicable)				

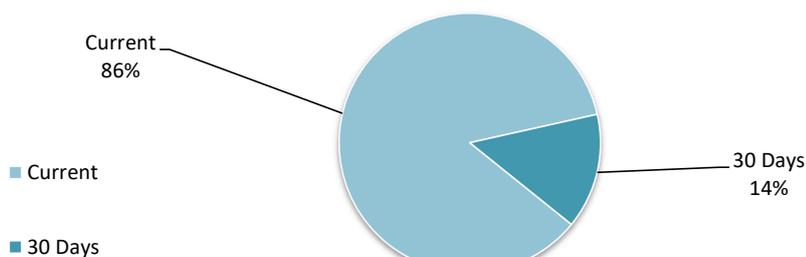
Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	10,346	1,735	2,144	0	14,225
Percentage	0%	72.7%	12.20%	15.1%	0%	
Balance per trial balance						
Sundry creditors						14,225
ATO liabilities						21,042
Credit card						1,828
Other payables						27,000
Total payables general outstanding						64,095

Amounts shown above include GST (where applicable)

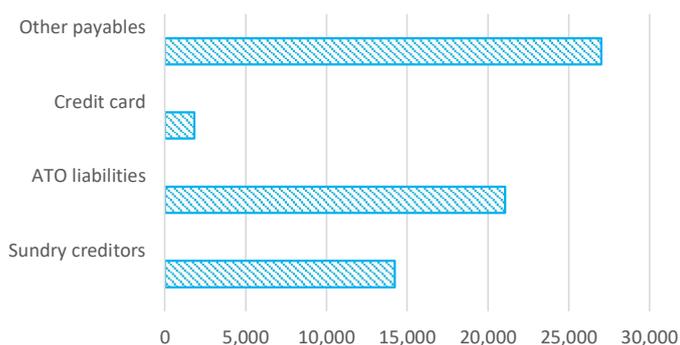
KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Regional Council that are unpaid and arise when the Regional Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

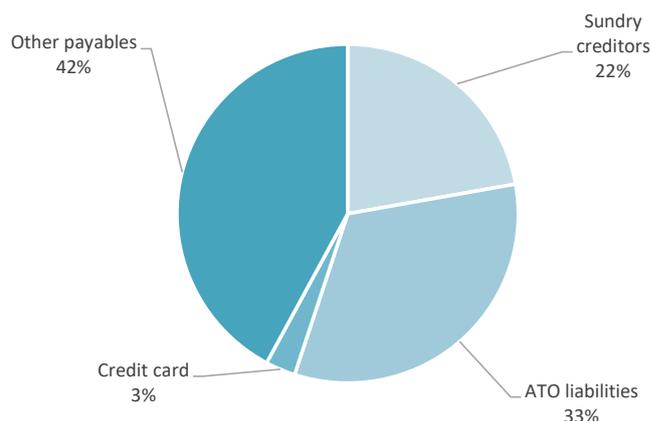
Aged Payables - General



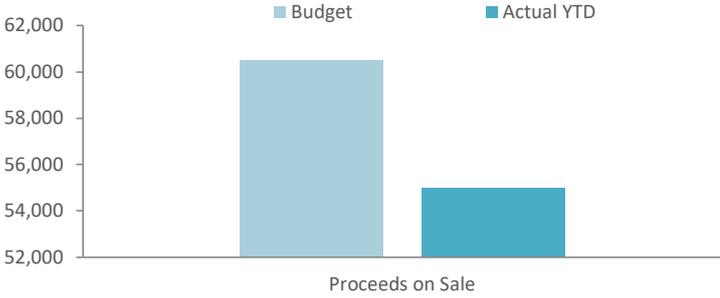
Payables



Payables



Asset Ref.	Asset description	Adopted Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment								
	Other property and services								
	Motor Vehicle - CEO	0	60,500	0	0		55,000	55,000	0
		0	60,500	0	0	0	55,000	55,000	0



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2021**

**INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS**

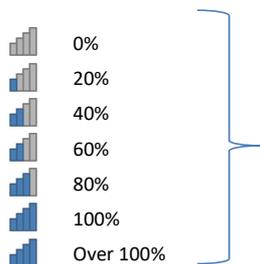
Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Furniture and equipment	5,000	0	0	0
Payments for Capital Acquisitions	5,000	0	0	0
Total Capital Acquisitions	5,000	0	0	0
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Contribution - operations	5,000	0	0	0
Capital funding total	5,000	0	0	0

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

Capital expenditure total

Level of completion indicators



Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Level of completion indicator, please see table at the end of this note for further detail.

		Adopted			
Account Description		Budget	YTD Budget	YTD Actual	Variance (Under)/Over
	E168513 General office equipment	5,000	0	0	0
		5,000	0	0	0

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2021**

**FINANCING ACTIVITIES
NOTE 9
LEASE LIABILITIES**

Movement in carrying amounts

Information on leases Particulars	Lease No.	1 July 2021	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Other property and services										
Unit 2, 369 Scarborough Beach Road, Innaloo	STIRLI/170672	20,878	0	0	5,948	36,000	14,930	(15,122)	42	1,000
Total		<u>20,878</u>	<u>0</u>	<u>0</u>	<u>5,948</u>	<u>36,000</u>	<u>14,930</u>	<u>(15,122)</u>	<u>42</u>	<u>1,000</u>
Current lease liabilities		<u>20,878</u>					<u>14,930</u>			
		20,878					14,930			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

At inception of a contract, the Regional Council assesses if the contract contains or is a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Regional Council uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

Other current liabilities	Note	Opening Balance 1 July 2021	Liability Increase	Liability Reduction	Closing Balance 31 August 2021
		\$	\$	\$	\$
Provisions					
Annual leave		160,651	0	0	160,651
Long service leave		122,563	0	0	122,563
Total Provisions		283,214	0	0	283,214
Total other current liabilities		283,214	0	0	283,214
Amounts shown above include GST (where applicable)					

KEY INFORMATION

Provisions

Provisions are recognised when the Regional Council has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee benefits

Short-term employee benefits

Provision is made for the Regional Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Regional Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Regional Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Regional Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Regional Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2021**

**NOTE 11
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2021-22 year is \$5,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
General purpose funding - other	165,431	294.43%	▲ Timing	Term deposit maturities early than anticipated
Other property and services	(9,230)	(14.37%)	▼ Timing	Less commision received from the investment consultant and less proceeds received from the disposal of the vehical to the CEO
Expenditure from operating activities				
Governance	28,501	100.00%	▲ Timing	Payment in advance for Members allowances paid earlier than anticipated
Other property and services	(47,624)	(26.75%)	▼ Timing	Three pay periods for the month of August. Advertising for vacant positions.
Financing activities				
Payments of member contributions	747,617	29.99%	▲ Timing	Less expenditue incurred on lot development
Proceeds from member contributions	(1,463,864)	(54.05%)	▼ Timing	Less lot sold than anticipated due to titles
Payments of GST Withheld	49,411	35.97%	▲ Permanent	Less GST due to less lots sold

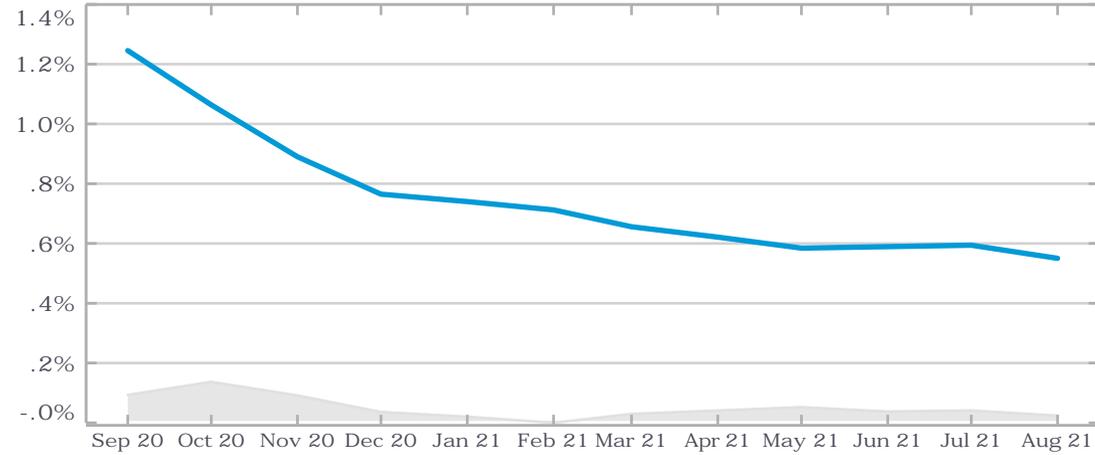


Investment Summary Report
August 2021

Investment Holdings

By Product	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	6,000,000.00	6,008,334.25	0.6500
Cash	2,006,361.96	2,006,361.96	0.4000
Term Deposit	40,057,420.15	40,142,409.50	0.5252
	48,063,782.11	48,157,105.71	0.5356

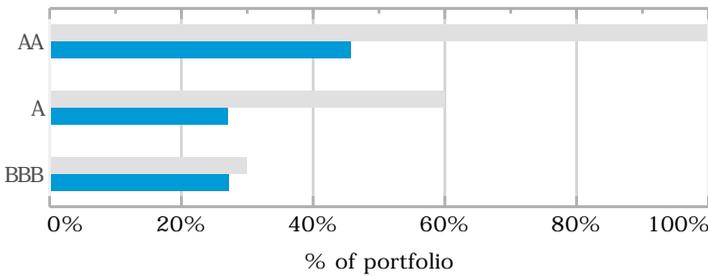
Investment Performance



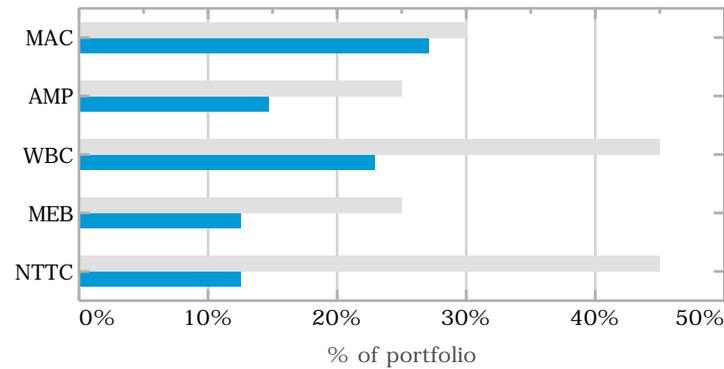
■ Portfolio Annualised Return ■ AusBond BB Index Annualised Return

Investment Policy Compliance

Total Credit Exposure



Highest Individual Exposures vs Policy



Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	43,063,782	90%
Between 1 and 3 Years	5,000,000	10%
	48,063,782	

■ Portfolio Exposure ■ Investment Policy Limit

Tamala Park Regional Council
Investment Holdings Report - August 2021

Cash Accounts

Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
2,006,361.96	0.4000%	Macquarie Bank	A+	2,006,361.96	541301	
2,006,361.96	0.4000%			2,006,361.96		

Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
13-Sep-21	1,000,000.00	0.6500%	Macquarie Bank	A+	1,000,000.00	15-Dec-20	1,004,630.14	540705	4,630.14	At Maturity	633
14-Oct-21	3,000,000.00	0.7000%	Westpac Group	AA-	3,000,000.00	14-Oct-20	3,018,526.03	540399	18,526.03	At Maturity	625
26-Oct-21	3,000,000.00	0.6000%	Westpac Group	AA-	3,000,000.00	26-Oct-20	3,015,287.67	540471	15,287.67	At Maturity	626
23-Nov-21	1,000,000.00	0.5000%	Macquarie Bank	A+	1,000,000.00	24-Mar-21	1,002,205.48	541218	2,205.48	At Maturity	639
9-Dec-21	3,000,000.00	0.4800%	Westpac Group	AA-	3,000,000.00	10-Dec-20	3,003,274.52	540690	3,274.52	Semi	631 Green
14-Dec-21	2,000,000.00	0.4800%	Westpac Group	AA-	2,000,000.00	14-Dec-20	2,002,051.51	540700	2,051.51	Semi	632 Green
24-Jan-22	1,000,000.00	0.5000%	Macquarie Bank	A+	1,000,000.00	24-Mar-21	1,002,205.48	541219	2,205.48	At Maturity	640
25-Jan-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	30-Apr-21	1,001,528.77	541292	1,528.77	At Maturity	643
10-Feb-22	2,000,000.00	0.5500%	AMP Bank	BBB	2,000,000.00	10-May-21	2,003,435.62	541321	3,435.62	At Maturity	644
10-Feb-22	3,000,000.00	0.5500%	AMP Bank	BBB	3,000,000.00	10-May-21	3,005,153.42	541322	5,153.42	At Maturity	645
14-Feb-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	12-May-21	1,001,380.82	541325	1,380.82	At Maturity	647
23-Feb-22	1,000,000.00	0.5000%	Macquarie Bank	A+	1,000,000.00	24-Mar-21	1,002,205.48	541220	2,205.48	At Maturity	641
4-Mar-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	6-Aug-21	1,000,320.55	541706	320.55	At Maturity	650
7-Mar-22	3,000,000.00	0.5000%	ME Bank	BBB+	3,000,000.00	8-Mar-21	3,007,273.97	541011	7,273.97	At Maturity	636
9-Mar-22	2,000,000.00	0.5000%	ME Bank	BBB+	2,000,000.00	9-Mar-21	2,004,821.92	541097	4,821.92	At Maturity	637
9-Mar-22	3,009,692.06	0.3700%	National Australia Bank	AA-	3,009,692.06	10-Mar-21	3,015,031.17	541102	5,339.11	At Maturity	638
14-Mar-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	12-May-21	1,001,380.82	541326	1,380.82	At Maturity	648
5-Apr-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	6-Aug-21	1,000,320.55	541707	320.55	At Maturity	651
11-Apr-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	9-Aug-21	1,000,283.56	541727	283.56	At Maturity	654
5-May-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	6-Aug-21	1,000,320.55	541708	320.55	At Maturity	652

Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
11-May-22	1,000,000.00	0.5000%	ME Bank	BBB+	1,000,000.00	12-May-21	1,001,534.25	541323	1,534.25	At Maturity	646
5-Jul-22	2,047,728.09	0.7500%	AMP Bank	BBB	2,047,728.09	9-Aug-21	2,048,695.85	541726	967.76	At Maturity	653
13-Feb-23	2,000,000.00	0.5200%	National Australia Bank	AA-	2,000,000.00	13-Aug-21	2,000,541.37	541745	541.37	Annually	655
	40,057,420.15	0.5252%			40,057,420.15		40,142,409.50		84,989.35		

Fixed Rate Bonds											
Maturity Date	Face Value (\$)	Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Purchase Yield	Reference
15-Jun-22	3,000,000.00	0.6000%	NT T-Corp Bond (Jun22) 0.60%	Aa3	3,000,000.00	17-Feb-21	3,003,846.58	540948	3,846.58	0.6000%	
15-Jun-23	3,000,000.00	0.7000%	NT T-Corp Bond (Jun23) 0.70%	Aa3	3,000,000.00	14-Apr-21	3,004,487.67	541265	4,487.67	0.7000%	
	6,000,000.00				6,000,000.00		6,008,334.25		8,334.25	0.6500%	

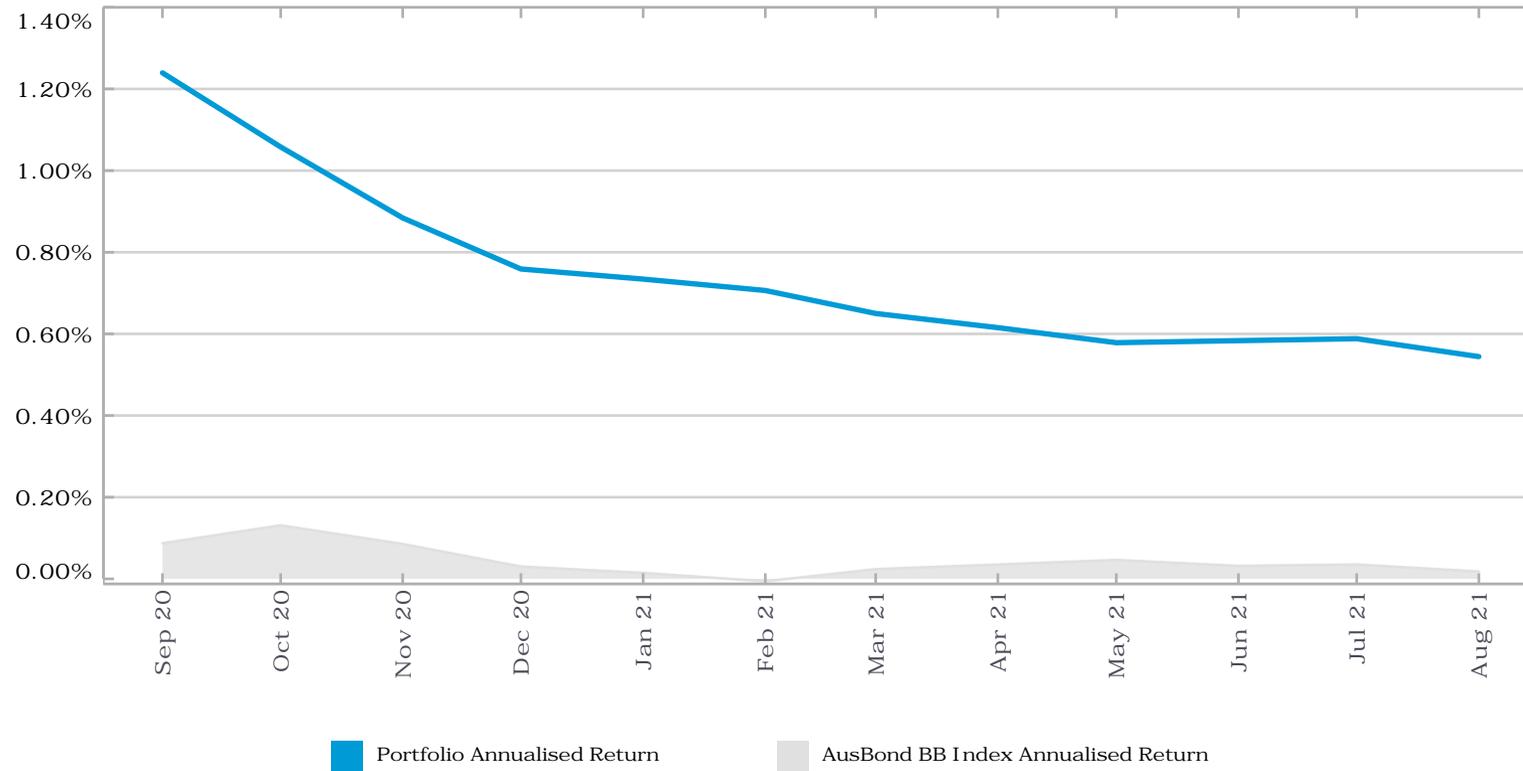
Tamala Park Regional Council
Accrued Interest Report - August 2021

Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Bonds									
NT T-Corp Bond (Jun22) 0.60%	540948	635	3,000,000.00	17-Feb-21	15-Jun-22	0.00	31	1,528.77	.60%
NT T-Corp Bond (Jun23) 0.70%	541265	642	3,000,000.00	14-Apr-21	15-Jun-23	0.00	31	1,783.56	.70%
Bonds Total						0.00		3,312.33	.65%
Cash									
Macquarie Bank	541301	Accelerator	2,006,361.96			681.38	31	681.38	.40%
Cash Total						681.38		681.38	.40%
Term Deposit									
National Australia Bank	540099	617	3,023,635.07	06-Aug-20	05-Aug-21	25,630.48	4	281.65	.85%
AMP Bank	540933	634	3,038,637.15	08-Feb-21	09-Aug-21	9,090.94	8	399.61	.60%
National Australia Bank	540108	618	3,023,335.89	10-Aug-20	10-Aug-21	25,698.36	9	633.66	.85%
Bank of Queensland	540620	630	2,000,000.00	30-Nov-20	30-Aug-21	8,227.40	29	873.98	.55%
Macquarie Bank	540705	633	1,000,000.00	15-Dec-20	13-Sep-21	0.00	31	552.06	.65%
Westpac Group	540399	625	3,000,000.00	14-Oct-20	14-Oct-21	0.00	31	1,783.56	.70%
Westpac Group	540471	626	3,000,000.00	26-Oct-20	26-Oct-21	0.00	31	1,528.77	.60%
Macquarie Bank	541218	639	1,000,000.00	24-Mar-21	23-Nov-21	0.00	31	424.66	.50%
Westpac Group	540690	631 Green	3,000,000.00	10-Dec-20	09-Dec-21	0.00	31	1,223.01	.48%
Westpac Group	540700	632 Green	2,000,000.00	14-Dec-20	14-Dec-21	0.00	31	815.35	.48%
Macquarie Bank	541219	640	1,000,000.00	24-Mar-21	24-Jan-22	0.00	31	424.66	.50%
Macquarie Bank	541292	643	1,000,000.00	30-Apr-21	25-Jan-22	0.00	31	382.19	.45%
AMP Bank	541321	644	2,000,000.00	10-May-21	10-Feb-22	0.00	31	934.25	.55%
AMP Bank	541322	645	3,000,000.00	10-May-21	10-Feb-22	0.00	31	1,401.37	.55%
Macquarie Bank	541325	647	1,000,000.00	12-May-21	14-Feb-22	0.00	31	382.19	.45%
Macquarie Bank	541220	641	1,000,000.00	24-Mar-21	23-Feb-22	0.00	31	424.66	.50%
Macquarie Bank	541706	650	1,000,000.00	06-Aug-21	04-Mar-22	0.00	26	320.55	.45%
ME Bank	541011	636	3,000,000.00	08-Mar-21	07-Mar-22	0.00	31	1,273.97	.50%
ME Bank	541097	637	2,000,000.00	09-Mar-21	09-Mar-22	0.00	31	849.32	.50%
National Australia Bank	541102	638	3,009,692.06	10-Mar-21	09-Mar-22	0.00	31	945.78	.37%
Macquarie Bank	541326	648	1,000,000.00	12-May-21	14-Mar-22	0.00	31	382.19	.45%
Macquarie Bank	541707	651	1,000,000.00	06-Aug-21	05-Apr-22	0.00	26	320.55	.45%
Macquarie Bank	541727	654	1,000,000.00	09-Aug-21	11-Apr-22	0.00	23	283.56	.45%
Macquarie Bank	541708	652	1,000,000.00	06-Aug-21	05-May-22	0.00	26	320.55	.45%
ME Bank	541323	646	1,000,000.00	12-May-21	11-May-22	0.00	31	424.66	.50%
AMP Bank	541726	653	2,047,728.09	09-Aug-21	05-Jul-22	0.00	23	967.76	.75%
National Australia Bank	541745	655	2,000,000.00	13-Aug-21	13-Feb-23	0.00	19	541.37	.52%
Term Deposit Total						68,647.18		19,095.89	.54%

Accrued Interest Report

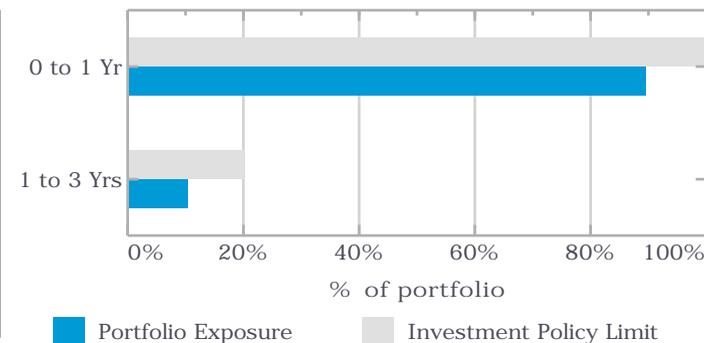
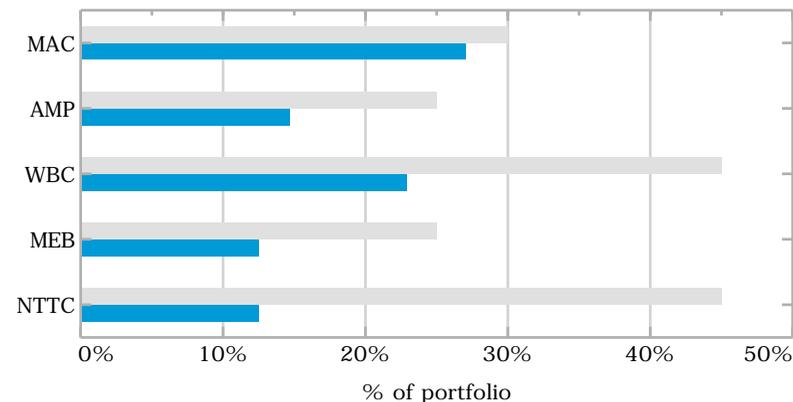
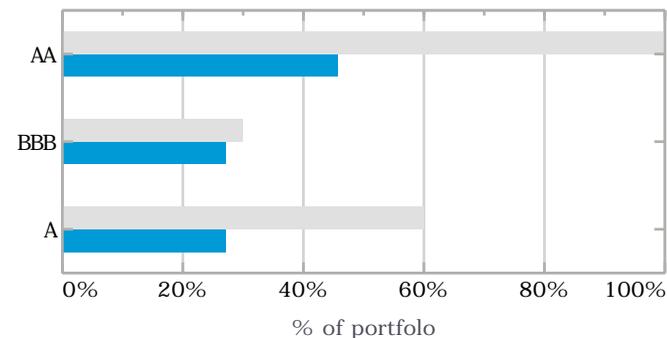
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
						69,328.56		23,089.60	<u>.54%</u>

Annualised Monthly Return



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Aug 2021	0.54%	0.02%	0.53%
Last 3 Months	0.57%	0.03%	0.54%
Last 6 Months	0.59%	0.03%	0.56%
Financial Year to Date	0.57%	0.03%	0.54%
Last 12 months	0.74%	0.04%	0.70%

Total Credit Exposure Individual Institutional Exposures Term to Maturities



Credit Rating Group	Face Value (\$)	Policy Max
AA	22,009,692	100%
A	13,006,362	60%
BBB	13,047,728	30%
Total	48,063,782	

a = compliant
r = non-compliant

Institution	Portfolio Exposure	Investment Policy Limit	Compliance
Macquarie Bank (A+)	27%	30%	a
AMP Bank (BBB)	15%	25%	a
Westpac Group (AA-)	23%	45%	a
Members Equity Bank (BBB+)	12%	25%	a
NT T-Corp (Aa3)	12%	45%	a
National Australia Bank (AA-)	10%	45%	a

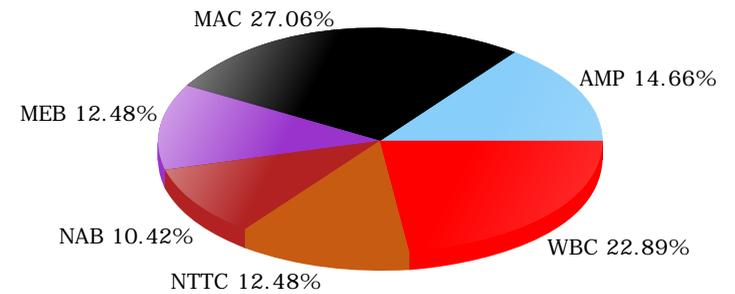
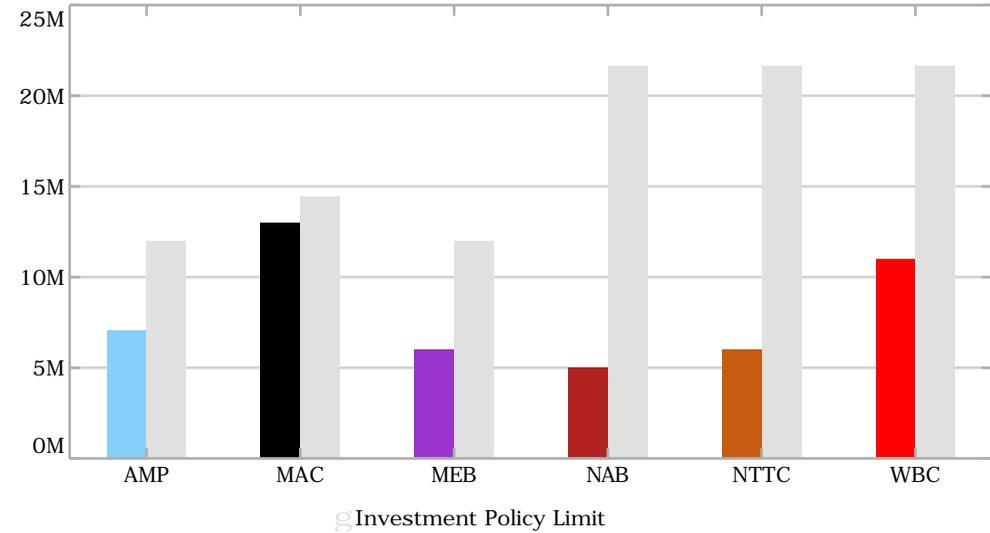
Term	Face Value (\$)	Policy Max	Compliance
Between 0 and 1 Year	43,063,782	90%	100%
Between 1 and 3 Years	5,000,000	10%	20%
Total	48,063,782		

Detailed Maturity Profile	Face Value (\$)	Compliance
00. Cash + Managed Funds	2,006,362	4%
01. Less Than 30 Days	1,000,000	2%
02. Between 30 Days and 60 Days	6,000,000	12%
03. Between 60 Days and 90 Days	1,000,000	2%
04. Between 90 Days and 180 Days	14,000,000	29%
05. Between 180 Days and 365 Days	19,057,420	40%
06. Between 365 Days and 3 Years	5,000,000	10%
Total	48,063,782	

Individual Institutional Exposures

	Current Exposures		Policy Limit		Capacity
AMP Bank (BBB)	7,047,728	15%	12,015,946	25%	4,968,218
Macquarie Bank (A+)	13,006,362	27%	14,419,135	30%	1,412,773
Members Equity Bank (BBB+)	6,000,000	12%	12,015,946	25%	6,015,946
National Australia Bank (AA-)	5,009,692	10%	21,628,702	45%	16,619,010
NT T-Corp (Aa3)	6,000,000	12%	21,628,702	45%	15,628,702
Westpac Group (AA-)	11,000,000	23%	21,628,702	45%	10,628,702
	48,063,782				

Individual Institutional Exposure Charts



Tamala Park Regional Council
Cash Flows Report - August 2021

Current Month Cashflows

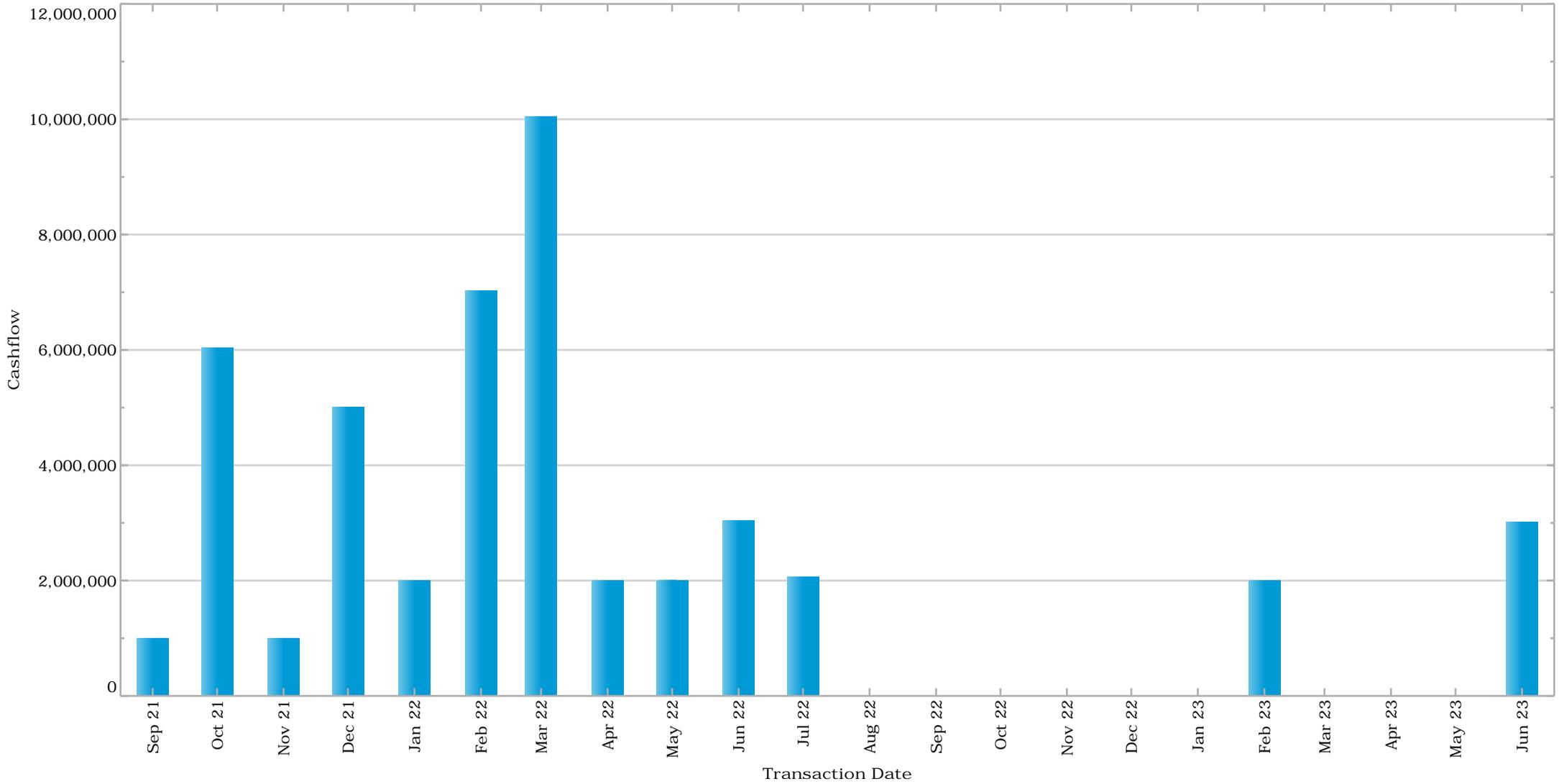
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
5-Aug-21	540099	National Australia Bank	Term Deposits	Maturity Face Value - Received	3,023,635.07
		National Australia Bank	Term Deposits	Interest - Received	25,630.48
				<u>Deal Total</u>	<u>3,049,265.55</u>
				Day Total	3,049,265.55
6-Aug-21	541706	Macquarie Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
	541707	Macquarie Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
	541708	Macquarie Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
				Day Total	-3,000,000.00
9-Aug-21	540933	AMP Bank	Term Deposits	Maturity Face Value - Received	3,038,637.15
		AMP Bank	Term Deposits	Interest - Received	9,090.94
				<u>Deal Total</u>	<u>3,047,728.09</u>
	541726	AMP Bank	Term Deposits	Settlement Face Value - Paid	-2,047,728.09
				<u>Deal Total</u>	<u>-2,047,728.09</u>
	541727	Macquarie Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
				Day Total	-0.00
10-Aug-21	540108	National Australia Bank	Term Deposits	Maturity Face Value - Received	3,023,335.89
		National Australia Bank	Term Deposits	Interest - Received	25,698.36
				<u>Deal Total</u>	<u>3,049,034.25</u>
				Day Total	3,049,034.25
13-Aug-21	541745	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
				<u>Deal Total</u>	<u>-2,000,000.00</u>
				Day Total	-2,000,000.00
30-Aug-21	540620	Bank of Queensland	Term Deposits	Maturity Face Value - Received	2,000,000.00
		Bank of Queensland	Term Deposits	Interest - Received	8,227.40
				<u>Deal Total</u>	<u>2,008,227.40</u>
				Day Total	2,008,227.40
				<u>Net Cash Movement for Period</u>	<u>3,106,527.19</u>

Tamala Park Regional Council
Cash Flows Report - August 2021

Next Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
13-Sep-21	540705	Macquarie Bank	Term Deposit	Maturity Face Value - Received	1,000,000.00
		Macquarie Bank	Term Deposit	Interest - Received	4,843.84
				<u>Deal Total</u>	<u>1,004,843.84</u>
				Day Total	1,004,843.84
				<u>Net Cash Movement for Period</u>	<u>1,004,843.84</u>

Tamala Park Regional Council Cash Flows Report - August 2021



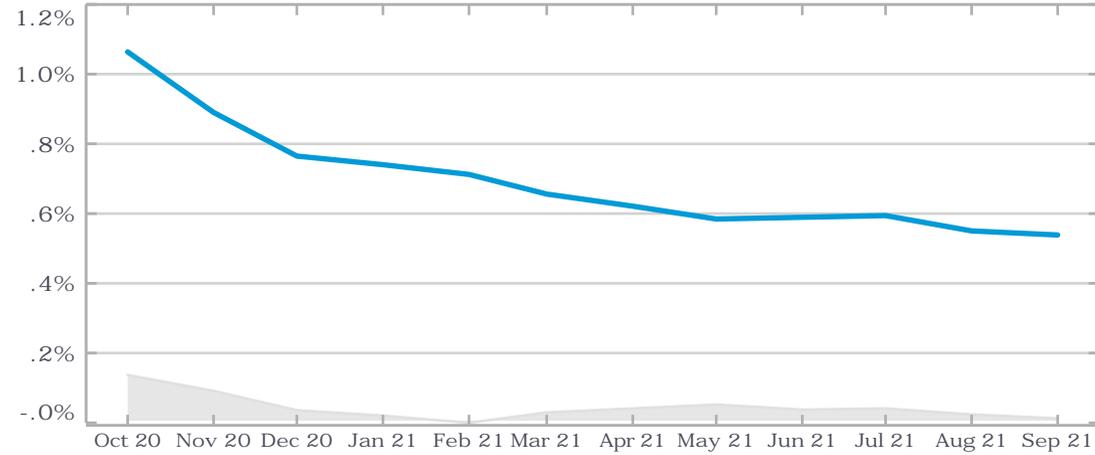


Investment Summary Report
September 2021

Investment Holdings

By Product	Face Value (\$)	Current Value (\$)	Current Yield (%)
Bonds	6,000,000.00	6,011,539.73	0.6500
Cash	2,007,021.62	2,007,021.62	0.4000
Term Deposit	41,557,420.15	41,654,808.98	0.5159
	49,564,441.77	49,673,370.33	0.5274

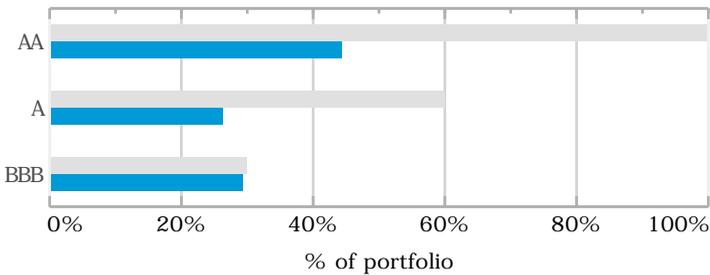
Investment Performance



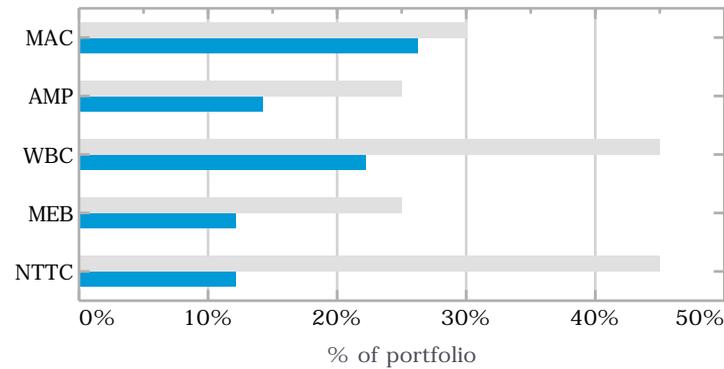
■ Portfolio Annualised Return ■ AusBond BB Index Annualised Return

Investment Policy Compliance

Total Credit Exposure



Highest Individual Exposures vs Policy



Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	44,564,442	90%
Between 1 and 3 Years	5,000,000	10%
	49,564,442	

■ Portfolio Exposure ■ Investment Policy Limit

Tamala Park Regional Council
Investment Holdings Report - September 2021

Cash Accounts

Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
2,007,021.62	0.4000%	Macquarie Bank	A+	2,007,021.62	541301	
2,007,021.62	0.4000%			2,007,021.62		

Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
14-Oct-21	3,000,000.00	0.7000%	Westpac Group	AA-	3,000,000.00	14-Oct-20	3,020,252.05	540399	20,252.05	At Maturity	625
26-Oct-21	3,000,000.00	0.6000%	Westpac Group	AA-	3,000,000.00	26-Oct-20	3,016,767.12	540471	16,767.12	At Maturity	626
23-Nov-21	1,000,000.00	0.5000%	Macquarie Bank	A+	1,000,000.00	24-Mar-21	1,002,616.44	541218	2,616.44	At Maturity	639
9-Dec-21	3,000,000.00	0.4800%	Westpac Group	AA-	3,000,000.00	10-Dec-20	3,004,458.08	540690	4,458.08	Semi	631 Green
14-Dec-21	2,000,000.00	0.4800%	Westpac Group	AA-	2,000,000.00	14-Dec-20	2,002,840.55	540700	2,840.55	Semi	632 Green
24-Jan-22	1,000,000.00	0.5000%	Macquarie Bank	A+	1,000,000.00	24-Mar-21	1,002,616.44	541219	2,616.44	At Maturity	640
25-Jan-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	30-Apr-21	1,001,898.63	541292	1,898.63	At Maturity	643
10-Feb-22	2,000,000.00	0.5500%	AMP Bank	BBB	2,000,000.00	10-May-21	2,004,339.73	541321	4,339.73	At Maturity	644
10-Feb-22	3,000,000.00	0.5500%	AMP Bank	BBB	3,000,000.00	10-May-21	3,006,509.59	541322	6,509.59	At Maturity	645
14-Feb-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	12-May-21	1,001,750.68	541325	1,750.68	At Maturity	647
23-Feb-22	1,000,000.00	0.5000%	Macquarie Bank	A+	1,000,000.00	24-Mar-21	1,002,616.44	541220	2,616.44	At Maturity	641
4-Mar-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	6-Aug-21	1,000,690.41	541706	690.41	At Maturity	650
7-Mar-22	3,000,000.00	0.5000%	ME Bank	BBB+	3,000,000.00	8-Mar-21	3,008,506.85	541011	8,506.85	At Maturity	636
9-Mar-22	2,000,000.00	0.5000%	ME Bank	BBB+	2,000,000.00	9-Mar-21	2,005,643.84	541097	5,643.84	At Maturity	637
9-Mar-22	3,009,692.06	0.3700%	National Australia Bank	AA-	3,009,692.06	10-Mar-21	3,015,946.45	541102	6,254.39	At Maturity	638
14-Mar-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	12-May-21	1,001,750.68	541326	1,750.68	At Maturity	648
5-Apr-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	6-Aug-21	1,000,690.41	541707	690.41	At Maturity	651
11-Apr-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	9-Aug-21	1,000,653.42	541727	653.42	At Maturity	654
5-May-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	6-Aug-21	1,000,690.41	541708	690.41	At Maturity	652
11-May-22	1,000,000.00	0.5000%	ME Bank	BBB+	1,000,000.00	12-May-21	1,001,945.21	541323	1,945.21	At Maturity	646

Term Deposits

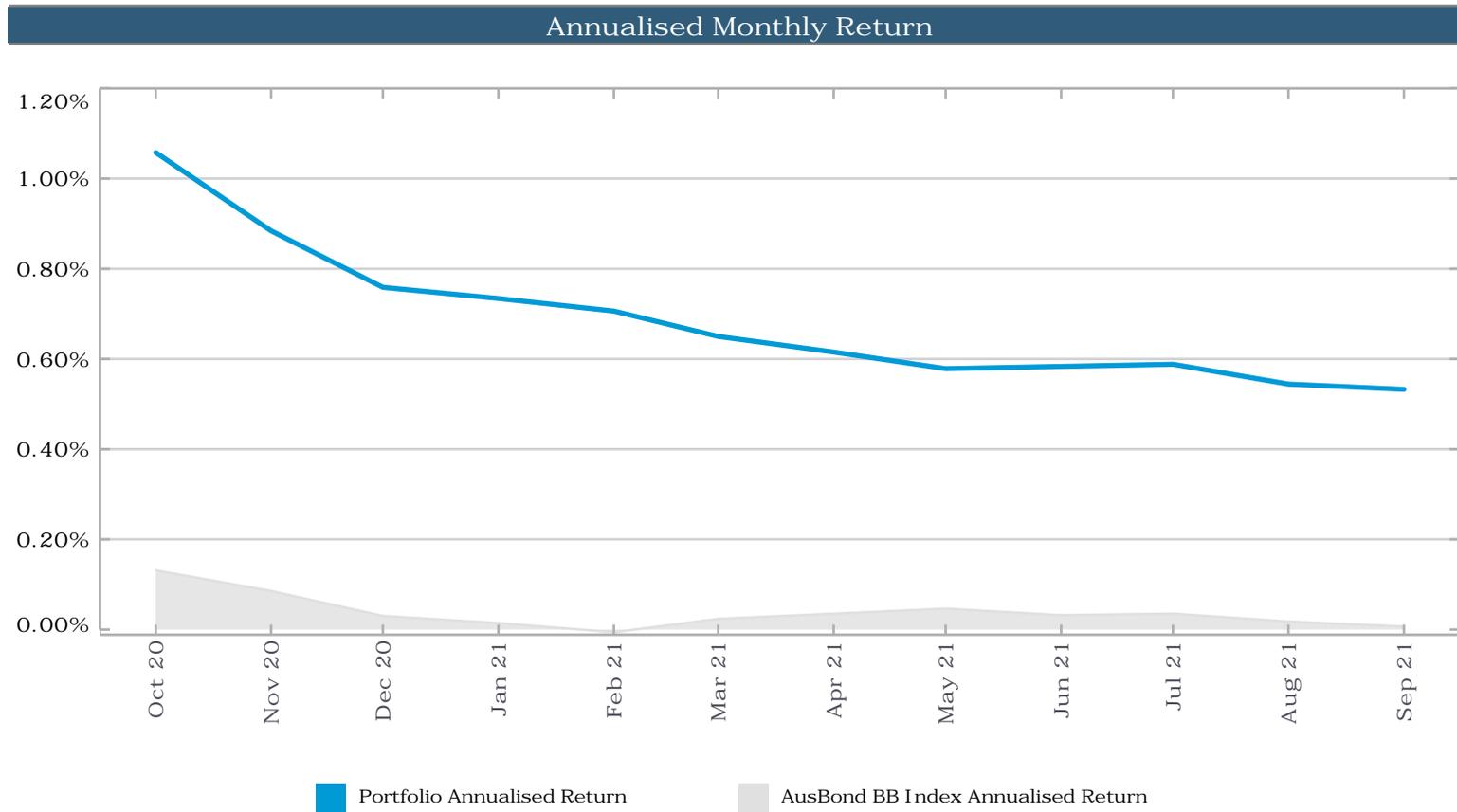
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
21-Jun-22	1,500,000.00	0.4000%	Bank of Queensland	BBB+	1,500,000.00	28-Sep-21	1,500,049.32	541928	49.32	At Maturity	657
5-Jul-22	2,047,728.09	0.7500%	AMP Bank	BBB	2,047,728.09	9-Aug-21	2,049,958.15	541726	2,230.06	At Maturity	653
15-Aug-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00	13-Sep-21	1,000,221.92	541894	221.92	At Maturity	656
13-Feb-23	2,000,000.00	0.5200%	National Australia Bank	AA-	2,000,000.00	13-Aug-21	2,001,396.16	541745	1,396.16	Annually	655
	41,557,420.15	0.5159%			41,557,420.15		41,654,808.98		97,388.83		

Fixed Rate Bonds

Maturity Date	Face Value (\$)	Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Purchase Yield	Reference
15-Jun-22	3,000,000.00	0.6000%	NT T-Corp Bond (Jun22) 0.60%	Aa3	3,000,000.00	17-Feb-21	3,005,326.03	540948	5,326.03	0.6000%	
15-Jun-23	3,000,000.00	0.7000%	NT T-Corp Bond (Jun23) 0.70%	Aa3	3,000,000.00	14-Apr-21	3,006,213.70	541265	6,213.70	0.7000%	
	6,000,000.00				6,000,000.00		6,011,539.73		11,539.73	0.6500%	

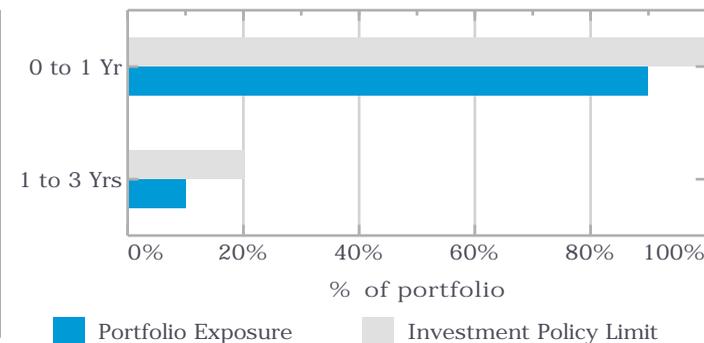
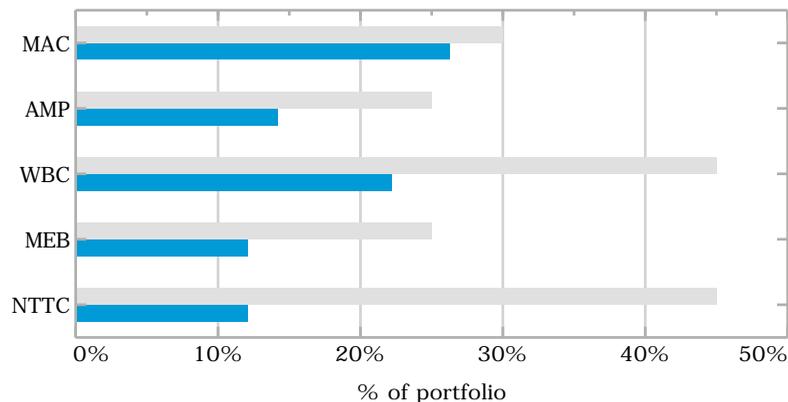
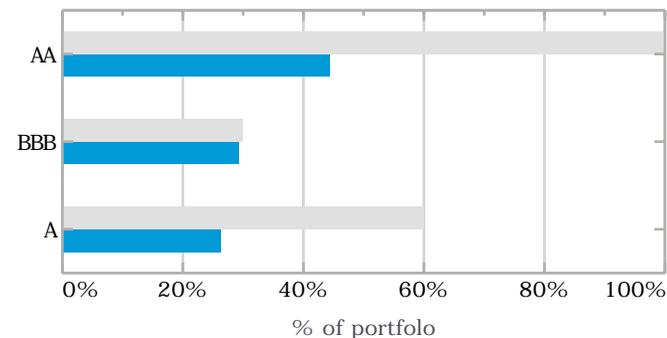
Tamala Park Regional Council
Accrued Interest Report - September 2021

Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Bonds									
NT T-Corp Bond (Jun22) 0.60%	540948	635	3,000,000.00	17-Feb-21	15-Jun-22	0.00	30	1,479.45	.60%
NT T-Corp Bond (Jun23) 0.70%	541265	642	3,000,000.00	14-Apr-21	15-Jun-23	0.00	30	1,726.03	.70%
Bonds Total						0.00		3,205.48	.65%
Cash									
Macquarie Bank	541301	Accelerator	2,007,021.62			659.66	30	659.66	.40%
Cash Total						659.66		659.66	.40%
Term Deposit									
Macquarie Bank	540705	633	1,000,000.00	15-Dec-20	13-Sep-21	4,843.84	12	213.70	.65%
Westpac Group	540399	625	3,000,000.00	14-Oct-20	14-Oct-21	0.00	30	1,726.02	.70%
Westpac Group	540471	626	3,000,000.00	26-Oct-20	26-Oct-21	0.00	30	1,479.45	.60%
Macquarie Bank	541218	639	1,000,000.00	24-Mar-21	23-Nov-21	0.00	30	410.96	.50%
Westpac Group	540690	631 Green	3,000,000.00	10-Dec-20	09-Dec-21	0.00	30	1,183.56	.48%
Westpac Group	540700	632 Green	2,000,000.00	14-Dec-20	14-Dec-21	0.00	30	789.04	.48%
Macquarie Bank	541219	640	1,000,000.00	24-Mar-21	24-Jan-22	0.00	30	410.96	.50%
Macquarie Bank	541292	643	1,000,000.00	30-Apr-21	25-Jan-22	0.00	30	369.86	.45%
AMP Bank	541321	644	2,000,000.00	10-May-21	10-Feb-22	0.00	30	904.11	.55%
AMP Bank	541322	645	3,000,000.00	10-May-21	10-Feb-22	0.00	30	1,356.17	.55%
Macquarie Bank	541325	647	1,000,000.00	12-May-21	14-Feb-22	0.00	30	369.86	.45%
Macquarie Bank	541220	641	1,000,000.00	24-Mar-21	23-Feb-22	0.00	30	410.96	.50%
Macquarie Bank	541706	650	1,000,000.00	06-Aug-21	04-Mar-22	0.00	30	369.86	.45%
ME Bank	541011	636	3,000,000.00	08-Mar-21	07-Mar-22	0.00	30	1,232.88	.50%
ME Bank	541097	637	2,000,000.00	09-Mar-21	09-Mar-22	0.00	30	821.92	.50%
National Australia Bank	541102	638	3,009,692.06	10-Mar-21	09-Mar-22	0.00	30	915.28	.37%
Macquarie Bank	541326	648	1,000,000.00	12-May-21	14-Mar-22	0.00	30	369.86	.45%
Macquarie Bank	541707	651	1,000,000.00	06-Aug-21	05-Apr-22	0.00	30	369.86	.45%
Macquarie Bank	541727	654	1,000,000.00	09-Aug-21	11-Apr-22	0.00	30	369.86	.45%
Macquarie Bank	541708	652	1,000,000.00	06-Aug-21	05-May-22	0.00	30	369.86	.45%
ME Bank	541323	646	1,000,000.00	12-May-21	11-May-22	0.00	30	410.96	.50%
Bank of Queensland	541928	657	1,500,000.00	28-Sep-21	21-Jun-22	0.00	3	49.32	.40%
AMP Bank	541726	653	2,047,728.09	09-Aug-21	05-Jul-22	0.00	30	1,262.30	.75%
Macquarie Bank	541894	656	1,000,000.00	13-Sep-21	15-Aug-22	0.00	18	221.92	.45%
National Australia Bank	541745	655	2,000,000.00	13-Aug-21	13-Feb-23	0.00	30	854.79	.52%
Term Deposit Total						4,843.84		17,243.32	.52%
						5,503.50		21,108.46	.53%



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Sep 2021	0.53%	0.01%	0.53%
Last 3 Months	0.56%	0.02%	0.54%
Last 6 Months	0.57%	0.03%	0.54%
Financial Year to Date	0.56%	0.02%	0.54%
Last 12 months	0.69%	0.04%	0.65%

Total Credit Exposure Individual Institutional Exposures Term to Maturities



Credit Rating Group	Face Value (\$)	Policy Max
AA	22,009,692	44% 100% a
A	13,007,022	26% 60% a
BBB	14,547,728	29% 30% a
	49,564,442	

a = compliant
r = non-compliant

	Portfolio Exposure	Investment Policy Limit	
Macquarie Bank (A+)	26%	30%	a
AMP Bank (BBB)	14%	25%	a
Westpac Group (AA-)	22%	45%	a
Members Equity Bank (BBB+)	12%	25%	a
NT T-Corp (Aa3)	12%	45%	a
National Australia Bank (AA-)	10%	45%	a
Bank of Queensland (BBB+)	3%	25%	a

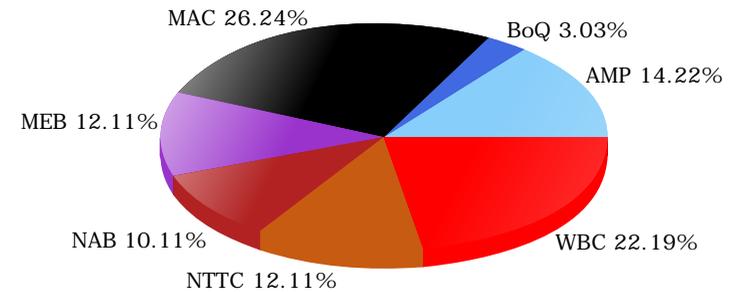
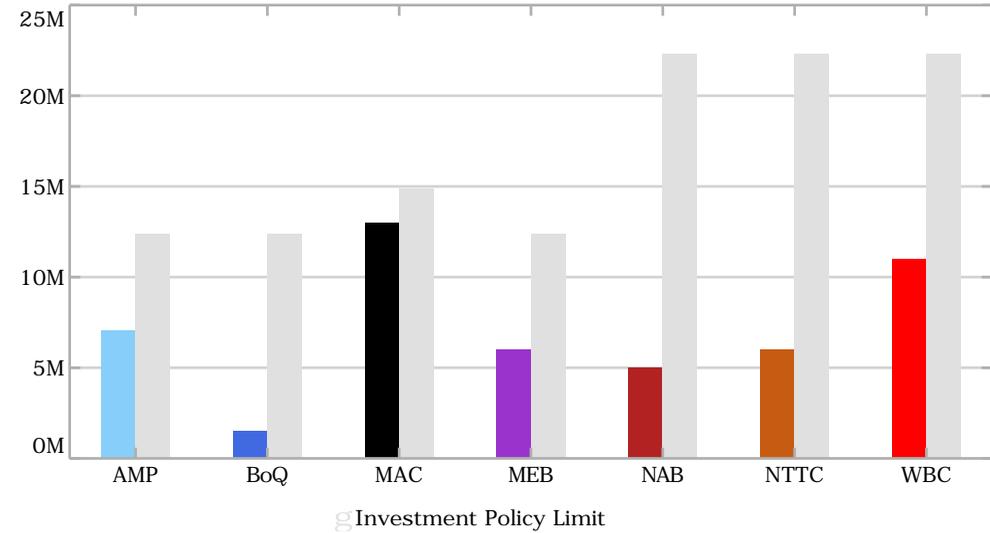
	Face Value (\$)	Policy Max	
Between 0 and 1 Year	44,564,442	90% 100%	a
Between 1 and 3 Years	5,000,000	10% 20%	a
	49,564,442		

Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	2,007,022	4%
01. Less Than 30 Days	6,000,000	12%
02. Between 30 Days and 60 Days	1,000,000	2%
03. Between 60 Days and 90 Days	5,000,000	10%
04. Between 90 Days and 180 Days	19,009,692	38%
05. Between 180 Days and 365 Days	11,547,728	23%
06. Between 365 Days and 3 Years	5,000,000	10%
	49,564,442	

Individual Institutional Exposures

	Current Exposures		Policy Limit		Capacity
AMP Bank (BBB)	7,047,728	14%	12,391,110	25%	5,343,382
Bank of Queensland (BBB+)	1,500,000	3%	12,391,110	25%	10,891,110
Macquarie Bank (A+)	13,007,022	26%	14,869,333	30%	1,862,311
Members Equity Bank (BBB+)	6,000,000	12%	12,391,110	25%	6,391,110
National Australia Bank (AA-)	5,009,692	10%	22,303,999	45%	17,294,307
NT T-Corp (Aa3)	6,000,000	12%	22,303,999	45%	16,303,999
Westpac Group (AA-)	11,000,000	22%	22,303,999	45%	11,303,999
	49,564,442				

Individual Institutional Exposure Charts



Tamala Park Regional Council
Cash Flows Report - September 2021

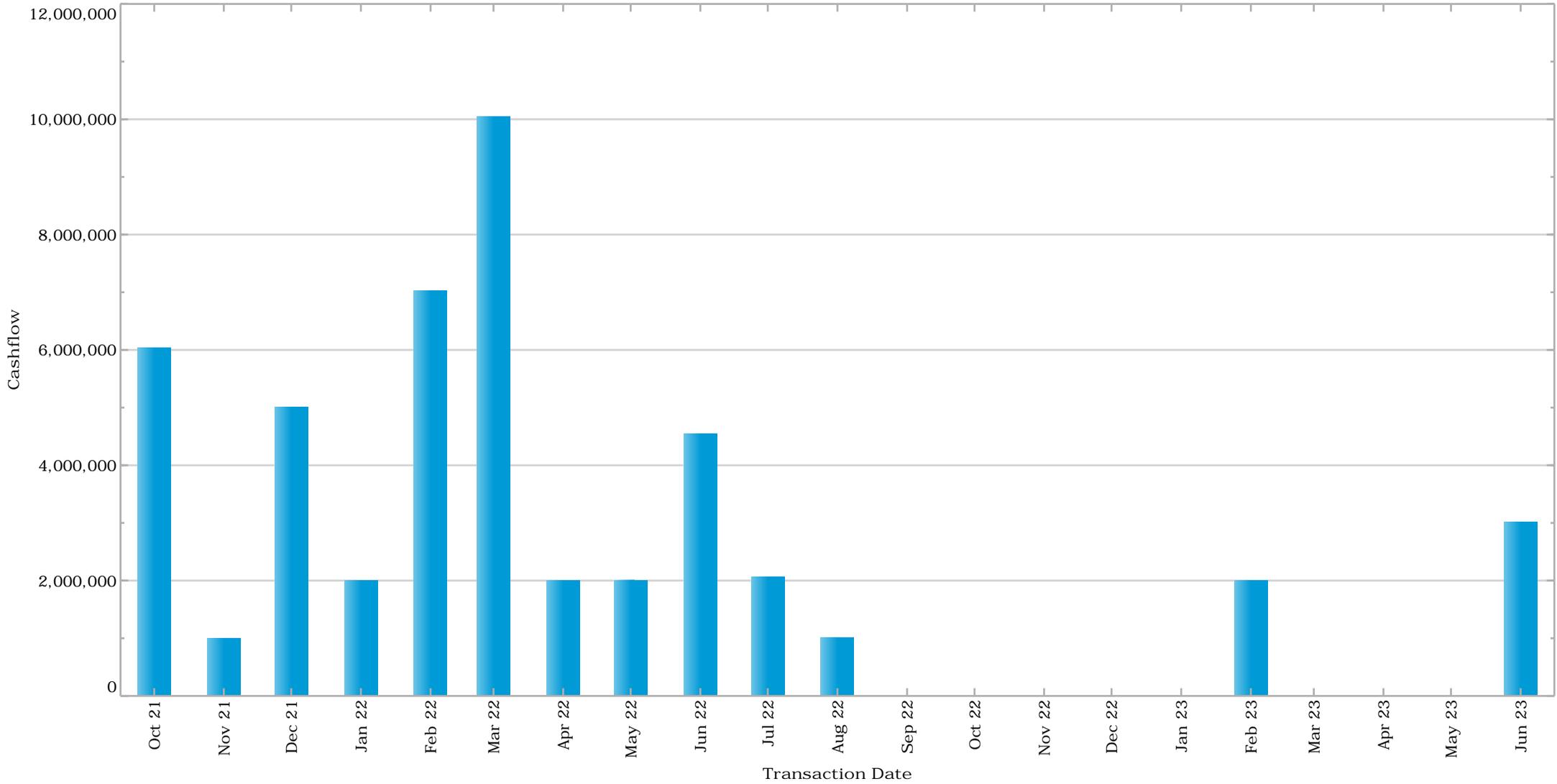
Current Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
13-Sep-21	540705	Macquarie Bank	Term Deposits	Maturity Face Value - Received	1,000,000.00
		Macquarie Bank	Term Deposits	Interest - Received	4,843.84
				<u>Deal Total</u>	<u>1,004,843.84</u>
	541894	Macquarie Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
				Day Total	4,843.84
28-Sep-21	541928	Bank of Queensland	Term Deposits	Settlement Face Value - Paid	-1,500,000.00
				<u>Deal Total</u>	<u>-1,500,000.00</u>
				Day Total	-1,500,000.00
				<u>Net Cash Movement for Period</u>	<u>-1,495,156.16</u>

Next Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
14-Oct-21	540399	Westpac Group	Term Deposit	Maturity Face Value - Received	3,000,000.00
		Westpac Group	Term Deposit	Interest - Received	21,000.00
				<u>Deal Total</u>	<u>3,021,000.00</u>
				Day Total	3,021,000.00
26-Oct-21	540471	Westpac Group	Term Deposit	Maturity Face Value - Received	3,000,000.00
		Westpac Group	Term Deposit	Interest - Received	18,000.00
				<u>Deal Total</u>	<u>3,018,000.00</u>
				Day Total	3,018,000.00
				<u>Net Cash Movement for Period</u>	<u>6,039,000.00</u>

Tamala Park Regional Council Cash Flows Report - September 2021



Appendix 7.5



Account activity

Corporate Card
xxxxxxxxxx674367



-\$70.50
Available \$5,929.50

Transactions

Date	Description	Debit	Credit
17 Sep 2021	POST INNALOO POST SH INNALOO AU	-\$2.50	
15 Sep 2021	Neverfail Springwater 133037 AU	-\$68.00	
13 Sep 2021	AUTOMATIC PAYMENT		\$324.98
12 Sep 2021	CARD FEE	-\$3.75	
03 Sep 2021	AMPCSC Karrinyup Karrinyup AU	-\$258.49	
25 Aug 2021	Lot Six Zero Innaloo Innaloo AU	-\$8.89	
18 Aug 2021	OFFICEWORKS 0622 OSBORNE PAR AU	-\$53.85	

Things you should know

The PDF report will show only those transactions that have been processed and won't include the intraday transactions.

**Tamala Park Regional Council
Summary Payment List
August 2021**

	Date	Num	Name	Description	Amount
Aug 21	02/08/2021	CON-203	City of Wanneroo - Supplier		-1,429.64
	12/08/2021	ET-5121	Arias, Tony	TA wages for period 29/07/21 - 11/08/21	-6,468.20
	12/08/2021	ET-5122	Morellini, Jon	JM wages for period 29/07/21 - 11/08/21	-765.97
	12/08/2021	ET-5123	O'Sullivan, Simon C	SOS wages for period 29/07/21 - 11/08/21	-3,559.16
	12/08/2021	ET-5124	Wesolowski, Vickie	VW wages for period 29/07/21 - 11/08/21	-2,477.50
	12/08/2021	ET-5125	Australian Super	JM, SOS & VW superannuation for period 29/07/21 - 11/08/21	-820.80
	12/08/2021	ET-5126	National Australia Bank	TA superannuation for period 29/07/21 - 11/08/21	-1,141.77
	12/08/2021		Blockley, Sharon	WELS Rebate - Lot 2080	-1,000.00
	12/08/2021		Bonfire Digital Pty Ltd	Landing page & SEO (16/08/21 - 15/09/21)	-2,838.00
	12/08/2021		Capital Transport Services (WA) P/L	Courier services (29/07/21)	-21.79
	12/08/2021		City of Stirling	Rent & ICT Support	-4,195.17
	12/08/2021		City of Wanneroo - Supplier	2021/2022 Rates	-19,132.10
	12/08/2021		Cossill and Webley	Engineering services	-50,215.83
	12/08/2021		Environmental Industries	Landscape Maintenance (June 2021)	-45,910.15
	12/08/2021		Hickson, Michael	WELS Rebate - Lot 956	-1,000.00
	12/08/2021		Imagesource	Printing & signs	-740.58
	12/08/2021		Kevin Smith Cleaning Services	Cleaning of TPRC offices (July 2021)	-138.42
	12/08/2021		LD Total	Landscaping rebates	-25,531.00
	12/08/2021		Marketforce	Statutory advertising	-2,147.88
	12/08/2021		McMullen Nolan Group	Surveying services	-5,390.00
	12/08/2021		Moore Australia (WA) Pty Ltd	Accounting services	-3,333.00
	12/08/2021		Neverfail	Bottled water x 4	-55.65
	12/08/2021		New Living Cleaning	Cleaning of Sales Office (26/07/21 & 02/08/21)	-420.00
	12/08/2021		Of Note Design	Aerial amenities map update	-1,485.00
	12/08/2021		Officeworks	Office supplies	-140.37
	12/08/2021		Plantrite	Revegetation stock	-28,324.79
	12/08/2021		Prudential Investment Services Corp	Investment Portfolio Services (July 2021)	-1,664.85
	12/08/2021		R J Vincent and Co	Civil works (July 2021)	-378,319.15
	12/08/2021		Scape-ism Pty Ltd	Public art installation	-16,500.00
	12/08/2021		Signs and Lines	Foreshore access signage	-1,540.75
	12/08/2021		Stantons International	Probity services (Civil Engineering Tender)	-633.60
	12/08/2021		Tim Davies Landscaping P/L	Landscaping design & Maintenance supervision	-38,175.82
	12/08/2021		Van Doorn, A & S	WELS Rebate - Lot 993	-1,000.00
	12/08/2021		Visform	Catalina Green - 2 x renders	-1,650.00
	12/08/2021		Vocus Pty Ltd	Business Internet Services (August 2021)	-162.80
	12/08/2021		Wickramaratne, K	Solar Panel Rebate - Lot 962	-2,000.00
	12/08/2021		Williams, Adrian & Nichola	Solar Panel Rebate - Lot 2102	-2,000.00
	12/08/2021	ET-5127	Synergy	Staage 25 POS power supply (03/06/20 - 03/08/21)	-487.94
	12/08/2021	ET-5128	Telstra	CEO Mobile Phone (July & August 2021)	-84.08
	12/08/2021	ET-5129	Australian Taxation Office	IAS (July 2021)	-23,664.00
	12/08/2021	CH-200602	Australian Taxation Office	BAS (Apr - June 2021)	-7,989.00
	12/08/2021		Satterley Property Group	Lot 2176 Deposit Refund	-5,000.00
	13/08/2021	CH-200605	Westpac Bank	Payment of credit card charges - August 2021	-4,808.59
	23/08/2021	ET-5130	Ambrosini Global Recruitment	Permanent placement of Gemma Tonkin	-13,552.00
	26/08/2021	ET-5131	Morellini, Jon	JM wages for period 12/08/21 - 25/08/21	-5,249.74
	26/08/2021	ET-5132	O'Sullivan, Simon C	SOS wages for period 12/08/21 - 25/08/21	-3,559.17
	26/08/2021	ET-5133	Tonkin, Gemma	GT wages for period 12/08/21 - 25/08/21	-1,576.16
	26/08/2021	ET-5134	Wesolowski, Vickie	VW wages for period 12/08/21 - 25/08/21	-2,669.33
	26/08/2021		All Flags Signs & Banners	Stage 28 Bannermesh	-7,095.00
	26/08/2021		Anderson, Claire	Elected member attendance fee 20 April 2021 - 19 July 2021	-2,640.00
	26/08/2021		Burgess Rawson	Valuation services	-825.00
	26/08/2021		Caddy, Karen	Chairman allowance 20 April 2021 - 19 July 2021	-8,975.50
	26/08/2021		Capital Transport Services (WA) P/L	Courier charges x 3 (11 August 2021)	-58.16
	26/08/2021		Chester, John	Elected member attendance fee 20 January 2021 - 19 April 2021	-2,640.00
	26/08/2021		City of Stirling	GST owing July 2021	-1,388.36
	26/08/2021		City of Vincent - Supplier	GST owing July 2021	-347.00
	26/08/2021		City of Wanneroo - Supplier	GST June 2021 and Engineering fees	-5,514.70
	26/08/2021		Dominic Carbone and Associates	GST accounting services (July 2021)	-3,366.00
	26/08/2021		Environmental Industries	Landscaping maintenance	-7,645.55
	26/08/2021		Fleeton, Brent	Elected member attendance fee 20 January 2021 - 19 April 2021	-2,640.00
	26/08/2021		Fotakis, Joanne	Elected member attendance fee 20 January 2021 - 19 April 2021	-2,640.00
	26/08/2021		Humanitas HR Solutions	Offboarding of CEO/Onboarding of Temporary CEO (10.5 hours)	-2,887.50
	26/08/2021		Huxford, Kiri	Solar panel rebate Lot 899	-2,000.00
	26/08/2021		Imagesource	Printing	-214.50
	26/08/2021		Insight Enterprises Australia P/L	1 x Microsoft 365 License	-420.23
	26/08/2021		Lagan, David	Elected member attendance fee 20 January 2021 - 19 April 2021	-2,640.00
	26/08/2021		Migdale, Suzanne	Elected member attendance fee 20 January 2021 - 19 April 2021	-2,640.00
	26/08/2021		New Living Cleaning	Sales Office cleaning 9th & 16th August 2021	-420.00
	26/08/2021		R J Vincent and Co	Civil engineering	-777,710.05

Tamala Park Regional Council
Summary Payment List
August 2021

Date	Num	Name	Description	Amount
26/08/2021		Sandri, Bianca	Elected member attendance fee 20 January 2021 - 19 April 2021	-2,640.00
26/08/2021		Satterley Property Group	Community development (July 2021)	-5,139.75
26/08/2021		Scott Printers Pty Ltd	Brochure printing x 1000	-3,109.70
26/08/2021		Taylor, Philippa	Elected member attendance fee 20 January 2021 - 19 April 2021	-2,640.00
26/08/2021		Tim Davies Landscaping P/L	Landscaping designs	-50,284.22
26/08/2021		Timmermanis, Andres	Deputy Chair allowance 20 April 2021 - 19 July 2021	-3,893.94
26/08/2021		Treacy Fencing	Fencing	-3,620.76
26/08/2021		Treby, Brett	Elected member attendance fee 20 January 2021 - 19 April 2021	-2,640.00
26/08/2021		Zappa, Domenic	Elected member attendance fee 20 January 2021 - 19 April 2021	-2,640.00
26/08/2021	ET-5135	Canon Australia Pty Ltd	Photocopying (21/07/21 - 20/08/21)	-119.49
26/08/2021	ET-5136	Synergy		-1,220.26
26/08/2021	ET-5137	Australian Super	Superannuation for period 12/08/21 - 25/08/21	-1,520.97
27/08/2021	CH-200603	City of Wanneroo - Supplier	GST owing July 2021	-694.21
27/08/2021	CH-200604	City of Wanneroo	Rounding GST July 2021	-0.13
31/08/2021		Wesolowski, Vickie	VOID:	0.00
31/08/2021		Wesolowski, Vickie	Vickie's Termination	-20,638.36
Aug 21				-1,656,479.09

Appendix 7.7

28 September 2021

Mr Simon O'Sullivan
Manager Project Coordination
Tamala Park Regional Council
Unit 2, 369 Scarborough Beach Road
INNALOO WA 6018

Via email: simon.osullivan@tamalapark.wa.gov.au

Dear Simon

In April 2016, the Council received the Display Village Strategy that was prepared for the Catalina project. In addition to approving Catalina Beach Display Village (DV3) the following motion was passed

The council advises the Satterley Property Group that approval for the Catalina Grove Display Village (DV4) and Catalina Beach Display Village (DV5) is considered premature at this stage.

The advice and details regarding the objective and benefits contained within the Display Village Strategy dated March 2016 have been reviewed and are fundamentally the same. The identified location and purpose of Catalina Grove (now Catalina Green) Display Village (DV4) also largely remain unchanged. This recommendation will seek to obtain approval of the location, commercial terms and conditions, and the selection and allocation process for DV4. The creation of this Display Village supports the Display Village Strategy.

Location

The general location of DV4 is largely unchanged from the Display Village Strategy and will seek to capitalise on exposure to Neerabup Road and Connolly Drive.

Lot Mix

The northwest coastal corridor is the most competitive land estate corridor in Perth. There are a number of display villages proposed to go to the market before the end of 2021. The lot mix selected in DV4 has been selected to provide the best chance of securing a full allocation of homes in Catalina. The lot mix includes a high percentage of standard rectangular lots. These lots range in size from 313sqm to 450sqm and represent the most predominant lot mix within the estate. These lots are the most desirable product for project home builders to display.

Rear loaded terrace lots are located to the south of the DV4 and will be utilised as a temporary carparking and landscaped area to support the display village. Construction costs for small rear loaded lots have significantly increased during the current labour and materials shortage experienced within Perth. This has led to these lots being held off the market. Should opportunity arise DV4 could expand over time to include terrace homes.

Commercial Terms and Conditions

The commercial terms and conditions are proposed to be amended following feedback from builders in DV3. The proposed commercial terms and conditions are.

1. Deposit: \$5,000 payable within 5 working days of acceptance
2. Settlement: 21 days from the issue of title
3. Contract Terms: Cash unconditional
4. Practical completion of the Display Home is to be no later than 57 weeks (single storey) or 65 weeks (double storey) from settlement or from the outlined date in the approved development application for the Catalina Green Display Village.
5. The Display Home being open for the minimum of 2pm to 5pm on Wednesdays, 1pm to 5pm Saturday, Sunday and Public Holidays (or as agreed by the TPRC).
6. The Display Home to be designed and constructed in accordance with the Catalina Green Design Guidelines and Estate Covenants.
7. The Display Home to incorporate all of the sustainability initiatives listed below:
 - Installation of solar panels with a minimum 3.0kw system;
 - Installing high star rated electrical and water using appliances;Sustainability initiatives listed above may be substituted with other sustainability initiatives proposed by the Tender at the TPRC's absolute discretion.
8. The builder will be required to undertake landscaping of the lot including reticulation to the verge. A landscape plan must be provided for TPRC's approval prior to landscape works being undertaken within the building setback. The seller to provide verge landscaping (including street tree) upon the installation of reticulation.
9. The Display Home is to be open for a minimum of 2 years, with an option to extend for a further year at the discretion of the TPRC.
10. A Building Rebate of 2.5% of the purchase price (inclusive of GST) will be paid to participating builders subject to compliance with Conditions 1 - 8 as listed above within 60 days of the opening of the Display Home.
11. A Building Rebate of 2.5% of the purchase price (inclusive of GST) will be paid to participating builders subject to compliance with Condition 9 listed above.

Selection and Allocation Process

Evaluation of each Tender will be conducted by Satterley and TPRC following the Tender closing date and will be assessed based on the builder's ability to address the selection criteria. Tender submissions will be given a ranking in accordance with these criteria.

The Tenderer who achieves the highest ranking will be given the first preferred lot allocation in accordance with the Tender Form. The builder who achieves the second highest ranking will receive the second allocation and so on. This method will be followed until all lots have been allocated.

Any lot not allocated will be reoffered at the end of the allocation process in the same order of preference. If any of the display lots remain unallocated these will be held in reserve pending evaluation by Satterley and TPRC.

The following selection criteria will be used to assess all submissions.

1. **Capacity to meet Market Demand and Financial Capacity (30%)**

This will be established by checking ranking based on Reed or Cordell Construction data for the Perth Metropolitan Area. Builders will also be ranked by the number of homes they have constructed within the Catalina estate. The Tenderer must demonstrate that they have the financial capacity to complete development of the selected lots in accordance with the contract terms.

2. **Building Design (40%)**

The Tenderer must demonstrate how the Display Home meets the vision/objective of the TPRC and the Catalina Green Design Guidelines. Builders are encouraged to provide proposed elevations/concepts that demonstrate their design.

3. **Sustainability & Innovation (30%)**

The Tenderer must confirm compliance with the mandatory sustainability initiatives outlined in the Contract Terms and any additional sustainability initiatives proposed for the Display Home.

Sustainability initiatives that are considered relevant to the Catalina Project include Energy Efficiency, Water Efficiency, Waste Management and use of Innovative Cost-Efficient Building Materials.

Satterley wishes to seek approval for the Commercial Terms and Conditions, and Selection and Allocation Process detailed above to be approved for Catalina Green Display Village (DV4).

Should you have any questions or require any further information please do not hesitate to contact the undersigned.

Yours sincerely



Carl Buckley
Regional Manager North

Appendix 7.8

2 September 2021

Mr. Jon Morellini
Chief Executive Officer
Tamala Park Regional Council
Unit 2, 369 Scarborough Beach Road
INNALOO WA 6018

Dear Jon,

Catalina 2021 Project Forecast; Request to identify opportunities to increase lot income and reduce development costs

As a result of discussions at the August 2021 Council meeting, the Tamala Park Regional Council (TPRC) has requested Satterley *“identify opportunities to increase lot income and reduce development costs in order to maximise financial returns to the member Councils while delivering environmental, social and economic objectives and provide a report on this matter for consideration at the Council’s October 2021 meeting.”*

1. Opportunities to increase lot income

The 2021 Project Forecast was initially prepared based on pricing set in May 2021 which was expected to achieve on average 8 net sales per month over the long-term. Feedback provided to Satterley following a third-party review of assumptions suggested that whilst overall assumptions appeared reasonable, underlying pricing may have been on the conservative side.

Since May 2021, and despite the conclusion of government stimulus measures, several estates in the northern corridor have continued to enjoy strong sales momentum. Given this, and positive sentiment around the property market more broadly, some increases in pricing may be more palatable in today’s market. The 2021 Project Forecast has been modelled to allow for the following increase to pricing, whilst retaining a long-term sales rate of 8 per month (prices shown are for the most common lot types):

CATALINA | Project Forecast Updated Pricing

PRODUCT TYPE	YIELD	CURRENT (SEP-21)	PREVIOUS (MAY-21)	VARIANCE	VARIANCE (%)
Beach					
Front 10.5 x 30 315m ²	42	340,000	314,290	25,710	8%
Front 12.5 x 30 375m ²	82	375,000	345,000	30,000	9%
Front 15 x 30 450m ²	80	440,000	385,000	55,000	14%
Rear 6 x 30 180m ²	52	215,000	181,732	33,268	18%
Central					
Front 12.5 x 30 375m ²	63	280,000	235,000	45,000	19%
Front 15 x 30 450m ²	46	315,000	265,000	50,000	19%
Rear 7.5 x 30 225m ²	61	175,000	179,455	(4,455)	(2%)
Green					
Front 10.5 x 30 315m ²	526*	230,000	225,000	5,000	2%
Front 12.5 x 30 375m ²	27	270,000	227,113	42,887	19%
Front 15 x 30 450m ²	32	305,000	238,500	66,500	28%

*Includes Catalina Green assumed yield following phase one of 518 lots at 312m² average.

After allowing for adjustments to pricing on all lot types, the overall impact to the 2021 Project Forecast is as follows:

PROJECT FORECAST ANALYSIS	2021 PROJECT FORECAST CURRENT PRICING	2021 PROJECT FORECAST PREVIOUS PRICING	VARIANCE
ASSUMPTIONS			
Base pricing	Current (Sep-21)	Previous (May-21)	+8.7%
Sales rate	8 per month	8 per month	-
Income escalation rate	3.0%	3.0%	-
Cost escalation rate	2.0%	2.0%	-
NPV OUTCOMES			
NPV @ 6%	\$86.1m	\$65.7m	\$20.4m
NPV @ 8%	\$72.5m	\$54.5m	\$18.0m
NPV @ 10%	\$61.4m	\$45.5m	\$16.0m
PROJECT CASHFLOW			
Gross Income	\$660.0m	\$627.4m	\$32.5m
Development Costs	\$388.1m	\$387.3m	(\$0.8m)
Net Cashflow	\$271.9m	\$240.1m	\$31.8m
Final settlement date	Nov-35	Nov-35	-

2. Opportunities to reduce development costs

The 2021 Project Forecast incorporated updated inputs from engineers and landscape consultants dated April-May 2021 to provide the most timely and accurate forecasts available. The 2021 Project Forecast also allowed for 7% cost escalation in FY22 following advice from consulting engineers. These inputs will continually be updated in subsequent budget updates as necessary, and as further planning works and detailed design occurs. At all times, development costs are carefully monitored and controlled, with value added through efficient earthworking and servicing methodologies.

Yours sincerely



Carl Buckley
Regional Manager

Appendix 7.9



MEETING PROCEDURES LOCAL LAW 2021

Local Government Act 1995

Tamala Park Regional Council

Meeting Procedures Local Law 2021

CONTENTS

Part 1 - Preliminary	7
1.1 Short title.....	7
1.2 Commencement	7
1.3 Application and intent.....	7
1.4 Terms used	7
1.5 Repeal	8
Part 2 - Establishment and membership of committees	9
2.1 Establishment and appointment of committees	9
2.2 Types of committees.....	9
2.3 Delegation of some powers and duties to certain committees.....	9
2.4 Limits on delegation of powers and duties to certain committees.....	9
2.5 Appointment of committee members	9
2.6 Tenure of committee membership	9
2.7 Appointment of deputies.....	9
2.8 Resignation of a committee member.....	9
2.9 Register of delegations to committees.....	9
2.10 Committees to report.....	10
2.11 Reports of committees - questions	10
2.12 Permissible motions on committee recommendations	10
Part 3 - Meetings of Council	10
3.1 Ordinary and special council meetings.....	10
3.2 Calling Council meetings	10
3.3 Convening Council meetings	10
3.4 Calling committee meetings.....	11
3.5 Public Notice of Meetings	11
Part 4 - Chairman and quorum	11
4.1 Who presides?	11
4.2 When the deputy chairman can act	11
4.3 Who acts if no chairman?.....	11
4.4 Election of presiding members of committees.....	11
4.5 Election of deputy presiding members of committees	11
4.6 Functions of deputy presiding members	11
4.7 Who acts if no presiding member?.....	11

4.8	Quorum for meetings	11
4.9	Reduction of quorum for council meetings.....	12
4.10	Reduction of quorum for committee meetings	12
4.11	Procedure where no quorum to begin a meeting.....	12
4.12	Procedure Where Quorum Does Not Present During a Meeting	12
4.13	Names to be recorded	12
Part 5	- Business of a Meeting	12
5.1	Business to be specified	12
5.2	Order of Business	13
5.3	Reports of the CEO	14
5.4	Motions of which previous notice has been given	14
5.5	New business of an urgent nature	15
5.6	Questions by members of which due notice has been given.....	16
5.7	Adoption by exception resolution.....	16
5.8	Announcements by the chairman	17
5.9	Questions during debate	17
5.10	Restrictions on questions and answers	17
5.11	Grant of leave of absence.....	17
Part 6	- Public participation	18
6.1	Meetings generally open to the public	18
6.2	Meetings closed to the public	18
6.3	Question time for the public.....	18
6.4	Question time for the public at certain meetings.....	18
6.5	Minimum question time for the public	19
6.6	Procedures for question time for the public	19
6.7	Other procedures for question time for the public	19
6.8	Distinguished visitors.....	20
6.9	Deputations and statements	20
6.10	Petitions	21
6.11	Presentations.....	22
6.12	Participation at committee meetings	22
6.13	Council may meet to hear public submissions	22
6.14	Public inspection of agenda material	23
6.15	Confidentiality of information withheld	23
6.16	Recording of proceedings	24
6.17	Media attendance	24
6.18	Prevention of disturbance.....	24
Part 7	- Conduct of members.....	25
7.1	Members to occupy own seats.....	25
7.2	Respect to the presiding member.....	25

7.3	Official titles to be used	25
7.4	Entering or leaving a meeting	25
7.5	Members who wish to speak	25
7.6	Priority of speaking	26
7.7	The presiding member may take part in debates	26
7.8	Relevance	26
7.9	Speaking twice	26
7.10	Duration of speeches.....	27
7.11	No speaking after conclusion of debate	27
7.12	No interruption	27
7.13	Personal explanation.....	27
7.14	No reopening of discussion.....	27
7.15	Offensive language	27
7.16	Withdrawal of offensive language	28
Part 8	- Preserving order	28
8.1	Presiding member to preserve order	28
8.2	Point of order	28
8.3	Procedures on a point of order	29
8.4	Calling attention.....	29
8.5	Ruling by the presiding member	29
8.6	Continued breach of order	29
8.7	Presiding member may adjourn meeting	30
Part 9	- Motions and amendments.....	30
9.1	Motions to be seconded	30
9.2	Unopposed business	30
9.3	Only one primary motion at a time.....	30
9.4	Order of call in debate	31
9.5	Limit of debate	31
9.6	Member may require motion to be read.....	31
9.7	Consent of seconder required for alteration.....	31
9.8	Order of amendments.....	31
9.9	Form of an amendment.....	31
9.10	Amendments must not negate original motion	31
9.11	Relevance of amendments	32
9.12	Mover of motion may speak on amendment.....	32
9.13	Effect of an amendment	32
9.14	Withdrawal of motion and amendments.....	32
9.15	Right of reply.....	32
Part 10	- Procedural motions.....	33
10.1	Permissible Procedural Motions	33

10.2	No debate.....	33
10.3	Who may move?.....	33
10.4	Procedural motions - right of reply on primary motion	33
10.5	Debate to be adjourned	33
10.6	Meeting now adjourns	34
10.7	Motion be deferred.....	34
10.8	Motion to be now put	34
10.9	That the item be referred back to the CEO or a committee	34
10.10	Member to be no longer heard	35
10.11	Ruling of the presiding member be disagreed with	35
10.12	The meeting now be closed.....	35
Part 11	- Disclosure of interests	35
11.1	Disclosure of interests	35
Part 12	- Voting.....	35
12.1	Motion - when put.....	35
12.2	Voting	35
12.3	Majorities required for decisions.....	36
12.4	Method of taking vote	36
Part 13	- Minutes	36
13.1	Keeping of Minutes	36
13.2	Content of Minutes	36
13.3	Public Inspection of Unconfirmed Minutes	36
13.4	Confirmation of Minutes.....	36
Part 14	- Adjournment of Meeting.....	37
14.1	Meeting may be adjourned.....	37
14.2	Effect of adjournment	37
Part 15	- Implementing decisions.....	37
15.1	Requirements to revoke or change decisions	37
15.2	Procedure for moving a revocation motion	37
15.3	Limitations on powers to revoke or change decisions	38
15.4	Implementing a decision	38
15.5	Meaning of terms	38
Part 16	- Suspension of these Meeting Procedures	39
16.1	Suspension of these Meeting Procedures	39
16.2	Where Meeting Procedures do not apply	39
Part 17	- Miscellaneous	39
17.1	Representation on public bodies.....	39
17.2	Improper use of information.....	39
17.3	Application to committees.....	40
17.4	Cases not provided for in the local law	40

Part 18 - Enforcement 40
18.1 Penalty for breach.....40
18.2 Who can prosecute?40
Part 19 - Common Seal..... 40
19.1 Custody of the Common Seal40
19.2 Use of Common Seal40

Local Government Act 1995

Tamala Park Regional Council

Meeting Procedures Local Law 2021

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Tamala Park Regional Council resolved on a [**add day and month**] 2021 to make the following local law.

Part 1 - Preliminary

1.1 Short title

- (1) This is the *Tamala Park Regional Council Meeting Procedures Local Law 2021*.
- (2) In the clauses that follow, this local law is referred to as *this local law* or *these Meeting Procedures*.

1.2 Commencement

This local law commences 14 days after it is published in the *Government Gazette*.

1.3 Application and intent

- (1) These Meeting Procedures contain the rules that apply to the conduct of meetings of the Council and its committees.
- (2) Meetings are to be conducted in accordance with the Act, the Regulations, the Model Code of Conduct and this local law.
- (3) These Meeting Procedures are intended to result in -
 - (a) better decision making by the Council and its committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) more efficient and effective use of time at meetings.

1.4 Terms used

- (1) In this local law, unless the context requires otherwise -
absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the TPRC;

chairman means the chairman of the TPRC elected under clause 6.3 of the Establishment Agreement;

committee means a committee of the Council (established under section 5.8 of the Act);

Council means the Council of TPRC;

Council member, or member, means a member of the Council;

deputy chairman means the deputy chairman of the TPRC elected under clause 6.3 of the Establishment Agreement;

employee means a person employed by the TPRC under section 5.36 of the Act;

Establishment Agreement means the Establishment Agreement of the TPRC approved by the Minister on 24 January 2006;

meeting means a meeting of the Council or of a committee;

member has the same meaning as **Council member**;

Minister means the Minister responsible for administering the Act;

minor amendment, in relation to a motion, means an amendment which does not alter the basic intent of the motion to which the amendment applies;

participant means a local government that is a party to the Establishment Agreement;

presiding member means -

- (a) in respect of the Council, the person presiding under section 5.6 of the Act (see clause 4.1); and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act (see clauses 4.4 and 4.5);

primary motion means an original motion, or an original motion as amended, but does not include an amendment motion or a procedural motion;

Regulations means the *Local Government (Administration) Regulations 1996*;

Model Code of Conduct means the model code of conduct prescribed in the *Local Government (Model Code of Conduct) Regulations 2021*, as adopted by the TPRC under section 5.104 of the Act;

simple majority means more than 50% of the members present and voting; and

TPRC means the Tamala Park Regional Council.

- (2) Unless otherwise defined, the terms used in this local law have the meaning given to them in the Act and Regulations.

1.5 Repeal

The *Tamala Park Regional Council Standing Orders Local Law 2006* published in the *Government Gazette* on 4 August 2006, is repealed.

Part 2 - Establishment and membership of committees

2.1 Establishment and appointment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include -
 - (a) the terms of reference or functions of the committee;
 - (b) either -
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, employees and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
 - (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

2.7 Appointment of deputies

The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.

2.8 Resignation of a committee member

The resignation of a committee member is dealt with in the Regulations.

2.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

2.10 Committees to report

A committee -

- (a) is answerable to the Council;
- (b) is to report on its activities when, and to the extent, required by the Council; and
- (c) is to prepare and submit to the Council a report containing recommendations.

2.11 Reports of committees - questions

Where a recommendation of a committee is submitted for adoption by the council, any council member may direct questions directly relating to the recommendation, through the presiding member of the council, to the presiding member of the committee or to any member of the committee in attendance.

2.12 Permissible motions on committee recommendations

A recommendation made by a committee may be -

- (a) adopted by the Council without amendment;
- (b) rejected by the Council and replaced by an alternative decision;
- (c) amended, and adopted as amended, by the Council; or
- (d) referred back to the committee for further consideration.

Part 3 - Meetings of Council

3.1 Ordinary and special council meetings

- (1) Ordinary and special Council meetings are dealt in the Act.
- (2) An ordinary meeting of the Council, held on a bi-monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5, in convening a special meeting of the Council.

- (3) Where, in the opinion of the chairman or at least 1/3 of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

A meeting of a committee is to be held -

- (a) if called for in a verbal or written request to the CEO by the chairman or the presiding member of the committee, advising the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee.

3.5 Public Notice of Meetings

Public notice of meetings is dealt with in the Regulations.

Part 4 - Chairman and quorum

4.1 Who presides?

Who presides at a Council meeting is dealt with in the Act.

4.2 When the deputy chairman can act

When the deputy chairman can act is dealt with in the Act.

4.3 Who acts if no chairman?

Who acts if there is no chairman is dealt with in the Act.

4.4 Election of presiding members of committees

The election of committees is dealt with in the Act.

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

4.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

4.7 Who acts if no presiding member?

Who acts if no presiding member is dealt with in the Act.

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in accordance with in the Act.

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

4.12 Procedure Where Quorum Does Not Present During a Meeting

If at any time during a meeting a quorum is not present -

- (a) the chairman is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under subclause (a), the chairman may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (b), the chairman is to adjourn the meeting to a later time on the same day or to another day.

4.13 Names to be recorded

At any meeting -

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned for want of a quorum, the names of the members then present are to be recorded in the minutes.

Part 5 - Business of a Meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the chairman or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice of the meeting as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the chairman or a decision of the committee.

- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclause (4) or (5), no business is to be transacted at that later meeting other than that:
 - (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.
- (7) The CEO may withdraw an item from the agenda of a meeting.

5.2 Order of Business

- (1) Unless otherwise decided by the Council, the order of business at any ordinary meeting of the Council is to be as follows -
 1. Official opening.
 2. Record of attendance, apologies and leave of absence.
 3. Disclosure of interests
 4. Public statement/question time
 5. Announcements by the chairman
 6. Petitions/deputations/presentations
 7. Confirmation of minutes and business arising from minutes
 8. Administration reports
 9. Committee reports
 10. Motions of which previous notice has been given
 11. Members questions of which previous notice has been given
 12. Urgent business approved by the chairman
 13. General business
 14. Matters behind closed doors
 15. Closure
- (2) Unless otherwise decided by the committee, the order of business at any ordinary meeting of a committee is to be as follows -
 1. Official opening.

2. Record of attendance, apologies and leave of absence.
 3. Disclosure of interests.
 4. Petitions/deputations/presentations
 5. Confirmation of minutes and business arising from minutes.
 6. Announcements by the chairman.
 7. Administration reports.
 8. Motions of which previous notice has been given.
 9. Members questions of which previous notice has been given.
 10. Urgent business approved by the chairman.
 11. General business
 12. Matters behind closed doors.
 13. Closure.
- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.
- (4) Notwithstanding subclauses (1), (2) and (3), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

5.3 Reports of the CEO

- (1) The functions of the CEO, including to advise the Council and implement decisions, are dealt with in the Act.
- (2) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the Council, including any report of a late or urgent nature.

5.4 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Meeting Procedures otherwise provide, a member may raise at a meeting such business of the Council or the committee (as the case may be) as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO or at the last Council or committee meeting.
- (2) A notice of motion under subclause (1) is to be given at least 15 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion must relate to a purpose for which the TPRC is established.
- (4) The CEO -

- (a) with the concurrence of the presiding member, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
 - (b) may make such amendments to the form, but not the substance, as will bring the notice of motion into due form; and
 - (c) may provide to the Council or the committee (as the case may be) relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, strategy, budget, and law.
- (5) A notice of motion is not out of order because the policy involved is considered to be objectionable.
- (6) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (7) A motion of which notice has been given is to lapse unless -
- (a) the member who gave notice of it, or some other member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (8) An amendment, other than a minor amendment, to a motion of which notice has been given under this clause, is not to be considered at a meeting unless written notice of the amendment is received by the CEO no later than 12:00 noon on the last working date preceding the day of the meeting at which the relevant motion is to be considered.
- (9) The presiding member -
- (a) is to determine whether an amendment is a minor amendment for the purposes of subclause (8); and
 - (b) is to make that determination on the basis that a minor amendment is one which, in his or her opinion, does not alter the basic intent of the primary motion.

5.5 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), *cases of extreme urgency or other special circumstances* means matters -
- (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the TPRC and must be considered and dealt with by the Council before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to -
 - (i) have a significant adverse effect (financially or otherwise) on the TPRC; or

- (ii) result in a contravention of a written law.
- (3) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting -
 - (a) the presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give a verbal report to the meeting.
- (4) The minutes of the meeting are to include -
 - (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

5.6 Questions by members of which due notice has been given

- (1) A member who wishes to ask a question at a meeting of the Council is to give to the CEO written notice of the text of the question at least 4 clear working days before the meeting.
- (2) If the CEO considers that the question breaches or may breach these Meeting Procedures or any other law -
 - (a) the CEO is to refer the question to the chairman;
 - (b) the chairman is to exclude the question if he or she concurs with the view of the CEO; and
 - (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.
- (3) Notice of a question that is not withdrawn or excluded under subclause (1) is to be included, if practicable, in the agenda of the meeting, or is otherwise to be tabled at the meeting.
- (4) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed, unless with the consent of the chairman.

5.7 Adoption by exception resolution

- (1) In this clause ***adoption by exception resolution*** means -
 - (a) in respect of a resolution of the Council, a resolution that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the Council resolution; and
 - (b) in respect of a resolution of a committee, a resolution that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.
- (2) The Council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter -

- (a) that requires an absolute majority;
- (b) in which a financial or proximity interest has been disclosed;
- (c) that has been the subject of a petition;
- (d) that is a matter on which a member wishes to make a statement or ask a question; or
- (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

5.8 Announcements by the chairman

Announcements by the chairman under item 5 of clause 5.2(1) and item 6 of clause 5.2(2) are -

- (a) to inform the Council of official duties performed, or functions attended, by the chairman, or of other matters of importance to the Council, of which the Council has not previously been informed;
- (b) to be brief and concise; and
- (c) to be completed within 10 minutes

5.9 Questions during debate

At any time during the debate on a motion before the motion is put, a member may ask a question and, with the consent of the presiding member, may ask one or more further questions.

5.10 Restrictions on questions and answers

- (1) Questions asked by a member, and responses given by a member or an employee -
 - (a) are to be brief and concise; and
 - (b) are not to be accompanied by -
 - (i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the presiding member.
- (2) In answering any question, a member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

5.11 Grant of leave of absence

The grant of leave of absence is dealt with in the Act.

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

6.2 Meetings closed to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public (other than any person specified in a resolution).
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried -
 - (a) the presiding member is to direct -
 - (i) all members of the public, other than a person specified in the resolution, to leave the meeting;
 - (ii) any employee of TPRC unless specified in a resolution to leave the meeting; and
 - (iii) any member or employee of a participant unless specified in the resolution to leave the meeting; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that -
 - (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
 - (b) the vote of a member or members is recorded in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must -
 - (a) first state his or her name and address;
 - (b) direct the question to the presiding member;
 - (c) ask the question briefly and concisely;
 - (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
- (2) Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
- (3) A member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.
- (4) Unless the presiding member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (5) Where a member of the public gives written notice of a question, the presiding member may determine that the question is to be responded to as normal business correspondence.
- (6) A question may be taken on notice by the Council or committee for later response.
- (7) When a question is taken on notice, the CEO is to ensure that -
 - (a) a written response is given to the person who asked the question; and
 - (b) a summary of the response is included in the agenda for the next meeting of the Council or committee.
- (8) Where a question relating to a matter in which a person has an interest is directed to that person, that person is to -
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (9) A response to a question -
 - (a) is to be brief and concise; and

- (b) is not to be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the presiding member) the member may correct or clarify the matter.
- (10) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (11) The presiding member may decide that a question is not to be responded to where -
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the presiding member has taken reasonable steps to assist the person to phrase the statement as a question; or
 - (c) the question is offensive or defamatory in nature, or is one which, if asked by a member, would be in breach of these Meeting Procedures or any other law.
- (12) The Council or committee, by resolution, may agree to extend public question time.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member -

- (a) may invite the distinguished visitor to sit beside the chair or at the Council table;
- (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
- (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

6.9 Deputations and statements

- (1) A deputation may be made to the Council or a committee in accordance with this clause.
- (2) A person or group who wishes to be received as a deputation by the Council or a committee, or wishes to make a statement, must -
 - (a) apply in writing to the CEO for approval prior to the meeting; and
 - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the delegation.
- (3) The CEO is to refer to the presiding member a copy or summary of the application.
- (4) Unless the Council or a committee resolves otherwise -
 - (a) a deputation that complies with subclause (2) may address the Council or the committee for up to 5 minutes; and

- (b) the presiding member may allow that period of 5 minutes to be shared between 2 or 3 members of the deputation and, in the absence of agreement by members of the deputation, the presiding member is to determine which members of the deputation are to address the committee and for how long (within the total period of 5 minutes).
- (5) For the purposes of this clause, a deputation comprises all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (6) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or the committee until the deputation has completed its presentation.
- (7) Where a deputation is to be received by the Council or a committee, the person or group comprising the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 5.2(1) and 5.2(2).
- (8) Any item of business to be discussed at a Council or committee meeting that is subject of a received deputation, is to be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

6.10 Petitions

- (1) A petition must -
 - (a) be addressed to the chairman, a member or the CEO;
 - (b) be made by electors of the district;
 - (c) state the request on each page;
 - (d) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given;
 - (g) be respectful and temperate in its language; and
 - (h) comply with any form prescribed by the Act or any other written law.
- (1) On the presentation of a petition -
 - (a) the member presenting it is confined to reading the petition; and
 - (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred for the CEO's report.
- (2) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless -
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council or committee has considered the issues raised in the petition.

6.11 Presentations

- (1) If the CEO determines that it would be beneficial for a presentation to be made, with the agreement of the presiding member, the presentation may take place at the relevant order of business under clause 5.2(1) and (2) or at the time of dealing with that particular item of business
- (2) The time allocated to the presentation and any questions from members will be determined by the presiding member according to the particular case or circumstance.

6.12 Participation at committee meetings

- (1) In this clause a reference to a *person* is to a person who -
 - (a) is entitled to attend a committee meeting;
 - (b) attends the committee meeting; and
 - (c) is not a member of the committee.
- (2) A member may attend, as an observer, any meeting of a committee of which he or she is not a member or the deputy of a member.
- (3) Without the consent of the presiding member, no person is to address a committee meeting.
- (4) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) Unless otherwise resolved by the Council, the CEO and the chairman are to set the time and date of the meeting.
- (3) Where the Council resolves to meet at another time under clause 6.13(1) -
 - (a) the CEO is to provide local public notice of the time and date of the meeting; and
 - (b) give a written invitation to attend the meeting to all members of the public who applied under clause 6.9 to make a deputation on the issue.
- (4) At a meeting held under this clause -
 - (a) each person making a submission is to be provided with the opportunity to fully state their case;
 - (b) a member of the public is to be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the presiding member;

- (c) no resolutions are to be made by the Council;
 - (d) the presiding member is to ensure that minutes are kept; and
 - (e) once every member of the public has had the opportunity to make a submission, the presiding member is to close the meeting.
- (5) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
 - (6) The Council must not make a decision on a matter that is the subject of a meeting under this clause until it has received the CEO's report under clause 6.13(5)
 - (7) A meeting held under clause 6.13(1) shall be conducted only to hear submissions, the Council shall not make resolutions at a meeting to provide the opportunity to be heard.
 - (8) At a meeting held under clause 6.13(1), each person making a submission shall be provided with the opportunity to fully state their case.
 - (9) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the chairman.
 - (10) Once every member of the public has had the opportunity to make a submission the chairman is to close the meeting.

6.14 Public inspection of agenda material

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be -
 - (a) identified in the agenda of a Council or committee meeting under the item "Matters behind closed doors";
 - (b) marked "Confidential" in the agenda; and
 - (c) kept confidential by members and employees until the Council or committee resolves otherwise.
- (2) A member or an employee who has -
 - (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not prevent a member or employee from disclosing information -
 - (a) at a closed meeting;

- (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
- (c) that is already in the public domain;
- (d) to an officer of the department;
- (e) to the Minister;
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

6.16 Recording of proceedings

- (1) Unless otherwise decided by the meeting -
 - (a) the CEO is to ensure that an audio recording is taken of the proceedings of each meeting; and
 - (b) the CEO may also record the proceedings of a meeting in any other way that he or she considers to be appropriate.
- (2) Unless with the written authorisation of the presiding member, a person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.
- (3) If an authorisation is given under clause 6.16(2), the presiding member is to advise the meeting, immediately before the recording commences, that the authorisation has been given and the nature and extent of the authorisation.

6.17 Media attendance

Media representatives

- (a) may attend meetings of the Council; and
- (b) must be seated in that part of the Council chamber or meeting room (if any) that is set aside for their use; and
- (c) must leave the meeting during any period when the meeting is closed to the public.

6.18 Prevention of disturbance

- (1) A reference in this clause to a *person* is to a person other than a member.
- (2) A person must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If -
 - (a) after being warned, the person again acts contrary to this clause, or to these Meeting Procedures; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,the chair may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Part 7 - Conduct of members

7.1 Members to occupy own seats

- (1) At Council meetings, members must be seated in the order as determined by Council following each ordinary election.
- (2) At committee meetings, committee members must be seated in those positions that are closest to the presiding member followed by other members.
- (3) The CEO is to sit beside the presiding member

7.2 Respect to the presiding member

After the business of a Council has been commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

7.3 Official titles to be used

A speaker, when speaking or referring to the presiding member, or to a presiding member or employee, must use the title of that person's office.

7.4 Entering or leaving a meeting

During a meeting, a member must not enter or leave the meeting without first giving an appropriate indication to the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

7.5 Members who wish to speak

- (1) A member who wishes to speak at a Council meeting -
 - (a) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and
 - (b) when invited by the presiding member to speak, and unless otherwise determined by the Council, must address the meeting through the presiding member.
- (2) A member who is unable to stand conveniently because of sickness or disability may sit while speaking.

7.6 Priority of speaking

- (1) At a Council meeting, where 2 or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.
- (2) At a committee meeting, the presiding member is first to invite committee members to speak followed, at the discretion of the presiding member, by other members and attendees.
- (3) A decision of the presiding member under this clause is not open to discussion or dissent.
- (4) A member is to cease speaking immediately after being asked to do so by the presiding member.

7.7 The presiding member may take part in debates

Subject to compliance with procedures for the debate of motions contained in these Meeting Procedures, the presiding member may take part in a discussion of any matter before the meeting.

7.8 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may -
 - (a) call the attention of the meeting to-
 - (i) any irrelevant, repetitious, offensive or insulting remarks by a member; or
 - (ii) any breach of order by a member; and
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause 7.8(2) by immediately ceasing to speak.

7.9 Speaking twice

- (1) A member must not address the Council or a committee more than once on any motion or amendment except -
 - (a) as the mover of a primary motion, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.10 Duration of speeches

- (1) A member must not speak on any matter for more than 5 minutes without the consent of the meeting to extend which, if given, is to be given without discussion.
- (2) A member's total speaking time on any matter must not exceed 10 minutes.

7.11 No speaking after conclusion of debate

A member must not speak on any motion or amendment -

- (a) after the mover has replied; or
- (b) after the question has been put.

7.12 No interruption

A member must not interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.13; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(f)).

7.13 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

7.14 No reopening of discussion

A member must not reopen a discussion on any Council or committee decision, except to move that the decision be revoked or changed (see Part 15).

7.15 Offensive language

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 15).
- (2) A member must not -
 - (a) reflect adversely on the character or actions of another member or employee;
 - (b) use an expression that is offensive or objectionable

- (3) A member must not use offensive or objectionable expressions in reference to any other member, employee or other person.
- (4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes-
 - (a) the presiding member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes

7.16 Withdrawal of offensive language

- (1) A member who, in the opinion of the presiding member -
 - (a) reflects adversely on the character or actions of another member or employee;
 - (b) imputes any motive to a member or employee; or
 - (c) uses an expression that is offensive or objectionable
 must, when directed by the presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.
- (2) If a member fails to comply with a direction of the presiding member under clause 7.15(2), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

Part 8 - Preserving order

8.1 Presiding member to preserve order

- (1) The presiding member is to preserve order and, whenever he or she considers it necessary, may call any member to order.
- (2) When the presiding member rises or speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every member present must preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause 8.1(2) is not to be used by the chairman to exercise the right provided in clause 7.7, but to preserve order.

8.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of -
 - (a) any of these Meeting Procedures; or
 - (b) any other written law.
- (2) Examples of valid points of order are -
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.8); and

- (b) a speaker's use of offensive or objectionable expressions (see clause 7.15).
- (3) Despite anything in these Meeting Procedures to the contrary, a point of order -
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) A member who is addressing the presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must resume his or her seat until -
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order, and, if permitted, the member who has been interrupted may then proceed.

8.4 Calling attention

A member may, at any time, draw the attention of the presiding member to any breach of this local law.

8.5 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order -
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause 8.5(2), if the presiding member rules that -
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.6 Continued breach of order

If a member -

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member (such as a direction under clause 7.8(2)(b), 7.15 or 8.5(3)(b)),

the presiding member may direct the member to refrain from taking any further part in that meeting, other than by voting, and the member must comply with that direction.

8.7 Presiding member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the motion or amendment before the adjournment are to be recorded in the minutes and those members are not to speak to the motion when the meeting is resumed.

Part 9 - Motions and amendments

9.1 Motions to be seconded

- (1) A primary motion or an amendment to a primary motion is not open to debate until it has been seconded.
- (2) A member seconding a motion is to be taken to have reserved the right to speak on the motion later in the debate.
- (3) A motion to revoke or change a decision made at a Council or a committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 15.1 below).

9.2 Unopposed business

- (1) Immediately after a primary motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may put the motion to the vote without debate.
- (3) A motion carried under subclause 9.2(2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion or decision to revoke or change a decision which has been made at a Council or committee meeting (see Part 15).

9.3 Only one primary motion at a time

- (1) The Council or committee -
 - (a) is not to accept a primary motion while another primary motion is being debated; and

- (b) is not to consider more than one primary motion at any time.
- (2) The presiding member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.4 Order of call in debate

The presiding member is to call speakers to a primary motion in the following order -

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

9.5 Limit of debate

The presiding member may offer the right of reply and put a primary motion to the vote if he or she believes that sufficient discussion has taken place even though all members may not have spoken.

9.6 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.7 Consent of seconder required for alteration

The mover of a primary motion may not alter the wording of the motion without the consent of the seconder.

9.8 Order of amendments

Any number of amendments may be proposed to a primary motion, but when an amendment is moved to a primary motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, lost or carried.

9.9 Form of an amendment

An amendment must add, delete, or substitute words to the primary motion.

9.10 Amendments must not negate original motion

An amendment to a primary motion cannot negate the original motion or the intent of the original motion.

9.11 Relevance of amendments

An amendment must be relevant to the motion in respect of which it is moved.

9.12 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

9.13 Effect of an amendment

If an amendment to a primary motion is carried, the motion as amended then becomes the primary motion, on which any member may speak and any further amendment may be moved.

9.14 Withdrawal of motion and amendments

- (1) The Council or a committee may, without debate, grant leave to withdraw a primary motion or amendment on the request of the mover of the motion or amendment if -
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any member, in which case discussion on the motion or amendment is to continue.
- (2) If either paragraph (a) or (b) of subclause (1) applies, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a primary motion, the primary motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.15 Right of reply

- (1) The mover of a primary motion has the right of reply.
- (2) The mover of any amendment to a primary motion has a right of reply.
- (3) The right of the reply may be exercised only -
 - (a) where no amendment is moved to the primary motion - at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the primary motion - at the conclusion of the discussion on the primary motion and any amendments.
- (4) After the mover of the primary motion has commenced the reply -
 - (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the primary motion, or the primary motion as amended, is immediately to be put to the vote.

Part 10 - Procedural motions

10.1 Permissible Procedural Motions

In addition to the right to move an amendment to a primary motion (under Part 9), a member may move any of the following procedural motions -

- (a) that the debate now be adjourned;
- (b) that the meeting now adjourn;
- (c) that the motion be deferred;
- (d) that the motion now be put;
- (e) that the item be referred back to the CEO or a committee;
- (f) that the member be no longer heard;
- (g) that the ruling of the presiding member be disagreed with;
- (h) that the meeting be closed to the public (see clause 6.2);
- (i) that the meeting be now closed;

10.2 No debate

- (1) The mover of a motion stated in paragraphs (a), (b), (c), (e), (f), (h), (i) or (j) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in paragraph (d) or (g) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move?

With the exception of 10.1(g) a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

10.4 Procedural motions - right of reply on primary motion

The carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion.

10.5 Debate to be adjourned

- (1) A motion “that the debate be adjourned” -
 - (a) Is to state the time to which the debate is to be adjourned; and
 - (b) If carries, has the effect that all debate on the primary motion or amendment ceases immediately, but continues at the time stated in the motion.

- (c) Must not be moved in respect of the election of the chairman or deputy chairman.
- (2) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

10.6 Meeting now adjourns

- (1) A member is not to move or second more than one motion of adjournment during the same meeting.
- (2) Before putting the motion for the adjournment of a meeting, the presiding member may seek leave of the meeting to deal first with matters that may be subject of an adoption by exception resolution (see clause 5.7).
- (3) A motion “that the meeting now adjourn” -
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause 10.6(3) is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

10.7 Motion be deferred

- (1) If a motion “that the motion be deferred” (and the reasons for the motion), is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be re-submitted for consideration at a time and date specified in the motion.
- (2) A motion “that the motion be deferred” must not be moved in respect of the election of the chairman or deputy chairman.

10.8 Motion to be now put

- (1) If the motion “that the motion be now put”, is carried during discussion on a primary motion without amendment, the presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

10.9 That the item be referred back to the CEO or a committee

- (1) Is a motion “that the item be referred back to the CEO or a committee” (and the reasons for the motion), is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the CEO or a committee for further consideration.
- (2) If the motion in clause 10.9(1) is lost, debate on the primary motion or amendment is to continue.

10.10 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion.

10.11 Ruling of the presiding member be disagreed with

If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

10.12 The meeting now be closed

- (1) If a motion “that the meeting now be closed”, is carried, then -
 - (a) the presiding member is to close the meeting, and no further business may be transacted; and
 - (b) any business outstanding on the agenda for that meeting is to be carried forward to the agenda for the next ordinary meeting.
- (2) If the motion “that the meeting now be closed” is carried at a meeting of the Council -
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 7.9 (speaking twice) apply when the outstanding business is resumed.

Part 11 - Disclosure of interests

11.1 Disclosure of interests

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act, the Regulations, the Model Code of Conduct Regulations and the TPRC Code of Conduct.

Part 12 - Voting

12.1 Motion - when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member -
 - (a) is to put the motion to the meeting; and
 - (b) if requested by a member, is again to state the terms of the motion.
- (2) A member must not leave the meeting or cross the meeting room when the presiding member is putting any motion.

12.2 Voting

Voting is dealt with in the Act and Regulations.

12.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

12.4 Method of taking vote

- (1) In taking the vote on any motion , the presiding member -
 - (a) is to put the motion, first in the affirmative, and then in the negative;
 - (b) may put the motion in this way as often as may be necessary to enable them to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and
 - (d) is subject to this clause, is to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member specifically requests that there be recorded -
 - (a) their vote; or
 - (b) the vote of all members present on a matter voted on at a meeting of the Council or a committee, the presiding member is to cause the vote of votes, as the case may be, to be recorded in the minutes.

Part 13 - Minutes

13.1 Keeping of Minutes

The keeping and confirmation of minutes are dealt with in the Act.

13.2 Content of Minutes

The content of minutes is dealt with in the Regulations.

13.3 Public Inspection of Unconfirmed Minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

13.4 Confirmation of Minutes

- (1) The CEO is to give to each member -
 - (a) the unconfirmed minutes of each Council meeting - within 10 clear working days after the meeting; and
 - (b) the unconfirmed minutes of a committee meeting - within 5 clear working days after the meeting.
- (2) When minutes of a meeting of Council or a committee are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the member may provide the CEO a written copy of the

alternative wording to amend the minutes no later than 7 working days before the next meeting of the Council or committee.

- (3) At the next meeting of Council or a committee, the member who provided the alternative wording is to, at the time for confirmation of minutes -
 - (a) state the item or items with which they are dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes
- (4) A member must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Part 14 - Adjournment of Meeting

14.1 Meeting may be adjourned

The Council or a committee may adjourn any meeting -

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

14.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law -

- (a) the names of members who have spoken on the matter prior the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 7.9 (speaking twice) apply when the debate is resumed.

Part 15 - Implementing decisions

15.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

15.2 Procedure for moving a revocation motion

- (1) A motion to revoke or change a decision made at a meeting must -
 - (a) be in writing in a form prescribed by Council
 - (b) specify the decision proposed to be revoked or changed;
 - (c) include a reason or reasons for the revocation motion;
 - (d) be supported by the number of members required under the Regulations;

- (e) specify the date of the meeting of Council or a committee where it is to be presented, as the case may be; and
 - (f) be given to the CEO in accordance with the notice of motion provisions in clause 5.4.
- (2) A notice of revocation motion given to the CEO must be dealt with in accordance with clause 5.4

15.3 Limitations on powers to revoke or change decisions

- (1) Subject to clause 15.3(2), the Council or a committee is not to consider a motion to revoke or change a decision -
- (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 15.4 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in clause 15.3(1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

15.4 Implementing a decision

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person until after 12 noon of the first clear working day after the commencement of the meeting at which the decision was made.
- (2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.
- (3) A decision made at a meeting is not to be implemented by the CEO or any other person -
- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (4) The CEO is to ensure that members of the public attending a meeting are informed, by an appropriate notice, that a decision to grant an authorisation -
- (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

15.5 Meaning of terms

In this Part -

implement, in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

valid notice of revocation motion means a notice of a motion to revoke or change a decision that -

- (a) complies with the requirements of the Act, Regulations and the Meeting Procedures and may be considered, but has not yet been considered, by the Council or a committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

Part 16 - Suspension of these Meeting Procedures

16.1 Suspension of these Meeting Procedures

- (1) A member may, at any time, move that the operation of one or more of the clauses of these Meeting Procedures be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried by absolute majority, is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

16.2 Where Meeting Procedures do not apply

- (1) In situations where -
 - (a) these Meeting Procedures have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or these Meeting Procedures, the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.11.

Part 17 - Miscellaneous

17.1 Representation on public bodies

When the Council is required to appoint or nominate a member or other person to a public body, written notice of the vacancy or need for the appointment or nomination is to be given to all members and the Council is by resolution to determine the appointment or nomination.

17.2 Improper use of information

Improper use of information is dealt with in the Act

17.3 Application to committees

- (1) Unless otherwise provided in the local law, the provisions of this local law are to apply to meetings of committees with the exception of -
 - (a) clause 7.1 (seating); and
 - (b) clause 7.9 (speaking twice).

17.4 Cases not provided for in the local law

Where there is no provision or insufficient provision is made in the local law, the presiding member is to determine the procedure to be observed.

Part 18 - Enforcement

18.1 Penalty for breach

A person who breaches a provision of these Meeting Procedures commits an offence.

18.2 Who can prosecute?

Who can prosecute is dealt with in the Act.

Part 19 - Common Seal

19.1 Custody of the Common Seal

The CEO is to have charge of the common seal of TPRC and is responsible for the safe custody and proper use of it.

19.2 Use of Common Seal

The use of the common seal is dealt with in the Act.

Dated:

The Common Seal of the Tamala Park Regional Council was affixed by authority of a resolution of the Council in the presence of:

.....
KAREN CADDY
CHAIR

.....
JON MORELLINI
CHIEF EXECUTIVE OFFICER



MEETING PROCEDURES LOCAL LAW 2021

Local Government Act 1995

Tamala Park Regional Council

Meeting Procedures Local Law 2021

CONTENTS

Part 1 - Preliminary	7
1.1 Short title.....	7
1.2 Commencement	7
1.3 Application and intent.....	7
1.4 Terms used	7
1.5 Repeal	9
Part 2 - Establishment and membership of committees	9
2.1 Establishment and appointment of committees	9
2.2 Types of committees.....	10
2.3 Delegation of some powers and duties to certain committees.....	10
2.4 Limits on delegation of powers and duties to certain committees.....	11
2.5 Appointment of committee members	11
2.6 Tenure of committee membership	12
2.7 Appointment of deputies.....	13
2.8 Resignation of a committee member.....	13
2.9 Register of delegations to committees.....	13
2.10 Committees to report.....	13
2.11 Reports of committees - questions	14
2.12 Permissible motions on committee recommendations	14
Part 3 - Meetings of Council	14
3.1 Ordinary and special council meetings.....	14
3.2 Calling Council meetings	14
3.3 Convening Council Meetings	15
3.4 Calling committee meetings.....	15
3.5 Public Notice of Meetings	16
Part 4 - Chairman and quorum	16
4.1 Who presides?	16
4.2 When the deputy chairman can act	17
4.3 Who acts if no chairman?.....	17
4.4 Election of presiding members of committees.....	18
4.5 Election of deputy presiding members of committees	19
4.6 Functions of deputy presiding members	20
4.7 Who acts if no presiding member?.....	20

4.8	Quorum for meetings	20
4.9	Reduction of quorum for council meetings.....	20
4.10	Reduction of quorum for committee meetings	21
4.11	Procedure where no quorum to begin a meeting.....	21
4.12	Procedure Where Quorum Does Not Present During a Meeting	21
4.13	Names to be recorded	22
Part 5	- Business of a Meeting	22
5.1	Business to be specified	22
5.2	Order of Business	22
5.3	Reports of the CEO	24
5.4	Motions of which previous notice has been given	24
5.5	New business of an urgent nature	25
5.6	Questions by members of which due notice has been given.....	25
5.7	Adoption by exception resolution.....	26
5.8	Announcements by the chairman	26
5.9	Questions during debate	27
5.10	Restrictions on questions and answers	27
5.11	Grant of leave of absence.....	27
Part 6	- Public participation	28
6.1	Meetings generally open to the public	28
6.2	Meetings closed to the public	29
6.3	Question time for the public.....	30
6.4	Question time for the public at certain meetings.....	30
6.5	Minimum question time for the public	31
6.6	Procedures for question time for the public	31
6.7	Other procedures for question time for the public	32
6.8	Distinguished visitors.....	33
6.9	Deputations and statements	33
6.10	Petitions	34
6.11	Presentations.....	35
6.12	Participation at committee meetings	35
6.13	Council may meet to hear public submissions	35
6.14	Public inspection of agenda material	36
6.15	Confidentiality of information withheld	37
6.16	Recording of proceedings	38
6.17	Media attendance	38
6.18	Prevention of disturbance.....	39
Part 7	- Conduct of members.....	39
7.1	Members to occupy own seats.....	39
7.2	Respect to the presiding member.....	39

7.3	Official titles to be used	40
7.4	Entering or leaving a meeting	40
7.5	Members who wish to speak	40
7.6	Priority of speaking	40
7.7	The presiding member may take part in debates	40
7.8	Relevance	41
7.9	Speaking twice	41
7.10	Duration of speeches.....	41
7.11	No speaking after conclusion of debate	41
7.12	No interruption	41
7.13	Personal explanation.....	42
7.14	No reopening of discussion.....	42
7.15	Offensive language	42
7.16	Withdrawal of offensive language	43
Part 8	- Preserving order	43
8.1	Presiding member to preserve order	43
8.2	Point of order	43
8.3	Procedures on a point of order	44
8.4	Calling attention	44
8.5	Ruling by the presiding member	44
8.6	Continued breach of order	44
8.7	Presiding member may adjourn meeting	45
Part 9	- Motions and amendments.....	45
9.1	Motions to be seconded	45
9.2	Unopposed business	45
9.3	Only one primary motion at a time.....	45
9.4	Order of call in debate	46
9.5	Limit of debate	46
9.6	Member may require motion to be read.....	46
9.7	Consent of seconder required for alteration.....	46
9.8	Order of amendments.....	46
9.9	Form of an amendment.....	46
9.10	Amendments must not negate original motion	46
9.11	Relevance of amendments	47
9.12	Mover of motion may speak on amendment.....	47
9.13	Effect of an amendment	47
9.14	Withdrawal of motion and amendments.....	47
9.15	Right of reply.....	47
Part 10	- Procedural motions.....	48
10.1	Permissible Procedural Motions	48

10.2	No debate.....	48
10.3	Who may move?.....	48
10.4	Procedural motions - right of reply on primary motion	48
10.5	Debate to be adjourned	48
10.6	Meeting now adjourns	49
10.7	Motion be deferred.....	49
10.8	Motion to be now put	49
10.9	That the item be referred back to the CEO or a committee	49
10.10	Member to be no longer heard	50
10.11	Ruling of the presiding member be disagreed with	50
10.12	The meeting now be closed.....	50
Part 11	- Disclosure of interests	50
11.1	Disclosure of interests	50
Part 12	- Voting.....	50
12.1	Motion - when put.....	50
12.2	Voting	51
12.3	Majorities required for decisions.....	51
12.4	Method of taking vote	52
Part 13	- Minutes	52
13.1	Keeping of Minutes	52
13.2	Content of Minutes	52
13.3	Public Inspection of Unconfirmed Minutes	53
13.4	Confirmation of Minutes.....	53
Part 14	- Adjournment of Meeting.....	54
14.1	Meeting may be adjourned.....	54
14.2	Effect of adjournment	54
Part 15	- Implementing decisions.....	54
15.1	Requirements to revoke or change decisions	54
15.2	Procedure for moving a revocation motion	55
15.3	Limitations on powers to revoke or change decisions	55
15.4	Implementing a decision	56
15.5	Meaning of terms	56
Part 16	- Suspension of these Meeting Procedures	57
16.1	Suspension of these Meeting Procedures	57
16.2	Where Meeting Procedures do not apply	57
Part 17	- Miscellaneous	57
17.1	Representation on public bodies.....	57
17.2	Improper use of information.....	57
17.3	Application to committees.....	58
17.4	Cases not provided for in the local law	58

Part 18 - Enforcement	58
18.1 Penalty for breach.....	58
18.2 Who can prosecute?	58
Part 19 - Common Seal.....	58
19.1 Custody of the Common Seal	58
19.2 Use of Common Seal	58

Local Government Act 1995

Tamala Park Regional Council

Meeting Procedures Local Law 2021

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Tamala Park Regional Council resolved on a [*add day and month*] 2021 to make the following local law.

Part 1 - Preliminary

1.1 Short title

- (1) This is the *Tamala Park Regional Council Meeting Procedures Local Law 2021*.
- (2) In the clauses that follow, this local law is referred to as *this local law* or *these Meeting Procedures*.

1.2 Commencement

This local law commences 14 days after it is published in the *Government Gazette*.

1.3 Application and intent

- (1) These Meeting Procedures contain the rules that apply to the conduct of meetings of the Council and its committees.
- (2) Meetings are to be conducted in accordance with the Act, the Regulations, the Model Code of Conduct and this local law.
- (3) These Meeting Procedures are intended to result in -
 - (a) better decision making by the Council and its committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) more efficient and effective use of time at meetings.

1.4 Terms used

- (1) In this local law, unless the context requires otherwise -
absolute majority has the meaning given to it in the Act;

absolute majority -

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

[Section 1.4 of the *Local Government Act 1995*]

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the TPRC;

chairman means the chairman of the TPRC elected under clause 6.3 of the Establishment Agreement;

committee means a committee of the Council (established under section 5.8 of the Act);

Council means the Council of TPRC;

Council member, or ***member***, means a member of the Council;

deputy chairman means the deputy chairman of the TPRC elected under clause 6.3 of the Establishment Agreement;

employee means a person employed by the TPRC under section 5.36 of the Act;

Establishment Agreement means the Establishment Agreement of the TPRC approved by the Minister on 24 January 2006;

meeting means a meeting of the Council or of a committee;

member has the same meaning as ***Council member***;

Minister means the Minister responsible for administering the Act;

minor amendment, in relation to a motion, means an amendment which does not alter the basic intent of the motion to which the amendment applies;

Model Code of Conduct means the model code of conduct prescribed in the *Local Government (Model Code of Conduct) Regulations 2021*, as adopted by the TPRC under section 5.104 of the Act on 15 April 2021;

participant means a local government that is a party to the Establishment Agreement;

presiding member means -

- (a) in respect of the Council, the person presiding under section 5.6 of the Act (see clause 4.1); and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act (see clauses 4.4 and 4.5);

primary motion means an original motion, or an original motion as amended, but does not include an amendment motion or a procedural motion;

Regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting; and

TPRC means the Tamala Park Regional Council.

- (2) Unless otherwise defined, the terms used in this local law have the meaning given to them in the Act and Regulations.

Notes:

1. In this local law -
 - (a) provisions of the Act and Regulations, and of other legislation, are reproduced in a boxed format; and
 - (b) notes are also included.
2. The purpose of reproducing these provisions, and of including the notes, is to assist the reader in the interpretation or administration of this local law.
3. The reproduced provisions of the Act and Regulations and other legislation, and the notes -
 - (a) are to be treated as footnotes and are not part of this local law (see section 32(2) of the *Interpretation Act 1984*); and
 - (b) reproduce only the provisions, or refer only to the provisions, that were in force at the time that the council resolved to adopt this local law and, therefore, may not necessarily be accurate at a future date.

1.5 Repeal

The *Tamala Park Regional Council Standing Orders Local Law 2006* published in the *Government Gazette* on 4 August 2006, is repealed.

Part 2 - Establishment and membership of committees

2.1 Establishment and appointment of committees

- (1) The establishment of committees is dealt with in the Act.

Section 5.8 of the *Local Government Act 1995* states -

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* *Absolute majority required.*

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include -
 - (a) the terms of reference or functions of the committee;

- (b) either -
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, employees and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
- (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

Note: other person means a person who is not a Council member or an employee

2.2 Types of committees

The types of committees are dealt with in the Act.

Section 5.9(2) of the *Local Government Act 1995* states -

A committee is to comprise –

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

Section 5.16 of the *Local Government Act 1995* states -

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* –

- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and

- (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

- Section 5.17 of the *Local Government Act 1995* states -
- (1) A local government can delegate –
 - (a) to a committee comprising council members only, any of the council’s powers or duties under this Act except –
 - (i) any power or duty that requires a decision of an absolute majority of the council;
 - (ii) any other power or duty that is prescribed; and
 - (b) to a committee comprising council members and employees, any of the local government’s powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government’s powers or duties that are necessary or convenient for the proper management of –
 - (i) the local government’s property; or
 - (ii) an event in which the local government is involved.
 - (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

- Section 5.10 of the *Local Government Act 1995* states -
- (1) A committee is to have as its members –
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).
- * *Absolute majority required.*
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member

nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish –
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Note: In the case of the TPRC, as a regional local government, the reference in this section to the 'mayor or president' is taken to be the chairman.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

Section 5.11 of the *Local Government Act 1995* states -

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until –
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or (d) the next ordinary elections day, whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –
 - (a) the term of the person's appointment as a committee member expires; or
 - (b) the local government removes the person from the office of committee member, or the office of committee member otherwise becomes vacant; or

- (c) the committee is disbanded; or
- (d) the next ordinary elections day, whichever happens first.

2.7 Appointment of deputies

The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.

Section 5.11A of the *Local Government Act 1995* states -

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.
* Absolute majority required.
- (2) A person who is appointed as a deputy of a member of a committee is to be –
 - (a) if the member of the committee is a council member – a council member; or
 - (b) if the member of the committee is an employee – an employee; or
 - (c) if the member of the committee is not a council member or an employee – a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

2.8 Resignation of a committee member

The resignation of a committee member is dealt with in the Regulations.

Regulation 4 of the *Local Government (Administration) Regulations 1996* states -

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

2.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

Section 5.18 of the *Local Government Act 1995* states -

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

2.10 Committees to report

A committee -

- (a) is answerable to the Council;
- (b) is to report on its activities when, and to the extent, required by the Council;
and
- (c) is to prepare and submit to the Council a report containing recommendations.

2.11 Reports of committees - questions

Where a recommendation of a committee is submitted for adoption by the council, any council member may direct questions directly relating to the recommendation, through the presiding member of the council, to the presiding member of the committee or to any member of the committee in attendance.

2.12 Permissible motions on committee recommendations

A recommendation made by a committee may be -

- (a) adopted by the Council without amendment;
- (b) rejected by the Council and replaced by an alternative decision;
- (c) amended, and adopted as amended, by the Council; or
- (d) referred back to the committee for further consideration.

Part 3 - Meetings of Council

3.1 Ordinary and special council meetings

- (1) Ordinary and special Council meetings are dealt in the Act.

Section 5.3 of the *Local Government Act 1995* states -

- ‘(1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure’.

- (2) An ordinary meeting of the Council, held on a bi-monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

Section 5.4 of the *Local Government Act 1995* states -

‘An ordinary or a special meeting of a council is to be held –

- (a) if called for by either –
 - (i) the mayor or president; or
 - (ii) at least 1/3 of the councillors,
in a notice to the CEO setting out the date and purpose of the proposed meeting;
or
- (b) if so decided by the council’.

3.3 Note: in the case of the TPRC, as a regional local government, the reference in this section to the ‘mayor or president’ is taken to be the chairman. Convening Council Meetings

- (1) The convening of a Council meeting is dealt with the Act.

Section 5.5 of the *Local Government Act 1995* states -

- ‘(1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours’ notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting’.

Sections 9.50 to 9.54 of the *Local Government Act 1995* and sections 75 and 76 of the *Interpretation Act 1984* deal with how documents can be given to a person. Under these provisions, notice of a meeting may be given to a council member by -

- (a) personally, handing the notice to the member;
- (b) sending it by post to the last known address of the member; or
- (c) leaving it for the member at his or her usual or last known place of abode or, if he or she is the principal of a business, at his or her usual or last known place of business.

- (2) Subject to subclause (3), the CEO is to give at least 72 hours’ notice, for the purposes of section 5.5, in convening a special meeting of the Council.
- (3) Where, in the opinion of the chairman or at least 1/3 of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

A meeting of a committee is to be held -

- (a) if called for in a verbal or written request to the CEO by the chairman or the presiding member of the committee, advising the date and purpose of the proposed meeting;

- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee.

3.5 Public Notice of Meetings

Public notice of meetings is dealt with in the Regulations.

Regulation 12 of the *Local Government (Administration) Regulations 1996* states -

- ‘(1) In this regulation –
- meeting details**, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held –
 - (a) ordinary council meetings;
 - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.
 - (3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government’s official website as soon as practicable after the change is made.
 - (4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made’.

Part 4 - Chairman and quorum

4.1 Who presides?

Who presides at a Council meeting is dealt with in the Act.

Section 5.6 of the *Local Government Act 1995* states -

- ‘(1) The mayor or president is to preside at all meetings of the council.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.
 - (3) If the circumstances mentioned in section 5.34(a) or (b) apply and –
 - (a) the office of deputy mayor or deputy president is vacant; or

- (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

then, the council is to choose one of the councillors present to preside at the meeting’.

Note:

In the case of the TPRC, as a regional local government, the reference in this section to the ‘mayor or president’ is taken to be the chairman, and the references ‘deputy mayor or deputy president’ are to the deputy chairman.

4.2 When the deputy chairman can act

When the deputy chairman can act is dealt with in the Act.

Section 5.34 of the *Local Government Act 1995* states –

‘If –

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires’.

Note: In the case of the TPRC, as a regional local government, the references in this section to the ‘mayor or president’ are taken to be the chairman and the references to ‘deputy mayor’ and ‘deputy president’ are taken to be deputy chairman.

4.3 Who acts if no chairman?

Who acts if there is no chairman is dealt with in the Act.

Section 5.34 of the *Local Government Act 1995* states -

‘If –

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires’.

Note: In the case of the TPRC, as a regional local government, the references in this section to the ‘mayor or president’ are taken to be the chairman and the references to ‘deputy mayor’ and ‘deputy president’ are taken to be deputy chairman.

4.4 Election of presiding members of committees

The election of committees is dealt with in the Act.

Section 5.12(1) of the *Local Government Act 1995* states -

- ‘(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule –
- (a) to “office” were references to “office of presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”.
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule –
- (a) to “office” were references to “office of deputy presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”; and
 - (d) to “mayor or president” were references to “presiding member”’.

Clauses 2 to 5 (inclusive) of Schedule 2.3, Division 1 of the *Local Government Act* states -

‘2. When council elects mayor or president

- (1) The office is to be filled as the first matter dealt with –
- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

[Clause 4 amended: No. 49 of 2004 s. 69(2) (5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election'.

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

Section 5.12(2) of the *Local Government Act 1995* states -

- '(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule -
 - (a) to "office" were references to "office of deputy presiding member"; and
 - (b) to "council" were references to "committee"; and
 - (c) to "councillors" were references to "committee members"; and

4.6 (d) to “mayor or president” were references to “presiding member”’.Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

Section 5.13 of the *Local Government Act 1995* states -
‘If, in relation to the presiding member of a committee –
(a) the office of presiding member is vacant; or
(b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,
then the deputy presiding member, if any, may perform the functions of presiding member’.

4.7 Who acts if no presiding member?

Who acts if no presiding member is dealt with in the Act.

Section 5.14 of the *Local Government Act 1995* states -
‘If, in relation to the presiding member of a committee –
(a) the office of presiding member and the office of deputy presiding member are vacant; or
(b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,
then the committee members present at the meeting are to choose one of themselves to preside at the meeting’.

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

Section 5.19 of the *Local Government Act 1995* states -
‘The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee’.

4.9 Reduction of quorum for council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

Section 5.7 of the *Local Government Act 1995* states -
‘(1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.
(2) The Minister may reduce the number of offices of member required at a council meeting to make a decision specified by the Minister if the decision is one which

would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present at the meeting’.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in accordance with in the Act.

Section 5.15 of the *Local Government Act 1995* states -

‘The local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting’.

* *Absolute majority required.*

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

Regulation 8 of the *Local Government (Administration) Regulations 1996* states -

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned –

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president; or
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member; or
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present; or
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorised by the CEO.

Note: in the case of the TPRC, as a regional local government, the references in this regulation to the ‘mayor or president’ is taken to be the chairman, and the references to the ‘deputy mayor or deputy president’ is taken to be the deputy chairman.

4.12 Procedure Where Quorum Does Not Present During a Meeting

If at any time during a meeting a quorum is not present -

- (a) the chairman is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under subclause (a), the chairman may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and

- (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (b), the chairman is to adjourn the meeting to a later time on the same day or to another day.

4.13 Names to be recorded

At any meeting -

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned for want of a quorum, the names of the members then present are to be recorded in the minutes.

Part 5 - Business of a Meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the chairman or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice of the meeting as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the chairman or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclause (4) or (5), no business is to be transacted at that later meeting other than that:
 - (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

5.2 Order of Business

- (1) Unless otherwise decided by the Council, the order of business at any ordinary meeting of the Council is to be as follows -
 1. Official opening.
 2. Record of attendance, apologies and leave of absence.
 3. Disclosure of interests
 4. Public statement/question time

5. Announcements by the chairman
 6. Petitions/deputations/presentations
 7. Confirmation of minutes and business arising from minutes
 8. Administration reports
 9. Committee reports
 10. Motions of which previous notice has been given
 11. Members questions of which previous notice has been given
 12. Urgent business approved by the chairman
 13. General business
 14. Matters behind closed doors
 15. Closure
- (2) Unless otherwise decided by the committee, the order of business at any ordinary meeting of a committee is to be as follows -
1. Official opening.
 2. Record of attendance, apologies and leave of absence.
 3. Disclosure of interests.
 4. Petitions/deputations/presentations
 5. Confirmation of minutes and business arising from minutes.
 6. Announcements by the presiding member.
 7. Administration reports.
 8. Motions of which previous notice has been given.
 9. Members questions of which previous notice has been given.
 10. Urgent business approved by the presiding member.
 11. General business
 12. Matters behind closed doors.
 13. Closure.
- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.

Note: in exercising its discretion relating to the order of business under subclause (1) and (2), a meeting must comply with the requirements of the Act and Regulations relating to public question time (see clauses 6.3-6.5 below).

- (4) Notwithstanding subclauses (1), (2) and (3), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

5.3 Reports of the CEO

- (1) The functions of the CEO, including to advise the Council and implement decisions, are dealt with in the Act.
- (2) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the Council, including any report of a late or urgent nature.

5.4 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Meeting Procedures otherwise provide, a member may raise at a meeting such business of the Council or the committee (as the case may be) as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO or at the last Council or committee meeting.
- (2) A notice of motion under subclause (1) is to be given at least 15 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion must relate to a purpose for which the TPRC is established.
- (4) The CEO -
- (a) with the concurrence of the presiding member, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
 - (b) may make such amendments to the form, but not the substance, as will bring the notice of motion into due form; and
 - (c) may provide to the Council or the committee (as the case may be) relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, strategy, budget, and law.
- (5) A notice of motion is not out of order because the policy involved is considered to be objectionable.
- (6) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (7) A motion of which notice has been given is to lapse unless -
- (a) the member who gave notice of it, or some other member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.

- (8) An amendment, other than a minor amendment, to a motion of which notice has been given under this clause, is not to be considered at a meeting unless written notice of the amendment is received by the CEO no later than 12:00 noon on the last working date preceding the day of the meeting at which the relevant motion is to be considered.
- (9) The presiding member -
 - (a) is to determine whether an amendment is a minor amendment for the purposes of subclause (8); and
 - (b) is to make that determination on the basis that a minor amendment is one which, in his or her opinion, does not alter the basic intent of the primary motion.

5.5 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), *cases of extreme urgency or other special circumstances* means matters -
 - (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the TPRC and must be considered and dealt with by the Council before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to -
 - (i) have a significant adverse effect (financially or otherwise) on the TPRC; or
 - (ii) result in a contravention of a written law.
- (3) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting -
 - (a) the presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give a verbal report to the meeting.
- (4) The minutes of the meeting are to include -
 - (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

5.6 Questions by members of which due notice has been given

- (1) A member who wishes to ask a question at a meeting of the Council is to give to the CEO written notice of the text of the question at least 4 clear working days before the meeting.
- (2) If the CEO considers that the question breaches or may breach these Meeting Procedures or any other law -

- (a) the CEO is to refer the question to the chairman;
 - (b) the chairman is to exclude the question if he or she concurs with the view of the CEO; and
 - (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.
- (3) Notice of a question that is not withdrawn or excluded under subclause (1) is to be included, if practicable, in the agenda of the meeting, or is otherwise to be tabled at the meeting.
- (4) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed, unless with the consent of the chairman.

5.7 Adoption by exception resolution

- (1) In this clause *adoption by exception resolution* means -
- (a) in respect of a resolution of the Council, a resolution that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the Council resolution; and
 - (b) in respect of a resolution of a committee, a resolution that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.
- (2) The Council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter -
- (a) that requires an absolute majority;
 - (b) in which a financial or proximity interest has been disclosed;
 - (c) that has been the subject of a petition;
 - (d) that is a matter on which a member wishes to make a statement or ask a question; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

5.8 Announcements by the chairman

Announcements by the chairman under item 5 of clause 5.2(1) and item 6 of clause 5.2(2) are -

- (a) to inform the Council of official duties performed, or functions attended, by the chairman, or of other matters of importance to the Council, of which the Council has not previously been informed;
- (b) to be brief and concise; and
- (c) to be completed within 10 minutes

5.9 Questions during debate

At any time during the debate on a motion before the motion is put, a member may ask a question and, with the consent of the presiding member, may ask one or more further questions.

5.10 Restrictions on questions and answers

- (1) Questions asked by a member, and responses given by a member or an employee -
 - (a) are to be brief and concise; and
 - (b) are not to be accompanied by -
 - (i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the presiding member.
- (2) In answering any question, a member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

5.11 Grant of leave of absence

The grant of leave of absence is dealt with in the Act.

Section 2.25 of the *Local Government Act 1995* states -

- ‘(1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of –
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.

- (5) The non attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –
- (a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - (b) if the non attendance occurs –
 - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iiia) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the *Local Government Amendment Act 2009* section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

Section 5.23 of the Act states -

- ‘(1) Subject to subsection (2), the following are to be open to members of the public –
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal –
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
 where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to –
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government’s property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 and
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed’.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

6.2 Meetings closed to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public (other than any person specified in a resolution).
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried -
 - (a) the presiding member is to direct -
 - (i) all members of the public, other than a person specified in the resolution, to leave the meeting;

- (ii) any employee of TPRC unless specified in a resolution to leave the meeting; and
- (iii) any member or employee of a participant unless specified in the resolution to leave the meeting; and
- (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that -
 - (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
 - (b) the vote of a member or members is recorded in the minutes.

Note: restrictions on the disclosure of information considered at a meeting closed to the public are set out in clause 6.15 below.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

Section 5.24 of the *Local Government Act 1995* states -

- ‘(1) Time is to be allocated for questions to be raised by members of the public and responded to at –
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations’.

Note: in the case of an electronic meeting of the Council or a committee, section 24 is modified as set out in regulation 14E(4) of the *Local Government (Administration) Regulations 1996*.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

Regulation 5 of the *Local Government (Administration) Regulations 1996* states -

‘For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are –

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty’.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

Regulation 6 of the *Local Government (Administration) Regulations 1996* states -

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Note for this regulation:

For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4)’.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

Regulation 7 of the *Local Government (Administration) Regulations 1996* states -

- ‘(1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined –
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires –
 - (a) a council to answer a question that does not relate to a matter affecting the local government; or
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or

- (c) a committee to answer a question that does not relate to a function of the committee.
 - (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to –
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question’.
- Note: For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4). ements for an electronic meeting held under regulation 14D, see regulation 14E(4).

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must -
 - (a) first state his or her name and address;
 - (b) direct the question to the presiding member;
 - (c) ask the question briefly and concisely;
 - (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
- (2) Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
- (3) A member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.
- (4) Unless the presiding member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (5) Where a member of the public gives written notice of a question, the presiding member may determine that the question is to be responded to as normal business correspondence.
- (6) A question may be taken on notice by the Council or committee for later response.
- (7) When a question is taken on notice, the CEO is to ensure that -
 - (a) a written response is given to the person who asked the question; and
 - (b) a summary of the response is included in the agenda for the next meeting of the Council or committee.
- (8) Where a question relating to a matter in which a person has an interest is directed to that person, that person is to -

- (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (9) A response to a question -
- (a) is to be brief and concise; and
 - (b) is not to be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the presiding member) the member may correct or clarify the matter.
- (10) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (11) The presiding member may decide that a question is not to be responded to where -
- (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the presiding member has taken reasonable steps to assist the person to phrase the statement as a question; or
 - (c) the question is offensive or defamatory in nature, or is one which, if asked by a member, would be in breach of these Meeting Procedures or any other law.
- (12) The Council or committee, by resolution, may agree to extend public question time.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member -

- (a) may invite the distinguished visitor to sit beside the chair or at the Council table;
- (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
- (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

6.9 Deputations and statements

- (1) A deputation may be made to the Council or a committee in accordance with this clause.
- (2) A person or group who wishes to be received as a deputation by the Council or a committee, or wishes to make a statement, must -
 - (a) apply in writing to the CEO for approval prior to the meeting; and

- (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the delegation.
- (3) The CEO is to refer to the presiding member a copy or summary of the application.
- (4) Unless the Council or a committee resolves otherwise -
 - (a) a deputation that complies with subclause (2) may address the Council or the committee for up to 5 minutes; and
 - (b) the presiding member may allow that period of 5 minutes to be shared between 2 or 3 members of the deputation and, in the absence of agreement by members of the deputation, the presiding member is to determine which members of the deputation are to address the committee and for how long (within the total period of 5 minutes).
- (5) For the purposes of this clause, a deputation comprises all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (6) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or the committee until the deputation has completed its presentation.
- (7) Where a deputation is to be received by the Council or a committee, the person or group comprising the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 5.2(1) and 5.2(2).
- (8) Any item of business to be discussed at a Council or committee meeting that is subject of a received deputation, is to be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

6.10 Petitions

- (1) A petition must -
 - (a) be addressed to the chairman, a member or the CEO;
 - (b) be made by electors of the district;
 - (c) state the request on each page;
 - (d) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given;
 - (g) be respectful and temperate in its language; and
 - (h) comply with any form prescribed by the Act or any other written law.
- (1) On the presentation of a petition -
 - (a) the member presenting it is confined to reading the petition; and

- (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred for the CEO's report.
- (2) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless -
- (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council or committee has considered the issues raised in the petition.

6.11 Presentations

- (1) If the CEO determines that it would be beneficial for a presentation to be made, with the agreement of the presiding member, the presentation may take place at the relevant order of business under clause 5.2(1) and (2) or at the time of dealing with that particular item of business
- (2) The time allocated to the presentation and any questions from members will be determined by the presiding member according to the particular case or circumstance.

6.12 Participation at committee meetings

- (1) In this clause a reference to a *person* is to a person who -
 - (a) is entitled to attend a committee meeting;
 - (b) attends the committee meeting; and
 - (c) is not a member of the committee.

Note: a member of the public is entitled to attend a committee meeting only where a local government power or duty has been delegated to that committee: see section 5.23(1)(b) of the Act.

- (2) A member may attend, as an observer, any meeting of a committee of which he or she is not a member or the deputy of a member.
- (3) Without the consent of the presiding member, no person is to address a committee meeting.
- (4) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) Unless otherwise resolved by the Council, the CEO and the chairman are to set the time and date of the meeting.
- (3) Where the Council resolves to meet at another time under clause 6.13(1) -

- (a) the CEO is to provide local public notice of the time and date of the meeting; and
 - (b) give a written invitation to attend the meeting to all members of the public who applied under clause 6.9 to make a deputation on the issue.
- (4) At a meeting held under this clause -
- (a) a person is to be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the presiding member;
 - (b) no resolutions are to be made by the Council;
 - (c) the presiding member is to ensure that minutes are kept; and
 - (d) once every member of the public has had the opportunity to make a submission, the presiding member is to close the meeting.
- (5) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (6) The Council must not make a decision on a matter that is the subject of a meeting under this clause until it has received the CEO's report under clause 6.13(5)
- (7) A meeting held under clause 6.13(1) shall be conducted only to hear submissions, the Council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (8) At a meeting held under clause 6.13(1), each person making a submission shall be provided with the opportunity to fully state their case.
- (9) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the chairman.
- (10) Once every member of the public has had the opportunity to make a submission the chairman is to close the meeting.

6.14 Public inspection of agenda material

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

Regulation 14 of the *Local Government (Administration) Regulations 1996* states -

'(1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which –

- (a) are to be tabled at the meeting; or
- (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public and published on the local government's official website from the time the notice papers, agenda or documents were made available to the members of the council or committee.

6.15 (2) Subregulation (1) does not apply if, in the CEO’s opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2)’. Confidentiality of information withheld

(1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be -

- (a) identified in the agenda of a Council or committee meeting under the item “Matters behind closed doors”;
- (b) marked “Confidential” in the agenda; and
- (c) kept confidential by members and employees until the Council or committee resolves otherwise.

(2) A member or an employee who has -

- (a) confidential information under subclause (1); or
- (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

(3) Subclause (2) does not prevent a member or employee from disclosing information -

- (a) at a closed meeting;
- (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
- (c) that is already in the public domain;
- (d) to an officer of the department;
- (e) to the Minister;
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

Clause 21 of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021* states -

‘(1) In this clause –

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member –
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information –
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

6.16 Recording of proceedings

- (1) Unless otherwise decided by the meeting -
 - (a) the CEO is to ensure that an audio recording is taken of the proceedings of each meeting; and
 - (b) the CEO may also record the proceedings of a meeting in any other way that he or she considers to be appropriate.
- (2) Unless with the written authorisation of the presiding member, a person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.
- (3) If an authorisation is given under clause 6.16(2), the presiding member is to advise the meeting, immediately before the recording commences, that the authorisation has been given and the nature and extent of the authorisation.

6.17 Media attendance

Media representatives

- (a) may attend meetings of the Council; and
- (b) must be seated in that part of the Council chamber or meeting room (if any) that is set aside for their use; and
- (c) must leave the meeting during any period when the meeting is closed to the public.

6.18 Prevention of disturbance

- (1) A reference in this clause to a *person* is to a person other than a member.
- (2) A person must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If -
 - (a) after being warned, the person again acts contrary to this clause, or to these Meeting Procedures; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,the chair may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Section 75 of the Criminal Code states -

‘Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a crime, and is liable to imprisonment for 3 years.

Summary conviction penalty: imprisonment for 12 months and a fine of \$12 000’.

Part 7 - Conduct of members

7.1 Members to occupy own seats

- (1) At Council meetings, members must be seated in the order as determined by Council following each ordinary election.
- (2) At committee meetings, committee members must be seated in those positions that are closest to the presiding member followed by other members.
- (3) The CEO is to sit beside the presiding member

7.2 Respect to the presiding member

After the business of a Council has been commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

7.3 Official titles to be used

A speaker, when speaking or referring to the presiding member, or to a presiding member or employee, must use the title of that person's office.

7.4 Entering or leaving a meeting

During a meeting, a member must not enter or leave the meeting without first giving an appropriate indication to the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

Note: regulation 11(b) of the Regulations requires the content of minutes of a meeting of a council or committee to include -

'(b) where a member enters or leaves a meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting ...'

7.5 Members who wish to speak

(1) A member who wishes to speak at a Council meeting -

(a) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and

(b) when invited by the presiding member to speak, and unless otherwise determined by the Council, must address the meeting through the presiding member.

(2) A member who is unable to stand conveniently because of sickness or disability may sit while speaking.

7.6 Priority of speaking

(1) At a Council meeting, where 2 or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.

(2) At a committee meeting, the presiding member is first to invite committee members to speak followed, at the discretion of the presiding member, by other members and attendees.

(3) A decision of the presiding member under this clause is not open to discussion or dissent.

(4) A member is to cease speaking immediately after being asked to do so by the presiding member.

7.7 The presiding member may take part in debates

Subject to compliance with procedures for the debate of motions contained in these Meeting Procedures, the presiding member may take part in a discussion of any matter before the meeting.

7.8 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may -
 - (a) call the attention of the meeting to-
 - (i) any irrelevant, repetitious, offensive or insulting remarks by a member; or
 - (ii) any breach of order by a member; and
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause 7.8(2) by immediately ceasing to speak.

7.9 Speaking twice

- (1) A member must not address the Council or a committee more than once on any motion or amendment except -
 - (a) as the mover of a primary motion, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.10 Duration of speeches

- (1) A member must not speak on any matter for more than 5 minutes without the consent of the meeting to extend which, if given, is to be given without discussion.
- (2) A member's total speaking time on any matter must not exceed 10 minutes.

7.11 No speaking after conclusion of debate

A member must not speak on any motion or amendment -

- (a) after the mover has replied; or
- (b) after the question has been put.

7.12 No interruption

A member must not interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.13; or

- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(f)).

7.13 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

7.14 No reopening of discussion

A member must not reopen a discussion on any Council or committee decision, except to move that the decision be revoked or changed (see Part 15).

7.15 Offensive language

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 15).
- (2) A member must not -
 - (a) reflect adversely on the character or actions of another member or employee;
 - (b) use an expression that is offensive or objectionable
- (3) A member must not use offensive or objectionable expressions in reference to any other member, employee or other person.
- (4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes-
 - (a) the presiding member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes

Note: clause 5 of Schedule 1 to the *Local Government (Model Code of Conduct) Regulations 2021* states -

5. Relationship with others

- (1) A council member, committee member or candidate should –
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment

7.16 Withdrawal of offensive language

- (1) A member who, in the opinion of the presiding member -
 - (a) reflects adversely on the character or actions of another member or employee;
 - (b) imputes any motive to a member or employee; or
 - (c) uses an expression that is offensive or objectionablemust, when directed by the presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.
- (2) If a member fails to comply with a direction of the presiding member under clause 7.15(2), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

Note: clause 8.5 applies where a member fails or refuses to comply with a direction by the presiding member under this clause.

Part 8 - Preserving order

8.1 Presiding member to preserve order

- (1) The presiding member is to preserve order and, whenever he or she considers it necessary, may call any member to order.
- (2) When the presiding member rises or speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every member present must preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause 8.1(2) is not to be used by the chairman to exercise the right provided in clause 7.7, but to preserve order.

8.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of -
 - (a) any of these Meeting Procedures; or
 - (b) any other written law.
- (2) Examples of valid points of order are -
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.8); and
 - (b) a speaker's use of offensive or objectionable expressions (see clause 7.15).
- (3) Despite anything in these Meeting Procedures to the contrary, a point of order -
 - (a) takes precedence over any discussion; and

- (b) until determined, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) A member who is addressing the presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must resume his or her seat until -
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order, and, if permitted, the member who has been interrupted may then proceed.

8.4 Calling attention

A member may, at any time, draw the attention of the presiding member to any breach of this local law.

8.5 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order -
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause 8.5(2), if the presiding member rules that -
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.6 Continued breach of order

If a member -

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member (such as a direction under clause 7.8(2)(b), 7.15 or 8.5(3)(b)),

the presiding member may direct the member to refrain from taking any further part in that meeting, other than by voting, and the member must comply with that direction.

8.7 Presiding member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the motion or amendment before the adjournment are to be recorded in the minutes and those members are not to speak to the motion when the meeting is resumed.

Part 9 - Motions and amendments

9.1 Motions to be seconded

- (1) A primary motion or an amendment to a primary motion is not open to debate until it has been seconded.
- (2) A member seconding a motion is to be taken to have reserved the right to speak on the motion later in the debate.
- (3) A motion to revoke or change a decision made at a Council or a committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 15.1 below).

9.2 Unopposed business

- (1) Immediately after a primary motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may put the motion to the vote without debate.
- (3) A motion carried under subclause 9.2(2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion or decision to revoke or change a decision which has been made at a Council or committee meeting (see Part 15).

9.3 Only one primary motion at a time

- (1) The Council or committee -
 - (a) is not to accept a primary motion while another primary motion is being debated; and
 - (b) is not to consider more than one primary motion at any time.

- (2) The presiding member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.4 Order of call in debate

The presiding member is to call speakers to a primary motion in the following order -

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

9.5 Limit of debate

The presiding member may offer the right of reply and put a primary motion to the vote if he or she believes that sufficient discussion has taken place even though all members may not have spoken.

9.6 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.7 Consent of seconder required for alteration

The mover of a primary motion may not alter the wording of the motion without the consent of the seconder.

9.8 Order of amendments

Any number of amendments may be proposed to a primary motion, but when an amendment is moved to a primary motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, lost or carried.

9.9 Form of an amendment

An amendment must add, delete, or substitute words to the primary motion.

9.10 Amendments must not negate original motion

An amendment to a primary motion cannot negate the original motion or the intent of the original motion.

9.11 Relevance of amendments

An amendment must be relevant to the motion in respect of which it is moved.

9.12 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

9.13 Effect of an amendment

If an amendment to a primary motion is carried, the motion as amended then becomes the primary motion, on which any member may speak and any further amendment may be moved.

9.14 Withdrawal of motion and amendments

- (1) The Council or a committee may, without debate, grant leave to withdraw a primary motion or amendment on the request of the mover of the motion or amendment if -
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any member, in which case discussion on the motion or amendment is to continue.
- (2) If either paragraph (a) or (b) of subclause (1) applies, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a primary motion, the primary motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.15 Right of reply

- (1) The mover of a primary motion has the right of reply.
- (2) The mover of any amendment to a primary motion has a right of reply.
- (3) The right of the reply may be exercised only -
 - (a) where no amendment is moved to the primary motion - at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the primary motion - at the conclusion of the discussion on the primary motion and any amendments.
- (4) After the mover of the primary motion has commenced the reply -
 - (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the primary motion, or the primary motion as amended, is immediately to be put to the vote.

Note: under clause 10.4 of these Meeting Procedures, the carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion.

Part 10 - Procedural motions

10.1 Permissible Procedural Motions

In addition to the right to move an amendment to a primary motion (under Part 9), a member may move any of the following procedural motions -

- (a) that the debate now be adjourned;
- (b) that the meeting now adjourn;
- (c) that the motion be deferred;
- (d) that the motion now be put;
- (e) that the item be referred back to the CEO or a committee;
- (f) that the member be no longer heard;
- (g) that the ruling of the presiding member be disagreed with;
- (h) that the meeting be closed to the public (see clause 6.2);
- (i) that the meeting be now closed;

10.2 No debate

- (1) The mover of a motion stated in paragraphs (a), (b), (c), (e), (f), (h), (i) or (j) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in paragraph (d) or (g) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move?

With the exception of 10.1(g) a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

10.4 Procedural motions - right of reply on primary motion

The carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion.

10.5 Debate to be adjourned

- (1) A motion “that the debate be adjourned” -

- (a) Is to state the time to which the debate is to be adjourned; and
 - (b) If carries, has the effect that all debate on the primary motion or amendment ceases immediately, but continues at the time stated in the motion.
 - (c) Must not be moved in respect of the election of the chairman or deputy chairman.
- (2) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

10.6 Meeting now adjourns

- (1) A member is not to move or second more than one motion of adjournment during the same meeting.
- (2) Before putting the motion for the adjournment of a meeting, the presiding member may seek leave of the meeting to deal first with matters that may be subject of an adoption by exception resolution (see clause 5.7).
- (3) A motion “that the meeting now adjourn” -
- (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause 10.6(3) is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

10.7 Motion be deferred

- (1) If a motion “that the motion be deferred” (and the reasons for the motion), is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be re-submitted for consideration at a time and date specified in the motion.
- (2) A motion “that the motion be deferred” must not be moved in respect of the election of the chairman or deputy chairman.

10.8 Motion to be now put

- (1) If the motion “that the motion be now put”, is carried during discussion on a primary motion without amendment, the presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

10.9 That the item be referred back to the CEO or a committee

- (1) Is a motion “that the item be referred back to the CEO or a committee” (and the reasons for the motion), is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the CEO or a committee for further consideration.

- (2) If the motion in clause 10.9(1) is lost, debate on the primary motion or amendment is to continue.

10.10 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion.

10.11 Ruling of the presiding member be disagreed with

If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

10.12 The meeting now be closed

- (1) If a motion “that the meeting now be closed”, is carried, then -
- (a) the presiding member is to close the meeting, and no further business may be transacted; and
 - (b) any business outstanding on the agenda for that meeting is to be carried forward to the agenda for the next ordinary meeting.
- (2) If the motion “that the meeting now be closed” is carried at a meeting of the Council -
- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 7.9 (speaking twice) apply when the outstanding business is resumed.

Part 11 - Disclosure of interests

11.1 Disclosure of interests

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act, the Regulations, the Model Code of Conduct Regulations and the TPRC Code of Conduct.

Part 12 - Voting

12.1 Motion - when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member -
- (a) is to put the motion to the meeting; and
 - (b) if requested by a member, is again to state the terms of the motion.
- (2) A member must not leave the meeting or cross the meeting room when the presiding member is putting any motion.

12.2 Voting

Voting is dealt with in the Act and Regulations.

Section 5.21 of the *Local Government Act 1995* states -

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.
- (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.
- (4) If a member of a council or a committee specifically requests that there be recorded –
 - (a) his or her vote; or
 - (b) the vote of all members present,on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (5) A person who fails to comply with subsection (2) or (3) commits an offence.

Regulation 9 of the *Local Government (Administration) Regulations 1996* states -

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

12.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

Section 5.20 of the *Local Government Act 1995* states -

- (1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (3) This section does not apply to elections –
 - (a) by a council of the local government's mayor or president under section 2.11; or

- (b) by a council of the local government's deputy mayor or president under section 2.15; or
- (c) by a committee of the committee's presiding member or deputy presiding member under section 5.12'.

12.4 Method of taking vote

- (1) In taking the vote on any motion , the presiding member -
 - (a) is to put the motion, first in the affirmative, and then in the negative;
 - (b) may put the motion in this way as often as may be necessary to enable them to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and
 - (d) is subject to this clause, is to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member specifically requests that there be recorded -
 - (a) their vote; or
 - (b) the vote of all members present on a matter voted on at a meeting of the Council or a committee, the presiding member is to cause the vote of votes, as the case may be, to be recorded in the minutes.

Part 13 - Minutes

13.1 Keeping of Minutes

The keeping and confirmation of minutes are dealt with in the Act.

Section 5.22 of the *Local Government Act 1995* states -

- '(1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.
- (2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation'.

13.2 Content of Minutes

The content of minutes is dealt with in the Regulations.

Regulation 11 of the *Local Government (Administration) Regulations 1996* states -

'The content of minutes of a meeting of a council or a committee is to include –

- (a) the names of the members present at the meeting; and
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest; and

13.3 (g) each document attached to an agenda relating to a council or committee meeting unless the meeting or that part of the meeting to which the document refers is closed to members of the public’. Public Inspection of Unconfirmed Minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

Regulation 13 of the *Local Government (Administration) Regulations 1996* states -

- ‘(1) The CEO must publish on the local government’s official website –
- (a) the unconfirmed minutes of each council and committee meeting that is open to members of the public; and
 - (b) if a council or committee meeting is closed to members of the public – that part of the unconfirmed minutes of the meeting that is a record of decisions made at the meeting.
- (2) The unconfirmed minutes of a council meeting must be published within 14 days after the meeting is held.
- (3) The unconfirmed minutes of a committee meeting must be published within 7 days after the meeting is held’.

13.4 Confirmation of Minutes

- (1) The CEO is to give to each member -
- (a) the unconfirmed minutes of each Council meeting - within 10 clear working days after the meeting; and
 - (b) the unconfirmed minutes of a committee meeting - within 5 clear working days after the meeting.

- (2) When minutes of a meeting of Council or a committee are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the member may provide the CEO a written copy of the alternative wording to amend the minutes no later than 7 working days before the next meeting of the Council or committee.
- (3) At the next meeting of Council or a committee, the member who provided the alternative wording is to, at the time for confirmation of minutes -
 - (a) state the item or items with which they are dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes
- (4) A member must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Note: documents associated with meetings (including notice and agenda papers, minutes and records) are to be retained in accordance with TPRC's record keeping plan under the State Records Act 2000.

Part 14 - Adjournment of Meeting

14.1 Meeting may be adjourned

The Council or a committee may adjourn any meeting -

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

14.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law -

- (a) the names of members who have spoken on the matter prior the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 7.9 (speaking twice) apply when the debate is resumed.

Part 15 - Implementing decisions

15.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

Regulation 10 of the *Local Government (Administration) Regulations 1996* states -

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported –

- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

15.2 Procedure for moving a revocation motion

- (1) A motion to revoke or change a decision made at a meeting must -
- (a) be in writing in a form prescribed by Council
 - (b) specify the decision proposed to be revoked or changed;
 - (c) include a reason or reasons for the revocation motion;
 - (d) be supported by the number of members required under the Regulations;
 - (e) specify the date of the meeting of Council or a committee where it is to be presented, as the case may be; and
 - (f) be given to the CEO in accordance with the notice of motion provisions in clause 5.4.
- (2) A notice of revocation motion given to the CEO must be dealt with in accordance with clause 5.4

15.3 Limitations on powers to revoke or change decisions

- (1) Subject to clause 15.3(2), the Council or a committee is not to consider a motion to revoke or change a decision -
- (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 15.4 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in clause 15.3(1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

15.4 Implementing a decision

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person until after 12 noon of the first clear working day after the commencement of the meeting at which the decision was made.
- (2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.
- (3) A decision made at a meeting is not to be implemented by the CEO or any other person -
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (4) The CEO is to ensure that members of the public attending a meeting are informed, by an appropriate notice, that a decision to grant an authorisation -
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Note: one of the statutory functions of the CEO under section 5.41(c) of the Act is to “cause council decisions to be implemented”.

15.5 Meaning of terms

In this Part -

implement, in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

valid notice of revocation motion means a notice of a motion to revoke or change a decision that -

- (a) complies with the requirements of the Act, Regulations and the Meeting Procedures and may be considered, but has not yet been considered, by the Council or a committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

Part 16 - Suspension of these Meeting Procedures

16.1 Suspension of these Meeting Procedures

- (1) A member may, at any time, move that the operation of one or more of the clauses of these Meeting Procedures be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried by absolute majority, is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

16.2 Where Meeting Procedures do not apply

- (1) In situations where -
 - (a) these Meeting Procedures have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or these Meeting Procedures, the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.11.

Part 17 - Miscellaneous

17.1 Representation on public bodies

When the Council is required to appoint or nominate a member or other person to a public body, written notice of the vacancy or need for the appointment or nomination is to be given to all members and the Council is by resolution to determine the appointment or nomination.

17.2 Improper use of information

Improper use of information is dealt with in the Act

Section 5.93 of the *Local Government Act 1995* states -

‘A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law –

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years’.

17.3 Application to committees

- (1) Unless otherwise provided in the local law, the provisions of this local law are to apply to meetings of committees with the exception of -
- (a) clause 7.1 (seating); and
 - (b) clause 7.9 (speaking twice).

17.4 Cases not provided for in the local law

Where there is no provision or insufficient provision is made in the local law, the presiding member is to determine the procedure to be observed.

Part 18 - Enforcement

18.1 Penalty for breach

A person who breaches a provision of these Meeting Procedures commits an offence.

18.2 Who can prosecute?

Who can prosecute is dealt with in the Act.

Section 9.24(2) of the *Local Government Act 1995* states -

‘A prosecution for an offence against a local law may be commenced by –

- (a) a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or
- (b) a person who is authorised to do so by the local government or regional local government that made the local law’.

Part 19 - Common Seal

19.1 Custody of the Common Seal

The CEO is to have charge of the common seal of TPRC and is responsible for the safe custody and proper use of it.

19.2 Use of Common Seal

The use of the common seal is dealt with in the Act.

Sections 9.49A and 9.49B of the *Local Government Act 1995* state -

‘9.49A. Execution of documents

- (1) A document is duly executed by a local government if –
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of –
 - (a) the mayor or president; and
 - (b) the CEO,
 each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

9.49B. Contract formalities

- (1) Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.
- (2) The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.
- (3) Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.

Dated:

The Common Seal of the Tamala Park Regional Council was affixed by authority of a resolution of the Council in the presence of:

.....
 KAREN CADDY
 CHAIR

.....
 JON MORELLINI
 CHIEF EXECUTIVE OFFICER



MEETING PROCEDURES LOCAL LAW 2021

Local Government Act 1995
Tamala Park Regional Council
Meeting Procedures Local Law 2021

CONTENTS

Part 1 - Preliminary	7
1.1 Short title.....	7
1.2 Commencement	7
1.3 Application and intent.....	7
1.4 Terms used	7
1.5 Repeal	10
Part 2 - Establishment and membership of committees	10
2.1 Establishment and appointment of committees.....	10
2.2 Types of committees.....	10
2.3 Delegation of some powers and duties to certain committees.....	11
2.4 Limits on delegation of powers and duties to certain committees.....	11
2.5 Appointment of committee members	12
2.6 Tenure of committee membership	13
2.7 Appointment of deputies.....	13
2.8 Resignation of a committee member.....	14
2.9 Register of delegations to committees.....	14
2.10 Committees to report.....	14
2.11 Reports of committees - questions	15
2.12 Permissible motions on committee recommendations	15
Part 3 - Meetings of Council	15
3.1 Ordinary and special council meetings.....	15
3.2 Calling Council meetings	15
3.3 Convening Council Meetings	16
3.4 Calling committee meetings	17
3.5 Public Notice of Meetings	17
Part 4 - Chairman and quorum	18
4.1 Who presides?	18
4.2 When the deputy chairman can act	19
4.3 Who acts if no chairman?.....	19
4.4 Election of presiding members of committees.....	20
4.5 Election of deputy presiding members of committees	22
4.6 Functions of deputy presiding members	22
4.7 Who acts if no presiding member?.....	23

4.8	Quorum for meetings	23
4.9	Reduction of quorum for council meetings.....	23
4.10	Reduction of quorum for committee meetings	24
4.11	Procedure where no quorum to begin a meeting.....	24
4.12	Procedure Where Quorum Does Not Present During a Meeting	25
4.13	Names to be recorded	25
Part 5	- Business of a Meeting	25
5.1	Business to be specified	25
5.2	Order of Business	26
5.3	Reports of the CEO	27
5.4	Motions of which previous notice has been given	27
5.5	New business of an urgent nature	28
5.6	Questions by members of which due notice has been given.....	29
5.7	Adoption by exception resolution.....	29
5.8	Announcements by the chairman	30
5.9	Questions during debate	30
5.10	Restrictions on questions and answers.....	30
5.11	Grant of leave of absence.....	31
Part 6	- Public participation	33
6.1	Meetings generally open to the public	33
6.2	Meetings closed to the public	35
6.3	Question time for the public.....	35
6.4	Question time for the public at certain meetings.....	36
6.5	Minimum question time for the public	36
6.6	Procedures for question time for the public	37
6.7	Other procedures for question time for the public	38
6.8	Distinguished visitors.....	40
6.9	Deputations and statements	40
6.10	Petitions	41
6.11	Presentations.....	41
6.12	Participation at committee meetings	42
6.13	Council may meet to hear public submissions	42
6.14	Public inspection of agenda material	43
6.15	Confidentiality of information withheld	44
6.16	Recording of proceedings	46
6.17	Media attendance	46
6.18	Prevention of disturbance.....	47
Part 7	- Conduct of members.....	47
7.1	Members to occupy own seats.....	47
7.2	Respect to the presiding member.....	48

7.3	Official titles to be used	48
7.4	Entering or leaving a meeting	48
7.5	Members who wish to speak	48
7.6	Priority of speaking	48
7.7	The presiding member may take part in debates	49
7.8	Relevance.....	49
7.9	Speaking twice.....	49
7.10	Duration of speeches.....	49
7.11	No speaking after conclusion of debate	49
7.12	No interruption	50
7.13	Personal explanation.....	50
7.14	No reopening of discussion.....	50
7.15	Offensive language	50
7.16	Withdrawal of offensive language	51
Part 8	- Preserving order	51
8.1	Presiding member to preserve order	51
8.2	Point of order	51
8.3	Procedures on a point of order.....	52
8.4	Calling attention	52
8.5	Ruling by the presiding member	52
8.6	Continued breach of order	53
8.7	Presiding member may adjourn meeting	53
Part 9	- Motions and amendments.....	53
9.1	Motions to be seconded	53
9.2	Unopposed business.....	54
9.3	Only one primary motion at a time.....	54
9.4	Order of call in debate	54
9.5	Limit of debate	55
9.6	Member may require motion to be read	55
9.7	Consent of seconder required for alteration.....	55
9.8	Order of amendments.....	55
9.9	Form of an amendment.....	55
9.10	Amendments must not negate original motion	55
9.11	Relevance of amendments	55
9.12	Mover of motion may speak on amendment.....	55
9.13	Effect of an amendment	55
9.14	Withdrawal of motion and amendments.....	55
9.15	Right of reply.....	56
Part 10	- Procedural motions.....	56
10.1	Permissible Procedural Motions	56

10.2	No debate.....	57
10.3	Who may move?.....	57
10.4	Procedural motions - right of reply on primary motion	57
10.5	Debate to be adjourned	57
10.6	Meeting now adjourns	57
10.7	Motion be deferred.....	58
10.8	Motion to be now put	58
10.9	That the item be referred back to the CEO or a committee	58
10.10	Member to be no longer heard	58
10.11	Ruling of the presiding member be disagreed with	58
10.12	The meeting now be closed.....	58
Part 11	- Disclosure of interests	59
11.1	Disclosure of interests	59
Part 12	- Voting.....	59
12.1	Motion - when put	59
12.2	Voting	59
12.3	Majorities required for decisions.....	60
12.4	Method of taking vote	61
Part 13	- Minutes.....	62
13.1	Keeping of Minutes	62
13.2	Content of Minutes	62
13.3	Public Inspection of Unconfirmed Minutes	63
13.4	Confirmation of Minutes.....	64
Part 14	- Adjournment of Meeting.....	65
14.1	Meeting may be adjourned.....	65
14.2	Effect of adjournment	65
Part 15	- Implementing decisions.....	65
15.1	Requirements to revoke or change decisions	65
15.2	Procedure for moving a revocation motion	66
15.3	Limitations on powers to revoke or change decisions	66
15.4	Implementing a decision	67
15.5	Meaning of terms	67
Part 16	- Suspension of these Meeting Procedures	68
16.1	Suspension of these Meeting Procedures	68
16.2	Where Meeting Procedures do not apply	68
Part 17	- Miscellaneous	68
17.1	Representation on public bodies.....	68
17.2	Improper use of information.....	68
17.3	Application to committees.....	69
17.4	Cases not provided for in the local law	69

Part 18 - Enforcement 69
18.1 Penalty for breach..... 69
18.2 Who can prosecute? 69
Part 19 - Common Seal..... 69
19.1 Custody of the Common Seal 69
19.2 Use of Common Seal 70

Local Government Act 1995

Tamala Park Regional Council

Meeting Procedures Local Law 2021

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Tamala Park Regional Council resolved on a ~~date to be determined~~ ~~[add day and month]~~ 2021 to make the following local law.

Part 1 - Preliminary

1.1 ~~Citation-Short title~~

- (1) This ~~local law may be cited as~~ the *Tamala Park Regional Council Meeting Procedures Local Law 2021*.
- (2) ~~In the clauses that follow, t~~This local law is referred to as this local law or these "Meeting Procedures."

1.2 Commencement

~~By virtue of section 3.14 of the Act, t~~This local law commences ~~on the fourteenth 14~~ days after it is published in the *Government Gazette*.

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1.3 Application and intent

- (1) These Meeting Procedures contain the rules that apply to the conduct of meetings of the Council and its ~~Committee~~committees.
- (2) ~~All m~~Meetings are to be conducted in accordance with the Act, the Regulations, the Model Code of Conduct and this local law.
- (3) These Meeting Procedures are intended to result in -
 - (a) better decision making by the Council and its ~~C~~committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - ~~(b)(d)~~ (d) more efficient and effective use of time at meetings.

1.4 ~~Interpretation-Terms used~~

- (1) In this local law, unless the context requires otherwise -
"a Absolute majority" — has the meaning given to it in the Act;

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absolute majority -

(a) in relation to a Ccouncil, means a majority comprising enough of the Mmembers for the time being of the Ccouncil for their number to be more than 50% of the number of offices (whether vacant or not) of Mmember of the Ccouncil;

(b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

[Section 1.4 of the Local Government Act 1995]

“Act” means the Local Government Act 1995;

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the TPRCCouncil;

“Chair” in respect of the Council, the person Chairing under section 5.6 of the Act (see clause 3.1); and

in respect of a Committee, the person Chairing under sections 5.12, 5.13 and 5.14 of the Act (see clauses 3.4 and 3.5);

chairman means the chairman of the TPRC elected under clause 6.3 of the Establishment Agreement;

“clause” means a clause of these Meeting Procedures;

“Ccommittee” means a Ccommittee of the Council (established under section 5.8 of the Act);

“Council” means the Council of TPRCTamala Park Regional Council;

“Councillor member”, or member, means a member of the Council; person who holds the office of councillor on a Council (including a person who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor);

“decision of absolute majority” Section 1.9 of the Local Government Act 1995 states -

The footnote Absolute majority required, applying to a power conferred in this Act, means that -

if the power is conferred on a local government, it can only be exercised by or in accordance with, a decision of an absolute majority of the Council; or

if the power is conferred on any other body, it can only be exercised by or in accordance with, a decision of an absolute majority of that body.

“Ddeputy Cchairman” means the Ddeputy Cchairman of the Tamala Park Regional Council elected under clause 6.3 of the Establishment Agreement or other Chair at a Council meeting under section 5.6 of the Act;

“employee” means a person employed by the TPRCa local government under section 5.36 of the Act;

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Commented [A1]: To be consistent with the *Local Government Act* and the TPRC's Establishment Agreement, there should be separate definitions of chairman, deputy chairman and presiding member. If the Council of the TPRC wishes to continue to use the term 'Chair', then there would be no legal barrier to prevent this - even though it would not be consistent with the terms used in the *Local Government Act* and in the TPRC's Establishment Agreement.

Commented [A2]: This is unnecessary - see section 15 of the *Interpretation Act 1984*.

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Commented [A3]: Section 1.9 applies only where there is a footnote in a provision of the *Local Government Act* applying to a power conferred in the *Local Government Act*. It does not apply to any provision of this local law.

Establishment Agreement means the Establishment Agreement of the TPRC approved by the Minister on 24 January 2006;

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“meeting” means a meeting of the Council or of a Committee;

“Member” has the same meaning as Council member; ~~—an elector Chair of the local government; or~~

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~~a councillor on the Council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor)~~

“Member Council”

~~refers to the constituent Member Local Governments of the Tamala Park Regional Council;~~

Commented [A4]: To be consistent with the *Local Government Act*, the term ‘participant’ must be used, not ‘member Council’.

“Minister” means the Minister responsible for administering the Act;

“Minor amendment” in relation to a motion, means an amendment which does not alter the basic intent of the motion to which the amendment applies;

“Model Code of Conduct Regulations” means the model code of conduct prescribed in the Local Government (Model Code of Conduct) Regulations 2021, as adopted by the TPRC under section 5.104 of the Act on 15 April 2021;

participant means a local government that is a party to the Establishment Agreement;

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presiding member means -

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(a) in respect of the Council, the person presiding under section 5.6 of the Act (see clause 4.1); and

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(b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act (see clauses 4.4 and 4.5);

“primary motion” means an original motion, or an original motion as amended, but does not include an amendment motion or a procedural motion;

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“Regulations” means the *Local Government (Administration) Regulations 1996*;

“simple majority” means more than 50% of the Members present and voting; and

“TPRC” means the Tamala Park Regional Council;

(2) Unless otherwise defined, the terms used in this local law have the meaning given to them in the Act and Regulations.

Notes:

1. In this local law -

(a) provisions of the Act and Regulations, and of other legislation, are reproduced in a boxed format; and

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(b) notes are also included.

2. The purpose of reproducing these provisions, and of including the notes, is to assist the reader in the interpretation or administration of this local law.

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3. The reproduced provisions of the Act and Regulations and other legislation, and the notes -

(a) are to be treated as footnotes and are not part of this local law (see section 32(2) of the *Interpretation Act 1984*); and

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(b) reproduce only the provisions, or refer only to the provisions, that were in force at the time that the *Council* resolved to adopt this local law and, therefore, may not necessarily be accurate at a future date.

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1.5 Repeal

The *Tamala Park Regional Council Standing Orders Local Law 2006* published in the *Government Gazette* on 4 August 2006, is ~~to be~~ repealed.

Part 2 - Establishment and Membership of Committees

2.1 Establishment and appointment of Committees

(1) The establishment of Committees is dealt with in ~~accordance to section 5.8~~ the Act.

Section 5.8 of the Local Government Act 1995 states -

A local government may establish* Committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to Committees.

** Absolute majority required.*

(2) A Council resolution to establish a Committee under section 5.8 of the Act is to include -

- (a) the terms of reference or functions of the Committee;
- (b) either -
 - (i) the names or titles of the Members, employees and any other persons to be appointed to the Committee; or
 - (ii) the number of Members, ~~officers-employees~~ and any other persons to be appointed to the Committee and a provision that they be appointed under a separate resolution; and
- (c) details of the delegation of any powers or duties to the Committee under section 5.16 of the Act.

Note: *other person* means a person who is not a Council Member or an employee

2.2 Types of Committees

The types of Committees are dealt with in ~~accordance to section 5.9(2) of~~ the Act.

[Section 5.9\(2\) of the Local Government Act 1995 states -](#)

- A [C](#)committee is to comprise –
- (a) [C](#)council [A](#)members only; or
 - (b) [C](#)council [A](#)members and employees; or
 - (c) [C](#)council [A](#)members, employees and other persons; or
 - (d) [C](#)council [A](#)members and other persons; or
 - (e) [C](#)council [A](#)members and other persons; or
 - (f) [C](#)council [A](#)members and other persons only.

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2.3 Delegation of some powers and duties to certain [C](#)committees

The delegation of some powers and duties to certain [C](#)committees is dealt with in [accordance to section 5.16](#) of the Act.

[Section 5.16 of the Local Government Act 1995 states -](#)

- (1) Under and subject to section 5.17, a local government may delegate* to a [C](#)committee any of its powers and duties other than this power of delegation.

* Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the [Interpretation Act 1984](#) –
 - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

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2.4 Limits on delegation of powers and duties to certain [C](#)committees

The limits on the delegation of powers and duties to certain [C](#)committees are dealt with in [accordance to section 5.17](#) the Act.

[Section 5.17 of the Local Government Act 1995 states -](#)

- (1) A local government can delegate –
 - (a) to a [C](#)committee comprising [C](#)council [A](#)members only, any of the [C](#)council's powers or duties under this Act except –

- (i) any power or duty that requires a decision of an absolute majority of the **C**council;
 - (ii) any other power or duty that is prescribed; and
 - (b) to a **C**committee comprising **C**council **M**ember**m**ember**s** and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a **C**committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of –
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a **C**committee referred to in section 5.9(2)(f).

2.5 Appointment of **C**committee **M**ember**s**

The appointment of **C**committee **M**ember**s** is dealt with in [accordance to section 5.10 of the Act](#).

[Section 5.10 of the Local Government Act 1995 states -](#)

- (1) A **C**committee is to have as its **M**ember**s** –
 - (a) persons appointed* by the local government to be **M**ember**s** of the **C**committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be **M**ember**s** of the **C**committee under subsection (4) or (5).

** Absolute majority required.*
- (2) At any given time each **C**council **M**ember is entitled to be a **M**ember of at least one **C**committee referred to in section 5.9(2)(a) or (b) and if a **C**council **M**ember nominates himself or herself to be a **M**ember of such a **C**committee or **C**committees, the local government is to include that **C**council **M**ember in the persons appointed under subsection (1)(a) to at least one of those **C**committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of **C**committee **M**ember**s** other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the **C**council.
- (4) If at a meeting of the **C**council a local government is to make an appointment to a **C**committee that has or could have a **C**council **M**ember as a **M**ember and the **M**ayor or **P**resident (**C**hair) informs the local government of his or her wish to be a **M**ember of the **C**committee, the local government is to appoint the **M**ayor or **P**resident (**C**hair) to be a **M**ember of the **C**committee.

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- (5) If at a meeting of the **C**council a local government is to make an appointment to a **C**council committee that has or will have an employee as a **M**ember and the CEO informs the local government of his or her wish –
- (a) to be a **M**ember of the **C**council committee; or
 - (b) that a representative of the CEO be a **M**ember of the **C**council committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a **M**ember of the **C**council committee.

Note: In the case of the TPRC, as a regional local government, the reference in this section to the 'mayor or president' is taken to be the chairman.

2.6 Tenure of **C**council committee **M**embership

Tenure of **C**council committee **M**embership is dealt with in accordance with section 5.11 of the Act.

Section 5.11 of the Local Government Act 1995 states -

- (1) Where a person is appointed as a **M**ember of a **C**council committee under section 5.10(4) or (5), the person's **M**embership of the **C**council committee continues until –
- (a) the person no longer holds the office by virtue of which the person became a **M**ember, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from **M**embership of the **C**council committee; or
 - (c) the **C**council committee is disbanded; or (d) the next ordinary elections day, whichever happens first.
- (2) Where a person is appointed as a **M**ember of a **C**council committee other than under section 5.10(4) or (5), the person's **M**embership of the **C**council committee continues until –
- (a) the term of the person's appointment as a **C**council committee **M**ember expires; or
 - (b) the local government removes the person from the office of **C**council committee **M**ember, or the office of **C**council committee **M**ember otherwise becomes vacant; or
 - (c) the **C**council committee is disbanded; or
 - (d) the next ordinary elections day, whichever happens first.

2.7 Appointment of **D**eputies

The appointment of a person to be a **D**eputy of a **M**ember of a **C**council committee is dealt with in accordance with section 5.11A of the Act.

Section 5.11A of the Local Government Act 1995 states -

- (1) The local government may appoint* a person to be a **D**eputy of a **M**ember of a **C**council committee and may terminate such an appointment* at any time.

* Absolute majority required.

- (2) A person who is appointed as a **D**deputy of a **M**member of a **C**committee is to be –
- (a) if the **M**member of the **C**committee is a **C**council **M**member – a **C**council **M**member; or
 - (b) if the **M**member of the **C**committee is an employee – an employee; or
 - (c) if the **M**member of the **C**committee is not a **C**council **m**Member or an employee – a person who is not a **C**council **M**member or an employee; or
 - (d) if the **M**member of the **C**committee is a person appointed under section 5.10(5) – a person nominated by the CEO.
- (3) A **D**deputy of a **M**member of a **C**committee may perform the functions of the **M**member when the **M**member is unable to do so by reason of illness, absence or other cause.
- (4) A **D**deputy of a **M**member of a **C**committee, while acting as a **M**member, has all the functions of and all the protection given to a **M**member.

2.8 Resignation of **a** **C**committee **M**members

The resignation of **a** **C**committee **M**members is dealt with in [accordance with Regulation 4 of the Regulations](#).

[Regulation 4 of the Local Government \(Administration\) Regulations 1996 states -](#)

A **C**committee **M**member may resign from **M**membership of the **C**committee by giving the CEO or the **C**committee's [Chair-presiding member](#) written notice of the resignation.

2.9 Register of **D**delegations to **C**committees

The register of delegations to **C**committees is dealt with in [accordance with section 5.18 of the Act](#).

[Section 5.18 of the Local Government Act 1995 states -](#)

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

2.10 **Committee****Committees** to **R**report

A **C**committee -

- (a) is answerable to the Council;
- (b)** is to report on its activities when, and to the extent, required by the Council; and
- ~~(b)~~**(c)** is to prepare and submit to the Council a report containing recommendations.

2.11 Reports of Committees - Questions

Where a recommendation of a Committee is submitted for adoption by the Council, any Council member may direct questions directly relating to the recommendation, through the Chair-presiding member of the council, to the Chair-presiding member of the Committee or to any member of the Committee in attendance.

2.12 Permissible motions on Committee recommendations

A recommendation made by a Committee may be -

- (a) adopted by the Council without amendment;
- (b) rejected by the Council and replaced by an alternative decision;
- ~~(b)(c)~~ amended, and adopted as amended, by the Council; or
- ~~(c)(d)~~ referred back to the Committee for further consideration.

Part 3 - Meetings of Council

3.1 Ordinary and Special Council Meetings

- (1) Ordinary and special Council meetings are dealt in accordance with Section 5.3 of the Act.

Section 5.3 of the Local Government Act 1995 states -

- '(1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure'.
- ~~(1) — A Council is to hold ordinary meetings and may hold special meetings.~~
- ~~(2) — Ordinary meetings are to be held not more than 3 months apart.~~
- ~~(3) — If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.~~

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- (2) An ordinary meeting of the Council, held on a bi-monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in accordance with Section 5.4 of the Act.

Section 5.4 of the Local Government Act 1995 states -

'An ordinary or a special meeting of a council is to be held –

(a) if called for by either –

(i) the mayor or president; or

(ii) at least 1/3 of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting;
or

(b) if so decided by the council'.

Note: in the case of the TPRC, as a regional local government, the reference in this section to the 'mayor or president' is taken to be the chairman. An ordinary or a special meeting of a Council is to be held –

(a) if called for by either –

(i) the Chair; or

(ii) at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) if so decided by the Council.

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3.3 Convening Council Meetings

- (1) The convening of a Council meeting is dealt with in accordance with section 5.5 of the Act.

Section 5.5 of the Local Government Act 1995 states -

'(1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting'.

(1) The CEO is to convene an ordinary meeting by giving each Council Member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting by giving each Council Member notice, before the meeting, of the date, time, place and purpose of the meeting

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Sections 9.50 to 9.54 of the Local Government Act 1995 and sections 75 and 76 of the Interpretation Act 1984 deal with how documents can be given to a person. Under these provisions, notice of a meeting may be given to a Councilcouncil Membermember by -

(a) personally, handing the notice to the Membermember;

(b) sending it by post to the last known address of the Membermember; or

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(c) leaving it for the Member at his or her usual or last known place of abode or, if he or she is the principal of a business, at his or her usual or last known place of business.

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(2) Subject to subclause 3.3(3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5, in convening a special meeting of the Council.

(3) Where, in the opinion of the Chair or at least 1/3 of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling Committee Meetings

A meeting of a Committee is to be held -

(a) if called for in a verbal or written request to the CEO by the Chair or the Chair of the Committee, advising the date and purpose of the proposed meeting;

(b) if called for by at least 1/3 of the Members of the Committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or

(c) in accordance with a decision of the Council or the Committee.

3.5 Public Notice of Meetings

Public notice of meetings is dealt with in section 12 of the Regulations.

Regulation 12 of the Local Government (Administration) Regulations 1996 states -

(1) In this regulation -

meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

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(2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held -

(a) ordinary council meetings;

(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

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(3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.

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(4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made'.

(1) In this regulation - meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

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~~(2) — The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —~~

~~(a) — ordinary Council meetings;~~

~~(b) — Committee meetings that are required under the Act to be open to Members of the public or that are proposed to be open to Members of the public.~~

~~(3) — Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.~~

~~(4) — If a local government decides that a special meeting of the Council is to be open to Members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.~~

Part 4 - Chairman and quorum

4.1 Who presides?

Who ~~presides~~Chairs at a Council meeting is dealt with in ~~accordance with section 5.6 of the Act.~~

Section 5.6 of the *Local Government Act 1995* states -

~~'(1) The mayor or president is to preside at all meetings of the council.~~

~~(2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.~~

~~(3) If the circumstances mentioned in section 5.34(a) or (b) apply and —~~

~~(a) the office of deputy mayor or deputy president is vacant; or~~

~~(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,~~

~~then, the council is to choose one of the councillors present to preside at the meeting'.~~

Note:

~~In the case of the TPRC, as a regional local government, the reference in this section to the 'mayor or president' is taken to be the chairman, and the references 'deputy mayor or deputy president' are to the deputy chairman.~~

~~(1) — The Chair is to preside at all meetings of the Council.~~

~~(2) — If the circumstances mentioned in section 5.34(a) or (b) apply the Deputy Chair may preside at a meeting of the Council in accordance with that section.~~

~~(3) — If the circumstances mentioned in section 5.34(a) or (b) apply and —~~

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- ~~— (a) — the office of Deputy Chair is vacant; or~~
- ~~— (b) — the Deputy Chair is not available or is unable or unwilling to perform the functions of Chair, then, the Council is to choose one of the councillors present to preside at the meeting.~~

4.2 When the Deputy Chair can act

When the Deputy Chair can act is dealt with in accordance with section 5.34 of the Act.

Section 5.34 of the Local Government Act 1995 states –

'If –

- ~~— (a) — the office of mayor or president is vacant; or~~
- ~~— (b) — the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,~~

~~then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires'.~~

- ~~— (a) — the office of the Chair is vacant; or~~
- ~~— (b) — the Chair is not available or is unable or unwilling to perform the functions of the Chair, then the Deputy Chair may perform the functions of Chair, as the case requires.~~

Note: In the case of the TPRC, as a regional local government, the references in this section to the 'mayor or president' are taken to be the chairman and the references to 'deputy mayor' and 'deputy president' are taken to be deputy chairman.

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4.3 Who acts if no Chair?

Who acts if there is no Chair is dealt with in accordance with section 5.35 of the Act.

Section 5.34 of the Local Government Act 1995 states -

'If –

- ~~(a) — the office of mayor or president is vacant; or~~
- ~~(b) — the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,~~

~~then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires'.~~

Note: In the case of the TPRC, as a regional local government, the references in this section to the 'mayor or president' are taken to be the chairman and the references to 'deputy mayor' and 'deputy president' are taken to be deputy chairman.

~~(1) — If the circumstances mentioned in section 5.34(a) or (b) apply and –~~

- ~~— (a) — the office of Deputy Chair is vacant; or~~

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~~(b) the Deputy Chair is not available or is unable or unwilling to perform the functions of Chair, and the Chair or Deputy will not be able to perform the functions of the Chair for a time known to the Council, then the Council may appoint a councillor to perform during that time the functions of Chair, as the case requires.~~

~~(2) If the circumstances mentioned in section 5.34(a) or (b) apply and —~~

~~(a) the office of Deputy Chair is vacant; or~~

~~(b) the Deputy Chair is not available or is unable or unwilling to perform the functions of Chair, and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of Chair, as the case requires.~~

4.4 Election of ~~Chair and Deputy Chairs~~presiding members of ~~C~~committees

The election of ~~Chair and Deputy Chairs of C~~committees is dealt with in accordance with section 5.12 of the Act.

Section 5.12(1) of the *Local Government Act 1995* states -

~~(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —~~

~~(a) to “office” were references to “office of presiding member”; and~~

~~(b) to “council” were references to “committee”; and~~

~~(c) to “councillors” were references to “committee members”.~~

~~(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —~~

~~(a) to “office” were references to “office of deputy presiding member”; and~~

~~(b) to “council” were references to “committee”; and~~

~~(c) to “councillors” were references to “committee members”; and~~

~~(d) to “mayor or president” were references to “presiding member”.~~

~~Clauses 2 to 5 (inclusive) of Schedule 2.3, Division 1 of the *Local Government Act* states -~~

~~2. When council elects mayor or president~~

~~(1) The office is to be filled as the first matter dealt with —~~

~~(a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and~~

~~(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.~~

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(2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

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3. CEO to preside

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The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

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(1) The council is to elect a councillor to fill the office.

(2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

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(3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

(3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.

(4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.

(7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

[Clause 4 amended: No. 49 of 2004 s. 69(2) (5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

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(1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.

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(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.

(3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.

(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election'.

- (1) ~~The Mmembers of a Ccommittee are to elect a Chair from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule –~~
- ~~(a) to “office” were references to “office of Chair”; and~~
 - ~~(b) to “Council” were references to “Ccommittee”; and~~
 - ~~(c) to “councillors” were references to “Ccommittee Mmembers”.~~
- (2) ~~The Mmembers of a Ccommittee may elect a Deputy Chair from amongst themselves, but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule –~~
- ~~(a) to “office” were references to “office of Deputy Chair”; and~~
 - ~~(b) to “Council” were references to “Ccommittee”; and~~
 - ~~(c) to “councillors” were references to “Ccommittee Mmembers”; and (d) to “Chair or president” were references to “Chair”.~~

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

Section 5.12(2) of the *Local Government Act 1995* states -

~~‘(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule -~~

- ~~(a) to “office” were references to “office of deputy presiding member”; and~~
- ~~(b) to “council” were references to “committee”; and~~
- ~~(c) to “councillors” were references to “committee members”; and~~
- ~~(d) to “mayor or president” were references to “presiding member”.~~

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4.5.4.6 Functions of Deputy Chairs-presiding members

The functions of ~~Ddeputy Chairs-presiding members~~ are dealt with in ~~accordance with section 5.13 of the Act.~~

Section 5.13 of the *Local Government Act 1995* states -

~~‘If, in relation to the presiding member of a committee –~~

- ~~(a) the office of presiding member is vacant; or~~
- ~~(b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,~~

~~then the deputy presiding member, if any, may perform the functions of presiding member’.~~~~If, in relation to the Chair of a Ccommittee –~~

- ~~(a) the office of Chair is vacant; or~~

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~~(b) the Chair is not available or is unable or unwilling to perform the functions of Chair, then the Deputy Chair, if any, may perform the functions of Chair.~~

4.64.7 Who acts if no Chair-presiding member?

Who acts if no Chair-presiding member is dealt with in ~~accordance with section 5.14 of~~ the Act.

~~Section 5.14 of the Local Government Act 1995 states -~~

~~'If, in relation to the presiding member of a committee -~~

~~(a) the office of presiding member and the office of deputy presiding member are vacant; or~~

~~(b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,~~

~~then the committee members present at the meeting are to choose one of themselves to preside at the meeting'. If, in relation to the Chair of a Committee -~~

~~(a) the office of Chair and the office of Deputy Chair are vacant; or~~

~~(b) the Chair and the Deputy Chair, if any, are not available or are unable or unwilling to perform the functions of Chair, then the Committee Members present at the meeting are to choose one of themselves to preside at the meeting.~~

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4.74.8 Quorum for Meetings

The quorum for meetings is dealt with ~~in accordance with section 5.19 of~~ the Act.

~~Section 5.19 of the Local Government Act 1995 states -~~

~~'The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee'. "The quorum for a meeting of a Council or Committee is at least 50% of the number of offices (whether vacant or not) of Member of the Council or the Committee."~~

4.84.9 Reduction of Quorum for Council Meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with ~~in accordance with section 5.7 of~~ the Act.

~~Section 5.7 of the Local Government Act 1995 states -~~

~~'(1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.~~

~~(2) The Minister may reduce the number of offices of member required at a council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present at the meeting'. (1) The Minister may reduce the number of offices of Member required for a quorum at~~

~~a Council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.~~

~~(2) The Minister may reduce the number of offices of Member required at a Council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of Members would not otherwise be present at the meeting.~~

4.94.10 Reduction of Quorum for Committee Meetings

The reduction of a quorum for ~~Committee~~committee meetings is dealt with in accordance with ~~section 5.15 of~~in the Act.

Section 5.15 of the Local Government Act 1995 states -

'The local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting'.

* Absolute majority required. The local government may reduce* the number of offices of Committee Member required for a quorum at a Committee meeting specified by the local government if there would not otherwise be a quorum for the meeting. * Absolute majority required.

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4.104.11 Procedure Where no Quorum to Begin a Meeting

The procedure where there is no quorum to begin a meeting is dealt with in accordance with Regulation 8 of the Regulations.

Regulation 8 of the Local Government (Administration) Regulations 1996 states -

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned -

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president; or
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member; or
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present; or
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorised by the CEO.

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Note: in the case of the TPRC, as a regional local government, the references in this regulation to the 'mayor or president' is taken to be the chairman, and the references to the 'deputy mayor or deputy president' is taken to be the deputy chairman. If a quorum has not been established within the 30 minutes after a Council or Committee meeting is due to begin then the meeting can be adjourned -

(a) in the case of a Council, by the Chair or president or if the Chair or president is not present at the meeting, by the Deputy Chair or Deputy president; or

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~~(b) — in the case of a Committee, by the Chair of the Committee or if the Chair is not present at the meeting, by the Deputy Chair; or~~

~~(c) — if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of Members present; or~~

~~(d) — if only one Member is present, by that Member; or~~

~~(e) — if no Member is present or if no Member other than the CEO is present, by the CEO or a person authorised by the CEO.~~

4.144.12 Procedure Where Quorum Does Not Present During a Meeting

If at any time during a meeting a quorum is not present -

- (a) the [Chairchairman](#) is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under subclause (a), the [Chairchairman](#) may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (b), the [Chairchairman](#) is to adjourn the meeting to a later time on the same day or to another day.

4.124.13 Names to be recorded

At any meeting -

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned for want of a quorum, the names of the [Membermembers](#) then present are to be recorded in the minutes.

Part 5 - Business of a Meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the [Chairchairman](#) or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice of the meeting as the purpose of the meeting.
- (3) No business is to be transacted at a [Ccommittee](#) meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the [Chairchairman](#) or a decision of the [Ccommittee](#).
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.

(5) Where a ~~C~~committee meeting is adjourned to the next ordinary ~~C~~committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.

(6) Where a Council or ~~C~~committee meeting is adjourned to a meeting not described in subclause (4) or (5), no business is to be transacted at that later meeting other than that:

(a) _____ specified in the notice of the meeting that is adjourned; and

~~(a)~~(b) _____ (b) which remains unresolved.

~~(7) The CEO may withdraw an item from the agenda of a meeting.~~

5.2 Order of Business

(1) Unless otherwise decided by the Council, the order of business at any ordinary meeting of the Council is to be as follows -

1. Official opening.
2. Record of attendance, apologies and leave of absence.
3. Disclosure of ~~h~~interests
4. Public ~~s~~Statement/~~Q~~uestion ~~T~~ime
5. Announcements by the ~~C~~hair~~c~~hairman
6. Petitions/~~D~~eputations/~~P~~resentations
7. Confirmation of ~~A~~minutes and ~~b~~usiness arising from minutes
~~7.1 Business arising from Minutes~~
8. Administration ~~R~~eports
9. Committee ~~R~~eports
10. Motions of which previous notice has been given
11. Members questions of which previous notice has been given
12. Urgent business approved by the ~~C~~hair~~c~~hairman
13. General ~~B~~usiness
14. Matters behind closed doors
15. Closure

(2) Unless otherwise decided by the ~~C~~committee, the order of business at any ordinary meeting of a ~~C~~committee is to be as follows -

1. Official opening.
2. Record of attendance, apologies and leave of absence.

Commented [A5]: This is a very unusual provision. I recommend that it be deleted because it is inconsistent with the role of the presiding member and is also inconsistent with other provisions of these Meeting Procedures, such as clause 5.4(4).

Commented [A6]: It is unusual for this to be a separate item - or even to be included as part of the order of business.

3. Disclosure of interests.
4. Petitions/~~D~~deputations/~~P~~presentations
5. Confirmation of minutes and ~~B~~business arising from minutes.

~~5.1. Business arising from minutes~~

6. Announcements by the ~~Chair~~presiding member.
7. Administration ~~r~~Reports.
8. Motions of which previous notice has been given.
9. Members questions of which previous notice has been given.
10. Urgent business approved by the ~~Chair~~chairmanpresiding member.
11. General business
12. Matters behind closed doors.
13. Closure.

- (3) Unless otherwise decided by the ~~Member~~members present, the order of business at any special meeting of the Council or at a ~~C~~committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.

Note: in exercising its discretion relating to the order of business under subclause (1) and (2), a meeting must comply with the requirements of the Act and Regulations relating to public question time (see clauses 6.3-6.5 below).

- (4) Notwithstanding subclauses (1), (2) and (3), the CEO may include on the agenda of a Council or ~~C~~committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

5.3 Reports of the CEO

- (1) The functions of the CEO, including to advise the Council and implement decisions, are dealt with in the Act.
- (2) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the Council, including any report of a late or urgent nature.

5.4 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Meeting Procedures otherwise provide, a ~~Member~~member may raise at a meeting such business of the Council or the committee (as the case may be) as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO or at the last Council or committee meeting.
- (2) A notice of motion under subclause (1) is to be given at least 15 clear working days before the meeting at which the motion is moved.

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Commented [A7]: The chairman may not be the presiding member of a committee. To ensure that this item covers all situations, announcements should be by the presiding member.)

- (3) A notice of motion must relate to a purpose for which the Tamala Park Regional Council/TPRC is established.
- (4) The CEO -
- (a) with the concurrence of the Chair/presiding member, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;~~;~~
 - (b) may make such amendments to the form, but not the substance, as will bring the notice of motion into due form; and -
 - (c) may provide to the Council or the committee (as the case may be) relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, strategy, budget, and law.
- (5) A notice of motion is not out of order because the policy involved is considered to be objectionable.
- (6) If a notice of motion is excluded under subclause (4), the Chair is to advise the CEO, who is to provide the reason for its exclusion to all Member/members as soon as practicable.
- (7) A motion of which notice has been given is to lapse unless -
- (a) the Member/member who gave notice of it, or some other Member/member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or Ccommittee on a motion agrees to defer consideration of the motion to a later stage or date.
- (8) An amendment, other than a minor amendment, to a motion of which notice has been given under this clause, is not to be considered at a meeting unless written notice of the amendment is received by the CEO no later than 12:00 noon on the last working date preceding the day of the meeting at which the relevant motion is to be considered.
- (9) The Chair/presiding member -
- (a) is to determine whether an amendment is a minor amendment for the purposes of subclause (8); and
 - (b) is to make that determination on the basis that a minor amendment is one which, in his or her opinion, does not alter the basic intent of the primary motion.

Commented [A8]: There is no need to advise the CEO because it is the CEO who excludes the notice of motion under subclause (4).

5.5 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), *“cases of extreme urgency or other special circumstances”* means matters -
- (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the TPRC and must be considered and dealt with by the Council before the next meeting; and

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(b) that, if not dealt with at the meeting, are likely to -
(i) have a significant adverse effect (financially or otherwise) on the TPRC; or

(ii) result in a contravention of a written law.

(3) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting -

(a) the ~~Chair~~ presiding member is to ask the CEO to give; and

(b) the CEO, or the CEO's nominee, is to give, a verbal report to the meeting.

(4) The minutes of the meeting are to include -

(a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and

(b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

5.6 Questions by ~~Member~~ members of which due notice has been given

(1) A ~~Member~~ member who wishes to ask a question at a meeting of the Council is to give to the CEO written notice of the text of the question at least 4 clear working days before the meeting.

(2) If the CEO considers that the question breaches or may breach these Meeting Procedures or any other law -

(a) the CEO is to refer the question to the ~~Chair~~ chairman;

(b) the ~~Chair~~ chairman is to exclude the question if he or she concurs with the view of the CEO; and

(c) if the question is excluded, the CEO is to give all ~~Member~~ members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.

(3) Notice of a question that is not withdrawn or excluded under subclause (1) is to be included, if practicable, in the agenda of the meeting, or is otherwise to be tabled at the meeting.

(4) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed, unless with the consent of the ~~Chair~~ chairman.

5.7 Adoption by exception resolution

(1) In this clause "~~adoption by exception resolution~~" means -

(a) in respect of a resolution of the Council, a resolution that has the effect of adopting, for each of a number of specifically identified reports, the ~~C~~ committee or employee recommendation as the Council resolution; and

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(b) in respect of a resolution of a Ccommittee, a resolution that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the Ccommittee resolution.

(2) The Council or a Ccommittee may pass an adoption by exception resolution.

(3) An adoption by exception resolution may not be used for a matter -

(a) that requires an absolute majority;

(b) in which a financial or proximity interest has been disclosed;

(c) that has been the subject of a petition;

(d) that is a matter on which a Membermember wishes to make a statement or ask a question; or

(e) that is a matter on which a Membermember wishes to move a motion that is different to the recommendation.

Commented [A9]: Amendment proposed by TPRC.

Commented [A10R9]: Ok thanks

5.8 Announcements by the Chairchairman

Announcements by the Chairchairman under item 5 of clause 5.2(1) and item 6 of clause 5.2(2) are -

(a) to inform the Council of official duties performed, or functions attended, by the Chairchairman, or of other matters of importance to the Council, of which the Council has not previously been informed;

(b) to be brief and concise; and

(c) to be completed within 10 minutes

5.9 Questions during debate

At any time during the debate on a motion before the motion is put, a Membermember may ask a question and, with the consent of the Chairpresiding member, may ask one or more further questions.

5.10 Restrictions on questions and answers

(1) Questions asked by a Membermember, and responses given by a Membermember or an employee -

(a) are to be brief and concise; and

(b) are not to be accompanied by -

(i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or

(ii) any discussion or further question, except with the consent of the Chairpresiding member.

(2) In answering any question, a Membermember or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

5.11 Grant of leave of absence

The grant of leave of absence is dealt with in [section 2.25](#) of the Act.

[Section 2.25 of the *Local Government Act 1995* states -](#)

- [‘\(1\) A council may, by resolution, grant leave of absence, to a member.](#)
- [\(2\) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.](#)
- [\(3A\) Leave is not to be granted in respect of –](#)
- [\(a\) a meeting that has concluded; or](#)
 - [\(b\) the part of a meeting before the granting of leave.](#)
- [\(3\) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.](#)
- [\(4\) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.](#)
- [\(5A\) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.](#)
- [\(5\) The non attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –](#)
- [\(a\) if no meeting of the council at which a quorum is present is actually held on that day; or](#)
 - [\(b\) if the non attendance occurs –](#)
 - [\(i\) while the member has ceased to act as a member after written notice has been given to the member under section 2.27\(3\) and before written notice has been given to the member under section 2.27\(5\); or](#)
 - [\(ii\) while proceedings in connection with the disqualification of the member have been commenced and are pending; or](#)
 - [\(iiia\) while the member is suspended under section 5.117\(1\)\(a\)\(iv\) or Part 8; or](#)
 - [\(iii\) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.](#)
- [\(6\) A member who before the commencement of the *Local Government Amendment Act 2009* section 5 was granted leave during an ordinary meeting of the council](#)

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from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting~~(1) A Council may, by resolution, grant leave of absence, to a Member.~~

~~(2) Leave is not to be granted to a Member in respect of more than 6 consecutive ordinary meetings of the Council without the approval of the Minister, unless all of the meetings are within a period of 3 months. (3A) Leave is not to be granted in respect of —~~

~~— (a) — a meeting that has concluded; or~~

~~— (b) — the part of a meeting before the granting of leave.~~

~~(3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.~~

~~(4) A Member who is absent, without obtaining leave of the Council, throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her Membership of the Council, unless all of the meetings are within a 2-month period.~~

~~(5A) If a Council holds 3 or more ordinary meetings within a 2-month period, and a Member is absent without leave throughout each of those meetings, the Member is disqualified if he or she is absent without leave throughout the ordinary meeting of the Council immediately following the end of that period.~~

~~(5) The non-attendance of a Member at the time and place appointed for an ordinary meeting of the Council does not constitute absence from an ordinary meeting of the Council —~~

~~— (a) — if no meeting of the Council at which a quorum is present is actually held on that day; or~~

~~— (b) — if the non-attendance occurs —~~

~~— (i) — while the Member has ceased to act as a Member after written notice has been given to the Member under section 2.27(3) and before written notice has been given to the Member under section 2.27(5); or~~

~~— (ii) — while proceedings in connection with the disqualification of the Member have been commenced and are pending; or~~

~~— (iiia) — while the Member is suspended under section 5.117(1)(a)(iv) or Part 8; or~~

~~— (iii) — while the election of the Member is disputed and proceedings relating to the disputed election have been commenced and are pending.~~

~~(6) A Member who before the commencement of the Local Government Amendment Act 2009 section 5 was granted leave during an ordinary meeting of the Council from which the Member was absent is to be taken to have first obtained leave for the remainder of that meeting.~~

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt ~~in accordance with section 5.23 of~~ [in](#) the Act.

Section 5.23 of the Act states -

'(1) Subject to subsection (2), the following are to be open to members of the public -

(a) all council meetings; and

(b) all meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -

(a) a matter affecting an employee or employees; and

(b) the personal affairs of any person; and

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

(e) a matter that if disclosed, would reveal -

(i) a trade secret; or

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government; and

(f) a matter that if disclosed, could be reasonably expected to -

(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or

(ii) endanger the security of the local government's property; or

(iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;

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and

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and

(h) such other matters as may be prescribed'.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting. (4) Subject to subsection (2), the following are to be open to Members of the public—

(a) all Council meetings; and

(b) all meetings of any Committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a Council or by a Committee referred to in subsection (1)(b), the Council or Committee may close to Members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—

(a) a matter affecting an employee or employees; and

(b) the personal affairs of any person; and

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and (e) a matter that if disclosed, would reveal—

(i) a trade secret; or

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and

(f) a matter that if disclosed, could be reasonably expected to—

(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or

(ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and (h) such other matters as may be prescribed.

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~~(3) — A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.~~

6.2 Meetings closed to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to ~~Member~~members of the public (other than any person specified in a resolution).
- (2) The Council or a ~~C~~committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to ~~Member~~members of the public a meeting or part of a meeting.
- ~~(3)~~ If a resolution under subclause (2) is carried -
 - ~~(3)(a)~~ the ~~Chair-presiding member~~ is to ~~direct~~ -
 - (i) ~~direct~~ all ~~Member~~members of the public, other than a person specified in the resolution, to leave the meeting ~~and~~;
 - (ii) any employee of TPRC unless specified in a resolution to leave the meeting ~~and~~; ~~and~~
 - (iii) any ~~member or~~ employee of a ~~Member-participant Council~~ unless specified in ~~a the~~ resolution to leave the meeting; ~~and~~ -
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the ~~C~~committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the ~~Chair-presiding member~~, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Unless the Council or the ~~C~~committee resolves otherwise, once the meeting is reopened to ~~Member~~members of the public the ~~presiding member Chair~~ is to ensure that -
 - (a) any resolution of the Council or ~~C~~committee made while the meeting was closed is to be read out; and
 - (b) the vote of a ~~Member~~member or ~~Member~~members is recorded in the minutes.

Note: restrictions on the disclosure of information considered at a meeting closed to the public are set out in clause 6.15 below.

6.3 Question time for the public

Question time for the public is dealt with in ~~accordance with section 5.24 of~~ the Act.

Section 5.24 of the Local Government Act 1995 states -

'(1) Time is to be allocated for questions to be raised by members of the public and responded to at -

(a) every ordinary meeting of a council; and

(b) such other meetings of councils or committees as may be prescribed.

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(2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations’.

Note: in the case of an electronic meeting of the Council or a committee, section 24 is modified as set out in regulation 14E(4) of the *Local Government (Administration) Regulations 1996*. (1) Time is to be allocated for questions to be raised by Membermembers of the public and responded to at —

(a) every ordinary meeting of a Councilcouncil; and

(b) such other meetings of Councilcouncils or Ccommittees as may be prescribed.

(2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by Membermembers of the public at Ccouncil or Ccommittee meetings are to be in accordance with regulations.

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6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in ~~accordance with Regulation 5 of~~ the Regulations.

Regulation 5 of the *Local Government (Administration) Regulations 1996* states -

‘For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

(a) every special meeting of a council;

(b) every meeting of a committee to which the local government has delegated a power or duty’. For the purposes of section 5.24(1)(b) of the Act, the meetings at which time is to be allocated for questions to be raised by Membermembers of the public and responded to are —

(a) every special meeting of a Ccouncil;

(b) every meeting of a Ccommittee to which the local government has delegated a power or duty.

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6.5 Minimum question time for the public

Minimum question time for the public is dealt with in ~~accordance to Regulation 6 of the~~ Regulations.

Regulation 6 of the *Local Government (Administration) Regulations 1996* states -

(1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Note for this regulation:

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~~For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4). (1) The minimum time to be allocated for the asking of and responding to questions raised by Members of the public at ordinary meetings of Councils and meetings referred to in regulation 5 is 15 minutes.~~

~~(2) Once all the questions raised by Members of the public have been asked and responded to at a meeting referred to in sub-regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.~~

~~Note for this regulation: For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4).~~

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in ~~accordance with Regulation 7 of the~~ Regulations.

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Regulation 7 of the *Local Government (Administration) Regulations 1996* states -

~~'(1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined -~~

~~(a) by the person presiding at the meeting; or~~

~~(b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,~~

~~having regard to the requirements of subregulations (2), (3) and (5).~~

~~(2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.~~

~~(3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.~~

~~(4) Nothing in subregulation (3) requires -~~

~~(a) a council to answer a question that does not relate to a matter affecting the local government; or~~

~~(b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or~~

~~(c) a committee to answer a question that does not relate to a function of the committee.~~

~~(5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to -~~

~~(a) declare that he or she has an interest in the matter; and~~

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(b) allow another person to respond to the question’.

~~Note for this regulation: For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4). (1) Procedures for the asking of and responding to questions raised by Members of the public at a meeting referred to in regulation 6(1) are to be determined—~~

~~(a) by the person Chairing at the meeting; or~~

~~(b) in the case where the majority of Members of the Council or Committee present at the meeting disagree with the person Chairing, by the majority of those Members, having regard to the requirements of subregulations (2), (3) and (5).~~

~~(2) The time allocated to the asking of and responding to questions raised by Members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the Council or the Committee, as the case may be.~~

~~(3) Each Member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.~~

~~(4) Nothing in subregulation (3) requires—~~

~~(a) a Council to answer a question that does not relate to a matter affecting the local government; or~~

~~(b) a Council at a special meeting to answer a question that does not relate to the purpose of the meeting; or~~

~~(c) a Committee to answer a question that does not relate to a function of the Committee.~~

~~(5) If, during the time allocated for questions to be raised by Members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to—~~

~~(a) declare that he or she has an interest in the matter; and (b) allow another person to respond to the question.~~

~~Note for this regulation: For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4).~~

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6.7 Other procedures for question time for the public

(1) A Member of the public who wishes to ask a question during question time must -

- (a) first state his or her name and address;
- (b) direct the question to the [Chairpresiding member](#);
- (c) ask the question briefly and concisely;
- (d) limit any preamble to matters directly relevant to the question; and

- (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
- (2) Each ~~m~~Member of the public with a question is entitled to ask up to 3 questions before other ~~M~~members of the public will be invited to ask their questions.
- (3) A ~~M~~member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.
- (4) Unless the ~~presiding member chair~~ determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (5) Where a ~~M~~member of the public gives written notice of a question, the ~~presiding member~~Chair may determine that the question is to be responded to as normal business correspondence.
- (6) A question may be taken on notice by the Council or ~~C~~committee for later response.
- (7) When a question is taken on notice, the CEO is to ensure that -
- (a) a written response is given to the person who asked the question; and
 - (b) a summary of the response is included in the agenda for the next meeting of the Council or ~~C~~committee.
- (8) Where a question relating to a matter in which a person has an interest is directed to that person, that person is to -
- (a) declare that he or she has an interest in the matter; and
 - ~~(a)~~(b) allow another person to respond to the question.
- (9) A response to a question -
- (a) is to be brief and concise; and
 - (b) is not to be the subject of any discussion, except that if in the opinion of a ~~M~~member, false information or any adverse reflection is contained in any question asked or comments made by a ~~Member~~member of the public, then (through the ~~Chair~~presiding member) the ~~M~~member may correct or clarify the matter.
- (10) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (11) The ~~Chair~~presiding member may decide that a question is not to be responded to where -
- (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the ~~Chair~~presiding member has taken reasonable steps to assist the person to phrase the statement as a question; or

- (c) the question is offensive or defamatory in nature, or is one which, if asked by a ~~M~~member, would be in breach of these Meeting Procedures or any other law.

(12) The Council or ~~C~~committee, by resolution, may agree to extend public question time.

6.8 Distinguished ~~v~~visitors

If a distinguished visitor is present at a meeting of the Council or a ~~C~~committee, the ~~C~~chair-presiding member -

(a) may invite the distinguished visitor to sit beside the ~~C~~chair or at the Council table;

~~(a)(b)~~ may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and

(c) may direct that the presence of the distinguished visitor be recorded in the minutes.

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6.9 Deputations and ~~s~~statements

(1) A deputation may be made to ~~the~~ Council or a ~~a~~ ~~C~~committee in accordance with this clause.

(2) A person or group who wishes to be received as a deputation by the Council or a ~~C~~committee, or wishes to make a statement, must -

(a) apply in writing to the CEO for approval prior to the meeting; and

(b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the delegation.

(3) The CEO is to refer to the ~~C~~chair-presiding member a copy or summary of the application.

(4) Unless the Council or a ~~C~~committee resolves otherwise -

(a) a deputation that complies with subclause (2) may address the Council or ~~the~~ ~~C~~committee for up to 5 minutes; and

(b) the ~~C~~chair-presiding member may allow that period of 5 minutes to be shared between 2 or 3 ~~M~~members of the deputation and, in the absence of agreement by ~~M~~members of the deputation, the ~~C~~chair-presiding member is to determine which ~~M~~members of the deputation are to address the ~~C~~committee and for how long (within the total period of 5 minutes).

(5) For the purposes of this clause, a deputation comprises all those people either in favour of, or opposed to, the matter which is the subject of the deputation.

(6) Any matter which is the subject of a deputation to the Council or a ~~C~~committee is not to be decided by the Council or ~~the~~ ~~C~~committee until the deputation has completed its presentation.

(7) Where a deputation is to be received by the Council or a ~~C~~committee, the person or group comprising ~~of~~ the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 5.2(1) and 5.2(2).

- (8) Any item of business to be discussed at a Council or ~~C~~Committee meeting that is subject of a received deputation, is to be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

6.10 Petitions

- (1) A petition must -
- (a) be addressed to the ~~Chair~~chairman, ~~a Councillor-member~~ or ~~the~~ CEO;
 - (b) be made by electors of the district;
 - (c) state the request on each page;
 - (d) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person ~~upon to~~ whom, and an address at which, notice to the petitioners can be given;
 - (g) be respectful and temperate in its language; and
 - (h) comply with any form prescribed by the Act or any other written law, ~~such as the Local Government (Constitution) Regulations 1998 if, for example, it is~~
 - (i) ~~a proposal to change the method of filling the office of Cchair;~~
 - (ii) ~~a request for a poll on a recommended amalgamation; or~~

Commented [A11]: None of these examples in paragraph (h) apply to the TPRC as a regional local government.

- (1) On the presentation of a petition -
- (a) the ~~Councillor-member~~ presenting it is confined to reading the petition; and
 - (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred for the CEO's report.
- (2) At any meeting, the Council or ~~C~~committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless -
- (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council or ~~C~~committee has considered the issues raised in the petition.

6.11 Presentations

- (1) If the CEO determines that it would be beneficial for a presentation to be made, with the agreement of the ~~Chair~~presiding member, the presentation may take place ~~under his at the relevant~~ order of business ~~under clause 5.2(1) and (2)~~ or at the time of dealing with that particular item of business
- (2) The time ~~for allocated to~~ the presentation and any questions from ~~Member~~members will be determined by the ~~Chair-presiding member~~ according to the particular case or circumstance.

6.12 Participation at Ccommittee Mmeetings

(1) In this clause a reference to a “person” is to a person who -

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(a) is entitled to attend a Ccommittee meeting;

(b) ~~(b)~~ attends athe Ccommittee meeting; and

~~(a)(c)~~ (c) is not a Mmember of the at Ccommittee.

Note: a Membermember of the public is entitled to attend a Ccommittee meeting only where a local government power or duty has been delegated to that Ccommittee: see section 5.23(1)(b) of the Act.

(2) A Member may attend, as an observer, any meeting of a Ccommittee of which he or she is not a Member or the Ddeputy of a Mmember, ~~but is to sit in an area set aside by the CEO for observers separated from the CCommittee Mmembers.~~

Commented [A12]: Amendment proposed by TPRC.

(3) Without the consent of the Chairpresiding member, no person is to address a Ccommittee meeting.

(4) A person addressing the Ccommittee with the consent of the Chairpresiding member must cease that address immediately after being directed to do so by the Chairpresiding member.

(5) A person who fails to comply with a direction of the Chairpresiding member under subclause (4) may, by order of the Chairpresiding member, be removed from the Ccommittee room.

6.13 Council may meet to hear public submissions

(1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.

(2) ~~Unless otherwise resolved by the Council, Tthe CEO and the Chairchairman shall are to set the time and date of the meeting ~~to provide the opportunity to be heard.~~~~

(3) Where the Council resolves to meet ~~to provide the opportunity to be heard at another time~~ under clause 6.13(1), ~~the Chair shall~~

(a) ~~Instruct~~ the CEO is to provide local public notice of the time and date ~~of the meeting when the Council will meet to provide an opportunity to be heard;~~ and

(b) ~~give~~ Provide a written invitation to attend the meeting ~~to provide the opportunity to be heard~~ to all Membermembers of the public who have applied under clause 6.9 to make a deputation on the issue; ~~and.~~

~~(c) cause minutes to be kept of the meeting to provide the opportunity to be heard.~~

(4) At a meeting held under this clause -

(a) a person is to be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the presiding member;

Commented [A13]: Paragraphs (a) and (b), taken from the current version, are inconsistent.

- (b) no resolutions are to be made by the Council;
- (c) the presiding member is to ensure that minutes are kept; and
- (d) once every member of the public has had the opportunity to make a submission, the presiding member is to close the meeting.

~~(5) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.~~

~~(6) The Council must not make a decision resolve on the a matter that is the subject of a meeting under this clause to provide the opportunity to be heard until it has received the CEO's report under clause 6.13(85)~~

~~(4)(7) A meeting held under clause 6.13(1) shall be conducted only to hear submissions, the Council shall not make resolutions at a meeting to provide the opportunity to be heard.~~

~~(5)(8) At a meeting held under clause 6.13(1), each person making a submission shall be provided with the opportunity to fully state their case.~~

~~(6)(9) A Membermember of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Chairchairman.~~

~~(7)(10) Once every Membermember of the public has had the opportunity to make a submission the Chairchairman is to close the meeting.~~

~~(8)(1) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.~~

~~(9)(1) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under clause 6.13(8)~~

6.14 Public inspection of agenda material

The right of a Membermember of the public to inspect the documents relating to a Council or Ccommittee meeting are dealt with in the accordance with Regulation 14 of the Local Government (Administration) Regulations 1996.

Regulation 14 of the Local Government (Administration) Regulations 1996 states -

'(1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which –

- (a) are to be tabled at the meeting; or
- (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public and published on the local government's official website from the time the notice papers, agenda or documents were made available to the members of the council or committee.

(2) Subregulation (1) does not apply if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2)'. (1) — A local government is to

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~~ensure that notice papers and agenda relating to any Council or Committee meeting and reports and other documents which—~~

~~(a) are to be tabled at the meeting; or~~

~~(b) have been produced by the local government or a Committee for presentation at the meeting, and which have been made available to Members of the Council or Committee for the meeting are available for inspection by Members of the public and published on the local government's official website from the time the notice papers, agenda or documents were made available to the Members of the Council or Committee.~~

~~(2) Sub regulation (1) does not apply if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to Members of the public under section 5.23(2).~~

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6.15 Confidentiality of information withheld

(1) Information withheld by the CEO from the public under regulation 14(2) of the *Local Government (Administration) Regulations 1996* is to be -

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- (a) identified in the agenda of a Council or Ccommittee meeting under the item "Matters behind closed doors";
- (b) marked "Confidential" in the agenda; and
- (c) kept confidential by Members and employees until the Council or Ccommittee resolves otherwise.

(2) A Membermember or an employee who has -

- (a) confidential information under subclause (1); or
- (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another Member or an employee to the extent necessary for the purpose of carrying out his or her duties.

(3) Subclause (2) does not prevent a Membermember or employee from disclosing information -

- (a) at a closed meeting;
- (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
- (c) that is already in the public domain;
- (d) to an officer of the Ddepartment;
- (e) to the Minister;
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- ~~(f)(g)~~ (g) if the disclosure is required or permitted by law.

Note: Regulation Clause 21 of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021 states ->

(1) In this clause –

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non confidential document means a document that is not a confidential document.

(2) A council member must not disclose information that the council member –

(a) derived from a confidential document; or

(b) acquired at a closed meeting other than information derived from a non confidential document.

(3) Subclause (2) does not prevent a council member from disclosing information –

(a) at a closed meeting; or

(b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

6.16 21. Disclosure of information

(1) In this clause *closed meeting* means a Council or Committee meeting, or a part of a Council or Committee meeting, that is closed to Members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed; *document* includes a part of a document; *non-confidential document* means a document that is not a confidential document.

(2) A Council Member must not disclose information that the Council Member –

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~~a) derived from a confidential document; or
 b) acquired at a closed meeting other than information derived from a nonconfidential document.
 (3) Subclause (2) does not prevent a council Member from disclosing information
 a) at a closed meeting; or
 b) to the extent specified by the council and subject to such other conditions as the Council determines; or
 c) that is already in the public domain; or
 d) to an officer of the Department; or
 e) to the Minister; or
 f) to a legal practitioner for the purpose of obtaining legal advice; or
 g) if the disclosure is required or permitted by law.~~

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6.176.16 Recording of proceedings

- (1) Unless otherwise decided by the meeting -
 - (a) the CEO is to ensure that an audio recording is taken of the proceedings of each meeting; and
 - (b) the CEO may also record the proceedings of a meeting in any other way that he or she considers to be appropriate.
- (2) Unless with the written authorisation of the ~~chair~~presiding member, a person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.
- (3) ~~If an authorisation is given under clause 6.16(2), the~~ presiding member~~chair~~ is to advise the meeting, immediately before the recording ~~if commences~~d, that ~~such the authorisation permission~~ has been given and the nature and extent of ~~that permission~~the authorisation.

6.186.17 Media attendance

Media representatives ~~are permitted to~~

- (a) ~~may~~ attend meetings of the ~~Council~~Council; and
- (b) ~~must~~ be seated in that part of the Council chamber or meeting room ~~(if any)~~ that ~~may be~~is set aside for their use; ~~and but~~
- (c) ~~must~~ leave the meeting during any period when the meeting is closed to the public.

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6.196.18 Prevention of disturbance

- (1) A reference in this clause to a ***“person”*** is to a person other than a **Member**.
- (2) A person must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the **chair**.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (5) The **chair** may warn a person who fails to comply with this clause.
- (6) If -
 - (a) after being warned, the person again acts contrary to this clause, or to these Meeting Procedures; or
 - (b) a person refuses or fails to comply with a direction by the **chair**,
 - (b) the chair may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the **chair**, be removed from the meeting room and, if the **chair** orders, from the premises.

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Note: Section 75 of the Criminal Code states: -
‘Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a crime, and is liable to imprisonment for 3 years.
Summary conviction penalty: imprisonment for 12 months and a fine of \$12,000’. “Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a crime, and is liable to imprisonment for 3 years. Summary conviction penalty: imprisonment for 12 months and a fine of \$12,000.”

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Part 7 - Conduct of **Members**

7.1 Members to occupy own seats

- (1) At Council meetings, **Members** must be seated in the order as determined by Council following each ordinary election.
- (2) At committee meetings, committee members must be seated in those positions that are closest to the **chair** followed by other members of Council.
- (3) The CEO is to sit beside the **chair**

7.2 Respect to the [presiding member chair](#)

After the business of a Council has been commenced, a member is not to enter or leave the meeting without first paying due respect to the [presiding member chair](#).

7.3 Official titles to be used

A speaker, when speaking or referring to the ~~presiding member chair or deputy chair~~, or to a ~~presiding member councillor~~ or employee, must use the title of that person's office.

7.4 Entering or leaving a meeting

During a meeting, a member must not enter or leave the meeting without first giving an appropriate indication to the [presiding member chair](#), in order to facilitate the recording in the minutes of the time of entry or departure.

Note: regulation 11(b) of the Regulations requires the content of minutes of a meeting of a council or committee to include -

'(b) where a member enters or leaves a meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting ...'

7.5 Members who wish to speak

(1) A member who wishes to speak at a Council meeting -

- (a) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and
- (b) when invited by the ~~presiding member chair~~ to speak, and unless otherwise determined by the Council, must address the meeting through the [presiding member chair](#).

(2) A member who is unable to stand conveniently because of sickness or disability may sit while speaking.

7.6 Priority of speaking

(1) At a Council meeting, where ~~two (2)~~ or more ~~Membermembers of the Council~~ indicate, at the same time, their intention to speak, the ~~presiding member Chair~~ is to decide which ~~Membermember~~ is entitled to be heard first.

(2) At a ~~Committeecommittee~~ meeting, the ~~presiding member Chair~~ is first to invite ~~Committeecommittee Membermembers~~ to speak followed, at the discretion of the ~~presiding member Chair~~, by other ~~Membermembers~~ and attendees.

(3) A decision of the ~~presiding member Chair~~ under this clause is not open to discussion or dissent.

(4) A ~~Membermember~~ is to cease speaking immediately after being asked to do so by the ~~presiding member Chair~~.

7.7 The ~~presiding member Chair~~ may take part in debates

Subject to compliance with procedures for the debate of motions contained in these Meeting Procedures, the ~~presiding member Chair~~ may take part in a discussion of any matter before the meeting.

7.8 Relevance

- (1) A ~~Membermember~~ must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The ~~presiding memberChair~~, at any time, may -
 - (a) call the attention of the meeting to-
 - (i) any irrelevant, repetitious, offensive or insulting remarks by a ~~Membermember~~; or
 - (ii) any breach of order by a ~~Membermember~~; and
 - (b) direct that ~~Membermember~~, if speaking, to discontinue his or her speech.
- (3) A ~~Membermember~~ must comply with the direction of the ~~presiding member Chair~~ under subclause 7.8(2) by immediately ceasing to speak.

7.9 Speaking twice

- (1) A ~~Membermember~~ must not address the Council or a ~~Committeecommittee~~ more than once on any motion or amendment except -
 - (a) _____ as the mover of a primary motion, to exercise a right of reply;
 - (b) _____ to raise a point of order; or
 - ~~(a)~~(c) _____ to make a personal explanation.
- (2) A ~~Membermember~~ who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.10 Duration of speeches

- (1) A ~~Membermember~~ must not speak on any matter for more than 5 minutes without the consent of the meeting to extend which, if given, is to be given without discussion/~~debate~~.
- (2) A ~~Membermember~~'s total speaking time on any matter must not exceed 10 minutes.

7.11 No speaking after conclusion of debate

- A ~~Membermember~~ must not speak on any motion or amendment -
- (a) after the mover has replied; or
 - (b) after the question has been put.

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7.12 No interruption

A Member must not interrupt another Member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.13; or
- (d) to move a procedural motion that the Member be no longer heard (see clause 10.1(f)).

7.13 Personal explanation

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking must indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

7.14 No reopening of discussion

A Member must not reopen a discussion on any Council or Committee decision, except to move that the decision be revoked or changed (see Part 15).

7.15 Offensive language

- (1) A Member must not reflect adversely on a decision of the Council or a Committee except on a motion that the decision be revoked or changed (see Part 15).
- (2) A Member must not -
 - (a) reflect adversely on the character or actions of another Member or employee;
 - (b) use an expression that is offensive or objectionable
- (3) A Member must not use offensive or objectionable expressions in reference to any other Member, employee or other person.
- (4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes -
 - (a) ~~T~~the presiding member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) ~~T~~the Council may, by resolution, decide to record those words in the minutes

Note: clause 5 of Schedule 1 to the Section 5 - Local Government (Model Code of Conduct) Regulations 2021 states -

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5. Relationship with others

- (1) A ~~Council~~ ~~council~~ ~~Member~~ ~~member~~, ~~Committee~~ ~~committee~~ ~~Member~~ ~~member~~ or candidate should –
- ____ (a) treat others with respect, courtesy and fairness; and
- ____ (b) ____ respect and value diversity in the community.
- (2) A ~~Council~~ ~~council~~ ~~Member~~ ~~member~~ or ~~Committee~~ ~~committee~~ ~~Member~~ ~~member~~ should maintain and contribute to a harmonious, safe and productive work environment

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7.16 Withdrawal of offensive language

- (1) A ~~Member~~ ~~member~~ who, in the opinion of the ~~presiding member~~ ~~Chair~~ uses an expression which ~~in the absence of a resolution under clause 7.15(2)~~
- ~~(i)~~(a) ____ reflects adversely on the character or actions of another ~~Member~~ ~~member~~ or employee;
- ~~(ii)~~(b) ____ imputes any motive to a ~~Member~~ ~~member~~ or employee; or
- ~~(c)~~ ____ uses an expression that is offensive or objectionable;
- ~~(d)~~ ____ must, when directed by the ~~presiding member~~ ~~Chair~~, withdraw the reflection, imputation or expression and make a satisfactory apology.
- (2) If a ~~Member~~ ~~member~~ fails to comply with a direction of the ~~presiding member~~ ~~Chair~~ under clause 7.15(2), the ~~presiding member~~ ~~Chair~~ may refuse to hear the ~~Member~~ ~~member~~ further on the matter then under discussion and call on the next speaker.

Commented [A14]: There is no resolution referred to in clause 7.15(2). In any event, a resolution should not authorise an adverse reflection or imputation of a motive.

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Note: clause 8.5 applies where a ~~Member~~ ~~member~~ fails or refuses to comply with a direction by the ~~presiding member~~ ~~Chair~~ under this clause.

Part 8 - Preserving order

8.1 ~~Chair~~ ~~Presiding member~~ to preserve order

- (1) The ~~presiding member~~ ~~Chair~~ is to preserve order and, whenever he or she considers it necessary, may call any ~~Member~~ ~~member~~ to order.
- (2) When the ~~presiding member~~ ~~Chair~~ rises or speaks during a debate, any ~~Member~~ ~~member~~ then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every ~~Member~~ ~~member~~ present must preserve strict silence so that the ~~presiding member~~ ~~Chair~~ may be heard without interruption.
- (3) Subclause 8.1(2) is not to be used by the ~~Chair~~ ~~chairman~~ to exercise the right provided in clause 7.7, but to preserve order.

8.2 Point of order

- (1) A ~~Member~~ ~~member~~ may object, by way of a point of order, only to a breach of -
- ~~(a)~~ ____ any of these Meeting Procedures; or

~~(a)~~(b) any other written law.

- (2) Examples of valid points of order are -
- (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.8); and
 - (b) a speaker's use of offensive or objectionable expressions (see clause 7.15).
- (3) Despite anything in these Meeting Procedures to the contrary, a point of order -
- (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) A ~~Member~~member who is addressing the ~~presiding member~~ Chair must not be interrupted except on a point of order.
- (2) A ~~Member~~member interrupted on a point of order must resume his or her seat until -
- (a) the ~~Member~~member raising the point of order has been heard; and
 - (b) the ~~presiding member~~ Chair has ruled on the point of order, and, if permitted, the ~~Member~~member who has been interrupted may then proceed.

8.4 Calling attention to Breach

A ~~Member~~member may, at any time, draw the attention of the ~~presiding member~~ Chair to any breach of this local law.

8.5 Ruling by the ~~presiding member~~Chair

- (1) The ~~presiding member~~ Chair is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the ~~presiding member~~ Chair on a point of order -
- (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of ~~Members~~members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause 8.5(2), if the ~~presiding member~~ Chair rules that -
- (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a ~~Member~~member is out of order, the ~~presiding member~~ Chair may direct the ~~Member~~member to make an explanation, retraction or apology.

8.6 Continued breach of order

If a ~~Member~~member -

(a) persists in any conduct that the ~~presiding member~~ Chair had ruled is out of order; or

(b) fails or refuses to comply with a direction from the ~~presiding member~~ Chair (such as a direction under clause 7.8(2)(b), 7.15 or 8.5(3)(b)),

the ~~presiding member~~ Chair may direct the ~~Member~~member to refrain from taking any further part in that meeting, other than by voting, and the ~~Member~~member must comply with that direction.

8.7 ~~Presiding member~~ Chair may adjourn meeting

(1) For the purpose of preserving or regaining order, the ~~presiding member~~ Chair may adjourn the meeting for a period of up to 15 minutes.

(2) On resumption, the debate is to continue at the point at which the meeting was adjourned.

(3) If, at any one meeting, the ~~presiding member~~ Chair adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

(4) If there is an adjournment under this clause, the names of the ~~Member~~members who have spoken on the motion or amendment before the adjournment are to be recorded in the minutes and those ~~Member~~members are not to speak to the motion when the meeting is resumed.

Part 9 - Motions and ~~A~~amendments

~~9.1~~ ~~Motions to be stated and in writing~~

(1) ~~The procedure for moving any motion is that~~

(a) ~~A~~ ~~Member~~member who wishes to move a motion that is different to the officer ~~employee~~ recommendation, is to give notice of that motion by midday on the day that is 2 business days before the meeting.

(b) ~~Any motion for which notice has not been given in accordance with clause 9.1(a) is required to have the consent of the Chair~~~~presiding member; and,~~

(c) ~~The mover must state the motion without speaking to it and is to put the motion in writing if required by the Chair~~~~chairman.~~

(2) ~~Where a Member~~member moves a motion, which differs from the relevant recommendation, or an amendment to a motion, the ~~Chair~~chairman shall ask if the CEO wishes to give a verbal report to the meeting on the matter.

~~9.29.1~~ Motions to be ~~S~~seconded

(1) A primary motion or an amendment to a primary motion is not open to debate until it has been seconded.

Commented [A15]: The deletion of clause 9.1 was proposed by the TPRC.

- (2) A ~~Member~~member seconding a motion is to be taken to have reserved the right to speak on the motion later in the debate.
- (3) A motion to revoke or change a decision made at a Council or a ~~Committee~~committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 15.1 below).

9.39.2 Unopposed ~~B~~business

- (1) Immediately after a primary motion has been moved and seconded, the ~~presiding member~~Chair may ask the meeting if any ~~Member~~member opposes it.
- (2) If no ~~Member~~member opposes the motion, the ~~presiding member~~Chair may put the motion to the vote without debate.
- (3) A motion carried under subclause 9.2(2) is to be recorded in the minutes as a unanimous decision of the Council or ~~Committee~~committee.
- (4) If a ~~Member~~member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion or decision to revoke or change a decision which has been made at a Council or ~~Committee~~committee meeting (see Part 15).

9.49.3 Only one primary motion at a time

- (1) ~~The Council or~~ ~~Committee~~committee -
 - (a) is not to accept a primary motion while another primary motion is being debated; and
 - (a)(b) is not to consider more than one primary motion at any time.
- (2) ~~(c)~~—The ~~presiding member~~Chair may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

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9.59.4 Order of call in debate

The ~~presiding member~~Chair is to call speakers to a primary motion in the following order -

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

9.69.5 Limit of debate

The ~~presiding member~~ ~~Chair~~ may offer the right of reply and put a primary motion to the vote if he or she believes that sufficient discussion has taken place even though all ~~Member~~ ~~members~~ may not have spoken.

9.79.6 Member may require motion to be read

A ~~Member~~ ~~member~~ may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other ~~Member~~ ~~member~~ who is speaking.

9.89.7 Consent of seconder required for alteration

The mover of a primary motion may not alter the wording of the motion without the consent of the seconder.

9.99.8 Order of amendments

Any number of amendments may be proposed to a primary motion, but when an amendment is moved to a primary motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, lost or carried.

9.109.9 Form of an amendment

An amendment must add, delete, or substitute words to the primary motion.

9.119.10 Amendments must not negate original motion

An amendment to a primary motion cannot negate the original motion or the intent of the original motion.

9.129.11 Relevance of amendments

An amendment must be relevant to the motion in respect of which it is moved.

9.139.12 Mover of motion may speak on amendment

Any ~~Member~~ ~~member~~ may speak during debate on an amendment.

9.149.13 Effect of an amendment

If an amendment to a primary motion is carried, the motion as amended then becomes the primary motion, on which any ~~Member~~ ~~member~~ may speak and any further amendment may be moved.

9.159.14 Withdrawal of motion and amendments

- (1) The Council or a ~~Committee~~ ~~committee~~ may, without debate, grant leave to withdraw a primary motion or amendment on the request of the mover of the motion or amendment if -
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any ~~Member~~ ~~member~~, in which case discussion on the motion or amendment is to continue.

- (2) If either paragraph (a) or (b) of subclause (1) applies, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a primary motion, the primary motion is not to be withdrawn, except by consent of the majority of ~~Member~~members present, until the amendment proposed has been withdrawn or lost.

9.169.15 Right of reply

- (1) The mover of a primary motion has the right of reply.
- (2) The mover of any amendment to a primary motion has a right of reply.
- (3) The right of the reply may be exercised only -
 - (a) where no amendment is moved to the primary motion - at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the primary motion - at the conclusion of the discussion on the primary motion and any amendments.
- (4) After the mover of the primary motion has commenced the reply -
 - (a) no other ~~Member~~member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the primary motion, or the primary motion as amended, is immediately to be put to the vote.

Note: under clause 10.4 of these Meeting Procedures, the carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion.

Part 10 - Procedural motions

10.1 Permissible Procedural Motions

In addition to the right to move an amendment to a primary motion (under Part 9), a ~~Member~~member may move any of the following procedural motions -

- (a) that the debate now be adjourned;
- (b) that the meeting now adjourn;
- (c) that the motion be deferred;
- (d) that the motion now be put;
- (e) that the item be referred back to the CEO or a ~~Committee~~committee;

- (f) that the [Membermember](#) be no longer heard;
- (g) that the ruling of the [presiding member Chair](#) be disagreed with;
- [\(h\)](#) that the meeting be closed to the public (see clause 6.2);
- ~~(h)~~[\(i\)](#) that the meeting be now closed;

10.2 No debate

- (1) The mover of a motion stated in paragraphs (a), (b), (c), (e), (f), (h), (i) or (j) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in paragraph (d) or (g) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move?

With the exception of 10.1(g) a [Membermember](#) who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

10.4 Procedural motions - right of reply on primary motion

The carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion.

10.5 Debate to be adjourned

- (1) A motion “that the debate be adjourned” -
 - (a) Is to state the time to which the debate is to be adjourned; and
 - (b) If carries, has the effect that all debate on the primary motion or amendment ceases immediately, but continues at the time stated in the motion.
 - (c) Must not be moved in respect of the election of [a-the Cchairman](#) or [Ddeputy Cchairman](#).
- (2) A [Membermember](#) must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

10.6 Meeting now adjourns

- (1) A [Membermember](#) is not to move or second more than one motion of adjournment during the same meeting.
- (2) Before putting the motion for the adjournment of a meeting, the [presiding member Chair](#) may seek leave of the meeting to deal first with matters that may be subject of an adoption by exception resolution (see clause 5.7).
- (3) A motion “that the meeting now adjourn” -

- (a) is to state the time and date to which the meeting is to be adjourned; and
- (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(4) A meeting adjourned under subclause 10.6(3) is to continue from the point at which it was adjourned, unless the [presiding member Chair](#) or the meeting determines otherwise.

10.7 Motion be deferred

- (1) If a motion “that the motion be deferred” (and the reasons for the motion), is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be re-submitted for consideration at a time and date specified in the motion.
- (2) A motion “that the motion be deferred” must not be moved in respect of the election of the [Chair](#) or [Deputy Chair](#).

10.8 Motion to be now put

- (1) If the motion “that the motion be now put”, is carried during discussion on a primary motion without amendment, the [presiding member Chair](#) is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the [presiding member Chair](#) is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

10.9 That the item be referred back to the CEO or a [Committee](#)

- (1) Is a motion “that the item be referred back to the CEO or a [Committee](#)” (and the reasons for the motion), is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the CEO or a [Committee](#) for further consideration.
- (2) If the motion in clause 10.9(1) is lost, debate on the primary motion or amendment is to continue.

10.10 Member to be no longer heard

If the motion “that the [Member](#) be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion.

10.11 Ruling of the [presiding member Chair](#) be disagreed with

If the motion “that the ruling of the [presiding member Chair](#) be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

10.12 The meeting now be closed

- (1) If a motion “that the meeting now be closed”, is carried, then -

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- (a) ~~The~~ [presiding member Chair](#) is to close the meeting, and no further business may be transacted; and
 - (b) ~~A~~ny business outstanding on the agenda for that meeting ~~hall-is to~~ be carried forward to the agenda for the next ordinary meeting.
- (2) ~~If~~s the motion “that the meeting now be closed” is carried at a meeting of the Council -
- (a) ~~The~~ names of [Membermembers](#) who have spoken on the matter are to be recorded in the minutes; and
 - (b) ~~The~~ provisions of clause 7.9 (speaking twice) apply when the outstanding business is resumed.

Part 11 - Disclosure of interests

11.1 Disclosure of interests

The requirements for [Membermembers](#) and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act, the Regulations, the Model Code of Conduct Regulations and the TPRC Code of Conduct.

~~Note: the purpose of this clause is to enable the Membermember to declare the interest and leave the room before the consideration of the matter in which he or she has the interest.~~

Commented [A16]: This is not correct.

Part 12 - Voting

12.1 Motion - when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the [presiding member Chair](#)-
 - (a) is to put the motion to the meeting; and
 - (b) if requested by a [Membermember](#), is again to state the terms of the motion.
- (2) A [Membermember](#) must not leave the meeting or cross the meeting room when the [presiding member Chair](#) is putting any motion.

12.2 Voting

Voting is dealt with in ~~accordance to section 5.21 of~~ the Act and ~~Regulation 9 of the~~ Regulations.

Section 5.21 of the Local Government Act 1995 states -

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.

~~(3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.~~

~~(4) If a member of a council or a committee specifically requests that there be recorded –~~

~~(a) his or her vote; or~~

~~(b) the vote of all members present,~~

~~on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.~~

~~(5) A person who fails to comply with subsection (2) or (3) commits an offence. (4) Each Council Member and each Member of a Committee who is present at a meeting of the Council or Committee is entitled to one vote.~~

~~(2) Subject to section 5.67, each Council Member and each Member of a Committee to which a local government power or duty has been delegated who is present at a meeting of the Council or Committee is to vote.~~

~~(3) If the votes of Members present at a Council or a Committee meeting are equally divided, the person presiding (chairing) is to cast a second vote.~~

~~(4) If a Member of a Council or a Committee specifically requests that there be recorded –~~

~~(a) his or her vote; or~~

~~(b) the vote of all Members present, on a matter voted on at a meeting of the Council or the Committee, the person presiding (chairing) is to cause the vote or votes, as the case may be, to be recorded in the minutes.~~

~~(5) A person who fails to comply with subsection (2) or (3) commits an offence.~~

Regulation 9 of the *Local Government (Administration) Regulations 1996* states -

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret. Voting at a Council or Committee meeting is to be conducted so that no voter's vote is secret.

12.3 Majorities required for decisions

The majorities required for decisions of the Council and ~~Committee~~committees are dealt with in accordance to section 5.20 of the Act.

Section 5.20 of the *Local Government Act 1995* states -

'(1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.

~~(2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.~~

~~(3) This section does not apply to elections –~~

~~(a) by a council of the local government's mayor or president under section 2.11; or~~

~~(b) by a council of the local government's deputy mayor or president under section 2.15; or~~

~~(c) by a committee of the committee's presiding member or deputy presiding member under section 5.12'. (1) A decision of a Council council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.~~

~~(2) A decision of a Committee committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.~~

~~(3) This section does not apply to elections –~~

~~(a) by a Council council of the local government's Mayor or President (Chair chairman) under section 2.11; or~~

~~(b) by a Council council of the local government's Deputy Mayor or President (Deputy Chair chairman) under section 2.15; or~~

~~(c) by a Committee committee of the Committee committee's Presiding Member member or Deputy Presiding Member member (Chair chairman) under section 5.12.~~

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12.4 Method of taking vote

~~(1) Each Council Member or Committee Member who is present at a meeting of the Council or Committee is entitled to one (1) vote.~~

~~(2) Subject to 5.67 of the Act, each Council Member and Committee Member to which local government power or duty has been delegated who is present at a meeting of the Council or Committee is to vote.~~

~~(3) If the Votes of Member present at a Council or Committee meeting or Member present at a Committee meeting are equally divided, the Chair is to case a second vote.~~

~~(4)(1) In taking the Vvote on any motion or amendment, the presiding memberChair -~~

~~(a) is to put the motion, first in the affirmative, and then in the negative;~~

~~(b) may put the motion in this way as often as may be necessary to enable them to determine whether the affirmative or the negative has the majority of votes;~~

~~(c) may accept a vote on the voices or may require a show of hands; and~~

Commented [A17]: Each of the deleted provisions are in section 5.21 of the Local Government Act - see clause 12.2 above.

~~(e)~~(d) is subject to this clause, is to declare the result.

~~(5)~~(2) If a ~~Member~~member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.

~~(6)~~(3) If a ~~Member~~member of Council or a ~~Committee~~committee specifically requests that there be recorded -

- (a) ~~T~~their vote; or
- (b) ~~T~~the vote of all ~~Member~~members present, on a matter voted on at a meeting of the Council or a ~~Committee~~committee, the ~~presiding member~~Chair is to cause the vote of votes, as the case may be, to be recorded in the minutes.

Part 13 - Minutes

13.1 Keeping of Minutes

The keeping and confirmation of minutes are dealt with in ~~accordance to section 5.22 of~~ the Act.

Section 5.22 of the Local Government Act 1995 states -

'(1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.

(2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

(3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation'. (1) The person presiding (chairing) at a meeting of a Council council or a Committee committee is to cause minutes to be kept of the meeting's proceedings.

(2) The minutes of a meeting of a Council council or a Committee committee are to be submitted to the next ordinary meeting of the Council council or the Committee committee, as the case requires, for confirmation.

(3) The person presiding (chairing) at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

13.2 Content of Minutes

The content of minutes is dealt with in ~~accordance to regulation 11 of~~ the Regulations.

Regulation 11 of the Local Government (Administration) Regulations 1996 states -

'The content of minutes of a meeting of a council or a committee is to include –

- (a) the names of the members present at the meeting; and
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and

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- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest; and
- (g) each document attached to an agenda relating to a council or committee meeting unless the meeting or that part of the meeting to which the document refers is closed to members of the public'. (1) The content of minutes of a meeting of a Council or a Committee is to include — (a) — the names of the Members present at the meeting; and
 - ~~— (b) — where a Member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and~~
 - ~~— (c) — details of each motion moved at the meeting, the mover and the outcome of the motion; and~~
 - ~~— (d) — details of each decision made at the meeting; and~~
 - ~~— (da) — written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a Committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and~~
 - ~~— (e) — a summary of each question raised by Members of the public at the meeting and a summary of the response to the question; and~~
 - ~~— (f) — in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest; and~~
 - ~~— (g) — each document attached to an agenda relating to a Council or Committee meeting unless the meeting or that part of the meeting to which the document refers is closed to Members of the public.~~

13.3 Public Inspection of Unconfirmed Minutes

The public inspection of unconfirmed minutes is dealt with in ~~accordance to regulation 13 of~~ the Regulations.

Regulation 13 of the *Local Government (Administration) Regulations 1996* states -

'(1) The CEO must publish on the local government's official website -

- ~~(a) the unconfirmed minutes of each council and committee meeting that is open to members of the public; and~~
- ~~(b) if a council or committee meeting is closed to members of the public – that part of the unconfirmed minutes of the meeting that is a record of decisions made at the meeting.~~
- ~~(2) The unconfirmed minutes of a council meeting must be published within 14 days after the meeting is held.~~
- ~~(3) The unconfirmed minutes of a committee meeting must be published within 7 days after the meeting is held'. (4) The CEO must publish on the local government's official website –~~
- ~~(a) the unconfirmed minutes of each Council and Committee meeting that is open to Members of the public; and~~
- ~~(b) if a Council or Committee meeting is closed to Members of the public – that part of the unconfirmed minutes of the meeting that is a record of decisions made at the meeting.~~
- ~~(2) The unconfirmed minutes of a Council meeting must be published within 14 days after the meeting is held.~~
- ~~(3) The unconfirmed minutes of a Committee meeting must be published within 7 days after the meeting is held.~~

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13.4 Confirmation of Minutes

- (1) The CEO is to give to each ~~Member~~member -
 - (a) the unconfirmed minutes of each Council meeting - within 10 clear working days after the meeting; and
 - (b) the unconfirmed minutes of a ~~Committee~~committee meeting - within 5 clear working days after the meeting.
- (2) When minutes of a meeting of Council or a ~~Committee~~committee are distributed for consideration prior to their confirmation at the next meeting, if a ~~Member~~member is dissatisfied with the accuracy of the minutes, the ~~Member~~member may provide the CEO a written copy of the alternative wording to amend the minutes no later than 7 working days before the next meeting of the Council or ~~Committee~~committee.
- (3) At the next meeting of Council or a ~~Committee~~committee, the ~~Member~~member who provided the alternative wording ~~shall~~is to, at the time for confirmation of minutes -
 - (a) ~~S~~state the item or items with which they are dissatisfied; and
 - (b) ~~P~~propose a motion clearly outlining the alternative wording to amend the minutes
- (4) ~~A~~ ~~Member~~members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Note: documents associated with meetings (including notice and agenda papers, minutes and records) are to be retained in accordance with TPRC's record keeping plan under the State Records Act 2000.

Part 14 - Adjournment of Meeting

14.1 Meeting may be adjourned

The Council or a Committee may adjourn any meeting -

- (a) To a later time on the same day; or
- (b) To any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

14.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law -

- (a) The names of Member who have spoken on the matter prior the adjournment are to be recorded in the minutes;
- (b) Debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) The provisions of clause 7.9 (speaking twice) apply when the debate is resumed.

Part 15 - Implementing decisions

15.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in accordance to regulation 10 of the Regulations.

Regulation 10 of the Local Government (Administration) Regulations 1996 states -

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported -

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

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- (1) ~~If a decision has been made at a Council or a Committee meeting then any motion to revoke or change the decision must be supported –~~
- ~~(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or~~
 - ~~(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of Members of the Council or Committee, inclusive of the mover.~~
- (1a) ~~Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by Members of the Council or Committee numbering at least 1/3 of the number of offices (whether vacant or not) of Members of the Council or Committee, inclusive of the mover.~~
- (2) ~~If a decision is made at a Council or Committee meeting, any decision to revoke or change the decision must be made by an absolute majority.~~
- (3) ~~This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.~~

15.2 Procedure for moving a revocation motion

- (1) A motion to revoke or change a decision made at a meeting ~~must~~ -
- ~~(a) Must~~ be in writing in a form prescribed by Council
 - ~~(b) Specify~~ the decision proposed to be revoked or changed;
 - ~~(c) Include~~ a reason or reasons for the revocation motion;
 - ~~(d) Be~~ supported by the number of ~~Member~~members required under the Regulations;
 - ~~(e) Specify~~ the date of the meeting of Council or a ~~Committee~~committee where it is to be presented, as the case may be; and
 - ~~(f) Be~~ given to the CEO in accordance with the notice of motion provisions in clause 5.4.
- (2) ~~Any~~ notice of revocation motion given to the CEO must be dealt with in accordance with clause 5.4

15.3 Limitations on powers to revoke or change decisions

- (1) Subject to clause 15.3(2), the Council or a ~~Committee~~committee is not to consider a motion to revoke or change a decision -
- ~~(a) Where~~, at the time the motion is moved or notice is given, any action has been taken under clause 15.4 to implement the decision; or
 - ~~(a)(b) Where~~ the decision is procedural in its form or effect.
- (2) The Council or a ~~Committee~~committee may consider a motion to revoke or change a decision of the kind described in clause 15.3(1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

15.4 Implementing a decision

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person until after 12 noon of the first clear working day after the commencement of the meeting at which the decision was made.
- (2) The Council or a [Committee](#) may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.
- (3) A decision made at a meeting is not to be implemented by the CEO or any other person -
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the [Committee](#) as the case may be.
- (4) The CEO is to ensure that [Members](#) of the public attending a meeting are informed, by an appropriate notice, that a decision to grant an authorisation -
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Note: one of the statutory functions of the CEO under section 5.41(c) of the Act is to "cause [Council](#) decisions to be implemented".

15.5 Meaning of terms

In this Part -

"implement", in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

"valid notice of revocation motion" means a notice of a motion to revoke or change a decision that -

- (a) complies with the requirements of the Act, Regulations and the Meeting Procedures and may be considered, but has not yet been considered, by the Council or a [Committee](#) as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

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Part 16 - Suspension of ~~these~~ Meeting Procedures ~~Local Law~~

16.1 Suspension of ~~these~~ Meeting Procedures ~~Local Law~~

- (1) A ~~Member~~member may, at any time, move that the operation of one or more of the clauses of these Meeting Procedures be suspended.
- (2) A ~~Member~~member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried by absolute majority, is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

16.2 Where Meeting Procedures do not apply

- (1) In situations where -
 - (a) these Meeting Procedures have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or these Meeting Procedures, the ~~Chair~~presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the ~~presiding member~~ Chair under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.11.

Part 17 - Miscellaneous

17.1 Representation on public bodies

When ~~the~~ Council is required to appoint or nominate a ~~Member~~member ~~or other~~ person to a public body, written notice of the vacancy or need for the appointment or nomination is to be given to all ~~Member~~members and the Council ~~or Committee~~ is by resolution to determine the appointment or nomination.

17.2 Improper use of information

Improper use of information is dealt with ~~under section 5.93 of in~~ the Act

~~Section 5.93 of the Local Government Act 1995 states -~~

~~'A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law -~~

~~(a) to gain directly or indirectly an advantage for the person or any other person; or~~

~~(b) to cause detriment to the local government or any other person.~~

~~Penalty: \$10 000 or imprisonment for 2 years'. A person who is a Council council Membermember, a Committeecommittee Membermember or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law -~~

~~(a) to gain directly or indirectly an advantage for the person or any other person; or~~
~~(b) to cause detriment to the local government or any other person.~~
~~Penalty: \$10 000 or imprisonment for 2 years.~~

17.3 Application to ~~Committee~~committees

- (1) Unless otherwise provided in the local law, the provisions of this local law are to apply to meetings of ~~Committee~~committees with the exception of -
- (a) ~~C~~clause 7.1 (seating); and
 - (b) ~~C~~clause 7.9 (speaking twice).

17.4 Cases not provided for in the local law

Where there is no provision or insufficient provision is made in the local law, the ~~Chair~~ ~~presiding member~~ is to determine the procedure to be observed.

Part 18 - Enforcement

18.1 Penalty for breach

A person who breaches a provision of these Meeting Procedures commits an offence.

18.2 Who can prosecute?

Who can prosecute is dealt with in ~~accordance to section 9.24(2) of~~ the Act.

~~Section 9.24(2) of the Local Government Act 1995 states -~~

~~'A prosecution for an offence against a local law may be commenced by -~~

- ~~(a) a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or~~
- ~~(b) a person who is authorised to do so by the local government or regional local government that made the local law'.(2) A prosecution for an offence against a local law may be commenced by-~~
 - ~~(a) a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or~~
 - ~~(b) a person who is authorised to do so by the local government or regional local government that made the local law.~~

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Part 19 - Common Seal

19.1 Custody of the Common Seal

The CEO is to have charge of the common seal of TPRC and is responsible for the safe custody and proper use of it.

19.2 Use of Common Seal

The use of the common seal is dealt with in [accordance to section 9.49A and 9.49B of the Act](#).

Sections 9.49A and 9.49B of the *Local Government Act 1995* state -

9.49A. Execution of documents

- (1) A document is duly executed by a local government if –
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of –
- (a) the mayor or president; and
 - (b) the CEO,
- each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

9.49B. Contract formalities

- (1) Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.
- (2) The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.

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~~(3) Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.~~ **9.49A. Execution of documents**

~~(1) A document is duly executed by a local government if—~~

~~i. the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or~~

~~ii. it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.~~

~~(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.~~

~~(3) The common seal of the local government is to be affixed to a document in the presence of—~~

~~(a) the Mayor or President (Chairchairman); and~~

~~(b) the CEO, each of whom is to sign the document to attest that the common seal was so affixed.~~

~~(4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.~~

~~(5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.~~

~~(6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.~~

~~(7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.~~

9.49B. Contract formalities

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~~(2) The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.~~

~~(3) Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.~~

Dated:

The Common Seal of the Tamala Park Regional Council was affixed by authority of a resolution of the Council in the presence of:

.....
KAREN CADDY
CHAIR

.....
JON MORELLINI
CHIEF EXECUTIVE OFFICER

