



Local Government Association Tasmania



BEST PRACTICE MINUTE TAKING FOR LOCAL GOVERNMENT

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FOREWORD

This Best Practice Handbook for Minute Taking has been developed by the Local Government Association of Tasmania for Tasmanian Councils. LGAT would like to acknowledge and thank LGA South Australia for the sharing of their resources and intellectual property that aided in the development of this guide.

Minute taking, is an essential skill to master since the minutes of a Council or Committee meeting are an important record of the decisions made by the Council or Committee respectively. As readers will be aware, it is not uncommon for decisions of Council Committees to be 'adopted' as decisions of the Council. Hence, the equally important application of minute taking standards applies to Council Committee meetings.

This Handbook is intended to provide guidance for minute takers in Tasmanian Councils and to assist Councils to achieve consistency, accuracy and to maximise efficiency when taking minutes.

This Handbook sets out the legislative requirements for minute taking, best practice recommendations and practical tips.

The *Local Government Act 1993* and the *Local Government (Meeting Procedures) Regulations 2015*, include provisions regarding the content of the minutes (i.e. the information that must be recorded in them). However, there is no law that governs the manner in which minutes are required to be kept. Whilst this Handbook contains a number of best practice recommendations in this regard, the format of minutes is ultimately a matter of discretion for every Council.

1. INTRODUCTION

1.1 What are minutes?

A Council is a body corporate governed collectively by the members (the governing body) who are elected or appointed to office pursuant to the provisions of the *Local Government Act 1993*. The governing body can only make decisions that bind the Council at a properly and lawfully convened meeting. The minutes serve as an accurate record of these decisions and are, therefore, an important tool in ensuring transparency and accountability in Local Government decision making.

Minutes provide an ongoing record of Council decisions in particular, the minutes constitute a brief, but formal record of:

- the Council's resolutions in relation to the business discussed at the meeting (i.e. the decisions made);
- the action (expressly or implied) that is required to be undertaken by the Council's administration following the meeting (indeed, they form the legal basis for and authorise such action); and
- those present at a meeting, their participation, and the formalities that have occurred. For this reason, it is vital that the minutes are accurate and complete.

Minutes also promote transparency in Local Government decision making and for this reason, are frequently referred to by members of the public.

Importantly, minutes are not a transcript of the meeting. They must record certain procedural matters, what decisions were made and why, but need not and should not provide a word for word account of what has been said - the more minutes are written in an 'x said', 'y said' manner, the less the minutes reflect the concept of Councillors acting as a collective and the more likely that Council dynamics could be negatively impacted.

Taking the above into account, the minute taker's role is very important. Those present at a meeting have responsibility to support the minute taker in his/her role and to assist the minute taker in accurately recording the proceedings of the meeting.

A minute taker should never, therefore, hesitate to speak up and ask for clarification during a meeting if he/she requires.

1.2 Local Government Meetings

For the purposes of this Handbook, Local Government meetings include meetings of a Council and/or of a Council Committee which are bound by the *Local Government (Meeting Procedures) Regulations 2015* ('the Regulations').

A Council meeting will be either an 'ordinary' or 'special' meeting. Ordinary meetings occur on a regular basis (at least 1 meeting per month) and are the meetings during which the Council makes decisions to direct its operations and to consider core business in the form of reports prepared by the General Manager or relevant Council employee. Alternatively, special meetings can be called at any time and are normally held to make decisions in relation to urgent, more discrete or considered matters that are best dealt with outside of the ordinary meeting cycle.

A Council may establish Committees to assist in the performance of its functions. Where a Council has done so, section 23 of the Act governs the calling and timing of Committee meetings. This Section also requires that a meeting of a council committee is to be conducted in accordance with prescribed procedures.

The procedures to be observed at Council and Committee meetings are regulated by the *Local Government (Meetings) Regulation 2015*. Committee meetings, however, are not always subject to the same formal meeting requirements that apply to Council meetings.

The determination as to whether such requirements apply to Committee meetings is set out in the *Local Government (Meetings) Regulation 2015*. Where procedures for Committees are not covered by regulation, it is a matter of discretion for the Council. When establishing a Council Committee, its Terms of Reference should be established including the procedural requirements that apply to that Committee.

2. LEGISLATIVE REQUIREMENTS FOR MINUTES OF LOCAL GOVERNMENT MEETINGS

The Act and the Regulations contain a number of legislative requirements in relation to the minutes of both Council and Committee meetings. It is important that minute takers are aware of them.

Part 2 of the Regulations contains the formal meeting procedures (including, but not limited to, moving motions, amendments, elected member and public questions and deputations) and applies to all Council and Council Committee meetings.

Division 5 of the regulations provides that the General Manager must ensure that minutes are kept of the proceedings at every meeting of the Council or a Council Committee. The taking of minutes is an administrative function, which can be assigned by the General Manager to a staff member and in practical terms this would enable the General Manager to be readily available to answer questions posed by elected members and to otherwise provide advice to the Council and contribute to the meeting as requested by members in accordance with the General Manager's role under section 62 of the Act.

In the case of Council Committees, it is a common and recommended practice for a staff member to be appointed as a liaison officer and Secretary to the Committee and be responsible for taking minutes

Section 238 of the *Local Government Act 1993* specifically deals with Council or Council Committee minutes as evidence. Minutes of proceedings at a Council or Council Committee meeting, once confirmed or by the provision of a certified copy will be accepted as proof.

2.1 Provision of Minutes to Elected Members and Public Access Requirements

Each member of the Council must be supplied with a copy of all minutes of the proceedings of the previous relevant meeting as soon as possible or at least before the commencement of the next scheduled meeting.

Although the Regulations currently do not define the timeframe required for dissemination of the minutes, best practice recommends no more than 5 working days post the Council Meeting.

For example, if a meeting takes place on a Thursday, the minutes should be supplied to relevant parties on or before the following Thursday.

The minutes of Local Government meetings are public documents. Any member of the public is entitled to inspect, at no cost, at the office of a Council, the minutes kept by that Council. Members of the public are also entitled to inspect copies of:

- reports to the Council or a Council Committee received at a meeting of the Council or Committee; and
- recommendations adopted by resolution of the Council; and
- budgetary or other financial statements adopted by the Council.

To facilitate this, the Regulations require that copies of the minutes of a Council must be placed on public display at the Council's offices and on the Councils website within seven days after the minutes have been confirmed.

The public's ability to access the minutes of Local Government meetings is subject to any confidentiality orders made by a Council (or Committee) in respect of certain information considered in a closed session at a meeting.

2.2 Content of the Minutes

2.2.1 Recording of Proceedings at Council and Committee Meetings

Division 5, Regulation 32 of the Local Government (Meeting Procedures) Regulations 2015 provides that the minutes of the proceedings of a meeting must accurately record:

- a) Any matter discussed at the meeting;
- b) Any decision made at the meeting;
- c) If the Act or any regulations made under the Act require the making of a decision by absolute majority, that the decision was by absolute majority;
- d) A summary of any address, statement or report made or provided on an invitation under regulation 38;
- e) Any motion moved during the meeting;
- f) Any question on notice by a councillor that is answered and the answer to that question;
- g) Any question asked and put in writing during the period referred to in relation 31(3) and any written answer or summary of that answer to that question;
- h) Any question asked, without notice, by a member of the public and a summary of any answer given in response;
- i) The attendance of councillors;
- j) Any absence of any councillor during the meeting, including the times of leaving and returning to the meeting.

In addition to the above legislative requirements, there are several additional recommended items that should be included in Councils Minutes as Best Practices. These are:

- Any short-term suspension of proceedings, if a suspension occurs, a note of the suspension time and the reasons for and period of suspension must be recorded in the minutes.
- Any documents requested to be tabled at the meeting

In drafting minutes, the aim is to be clear and succinct, and to use plain English, with a view to capturing the council's decisions and reasons for those decisions concisely and accurately. Minutes should be written in such a way that someone who was not present at the meeting can follow the decisions that were made.

2.2.2 Other Details to be Recorded in the Minutes

Under Regulation 27 the chairperson of a meeting is to ensure that the vote of each councillor is recorded in the minutes of the meeting.

Further the minutes are to include: -

- a) any disclosure of interest made by a member (as required under Section 48 of the Act); and
- b) any authorisations for release made by a Council (or Committee) in respect of certain confidentiality information considered at a min "Closed Meeting".

2.3 Confirmation of Minutes

The minutes of the proceedings of a meeting must be confirmed at that next ordinary council meeting or next council committee meeting, after any necessary corrections. The confirmation is to the effect that the minutes are a true record of the meeting conducted and once confirmed the minutes are to be signed by the chairperson of the meeting. In confirming the minutes no discussion is to be had in relation to the minutes, except as to the accuracy of the minutes as a record of the proceedings. However, if there is an error in the minutes this may be corrected by resolution of the meeting.

Draft minutes and handwritten notes of meetings may be dealt with and disposed of in the same way as other documents (not being financial records) held by a Council. There is no specific obligation to retain draft minutes and handwritten notes of meetings, however we recommend that councils adopt and consistently apply an appropriate document management and retention policy. This policy should explicitly address when drafts and handwritten notes are required to be retained and when they may be destroyed.

3. THE DECISION-MAKING PROCESS - UNDERSTANDING MOTIONS & RESOLUTIONS

3.1 Motions

Moving a motion is the usual manner in which decision making at a Council meeting is initiated. Members may move a motion, either with or without notice, in relation to any matter on the meeting agenda requiring a decision of the meeting. Once a motion has been moved, it must be seconded by another member of the meeting in order to enable debate on the matter. If a Councillor who has given “notice of a motion” and does not then move the motion at the meeting, the motion lapses. If a motion is not seconded it lapses, which means that the meeting will move onto the next agenda item for consideration. There are 2 exceptions to this convention that Councils should observe: -

- when dealing with a statutory approval matter (i.e. a Planning Authority determination) the Chair should submit the item for determination by the Council to avoid a non-fulfilment of its statutory obligations or to ensure procedural fairness of affected parties; and
- in cases where, prior to the Chairperson’s ruling on the “lapsed motion”, a “foreshadowed motion” has been indicated by another Council member or Council Committee member.

When a member moves a motion, this must be recorded in the minutes as well as the details of the member who seconds the motion.

For example:

MOVED: Clr Black SECONDED: Clr Green

That the Council make a donation of \$500 to the Royal Hobart Hospital Burns Unit.

If a motion is not seconded and lapses this must (as required in Regulation 32) still be recorded in the minutes, for example:

MOVED: Clr Blue

That the Council adjourn the meeting to 7:00 pm, Wednesday 5 March 2014.

The motion lapsed for want of a seconder.

3.2 Debate

Where a motion is moved, and seconded it then must be considered by the meeting. The members of the meeting may debate the motion and then the Chairperson will call on members to vote on the motion. In this regard, a decision at a meeting of a Council will be determined by the manner in which the votes are cast by the members present at the meeting and entitled to vote on the question.

The debate in relation to a motion is not to be included in the minutes.

3.3 Decisions

Where the majority of members vote in favour of the motion, it is carried and constitutes a resolution (i.e. a decision) of the Council or Council Committee. Conversely, if the motion is lost, no decision is made (i.e. lost

Motion should not be regarded as the Council or Council Committee having made a decision on the matter (i.e. an opposite decision to the Motion's intent)]. All motions and details of their outcome (i.e. whether they were lost or carried) must be recorded in the minutes. If a motion is carried unanimously, this is to be recorded in the minutes. For example:

MOVED: Clr Black SECONDED: Clr Green
That the Council make a donation of \$500 to the Royal Hobart Hospital Burns Unit.

CARRIED UNANIMOUSLY

Where there is a split vote, this is to be recorded as follows:

MOVED: Clr Black SECONDED: Clr Green
That the Council make a donation of \$500 to the Royal Hobart Hospital Burns Unit.

CARRIED

CARRIED FOR	AGAINST
Clr Black	Clr White
Clr Brown	Clr Orange
Clr Purple	Clr Red
Clr Yellow	
Clr Grey	
Clr Blue	

The culmination of the process must be such that it is possible to see (and to record) that each member; by a process of voting, actively supports the proposition before the meeting or actively opposes that proposition. It should be noted that under the *Local Government (Meeting Procedures) Regulations 2015*, to abstain from voting at a meeting is to vote in the negative.

3.4 Simple and Absolute Majority

Simple majority is the majority of members present at a meeting. This means if a Council comprises 12 elected members, but only 11 are present, simple majority is 6 members.

Absolute majority is defined under the Act to mean a majority of the whole number of the members of the Council. In practical terms, this means that if a Council comprises 12 elected members, the absolute majority is 7 members.

It is to be noted that not all decisions of a Council are determined by simple majority. In some cases, legislation requires a certain percentage of majority votes in favour of a motion before that motion may be carried.

For example:

- section 156(1) of the Act provides that a by-law cannot be made by a Council unless a resolution is passed by absolute majority to that effect.

Importantly, where legislation requires a prescribed number of votes, the minutes must reflect the number of members who voted in favour of the resolution as evidence that the resolution was supported by the required number of votes.

For Example:

MOVED: Clr Purple SECONDED: Clr Brown

In the exercise of its powers contained in Section 246 of the *Local Government Act 1999*, having satisfied the consultation requirements of that Act and, after having had regard to the National Competition Policy Report, the Certificates of Validity provided by a legal practitioner and the comments from the Dog and Cat Management Board, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes 'By-law No 5. Dogs' as attached.

CARRIED By Absolute Majority

CARRIED FOR

AGAINST

Clr Black

Clr White

Clr Brown

Clr Orange

Clr Purple

Clr Indigo

Clr Grey

In event that an Absolute Majority is not attained on a matter that requires this level of support this should be specifically noted in the Minutes of the Meeting.

3.5 Alterations to Motions – Amendments and Variations

Once moved and seconded, it is possible for a motion to be altered. A motion may be altered in one of two ways, either by a formal amendment process or by way of a less formal variation process.

The variation process may include the variation as an amendment or the alteration or withdrawal of a motion. An amendment or variation may serve to alter the wording of a motion (i.e. it could be to insert or delete additional words or to delete and substitute words).

A motion may be **amended** by the moving and seconding of an amendment to a motion which is at that time was before the meeting for debate. A motion to amend can be made at any time during debate, however, must be seconded. Once seconded the amendment become the matter to be debated and the debate continues on the item based on the amendment before the meeting. At the conclusion of the debate on the amendment, this motion is put to the vote “procedurally” and where the meeting votes in favour of the proposed amendment it become the substantive motion before the meeting. The new motion (as per the amendment) must then be put to the vote again.

A motion to amend the motion before a meeting cannot be used to substantially change the intent of the initial motion in such a way as to contradict it (i.e. a direct negative of a motion is not an amendment or variation and must not be accepted).

The minutes should record all details of the motions and any amendments on an item.

For example:

MOVED: Clr Green SECONDED: Clr Brown

That the Committee refuse to consider any further applications for a permit to hold a wedding ceremony on the foreshore.

Amendment

MOVED: Clr Black SECONDED: Clr Brown

That the Committee refuse to consider any further applications for a permit to hold a wedding ceremony on the Bayside and Beach foreshore.

CARRIED

CARRIED FOR

Clr Black
Clr Green
Clr Blue
Clr Yellow
Clr Grey
Clr Brown

AGAINST

Clr white
Clr Red
Clr Purple

Alternatively, a **variation** is not subject to a vote by members. Rather, a person who has moved a motion may, with the consent of the person who seconded the motion, vary, alter or withdraw the motion if he/she is granted “leave of the meeting” to do so. Leave of the meeting is discussed later in this Handbook. In short, it means that the consensus of the meeting is obtained to follow a proposed course of action (i.e. to make the proposed variation to a motion). The consensus of the meeting may be obtained by the informally expressed indication of agreement by the members present upon a request by from the presiding Chairperson or, in cases where there may be some difference of view as to the manner in which the change should be dealt with, by a formalized motion to grant the “Leave of the meeting”.

The minutes should record relevant procedural details of a motion having been subject to variation or alteration. For example:

MOVED: Clr Green SECONDED: Clr Brown

That the Committee refuse to consider any further applications for a permit to hold a wedding ceremony on the foreshore.

Councillor Green, with the consent of Councillor Brown, sought and was granted leave of the meeting to withdraw the motion.

Or

MOVED: Clr Green SECONDED: Clr Brown

That the Committee grant Leave of the Meeting for the motion to be amended/modified/withdrawn.

Carried Unanimously

An amended motion was then moved Clr Green/Seconded Clr Brown

That the Committee refuse to consider any further applications for a permit to hold a wedding ceremony on the Bayside and Beach foreshore.

The **Amendment became the Motion** and was again put and **Carried Unanimously**

3.6 Resolutions and the Recording of Reasons

It is recommended practice to have reason upon which decisions of the council are made. By and large these are provided for in officer reports and recommendations to a Council. Where a Council adopts the recommendations put forward in the report and advice provided, then this should sufficiently support the decision. Whenever as Council vary from the report and recommendation in their determination of a matter the incorporation of its reasons in the decision is strongly recommended. For example, a meeting may resolve:

- “Having regard to XYZ arising from the public consultation process, the Council resolves to commence the process to introduce a Dogs By-law”; or
- “Based on the findings and recommendations contained in the expert’s report titled ‘ABC’ the Committee resolves that the building be demolished”.
- “For the reasons stated in the Report, the Council resolves to grant a planning permit for the development on the following conditions...”

In the above examples, the basis for each of the decisions arrived at by the meeting is evident in the respective resolutions

The recording of reasons for decisions promotes transparency and accountability in a Council’s decision making and applies equally to Council and Committee meetings. It assists in understanding why a decision has been made. Further, where there are robust reasons to justify a decision, this often avoids the decision being challenged by way of judicial review or appeal to a competent court or tribunal. If reasons are not recorded it could be argued that there was insufficient consideration of the issues during the decision-making process. As with any public body, Councils are subject to the requirements of the *Judicial Review Act 2000* which entitles affected parties to seek the reasons for a Council’s administrative decision and to instigate proceedings for the review of such determinations.

3.7 Rescission Motions (revocation and amendment)

Where a ‘current’ Council proposes to revoke or amend a decision made during the term of a previously elected Council, a formalised rescission motion is not required by law.

Once a decision has been made by a current Council (i.e. during its term of office), the outcome of that decision can only be changed firstly by way of a rescission motion and if passed the subsequent determination of an alternative course of action. The General Manager must provide specific advice to Council prior to its determination of a revocation matter.

A rescission motion is a motion that must be given either “on notice” by a Council Member (i.e. in writing, provided to the General Manager at least 7 days before the meeting at which it is to be considered), or, by the General Manager submitting a report to the Council recommending the revocation of a resolution (or part thereof) previously passed; together with or without a recommended amended course of

action/determination of the matter.

A revocation motion must be passed as follows: -

- (a) by an absolute majority, in the case of a council; or
- (b) by a simple majority, in the case of a council committee.

During any meeting the General Manager and other attending Council officers need to remain vigilant in considering whether a proposed motion being considered by a Council is in effect rescission motion. Regardless, the way in which rescission motions are recorded in the minutes is the same as for any other motion.

3.8 Recording of Members Votes

It is a mandatory requirement under the *Local Government (Meeting Procedures) Regulations 2015* that the manner in which all Council member or Committee member vote in any decision matter is to be recorded in the minutes. Given this standing requirement the convention of "Divisions" which would otherwise be used to reflect voting is not required.

4. ORDER OF BUSINESS

4.1 Opening

There are no legislative requirements or guidelines procedure and/or conventions that cover the opening of a Council and Council Committee meetings. Accordingly, the procedure for and content of the opening is at the discretion of the Council.

The Chairperson will open the meeting. Some Councils open their meetings with a prayer or similar. It is sufficient to record in the minutes the fact that the Presiding Member opened the meeting and the time at which the meeting commenced.

4.2 Attendances

The minutes must include details of all members who are present at the meeting. This is achieved by listing the names of members who are present at the meeting.

Whilst the law does not require any more detail to be included than the names of members present at a meeting, it is recommended that the names of those members who have given an apology for the meeting, who are on a leave of absence or absent from the meeting should also be recorded.

The members of staff in attendance and the names of any other persons (such as consultants) who may have been invited to attend the meeting can also be included in the minutes.

4.3 Leave of absence

In the event a councillor wishes to take a leave of absence in respect to one or more Council and/or Council Committee meetings, the councillor (or the chairperson on behalf of the councillor) may request a leave of absence. Any leave of absences approved by the Council or Council Committee must be recorded in the minutes.

4.4 Confirmation of the Minutes of the Previous Meeting

This is the resolution that confirms the minutes of the previous meeting. Any member of the meeting may move, second and/or vote in relation to a motion to confirm the minutes of the previous meeting, even if that member was not present at the previous meeting.

Where a mistake in the minutes is noted such as a typographical or grammatical error, an error of fact or there is concern that the minutes do not reflect the conduct of business that occurred, it must be brought to the attention of the Chairperson. If the minutes are incorrect, a resolution of the meeting, which specifies the required changes, is necessary to correct the minutes. A correction can be recorded by ruling a line through the incorrect words, writing the correction above the lines and having the change initialed by the Presiding Member. The correction should also be cross-referenced to the minute of the resolution authorising the change.

Importantly, a **decision** made at the previous meeting cannot be changed once the minutes are confirmed. Debate in relation to any previous decision contained in the minutes to be confirmed is not permitted.

4.5 Declaration of Interest

The Regulations require that the Chairperson of a Council or a Council Committee request members to

indicate whether they have, or are likely to have, a “pecuniary interest” in any item on the agenda. This question should be posed prior to any deliberation on matters listed on the agenda. A Council may also be in the practice of seeking, at this point in an agenda, declarations from members of any “conflicts” of interest consistent with the requirements of the Code of Conduct.

Any Interests declared are to be recorded at this stage of the meeting proceedings (i.e. the members name and reference to the relevant item number).

Example

DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council’s adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Clr Black	Item 11
Clr White	Item 13

This stated interest should also appear at the item to which the declaration relates.

4.6 Deputations

Under Regulation 38 a member of the public may be invited by the Chairperson to address a meeting and to make statements. Each Council may establish its own procedures and conditions (including the timing) for such deputations at its meetings. When deputations occur, it is recommended that details of the person making the deputation and a brief summary of the content of the deputation be recorded in the minutes.

4.7 Adjourned Meetings

The conduct of a meeting can be adjourned for a proper purpose by the Chairperson. This adjournment can be to a later time or a later date. Any business not yet disposed of at the adjourned meeting must be given precedence before any new business at a subsequent adjourned meeting.

The minute of the meeting is to record all the procedural circumstances relating to the adjournment.

If the adjournment relates to a later time on the same day then this is to include the following: -

- a) the time period for the adjourned;
- b) the reasons for the adjournment: and
- c) the time that the meeting resumed

If the adjournment relates to a later date, then this is to include the following: -

At the time of the adjournment: -

- a) that the meeting was adjourned; and
- b) the date and time of the resumption of the meeting; and
- c) the reasons for the adjournment: and

At the time of resumption (if set at another day): -

- a) the date and time of the meeting resumption
- b) the record of attendance (Members and staff) at the resumed meeting.

4.8 Deferred Business

The consideration of an item of business listed on a Council meeting agenda can be deferred to a later time or indefinitely. The mechanism used for this purpose is to pass a Procedural Motion.

Examples

Deferment to a point in time (Procedural Motion)

MOVED: Clr Green SECONDED: Clr Brown

That the Council defer consideration of this matter until its meeting of 4 August 2017?

CARRIED UNANIMOUSLY

Deferment indefinitely (Procedural Motion)

MOVED: Clr Green SECONDED: Clr Brown

That this matter lay on the table

CARRIED UNANIMOUSLY

4.9 Reports by Members

Council Members may report to the meeting in relation to certain activities undertaken by the members since the last meeting. There is no legal requirement to do so. For example, Council members often report to the Council about the events they have attended or any noteworthy meetings they have had and the related outcomes.

Alternatively, some members may choose to distribute or table a hardcopy report to members for their information. Information and reports submitted should be acknowledged in the minutes of the meeting. The Council may also formally resolve to receive and note the report and as such will be recorded in the minutes.

If there are no member reports to be considered at the meeting it is sufficient to record 'nil' under this item of business.

4.10 Petitions

Where a meeting receives a petition, details of the petition, its purpose and the number of signatories must be recorded in the minutes. Petitions may be listed on the agenda or tabled directly to a Council meeting by either the General Manager or a member of the Council. The receipt of any petition received must be formally recorded in the minutes.

If there is no petition to be considered at the meeting it is sufficient to record 'nil' under this item of business.

Importantly, once tabled, the matter raised in the petition must be reported on and the Council must make a determination at a subsequent Council meeting (within the statutory timeframe) on the petition outcome.

4.11 Members Questions with Notice

A member of the meeting may ask a question on notice by giving the General Manager written notice of the question at least seven days before the date of the meeting at which the question is to be asked. If notice of a

question is given, the minutes must record **both** the question and the answer.

4.12 Members Questions without Notice

Members may ask a question without notice at any time during a meeting. A question without notice and its reply is not required to be recorded in the minutes unless the members resolve that this should occur.

4.13 Public Questions with Notice

A member of the public may ask a question on notice by giving the General Manager written notice of the question at least seven days before the date of the meeting at which the question is to be asked. If notice of a question is given, the minutes must record both the question and the answer.

4.14 Public Questions without Notice

Councils are required to schedule on its ordinary Council meeting agenda a time set aside for public questions. A Council has discretion to determine its procedures in respect to public question time.

Members of the public may ask a question without notice at the invitation of the Chairperson (at the designated agenda time). Any question asked, without notice, by a member of the public and a summary of any answer given in response must be recorded in the minutes.

4.15 Council/Committee Business

The meeting will consider reports prepared by Council officers in relation to the matters that require a decision of the meeting. Reports from officers provide information to the meeting and advice (including recommendations) to assist in decision-making. Each report item should be listed and numbered consecutively for ease of reference. The reports ultimately form the basis of decisions made by the meeting in relation to the matters that are the subject of them.

The Council is obliged to only consider only those matters that appear on a Council meeting agenda and in the order listed. On its own motion a Council (only by an absolute majority decision) may: -

- change the order of business; and
- to deal with a matter not on the agenda provided that the General Manager has reported that it was not possible to list the item; that the matter was urgent and that he/she has certified that the required advice of a qualified person has been obtained and taken into account in the advice provided in that matter.

In addition to recording any absolute majority decision of the Council, the details of the General Manager's reporting and certification of an unlisted item must be recorded in the minutes.

4.16 Notice of Motion

A member may bring forward business for the Council's consideration by way of a motion on notice. The notice of motion must be given to the General Manager at least seven days before the date of the meeting at which the motion is to be moved. Notices of motion must be recorded in the minutes the same way as any other motion.

4.17 Committee Reports

In circumstances where Councils have established Committees, the Council may, as a matter of good governance practice, review and note the minutes of the relevant Committee meetings to ensure it remains informed of the Committees' activities.

Unless a Committee has specific delegated authority it is not authorized to make decisions on behalf of the Council. In this case, the Committee serves an advisory role and its decisions constitute recommendations to the Council. It is then a matter of discretion as to how a Council then considers the recommendations of the Committee. Any determination on such matters are to be recorded in the minutes.

4.18 Urgent Business

Under the *Local Government (Meeting Procedures) Regulations 2015* urgent business can only occur in exceptional circumstances and Councils are encouraged to confine their business to the agenda as prepared. Specific requirements apply to enable urgent business to be dealt with by a Council and this is dealt with under the Council/Committee Business section.

4.19 Close of Meeting

Whilst there is no legal obligation to do so, it is recommended that the time that the meeting concluded be recorded in the minutes.

5. CONFLICT OF INTEREST AND PECUNIARY INTEREST DECLARATIONS

The Act and the Code of Conduct require members to make a declaration when they have a prescribed interest or conflict of interest in relation to a matter being considered for decision before a Council or Committee.

When an affected person considers that he/she has a pecuniary or conflict of interest in relation to a matter he/she must declare the interest and move out of the meeting room until the matter is decided by the Council. provide full and accurate details of it.

The disclosure must be made by the member as soon as the matter arises for consideration and before a Motion is moved and any debate has occurred. The member is not able to take part in any discussion regarding the matter.

The declaration, and the time at which the person left the meeting must be recorded in the minutes. Details of the disclosure should be recorded accurately the sequence of events to reflect when the declaration was made, when the action to leave the meeting occurred when the decision was moved and determined.

Example

Clr Black declared an Interest in this matter and left the Meeting prior to discussion (2:00 pm)

MOVED: Clr White SECONDED: Clr Pink

“That the Recommendation be adopted”

CARRIED FOR	AGAINST
Clr Brown	Clr Orange
Clr Green	Clr Yellow
Clr Blue	
Clr Pink	
Clr Grey	

Clr Black returned to the Meeting at this stage (2:05 pm)

Where a member who declares an interest is required to leave the meeting, the minutes must also record the time the member left the meeting and the time that he/she re-entered.

6. CONFIDENTIALITY BUSINESS (Closed Meeting Deliberations)

The starting point is that all Council meetings are open to the public. However, both a Council and a Committee may decide that the public be excluded from attendance at a meeting when it considers confidential matters. In order to do so it is necessary to formally decide by absolute majority to close the meeting to the public. The motion for a Council to move into “Closed Meeting” is a procedural motion. An example is provided.

Example

MOVED: Clr White SECONDED: Clr Yellow

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.

CARRIED UNANIMOUSLY

The regulations require that certain details of matters considered in “Closed Meeting” are to be published on the public agenda and minutes of meeting. The requirements are set out in Regulation 15 and an example of the details required is provided below.

Example

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

- Item 8 Applications for Leave of Absence
- Item 9 Tender T120 – Stormwater System Upgrade
- Item 10 General Manager Performance Review

The reports on these matters have been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulation 2015* as the detail covered in the report relates to:

- applications by Aldermen for a Leave of Absence;
- contracts and tenders for the supply of goods and services; and
- a personnel matter.

The nature of Business that may be dealt with by a Council at a meeting (or a portion of a meeting) which is closed to the public is limited to those matters allowable under the Regulations.

6.1 The Maintenance of Certain Information as Confidential or the Release of Closed Meeting Details

Where the meeting has resolved to consider a matter in Closed Meeting, all content details (reports, recommendations, decisions, the voting and minutes) of those deliberations are confidential, unless a Council authorizes otherwise. As these deliberations are confidential, any unauthorized release/disclosure of details of a Council's Closed Meeting deliberations is an offence.

A Council has power to determine what level of information and documents that it considers may be published/released from its Closed Meeting deliberations and to determine to whom such release of information may be made. Furthermore, the Regulations require Councils to specifically state the extent of information and decision release as a component of each Closed Meeting decision.

Example

MOVED: Cr Orange SECONDED Cr Purple

- A. That "Tender T120 – Stormwater Systems Upgrade" be let to Quick Drainage Pty Ltd for sum of \$135,000; and
- B. That in accordance with Regulation 34(3) of the *Local Government (Meeting Procedures) Regulations 2015*, Council authorises for release of Council's decision (only) in respect to this item to the general public and for communication to relevant parties."

CARRIED UNANIMOUSLY

7. RECORDING OTHER PROCEDURAL MATTERS IN THE MINUTES

7.1 Procedural Motions

A number of Procedural Motions are specifically listed in the Regulations. However, these do not cover all procedural motions possible at a Council meeting and it is a matter for a Council to develop its own policies and procedures for those procedural motions that it routinely deals with. Further examples of these include, changing the order of business, laying a matter on the table (un-actioned), suspending or varying Council's standing orders to specifically deal with a matter, extensions of time for speakers and deputation, etc.

The Regulations make provision for five formal motions as follows:

- a) that the motion be now put; – if carried, debate immediately ceases in relation to the matter and the meeting moves to the next agenda item;
- b) that the matter be deferred; – if carried, debate is terminated and the Chair is required to defer decision or vote until agreed;
- c) decision or vote until agreed;
- d) that the matter of the motion be referred to a committee; – if carried, the matter be referred to a committee for further investigation or decision;
- e) that the meeting be now adjourned – this motion must specify the time and date of resumption and if carried, the meeting is immediately brought to a close.
- f) that the meeting be closed to the public – if carried, the meeting is closed to the Public

Procedural Motions may be moved by a member during the course of debate on a particular matter.

The minutes must record all formal procedural motions and their outcomes. Formal procedural motions are recorded in the exact same manner as all other motions.

7.2 Leave of the Meeting

The Regulations do not cover the convention of when leave of the meeting is required to be sought. The convention is normally applied to circumstances that arise where an individual member seeks the favourable support of the meeting to make a change to motions or to the manner in which a motion is spoken to by members (for example, leave may be required to withdraw or change a motion once moved; to amend a motion on notice before it is moved; or to be allowed to extend a time allocation in debate etc.). A Council in response to such requests may deal with the matter informally by indication consensus support or may require a more formal decision on the request.

The formal mechanism for granting leave of the Meeting is by way of a procedural Motion to waive, vary, or suspend Standing order in so far as to allow the varied treatment to be dealt with.

Example

MOVED: Clr Orange SECONDED: Clr Purple

That sufficient of the Council's standing orders under Council's Meeting Procedures Policy be suspended to enable Cr Pink to make a personal explanation

CARRIED UNANIMOUSLY

7.3 Personal Explanations

If a member wishes to make a personal explanation during a meeting he/she can only do so with approval from the

Chairperson under regulation 24 or the Council by Motion.

If permission is granted, the fact that a member has provided a personal explanation should be recorded in the minutes. The minutes may also include a brief summary of the content of the explanation.

7.4 Procedures to Address the Conduct of Members

Points of Order

The *Local Government (Meeting Procedures) Regulations 2015* specifically identifies the basis upon which points of order can be raised by members and provides the chairperson full discretion to make rulings on these matters.

Currently there is no legal requirement to minute points of order and a Chairperson's ruling on those points of order at a Council meeting - the *Local Government (Meeting Procedures) Regulations 2015* are silent in this regard. In this instance, Councils may undertake to record points of order at their own discretion.

Examples of the manner in which to record a point of order are:

The Mayor called to order Councillor Green for seeking to move a formal motion that the question be put when he had already spoken in relation to the motion and ruled that Councillor Green acted in breach of Regulation 12(12).

Councillor Red raised a point of order in relation to Councillor Black on the basis that Councillor Black had exceeded the 5-minute speaking time allowed by Regulation 15(1).

The Mayor ruled that Councillor Black was in breach of Regulation 15(1).

8. RECORDING COUNCIL MEETINGS TO ASSIST THE MINUTE TAKER

There is no obligation, legal or otherwise, to require Councils to record (in the form of an audio recording) the proceedings at Council or Committee meetings. Since the minutes are intended to be a brief formal record of the outcomes of the meeting and the Council is not required to keep a transcript of proceedings at meetings, the recording of Council meetings is not necessary.

A number of Councils do, however, make audio and audio visual recordings of Council meetings in the interest of open government. These recordings can assist the minute taker in ensuring the accuracy of the minutes.

If, however, a Council chooses to record its meetings, such recordings become 'official records' and must, in accordance with Regulation 33 be kept for a period of 6 months and made available for listening on written request. Further retention beyond the 6-month period may also be considered appropriate in the context of the Council's obligations under record keeping legislation.

