



Department of  
Local Government, Sport  
and Cultural Industries

# A Guide to Meetings

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# Document control

## Revisions

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2.0	26/03/2024	Director Regulatory Reform – Local Government	<ul style="list-style-type: none"><li>• Revised guidance material under heading “3.3 Committee meetings”</li><li>• Revised guidance material under heading “3.4 Electronic attendance and electronic meetings”</li><li>• Updates to legislation references</li><li>• General updates to content and style</li><li>• Reformatting guide into new template</li></ul>

# Contents

<b>Acknowledgement</b>	<b>2</b>
<b>Document control</b>	<b>3</b>
Revisions	3
<b>Introduction</b>	<b>6</b>
<b>1. The strategic leadership role of council members</b>	<b>7</b>
1.1 Council members' leadership role and meetings	7
1.2 Representing council and the community effectively	8
1.3 Council member and local government employee relationships	8
<b>2. Meetings, legislation and good governance</b>	<b>11</b>
2.1 Meeting related legislation	11
2.2 Abiding by good governance principles of the Act	11
2.3 Meeting standards for council members	12
2.4 Protection from liability	13
<b>3. Meeting types</b>	<b>16</b>
3.1 Ordinary council meetings	16
3.2 Special meetings	17
3.3 Committee meetings	17
3.4 Electronic attendance and electronic meetings	18
<b>4. Council business and meeting agendas</b>	<b>21</b>
4.1 Strategic meeting focus	21
4.2 Delegation	22
4.3 Setting the agenda	22
4.4 Agenda contents	23
<b>5. Before the meeting</b>	<b>24</b>
5.1 Preparing for meetings	24
5.2 Closed council or committee meetings	24
5.3 Items of interest to the public	25
5.4 How to debate	25
<b>6. Chairing (Presiding) meetings of council</b>	<b>28</b>
6.1 Chairing (presiding) the meeting	28
6.2 Important attributes of a presiding member	28
6.3 Duty of the presiding member	28
6.4 Promoting constructive and inclusive debate	29
6.5 Keeping order	30
6.6 Role of the CEO and employees at meetings	30
6.7 Taking a break during a meeting (adjournment)	31
6.8 Order of business	31
<b>7. Financial and proximity interest and interest affecting impartiality</b>	<b>32</b>
7.1 Direct and indirect financial interests and proximity interests	32
7.2 Impartiality interests	33
<b>8. Meeting conventions and technicalities</b>	<b>34</b>
8.1 Quorum	34
8.2 Motions and resolutions	35

8.3 Drafting a formal motion	35
8.4 Motion not accepted by the presiding member	36
8.5 Rules of debate	37
8.6 Mover	37
8.7 Secunder	37
8.8 Presenting the contra position	37
8.9 Closing the debate	38
8.10 Right of reply	38
8.11 Amending a motion	38
8.12 Debating an amendment	39
8.13 Withdrawing motions	40
8.14 Foreshadowed motions	40
<b>9. Procedure and directions</b>	<b>41</b>
9.1 Procedural motions	41
9.2 Permanent procedural motions	41
9.3 Temporary procedural motions	42
9.4 Procedural motions in general	45
<b>10. Decision making</b>	<b>46</b>
10.1 Making the decision	46
10.2 Counting the votes	46
10.3 Presiding member's second vote	47
10.4 Revoking or changing meeting decisions	47
10.5 Moving items "en bloc"	48
<b>11. Meeting records</b>	<b>49</b>
11.1 Keeping the record – minutes of the meeting	49
11.2 Transparent and accountable records of meeting	49
11.3 Accessible records	50
11.4 Confirmation of the minutes	50
<b>Appendix 1: A quick guide to the order of debate at a meeting</b>	<b>51</b>

## Introduction

This “Guide to Meetings” is designed to support council members’ effective participation in council and committee meetings. It outlines the roles and responsibilities of council and committee members and details meeting procedure in line with Western Australian legislative requirements and accepted meeting practices.

As elected representatives in local government, council members (mayors, presidents and councillors) are required to attend council and committee meetings. It is in meetings that council members participate in discussion and debate on a wide variety of issues to make decisions representing the overall public interest of the local government’s area.

Well prepared agendas and minutes that accurately reflect the actual decisions of council meetings are among the most important records of local governments. Well prepared agendas and accurate minutes ensure that:

- council has acted within its authority under the *Local Government Act 1995* (the Act)
- council’s decision-making process is properly documented, transparent and accountable.

Legislative requirements are based on the principles of the Act and relevant supporting regulations for achieving:

- transparent and effective processes and decision-making in the public interest
- sustainable development and management of assets and infrastructure, and delivery of effective services
- democratic representation, social inclusion and meaningful community engagement
- good governance of, and by, local government
- ethical and legal behaviour of council members and local government employees.

The conduct of open, fair and accountable meetings of local government is important in fulfilling these principles.

# 1. The strategic leadership role of council members

As the level of government closest to the people, a local government must be accessible to its community. Communities look to their councils to provide local solutions to problems.

The effective administration of a local government area depends on the performance of council members as the elected community leaders. The high public expectations of council members are set out by the description of the role of council in section 2.7 of the Act:

- to govern the local government's affairs
- responsible for the performance of the local government's functions
- oversee the allocation of the local government's finances and resources
- determine the local government's policies.

Council members are responsible for planning the future of their communities and developing the strategies and policies to achieve those plans. Council members need to demonstrate strategic vision and leadership by putting in place guiding principles, policies and local laws. A strategic focus ensures that council can plan for and meet the future needs of its community.

Effective community leadership is a vital ingredient of good local governance. Council members must endeavour to work as a team to serve the community.

## 1.1 Council members' leadership role and meetings

Developing a vision for the community and making decisions that support that vision is an important leadership role for council members. Getting the community to contribute to, endorse and follow that vision and associated plans demands leadership qualities. In doing so, it is important to recognise that the most fundamental task is to try to achieve a strong sense of shared purpose and commitment. The needs and desires of the community are constantly changing and evolving. Council members must be prepared to initiate new policies and activities in response to these changes.

Most of the decision-making of a local government is undertaken in council meetings. Council members are required to attend meetings regularly and must vote (except where a financial or proximity conflict of interest occurs) on matters coming before a meeting. Council members can ensure a positive and valid contribution to meetings by:

- representing their constituents as the consultative link between council and the community
- adequately preparing for meetings
- planning for the needs of the community and their vision for the future
- providing strategic direction through policy initiatives
- overseeing the financial stewardship of the council
- abiding by the provisions of the Act and the requirements of regulations and the other legislation governing local governments
- recognising that the council has been entrusted by the community to make decisions for the community as a whole.

## 1.2 Representing council and the community effectively

Communication is a two-way process and to be effective, council members need to understand the views of the people they represent. Council members provide information to the community about the policies and decisions of council and the community relays its desires, concerns and opinions to the council through the members. To represent both electors and the council effectively, a council member needs to be a good communicator and keep in touch with the local community.

Members can keep in touch with electors in a variety of ways including:

- attending meetings of local organisations
- being available and responding to residents who wish to raise issues or concerns
- attending events arranged by the local government
- participating in functions held in the local area
- communicating with the community via social media, a newsletter, e-mail or website
- reading the local paper.

Understanding the needs and aspirations of the community and bringing that insight to meetings greatly enhances the decision-making process. To be an effective elected representative, it is important to be able to perform well in meetings. It requires the ability to:

- communicate, debate and actively participate in meetings
- enhance discussion and assist discussions to reach closure
- disagree without being disagreeable
- develop and maintain effective working relationships and manage interpersonal conflicts
- exercise independent judgement.

## 1.3 Council member and local government employee relationships

Separation of powers and roles between the elected and administrative arms of government is one of the foundations of all levels of government in Australia.

An understanding and acceptance of the roles the Act has defined for council members and for the council administration, and cooperation between all parties, underpins good governance in local government. Relationships between council members and their Chief Executive Officer (CEO) need to respect the diversity of opinion and the rights for all points of view to be heard with courtesy and respect.

The Mayor or President and the CEO are the respective conduits between the executive and the administrative arms of council.

The council members are the legislative arm that make local laws, decide policy and consider other strategic matters. The council is responsible for the overall direction of the local government.

The CEO implements the policies and decisions of council and manages day-to-day business, including directing council employees. Council members acting individually do not have the authority to influence the activities, duties and operations of council employees.



The Act clearly defines the relationships between the roles and separation of powers under sections 2.7, 2.8, 2.9, 2.10, 5.41 and through the Local Government (Model Code of Conduct) Regulations 2021.

For a local government to operate effectively, it is important that both the council members and employees clearly understand and acknowledge the differing but complementary nature of their respective roles.

The Mayor or President is to liaise with the CEO on the local government's affairs and the performance of its functions, but no other council member is allowed to do so.

Good relationships are vital to ensure that the various players act within their defined roles and undertake their responsibilities. These relationships take a variety of forms.

### **1.3.1 Relationships between the Mayor/President and councillors**

The Mayor/President has responsibility for presiding at council meetings and controlling the debate. To facilitate good relationships, the Mayor/President must ensure that all councillors with a desire to speak are given a fair opportunity.

The Mayor/President should also encourage councillors to express different points of view and promote respect for diversity of opinion. To assist the Mayor/President in controlling meetings and facilitating debate on controversial issues where opinions differ, local governments adopt Standing Orders or Meeting Procedure Local Laws.

These policies and local laws provide the rules to guide meeting procedure and debate and the Mayor/President (or other presiding person in their absence) is responsible for applying the standing orders at meetings. Councillors should respect the Mayor/President in their presiding member role.

Council members should be strategic in their approach, engaging with the community to ensure council decisions mirror community needs and interests. Councils should function like a board of directors that sets the strategic direction of the local government and designs the policies and strategies to help achieve it.

### **1.3.2 Relationships between councillors**

Councillors are elected by the community to work collectively in the best interests of their district. Councillors should respect the views of other councillors and acknowledge that, while agreement may not be reached on all issues, all are doing important work. Councillors need the support of other councillors to achieve goals, especially at council and committee meetings. Positive relationships with other councillors are important to achieve this support. Councillors who treat other councillors with respect and courtesy, even when they disagree with the point of view being expressed, are more likely to receive support in the future. Varying opinions and positions should be expressed in ways which are not personal attacks and are not specifically detrimental to individuals supporting other positions.

### **1.3.3 Relationships between the Mayor/President and the CEO**

Legislation requires that the Mayor/President and the CEO liaise with each other (sections 2.8 and 5.41 of the Act). Consequently, it is vital that a good relationship exists between the two. The basis

for this relationship should be trust as well as respect for each other's opinion. A "no surprises" policy should also apply. That is, the Mayor/President and CEO should brief one another so that neither can be caught off guard in conversations or at meetings. Features of a good and effective Mayor/President/CEO relationship include:

- open and regular communication with each person keeping the other informed about important and relevant issues
- an understanding that each have different roles and responsibilities — while the Mayor/President is the leader of the local government, this position has no day-to-day management role, and the CEO is not able to set council policies and strategic direction
- a relationship that involves and includes councillors and staff rather than seeking to concentrate power in the Mayor/President and CEO relationship.

#### **1.3.4 Relationships between councillors and the CEO**

Unlike for the Mayor/President, the Act identifies no specific relationship between councillors and the CEO. However, councillors and the CEO are likely to be in regular contact about issues, problems and information. Several factors contribute to a good relationship between councillors and the CEO including:

- trust and goodwill
- a clear understanding of each other's role and the associated legislative requirements
- good communication
- agreed structures and protocols.

#### **1.3.5 Relationships between councillors and other employees**

The Act specifies that the local government's employees are accountable to the CEO and the CEO is accountable to the council. All council contact with administration should be through the CEO. Most CEOs have agreed communication protocols in place, and this may include council member access to senior staff. No council member may undertake a task that contributes to the administration of the local government, unless authorised to do so by the council or by the CEO. Consequently, it is inappropriate for council members to direct employees or for employees to take direction from council members.

## 2. Meetings, legislation and good governance

### 2.1 Meeting related legislation

Of all the meetings council members attend, ordinary council meetings are arguably the most important. Meeting procedure is based on a majority rules, Westminster-style system developed over hundreds of years by parliaments around the world to provide for debate and decision-making without conflict. Decisions of a council can only be made by the adoption of a motion by a majority of the members present at a properly convened meeting. The rules allow for only one person to speak at a time.

Effective contribution to and representation at meetings by council members increase the quality of council decisions. Council members should have knowledge of the following Acts, Regulations, and Department of Local Government, Sport and Cultural Industries (DLGSC) guidelines to assist them at meetings:

- *Local Government Act 1995*
- Local Government (Administration) Regulations 1996
- *Defamation Act 2005*
- Local Government (Model Code of Conduct) Regulations 2021.

For access to published legislation, see the WA Legislation website at [legislation.wa.gov.au](http://legislation.wa.gov.au)

- Council local laws (especially standing orders and meeting procedures)
- [A Guide to the Preparation of Agenda and Minutes](#)
- [Managing Public Question Time](#)
- [Council Forums](#)
- [Disruptive behaviour by the public at council meetings](#)
- [Clarity in Council Motions](#)
- [Disclosures of Interest](#)

For access to DLGSC's guidelines, see [dlgsc.wa.gov.au](http://dlgsc.wa.gov.au)

### 2.2 Abiding by good governance principles of the Act

Council members are required by section 2.29 of the Act and regulation 13 of the Local Government (Constitution) Regulations 1988 to make a declaration of office in accordance with the prescribed Form 7.

The ethical and legal behaviour of council members is a principle within the Act. With respect to conduct, the Act has provisions in sections 5.102A to 5.125 for reporting and investigation of these matters. Council members are also subject to the provisions of the *Corruption, Crime and Misconduct Act 2003* and the *Defamation Act 2005*.

Public interest must always take precedence over the private interests of council members. Private interests include financial and non-financial interests, electoral gifts as itemised in the council's

electoral gifts register, and the register of financial interests maintained at each local government by the CEO.

Under the Act, council members have a responsibility to take particular action where questions of financial interest or conflicts of interest affecting impartiality arise in council deliberations or decisions. This is covered in Section 7 of this guide.

## **2.3 Meeting standards for council members**

People often view the workings of State and Commonwealth Parliaments as an adversarial arena where the various political groupings try to best their opponents through debate and often use personal abuse in the process. In contrast, the small group nature of local government councils creates a meeting environment where good relations, good behaviour, mutual respect and an appreciation of the diversity of views of others, leads to harmonious meetings and assists good decision-making. Council members need each other to achieve individual and collective goals.

Council members have a responsibility to behave professionally during and outside of council meetings. Council members should maintain good working relationships with each other and act in a manner appropriate to their civic status. This includes compliance with the standards of conduct at meetings as established under the Local Government (Model Code of Conduct) Regulations 2021, each local government's code of conduct and their council's meeting procedures local laws or meeting policy. Meeting procedures should reflect the high expectations of performance and accountability, as set out in the Act (sections 2.10 (a) to (e)) whereby a council member:

- represents the interests of electors, ratepayers and residents of the district
- provides leadership and guidance to the community in the district
- facilitates communication between the community and the council
- participates in the local government's decision-making processes at council and committee meetings
- performs such other functions as are given to a councillor by the Act or any other written law.

### **2.3.1 Inappropriate meeting conduct**

When respect evaporates at a council or committee meeting, respect for the whole local government sector is diminished. Debate and argument should not lead to conflict, grandstanding, bullying or aggression. Everyone present at a council or committee meeting must show respect for others, whether council members, employees or members of the public.

A council must deal with any disorder of its members. Council members should take responsibility for their own behaviour and that of their colleagues.

General principles to guide the behaviour of council members include that a person in their capacity as a council member should:

- not act in an abusive or threatening manner towards another person
- not make a statement that they know, or could be reasonably expected to know, is false or misleading
- not repeatedly disrupt a meeting

- comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings
- comply with any direction given by a person presiding at a meeting
- immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

Behaving in a manner that is contrary to a rule of conduct or local laws related to meetings could be considered a minor breach as defined in section 5.105(1)(a) and (b) of the Act.

## 2.4 Protection from liability

### 2.4.1 Qualified privilege

In a council meeting, council members fulfil a public duty and are therefore given limited protection from legal actions of defamation. However, unlike a Member of Parliament, the council member's privilege is qualified. This means that protection is only provided as long as the statements are made in good faith. Statements made with malice or made recklessly are not protected by qualified privilege. It should also be noted that statements made outside of council meetings are unlikely to attract qualified privilege.

Council members should also become familiar with the Local Government (Model Code of Conduct) Regulations 2021. Regulation 18 provides that a council member must not make improper use of their office to cause detriment to the local government or any other person. This provision has relevance to what a council member can say and how they act whilst performing their role and carrying out their duties as a council member.

### 2.4.2 Defamation

Controversial issues may arise during the course of council or committee meetings. Council members are encouraged to debate the statements made by fellow members rather than be critical of the person. If members make personal comments that slur a council member, they risk defaming the person and breaching provisions of the *Defamation Act 2005*. Council members are not protected from defamation in the same way that Members of Parliament are, for statements they make in the council chamber.

The law for defamation aims to balance free speech with the protection of the right of an individual to enjoy a reputation free from indefensible attack. Defamation may be divided into libel, which relates to written or pictorial material, and slander, which relates to oral comments. Defamation can be defined as anything that tends to lower a person in the estimation of members of society.

Therefore, council members should ensure that:

- comments made are pertinent to the business of the local government
- comments are not made maliciously, or without due regard to whether they represent the truth
- they do not engage in communication that harms the reputation of another person.

For more information, council members can refer to the *Defamation Act 2005*.

### **2.4.3 Act protection from liability**

Division 4 of Part 9 of the Act provides for protection from liability for wrongdoing for council members, committee members and employees, “relating to” or “arising from” actions of negligence that the person has done, or has not done, in the performance of their functions under the Act or any other written law.

### **2.4.4 Quasi-judicial role of council members**

Quasi-judicial functions are those which involve the making of a decision by a local government council in the exercise of a discretionary power. Local governments perform quasi-judicial functions when deciding to approve or not to approve applications for planning or development approval and for other approvals, licences, consents and permits. Council members (and employees when acting under delegated authority) must therefore act in a judicial manner (14xamplei.e. judge-like) when performing quasi-judicial functions.

To act in a quasi-judicial manner, council members must apply the principles of natural justice and without bias or conflict of interest, make decisions in a judicial manner based on:

- the law and the relevant local government’s policies as they exist
- the facts and merits of the case.

Applicants submitting documents for approval may attempt to persuade individual council members in favour of their proposals. Council members must remain objective and deal impartially with applicants or affected persons.

Applications must be determined based on sound legislative rationale and not on specific public perception. The role of a council member in the decision-making process is to determine an application on the information and recommendation provided by their council’s professional employees. The role of the professional employee is to assess the application and provide an impartial, professional opinion and recommendation to the council or committee. To avoid prejudicing the eventual decision, council members must not make up their minds about a development application until they have read the officer’s reports and heard all the meeting debate.

Decisions made in relation to development applications are made under the local government’s town planning scheme and the discretions allowed under that scheme.

Council members must not lose sight of the fact that when making decisions on development applications they have to apply the rules and discretions, as they exist, not as they might want them to be. The local government must comply with the provisions of the legislation dealing with planning decisions.

Council members must be aware of their local government’s adopted procedures for dealing with a development application to ensure a clear distinction between the task of an employee assessing an application and the task of the council determining an application. The procedures should minimise the opportunity for the two roles to be confused and should also ensure that those determining applications are not able to direct or unduly influence those carrying out the assessment and vice versa.

A council member acting with bias and without disclosing an interest affecting impartiality, may breach regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021. Non-compliance with quasi-judicial principles could result in council decisions being invalidated. DLGSC's [Elected Members Relationship with Developers](#) provides additional information.

## 3. Meeting types

Council members participate in:

- ordinary council meetings where council conducts its core business
- council committee meetings – standing committees are appointed by some councils to oversee specific functions, projects or programs
- special council meetings called on occasions to address an urgent item of business
- forums (also referred to as briefing sessions and workshops) that allow council members and officers to meet in an informal meeting setting and discuss matters relating to the operation and affairs of their local government outside of the formal council meeting framework. Council members may ask questions but decisions are not allowed to be made at these forums, as they are outside the formal council meeting framework.

### 3.1 Ordinary council meetings

Council members have a duty and responsibility to attend all council meetings to ensure that the district's electors are adequately represented. The number of council and committee meetings that council members will be required to attend will vary according to the frequency of their local government's scheduled ordinary and committee meetings.

Ordinary council meetings are formal meetings of council and are required to be open to the public (although under certain conditions, council meetings can be closed under provisions of the Act). To promote the transparency and accountability required for good governance, the closed meeting provisions should be applied as infrequently as possible. See also 5.2 of this guide.

Decision making is enhanced when a council meeting is well run. This requires a clear and informative agenda paper, good chairing and facilitation, and adherence to meeting procedures and statutory requirements. There should also be a strong commitment to the principle of council meetings being open to members of the public so that they are fully informed and, where appropriate, involved in the decisions and affairs of the council.

#### 3.1.1 Meeting frequency

Section 5.3 of the Act requires a council to hold ordinary meetings and provides that they may hold special meetings. Ordinary meetings are to be held not more than three months apart.

#### 3.1.2 Meeting locations and start time

Council meetings are generally held in a local government's council chambers. It is acceptable to conduct a meeting in a place other than the council chamber. This is sometimes done to allow for public participation in council meetings for local governments spread over a large geographical area.

The foremost consideration when it comes to start time should be the convenience of the council members to attend, taking into account matters such as employment and business commitments, carer responsibilities and safety issues (e.g. members having to drive long distances and at night). Scheduled early evening meetings allow council members and members of the public with daytime jobs the opportunity to attend meetings.



## 3.2 Special meetings

When required, a special meeting of council may be called by the Mayor or President or by at least one third of the councillors. The CEO will convene the special meeting and arrange public notice if the meeting is to be open to the public. A special meeting requires that:

- public notice be given specifying the purpose of the meeting, and
- it must only deal with the items of business as set out in the notice of the meeting.

If the local government decides that the meeting is open to the public, the CEO must provide public notice of the special meeting on the local government's website as soon as practicable after the decision to hold the meeting has been made.

Also see section 5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996.

## 3.3 Committee meetings

Councils are enabled to establish committees to assist with a council's functions under section 5.8 of the Act. In addition, a local government is required to form an audit committee under section 7.1A. As a general rule, the requirements for committees apply to audit committees, unless more specific rules apply to audit committees under Part 7, Division 1A (Audit Committees).

Committees consist of three or more persons who can be council members, employees or members of the public.

While councils have the discretion to establish committees under section 5.8, councils can also decide to establish informal advisory/working groups that are not treated as committees under the Act.

Noting that a local government is required to have an audit committee, the other types of committees and groups include:

- A committee established under section 5.8 of the Act that has delegated functions and/or powers. A committee with delegated functions and/or powers **must** be established under the Act.
- A committee established under section 5.8 of the Act without delegated powers or duties — this is often referred to as an "advisory committee". A committee without delegated functions and/or powers **may** be established under the Act.
- Other working/advisory groups that are not established under the Act.

If a committee is established in accordance with section 5.9(2)(f) of the Act and all committee members are members of the public (that is, the committee does not have council members or employees) then the committee:

- must not have any delegated powers or duties from the local government
- the requirement for interests to be disclosed does not apply to these committees (see section 5.65(3) of the Act).

Committees without delegated powers or duties are subject to the same requirements in the Act as committees with delegated powers or duties, except for the following:

- the general requirement for committee members to vote does not apply (see section 5.21(2) of the Act)
- the general requirement for committee meetings to be open to the public does not apply (see section 5.23(1)(b) of the Act).

A council should consider the role and purpose of any committee/group it wishes to form and how it wishes the committee/group to operate. Committees that do not have any delegated powers or duties may be instead established on an informal basis as an advisory/working group.

It is recommended that informal advisory/working groups are not referred to as “committees” where it is not intended for the requirements of the Act to apply, such as the rules for quorum or keeping meeting minutes. A council can choose to distinguish between committees and other informal working/advisory groups through the use of specific wording in the councils resolution that establishes the committee/group.

### **3.3.1 Payment of independent committee members**

Local governments may pay independent members for attending committee meetings in accordance with section 5.100 of the Act.

An independent member means that the member is not a council member or an employee.

Independent members from the following types of committees can be paid under section 5.100 of the Act:

- independent members of audit committees (established under section 7.1A of the Act)
- independent members of committees with delegated powers and duties (established under section 5.8 of the Act)
- independent members of committees with no delegated powers and duties (established under section 5.8 of the Act).

As informal advisory/working groups are not specifically covered by the Act, section 5.100 of the Act does not apply to these groups. However, a local government may choose to pay members of such groups in accordance with other legislated requirements that apply to local governments (e.g. procurement).

## **3.4 Electronic attendance and electronic meetings**

### **3.4.1 Requests for electronic attendance**

A person may only attend an in-person meeting electronically if they have been authorised to do so by either the Mayor, President or council. As part of their policy, a local government should consider the process for dealing with requests for remote attendance. For example, where possible a person may be required to provide a request to council to attend remotely. However, where this may not be possible, because the request has to be made at short notice, the person may provide a request to attend remotely to the Mayor or President.

Council and committee members may need to travel for their work or to care for loved ones when they are unwell and at times this may affect their ability to attend a meeting in person. Electronic attendance provides increased flexibility for council and committee members in meeting their obligations to attend meetings. It also assists local governments to achieve meeting quorums.

A local government should account for other logistical requirements as part of their policy. This includes who is responsible for notifying the administration of an authorisation for remote attendance, and the provision of an electronic meeting invite to the attendee. A local government may also require that requests are made in writing (via email) for the purposes of record keeping and monitoring the 50% cap.

### **3.4.2 Location**

Previously under regulation 14A of the Local Government (Administration) Amendment Regulations 1996, the key requirements associated with a person's attendance included that:

- the person attending remotely must be simultaneously in audio contact with each other person present at the meeting by telephone or other means of instantaneous communication
- the person is in a suitable place (in a townsite/residential area and at least 150 km away from the meeting) as determined by the council
- council has authorised the person to attend by electronic means.

These express requirements were removed with the repeal of regulation 14A. However, council is still required to consider the location from which a person intends to attend a meeting with respect to their ability to effectively engage in deliberations and communications during the meeting.

In authorising a person's remote attendance, the local government may require that a person attending remotely must do so from a location that is quiet and private, such as a private room in their house. If other people will be at the location at the time of the meeting, council may require that the room has a door that can be closed during the meeting, and request that the person wear headphones if appropriate.

### **3.4.3 Attendance**

Regulation 14CA provides that a person may be regarded as in attendance at a meeting, regardless of their physical whereabouts, and provided they remain in instantaneous contact with all other people in attendance. It also requires the person attending remotely to declare that they can maintain confidentiality during any closed part of the meeting. If they cannot make the declaration, they must leave the meeting, or the closed part of the meeting. If a person makes a confidentiality declaration but later finds during the meeting that they are unable to maintain confidentiality, they must leave the meeting or the closed part of the meeting. The member's declaration must be recorded in the meeting minutes.

### **3.4.4 Electronic means**

Regulation 14CA(2) provides that the Mayor, President, or council may determine the electronic means that a person may use to attend a council or committee meeting. Council should resolve to adopt the preferred electronic means for remote attendance.

### **3.4.5 Equipment**

In deciding whether to authorise a person's remote attendance, the Mayor, President, or council (the authorising authority) must also consider whether the person's equipment will support council's preferred choice of electronic communication.

### **3.4.6 Fifty per cent cap**

A person may only attend a meeting remotely by electronic means, provided they have not attended more than half of all council meetings in the previous 12 months by this method. The 50% attendance cap ensures that council members and committee members attend at least half of all meetings conducted over a 12-month period in person. Council should resolve to adopt a method to record and monitor an individual's attendance to ensure they do not exceed the 50% cap. Council should record a person's remote attendance in the meeting minutes to ensure appropriate record keeping. A spreadsheet for the purposes of monitoring electronic attendance is also recommended.

### **3.4.7 Electronic meetings**

Consistent with the provisions that require the authorising authority to consider a person's intended location and equipment for remote attendance at in-person meetings, council must also consider these factors when deciding to conduct an electronic meeting. Council is still required to consult the CEO as part of the decision-making process for holding an electronic meeting.

### **3.4.8 Approval to conduct an electronic meeting**

A key difference between the requirements for authorising an electronic meeting during or outside of an emergency is that only council may authorise meetings that are conducted outside of an emergency. As part of the local government's policy, council may consider and agree to the circumstances that may be appropriate to require an electronic meeting. For example, a Wheatbelt shire may decide to hold an electronic meeting during harvest time to reduce the need for travel. The reasons for deciding to conduct an electronic meeting outside of an emergency may be specific to the local government area.

Local governments must also consider their obligation to provide public notice of meetings under regulation 12 of the Administration Regulations and changes to meeting dates as soon as practicable. For example, if a local government elects to change an in-person meeting to an electronic meeting they must provide appropriate public notice of this fact.

A local government should record the number of electronic meetings conducted to ensure appropriate record keeping. A spreadsheet for the purposes of monitoring the quota threshold is also recommended.

## 4. Council business and meeting agendas

### 4.1 Strategic meeting focus

A good working relationship between elected council and local government administration is an excellent example of a local government functioning well to support its community. The council and the administration come together at meetings, where the council members use their combined knowledge and experience, coupled with the advice of the administration, to make decisions for the good governance and the betterment of the community they serve.

The agendas that drive council meetings, and the minutes that record the decision-making process and the actual decisions, are arguably the most important records produced by local governments.

With well-structured agendas, a council can have efficient and effective meetings that produce good decisions that are made following analysis of sound advice and constructive debate. At the end of such meetings, those involved should be satisfied that the local government and community have gained maximum benefit from the valuable time that has been contributed.

A well-structured agenda is focused towards decision-making and does not include superfluous information or items. It is generally agreed that short, sharp meetings directed towards decisions are the ones most likely to achieve good results.

One of the requirements of the legislation (section 5.56 of the Act and regulations 19BA; 19B; 19CA; 19C; 19DA; 19DB; 19D of the Administration Regulations) is for a local government to plan for the future of the district. This includes a Strategic Community Plan and Corporate Business Plan.

At council and committee meetings, council members will generally discuss and debate strategic issues associated with these plans and avoid the detail of operational matters and the day-to-day management of council, which is the responsibility of the CEO.

A strategic meeting focus requires:

- links to the strategic community plan corporate business plan and other informing plans
- well-structured reports and recommendations clearly identifying connections to the strategic community plan and corporate planning documents and emphasising policy, budgetary, legal and risk management implications
- use of delegations to free up the full council meeting to devote more time and energy to strategic policy issues.

If strategic planning links cannot be identified on agenda items, it is reasonable to ask why council is discussing or debating such issues.

## 4.2 Delegation

Using the power of delegation appropriately assists local governments to efficiently deal with a wide range of operational matters that are minor, time consuming and administrative in nature.

The use of delegation can free up the full council meeting to devote more time and energy to key strategic policy issues. For example, the council can delegate to the CEO the authority to pay accounts up to its determined amount.

A wide range of powers may be delegated under sections 5.16, 5.17, 5.42, 5.43 and 5.44 of the Act. Section 5.8 of the Act allows for local government to establish committees of three 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.

The provisions of the Act which provide for delegations by a local government or its CEO are:

- section 5.16(1), subject to section 5.17 of the Act, provides that a local government may delegate (by absolute majority) to a committee any of its powers and duties, other than this power of delegation
- section 5.42(1) of the Act allows a local government to delegate (by absolute majority) to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43 of the Act
- using the authority of section 5.44(1) of the Act, a CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than this power of delegation.

See [Delegations, Authorisations and Acting Through](#) for more information.

## 4.3 Setting the agenda

Ordinary meetings of council should usually consider high level and strategic matters linked to strategic and operational plans. It is essential to prioritise agenda items in a way that identifies the key strategic issues.

A well-structured agenda assists council members to get the most out of their meetings, enabling them to make informed decisions that come from analysis of sound advice and constructive debate.

The agenda responsibility rests with the CEO, and the agenda sets out the order of business for council's ordinary meetings and committee meetings. A council member may recommend, through the Mayor/President, for the CEO to include a matter on a meeting agenda. Councils will normally have a procedure in place for dealing with how such a member request is organised, including timelines, notice and requiring an officer's report with recommendations.

## 4.4 Agenda contents

Recommended order of business for council meeting agendas:

- Official opening
- Public question time
- Apologies and leave of absence
- Petitions/Deputations/Presentations/Submissions
- Confirmation of minutes
- Announcements by presiding member
- Reports
- Council member motions of which previous notice has been given
- New business of an urgent nature introduced by decision of meeting
- Closure of meeting.

See DLGSC's [A Guide to the Preparation of Agendas and Minutes](#) for additional information.

## 5. Before the meeting

### 5.1 Preparing for meetings

As required under section 5.5 of the Act, each council member will receive written notice of the meeting at least 72 hours before a meeting. In the case of special meetings of council, less than 72 hours' notice of a meeting may be necessary.

It is important that council members allow adequate time to:

- read all material
- identify if more information is needed to help inform their view and contact the CEO or Mayor or President for assistance before the meeting
- identify agenda items where questions of financial or proximity interest or interests affecting impartiality require action and remind themselves of their obligations.

Setting aside sufficient time to prepare for the meeting, pursue additional information and consult with community stakeholders is essential. It is recommended that for ordinary council meetings, members allocate specific preparation time in their diaries once meeting dates have been set.

Good time management practices and habits for council members, such as the following, will assist their meeting preparation:

- develop a system for filing emails, agendas, reports, and correspondence received for ease of access, recovery, and regular review for archival or disposal
- prioritise what needs to be read, responded to, followed up, and scheduled into the diary
- arrange with the CEO for training in skill development courses, such as speed reading, public speaking, meeting procedure, record keeping or time management.

### 5.2 Closed council or committee meetings

Most council and committee meetings to which a local government power or duty has been delegated will be open to the public. However, section 5.23 of the Act states that a local government may resolve that a meeting or part of the meeting be closed to the public, only if its council members consider it necessary to deal with any of the following reasons:

- a. a matter affecting an employee or employees;
- b. the personal affairs of any person;
- 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;
- 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;
- 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;



- 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;
  - 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.

See section 5.23(2)-(3) of the Act.

If these matters are known in advance, it should be clearly listed on the agenda as a matter that will be considered while the meeting is closed to the public. At that time in the agenda, the council must resolve to close the meeting to the public.

Political embarrassment to council members is not a justifiable reason to close a meeting.

### 5.3 Items of interest to the public

Section 5.25(1)(j) of the Act requires a local government to ensure that notice papers and agendas relating to any council or committee meeting, and reports and documents which are to be either tabled at the meeting or have been produced by the local government or a committee for presentation at the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or the committee.

Each council has the capacity to determine the order that agenda items will be dealt with. It is recommended that council meetings should endeavour to proceed with the order of business as detailed on the agenda of the notice of the meeting. This is important from the point of view of members of the public who attend council or committee meetings for a specific agenda matter. The council’s meetings local law usually prescribes the order of business and the process to change that order at the meeting.

### 5.4 How to debate

The purpose of debate at meetings is so that council members can:

- give information that will help move the meeting closer to a decision about the motion that is before it
- influence the meeting to make a certain decision about the motion that is before it.

It is necessary for council members to structure any intended debate material in preparation for any agenda matter they wish to speak in support of, or against. Council members should have a clear idea of their own arguments and which examples they will be using to support their arguments. There should be a clear division between arguments put forward to support their position and to let the other members know when they are moving from one argument to the next.

This sign posting is an important debating tool for council members to acquire and develop. It must be remembered that although the council member knows exactly what they are saying, the meeting has never heard it before so the message must be logical (make sense), clear and easily understood by the other members.

Rebuttal of argument, or points raised at the meeting by a former speaker, or rebuttal of the arguments that are out in the public arena concerning the matter before the meeting, should be organised in the same way. Each argument or point made that the council member is opposed to should be rebutted (challenged) in turn. This can be done by spending a little time on each and then moving on. This will help weaken the opposing view and strengthen the council member's case. Rebuttal should never personalise.

There is no one size fits all way of taking part in a meeting debate and presenting an argument at a local government meeting. Council members should strive to develop a manner or style that is natural to them. There are many books, courses and other aids available on public speaking and debating. However, the following proven practical tips should be of help to council members:

- Endeavour to be calm and in control prior to speaking. The practice of relaxation techniques, such as controlled deep breathing and body muscle flex and release are good habit options for council members to consider adopting.
- Address the presiding member and maintain eye contact to capture and hold the meeting audience's attention.
- Exploit the variety of options available through the voice, such as tone, emotion, volume and speed. For example, loud emphasis to make a point, or use of a prolonged pause for effect, or a passage of quiet speaking to draw the audience in. Ensure any microphone provided for use is turned on and in the best position for voice projection.
- Make the body work for you and not against you. Good posture and appropriate body language will assist in presenting and debating confidently at meetings. Body language can be described as a form of mental and physical ability of human non-verbal communication consisting of body postures, gestures, facial expressions, and eye movements. Humans send and interpret such signals consciously and subconsciously.
- Be aware of body language. Just because something is said doesn't mean it will be matched by non-verbal communication. Body language may provide clues as to the attitude or state of mind of a person. For example, it may indicate sincerity, nervousness, aggression, attention, support, or contempt.
- Avoid bad habits that distract and detract an audience from what is being said. Do not indulge in bad habits when speaking, such as playing with hair or a pen, bouncing up and down on the balls of the feet, continued use of "ah" or "um" while gathering thoughts, or placing hands into pockets.
- If material in support of the debate argument has to be read, remember to slow down the speech pace and read with variety of voice, to give it life.
- Plan any argument case well ahead of the scheduled meeting. Knowledge of the material will provide added confidence during a debate. It is important to consider that other council members might have a contrary view and position. Time needs to be devoted to consider what others might be thinking to develop a few main points from their perspective and do research on that.

- Mean what you say. If you have passion, you will be more convincing.
- Adapt to the meeting debate. Be a keen listener. Evaluate what other members are saying. There are many things that could happen during a debate. Members must be alert and involved and able to adapt fast if need be.
- Be aware of the tone used in a debate. Confidence is important, but do not be condescending. Council members must remain as confident, patient, in control and passionate as possible.
- Be respectful. Rational debate is about the issues and not the person who has spoken. Do not let personalities enter into the debate. Just because a fellow member has opposing viewpoints doesn't mean a loss of respect for the other member. Everyone has different point of views, and it isn't appropriate to denigrate or to be disrespectful to another member because of it.
- When given the floor during debate by the presiding member;
  - restate the motion
  - state your position on the motion
  - make your points by stating your first point and giving evidence of why this point is valid
  - state your next point and give evidence of why this point is valid
  - continue on until you have made all your points
  - quickly summarise all your points
  - finish by saying how you want the other members to vote on the motion.

## 6. Chairing (presiding) meetings of council

### 6.1 Chairing (presiding) the meeting

The chairing (“presiding” as the Act refers to it) of council meetings is a formal process. This is because of the importance of local government meetings and to ensure fairness and accountability.

One of the roles of the Mayor or President is to preside (as the “presiding member”) at meetings of council (section 2.8(1)(a) of the Act). Under section 2.9 of the Act, if the Mayor or President is unavailable, unable or unwilling, or if the office is vacant, the Deputy Mayor or President may perform the role of the Mayor or President.

In the case of a council committee (section 5.12 of the Act), members of a committee elect a presiding member from amongst themselves and may also elect a deputy presiding member.

### 6.2 Important attributes of a presiding member

Each council member brings to the meeting their own individual personalities, values, abilities and experiences. An experienced presiding member can, through the skilful application of meeting procedures, create a cooperative and productive forum.

Important attributes of an effective presiding member include being:

- fair and reasonable
- objective and impartial
- firm but friendly
- confident and considerate
- tactful and courteous
- a demonstrated leader
- a quick thinker
- knowledgeable about meeting procedures
- well versed in meeting procedure and policy development.

### 6.3 Duty of the presiding member

It is the duty of the presiding member to preserve order and ensure proceedings are conducted in a proper manner by:

- determining that the meeting is properly constituted and a quorum is present at all times
- informing council members of the business and objectives of the meeting
- providing a forum for the exchange of views and ideas on key issues before the council
- confining discussion to the scope of the meeting and within reasonable limits of time

- initiating or managing any information, technical advice or guidance input into the meeting from the CEO, or through the CEO, from other council employees at the meeting
- ensuring that proposed motions and amendments are legal, in order, clear and able to be implemented
- clarifying for discussion and decision any proposed motion that has been moved for the consideration of the meeting
- deciding points of order and other incidental matters that require a decision
- maintaining control and preserving order at the meeting
- ensuring overall public interest is maintained.

The presiding member is also to ensure the decisions of the meeting are respected and properly handled by:

- keeping discussions to the subject being discussed and preventing irrelevant and repetitive discussions
- putting relevant questions to the meeting and conducting a vote (and where votes are tied at a council or committee meeting, casting a second vote)
- declaring the result of a vote
- ensuring that an individual's vote or all the members' votes are recorded if requested by a council or a committee member
- ensuring that the record of minutes of the meeting proceedings is kept up to date
- adjourning the meeting when the meeting circumstances justify that course
- declaring the meeting closed when business is complete.

## 6.4 Promoting constructive and inclusive debate

Promoting constructive and inclusive debate is crucial to influencing the quality of decision making of council. A presiding member must be neutral and avoid letting personal attitudes, either positive or negative, influence their role. A presiding member can **assist in promoting diverse and balanced debate by:**

- encouraging and allowing all council members to contribute
- regulating discussion to reduce the possibility that a small number of members may unreasonably dominate discussion
- suggesting, where appropriate, a motion or an amendment to a motion that expresses the views of the meeting
- inviting council members who offer ideas to draft them in an appropriate form of motion
- ensuring ambiguities in motions and amendments are clarified
- using open ended questions to elicit more information
- focusing discussion on content rather than personalities

- terminating any background discussions between council members while another member has the floor.

## 6.5 Keeping order

It is the duty of the presiding member to preserve the right of all council members to participate in the meeting. Early intervention usually reduces issues and minimises disorder. If the presiding member maintains a calm demeanour and manner and directs the meeting to the objective of the item and what council needs to achieve, many potential conflict situations can be avoided or contained. A member can alert the meeting's presiding member to an alleged incident that could be considered a point of order in relation to conduct.

The Mayor or President as the presiding person at council meetings carries out a pivotal role by facilitating and encouraging all points of view to be expressed and respected. This will assist a council member with a motion or an expressed opinion that might not be supported by the majority of other member, to be satisfied that they have been given a fair hearing and that the process through the meeting is open and transparent.

Section 5.104 of the Act requires all local governments to adopt the Model Code of Conduct in Regulations to be observed by its council members, committee members and employees. Respect for and compliance with the Model Code helps the presiding person to ensure promotion and maintenance of good order at all meetings of the council.

Instances where an individual member of the public, or a vocal opposition group attends and behaves inappropriately during a council meeting and refuses to comply with the directions of the presiding member, can be very stressful and a distraction for the council members, local government employees and others in attendance.

Fortunately, experience has shown that disruptive behaviour by members of the public at meetings of local governments tends to be of short duration and while members and employees may have been made uncomfortable, the business of the meeting can generally proceed.

[Disruptive Behaviour by the Public at Council Meeting](#) provides additional information, including guidance on the options available to councils when members of the public exhibit ongoing disruptive behaviour in meetings.

## 6.6 Role of the CEO and employees at meetings

The CEO's responsibility, under section 5.41(b) of the Act, is to ensure the provision of unbiased, relevant, professional advice and information to council members for their decision-making purposes. At meetings, this is principally achieved by written reports that become a very important part of the agenda for council and committee meetings, and provide the basis for the decisions and the meeting minutes of the local government.

The CEO usually attends council meetings but is not permitted to take part in debate or to vote. Most local governments also have other senior employees attend meetings for the purpose of providing information, technical advice, or guidance on the agenda matters.

The presiding member is responsible for initiating or managing any information, technical advice or guidance input into the meeting from the CEO, or through the CEO, from other council employees

present at the meeting. This is seen as an effective way of assisting the council members in their decision making at meetings.

The attendance of the CEO and senior employees at a meeting should not be used as an opportunity for council members to attempt to draw the CEO, or an employee, into the process of debate. Council members must not ask employees at a meeting for their personal opinion on a matter before the meeting. Similarly, matters that are not on, or that do not reasonably tie in with the agenda papers, should not be raised by council members for the CEO or other employees to respond to.

## **6.7 Taking a break during a meeting (adjournment)**

A useful approach to defusing the situation if disorder occurs at either a council or committee meeting, or a public meeting called by council, is to have a brief meeting adjournment.

Most meeting procedures make provision for the presiding member to adjourn the meeting for a defined period of time if disorder occurs. This is achieved through council resolution or by the presiding member making the declaration and physically vacating the chair.

[Disruptive Behaviour by the Public at Council Meeting](#) provides guidance on options available to councils when members of the public exhibit ongoing, disruptive behaviour at meetings.

## **6.8 Order of business**

At times it may be necessary to consider altering the order of business to ensure important and urgent matters can be adequately dealt with. Changing the agenda to alter the order of business requires a motion to be passed at the meeting — that is, council should move and record a procedural motion to that effect.

\*See also [A Guide to the Preparation of Agendas and Minutes](#), items 3.2 and 5.2.3.

## 7. Financial and proximity interest and interest affecting impartiality

The Act places specific obligations on both council members and employees who have financial, proximity or impartiality interests in an item before a meeting. These provisions support the principle that council members and employees must be open and above reproach.

### 7.1 Direct and indirect financial interests and proximity interests

A financial interest occurs if the member or employee, or a person closely associated with the member or employee (such as a spouse or child living at home or the person's employer) has a matter before the local government which, if dealt with in a particular way, will result in a financial gain or loss to the member, employee or closely associated person.

The three key elements of this definition are:

- there must be a reasonable expectation of a financial gain or loss (it should not be too remote or speculative)
- the matter must be capable of being dealt with by the local government (such as by giving an approval or rejecting a recommendation)
- the manner in which the matter is dealt with could result in financial gain or loss to the council member, employee or closely associated person.

For council or committee members, the main obligation is to disclose the nature of the financial interest and, on some occasions, the extent of the interest when a financial interest is held in an item before a meeting. Employees are required to disclose any financial interest when providing advice or a report to a meeting.

The Act exempts certain financial interests from the obligation of disclosure (such as interests which arise from the imposition of a rate). This enables council members to participate fully in the decision-making process on these exempt issues. The decision about whether an interest is a financial interest which should be disclosed falls to the council member or employee. Nobody can direct anybody else to disclose, or to disclose for someone else.

In particular, council members should monitor their meeting agendas to determine whether a financial interest applies to a particular item. This will allow them to identify whether the interest is an exempt interest which need not be disclosed and decide, in cases where an interest exists, whether they have the right under the Act to seek approval from the Minister or the meeting to participate in the item where the interest is held. Otherwise, having disclosed a financial interest in an item, the council member is required to leave the meeting when that item is considered. The penalties for not disclosing a financial interest are significant.

A proximity interest exists if the council member, or a closely associated person, has an interest in a matter that concerns:

- a proposed change to a planning scheme affecting land that adjoins the person's land
- a proposed change to the zoning or use of land that adjoins the person's land



- a proposed development of land that adjoins the person's land (development refers to the development, maintenance or management of the land or of services or facilities on the land).

The existence of a proximity interest is established purely by the location of the land. A financial effect does not have to be established.

For more detailed information, see [Disclosures of Interest](#).

## 7.2 Impartiality interests

In addition to financial interests, council members are required to disclose interests which would also give rise to a reasonable belief that the impartiality of the member could be adversely affected when making a decision on an item. Impartiality interests should be disclosed either in writing to the CEO before the meeting or verbally at the meeting immediately before the item which generates the interest is considered.

As with financial interests, the impartiality interest disclosure is made immediately prior to the item's consideration and is recorded in the minutes. The disclosure by a council member of an impartiality interest does not stop them from discussing or voting on an item.

In failing to disclose an impartiality interest, a council member contravenes a rule of conduct and in doing so commits a minor breach. The Model Code of Conduct Regulations focus on providing avenues for dealing with allegations specifically concerning council member misconduct. Under this legislation, minor breaches may be referred to the Standards Panel.

Regulation 22 of the Model Code of Conduct Regulations describes the requirement to declare an interest that could, or could reasonably be perceived to, adversely affect the impartiality of a council member arising from "kinship, friendship or membership of an association".

This type of interest is distinct and separate from the aforementioned interests. Once a declaration has been made, the council member may continue to participate in discussion and vote on the matter before council. However, penalties apply for the failure to declare an impartiality interest.

## 8. Meeting conventions and technicalities

Council members need to be aware of the importance of observing meeting procedures. Decisions made in council meetings are legally binding and must be made in accordance with correct meeting procedures. Failure to follow correct procedures could provide an opportunity for the decision to be challenged on the grounds that the council failed to observe the due process in making the decision and therefore, it is not a legally binding decision.

Most local governments have adopted a local law to provide for rules and guidelines that apply to the conduct of their council, committee and electors' meetings. All meetings must be conducted to comply with the Act, regulations and the council's own adopted meeting local laws.

### 8.1 Quorum

A quorum is the minimum number of council members who must be present for a meeting to be considered valid. The quorum for a meeting of a council or a committee is **at least 50%** of the number of offices (whether vacant or not) of members of the council or the committee (sections 5.7 and 5.19 of the Act; regulation 8 of the Administration Regulations).

If a quorum has not been established within 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned. The adjournment procedure is prescribed in regulation 8 of the Administration Regulations.

When a meeting is not held due to the lack of a quorum, a record of the names of persons who attended and the reason the meeting did not take place must be kept in the minutes.

See [A Guide to the Preparation of Agendas and Minutes](#), items 3.3.1 and 5.2.2 .

Electronically attending meetings may be permitted under the Act and if granted, council members participating by electronic means for a given meeting are to be included in the quorum. It is important to note:

- there must be a quorum present at all stages of a meeting
- a member permitted to be in attendance at a meeting by telephone, video conference or other electronic means is taken to be no longer in attendance at a meeting if they cease to be in instantaneous communications with all others present at the meeting
- any member of the council can, as a point of order, draw attention to the lack of a quorum
- a call for a quorum check should be addressed to the presiding member
- the quorum check takes precedence over any other business as the meeting cannot continue without a quorum.

A member who has made a disclosure of financial interest in a matter before council and has left the meeting cannot be counted in the quorum. If the absence of this member means that there is no longer a quorum, the presiding member should adjourn the matter to a later meeting, recall the member who had left the meeting because of financial interest or conflict of interest, and continue the meeting. The matter subject to the disclosure of interest should be considered at a later meeting when a quorum is present and maintained.

## 8.2 Motions and resolutions

When the council decides to form a view on a specific issue it does so by formally debating and adopting a motion that expresses the majority view of the council members.

To arrive at a decision (resolution), a motion or proposition is first placed before council inviting the members to determine their position on the issue. A member may propose a motion for consideration by council or a committee.

The motion must be moved and seconded before council can debate the matter. A motion, once debated and if resolved by the council, becomes a resolution of council. The important distinctions are:

- a motion is a proposal to be considered by council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business before the council.
- a resolution is a motion or a result of multiple motions that has been formally adopted by a majority of council members at the meeting. While in practice it means the council decision, the word resolution also indicates the process by which the decision was arrived at and made.

A motion must be moved and seconded before it is debated. If there is no seconder, there is no debate on a motion and it does not progress (lapses). The meeting moves to the next item of business. There can only be one proposed motion before the meeting at any time.

There are two types of motions:

- **Formal motion**

A formal motion is a proposition that requires or acknowledges action that has to be done or has been done. It can also state a view or a preferred position on a particular issue.

A small number of formal motions are routinely presented for consideration by a council meeting, for example, the confirmation of minutes or consideration of a request for a leave of absence.

- **Procedural motion**

Procedural motions are a set of motions that can be employed in specific ways to control the conduct of meetings. They are about meeting procedure and their use can change the course of a meeting. Procedural motions are dealt with in detail in the next chapter.

## 8.3 Drafting a formal motion

As a resolution is the formal adoption by council of a motion accepted and debated by council, it is important to consider the following conventions when preparing a motion. Only motions which are clear, unambiguous and comprehensible should be accepted by the presiding member. For more detailed information, see DLGSC's Operational Guideline [Clarity in Council Motions](#).

The following recognised conventions apply when drafting a motion:

- start with the word “that”
- use third person and avoid using first person
- clearly indicate the matter, issue or subject of the motion
- clearly indicate the intention of the council
- use clear and unambiguous language
- use plain and non-technical terms that can be understood by council members and the public
- construct it simply and if necessary, set out in sections that can be clearly identified by letters or numbers
- indicate proposed action or reflect agreed views on a particular issue
- clearly indicate who is responsible for any action, and if appropriate, expected time of action and outcome, and reporting back requirements
- do not re-introduce a motion which has already been rejected and would therefore require specific treatment.

The following example of an adopted resolution has many of the necessary features:

“That council resolves that the CEO writes to the State Treasurer to seek long-term funding in the upcoming State budget for regional transport infrastructure investment.”

All reports to council or a committee will include a recommendation. In most cases this will become the motion which will be put to council for debate. However, a councillor may choose to move a motion other than the officer’s recommendation.

## **8.4 Motion not accepted by the presiding member**

The guiding rule is that no motion should be put or passed unless it is within the scope of the notice of meeting and the agenda (order of business). It is the presiding member’s role to ensure that motions are within the meeting’s jurisdiction. The presiding member would be expected to rule a motion as out of order if it:

- uses unclear or vague language
- is the direct negative of a motion just passed by the meeting
- is inconsistent with a formal motion just adopted
- is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting
- proposes an action that is unlawful
- is a matter that was subject to a previous amendment or a rescission motion which was defeated within the period of time specified in the meeting procedures
- is outside the jurisdiction of the council
- contains defamatory statements

- is vexatious and proposed only to obstruct the orderly transaction of business.

If the meeting is considering a motion which is difficult to comprehend and of a complex structure, the presiding member has the discretion to seek the agreement of the meeting to separate the constituent parts of the motion. The meeting can also agree to deal with them in their separate parts as if they were separate motions.

## **8.5 Rules of debate**

The rules of debate should be included in the council's meeting procedures. Ideally the rules of debate:

- create opportunity for all views on the motion to be presented
- recognise that within the meeting there will be a diversity of opinion
- give council members an opportunity to debate and to persuade their fellow council members.

## **8.6 Mover**

The mover proposes the motion. The presiding member will look to see if there is support for the motion by seeking a seconder for the motion. If the motion is seconded, the mover has the right to speak to the motion or can reserve the right to speak later.

The mover has a right of reply once debate on the motion has concluded. No new arguments or material should be argued during the right of reply. The exercise of the right of reply closes off the debate and the meeting goes to the vote.

## **8.7 Secunder**

The presiding member will call on the mover to speak to the motion. After the mover has spoken, the seconder has the right to speak to the motion. This right can be reserved to a later part of the debate. Before deferring to a later stage of the debate, the seconder should bear in mind that:

- there is no right of reply
- a procedural resolution can cut off the debate before the right is exercised
- it is not possible to withdraw support for the motion.

## **8.8 Presenting the contraposition**

After the mover and seconder have exercised their rights of address, the debate moves on. Those council members who wish to speak against the motion now have their opportunity to address the meeting.

Members are then asked to speak for or against the motion, usually in the order of one speaker for and one speaker against the motion.

A mover of a motion may be permitted to explain uncertainties in the motion. Any explanation given should be limited to clarifying issues, not on extending debate.

## 8.9 Closing the debate

The close of debate is reached when any of the following occurs:

- speakers from both sides of the debate have addressed council consecutively
- the time allotted has expired
- the number of speakers for and against was limited by agreement and has been reached
- a procedural resolution to close the debate, e.g. “I move that the question be now put” has been proposed and received majority support.

Upon the decision to move to close the debate, the mover now has the right of reply. This is the final step in the debate.

## 8.10 Right of reply

Once the mover has exercised the right of reply all further debate on the substantive (main) motion ceases. The presiding member should not call the mover until the time to close off the debate has emerged. In exercising the right of reply the following conventions should be observed:

- it can be waived and the meeting can go straight to the vote, particularly if there have been no speakers against the motion
- the purpose of the right of reply is basically to respond to any points raised in the debate, and to present a final brief summary of the case for the motion
- new arguments cannot be introduced during the “right of reply”
- at the end of the right of reply the motion is put to a vote
- if the majority supports the motion, it becomes a formal resolution of council and as such is the council’s official position
- the motion fails if it does not receive the majority support required and the motion lapses unless revived at a later stage
- in the event of a tied vote at a council or committee meeting, the person presiding is to cast a second vote.

## 8.11 Amending a motion

Once a motion has been formally accepted by the meeting, a member can propose an amendment to the motion. A proposed amendment moved by a member must be seconded by another member. The proposed amendment:

- must clearly relate to the motion under consideration
- must be proposed before the debate on the motion has been concluded—that is, it is necessary to propose an amendment before the mover of the motion has exercised their right of reply.

The presiding member needs to pay particular attention when amendments are requested to maintain the continuity and integrity of the debate. Important points regarding amendments include:

- a notice of amendment is not usually required
- the amendment is subject to the same requirements as a motion, in that it must be moved and then seconded, before the formal rules of debate are applied
- the proposed amendment must be relevant to the motion
- an amendment cannot be accepted if it is a direct rebuttal of the motion it seeks to amend
- an amendment should not add or detract from the motion so as to render the motion radically different from the originally accepted motion
- if an amendment is substantially the same as an earlier rejected amendment on the motion, it should not be accepted
- a proposed amendment that is in opposition to an amendment already accepted should not be accepted
- in the situation where a number of amendments have been moved and seconded, it is important that they should be considered in due succession, thereby ensuring practicality of the motion
- each amendment is separately considered and voted on
- if there is a proposition to amend an amendment, subject to the secondary amendment being moved and seconded, it will be dealt with before voting on the principal amendment
- once an amendment has been moved and seconded it cannot be withdrawn without the consent of the meeting.

## 8.12 Debating an amendment

In practice, the formal rules of debate apply to the handling of amendments:

- Debate is allowed only in relation to the amendment and not the main motion – which is suspended while the amendment is considered.
- The mover of an amendment has no right of reply and can only speak once to the amendment.
- The meeting can only debate and vote on one amendment at a time.
- It is important that the presiding member clarifies what is being debated and the specific procedures so there is no confusion regarding the debate on amendments.
- If the vote results in approval of the amendment, the terms of the original motion are varied accordingly. In the event of another amendment being moved, the same procedure is repeated.
- If the amendment is rejected, the original motion (or that motion as altered by previously adopted amendments) is restored and is open to debate, subject however, to the moving of further amendments.
- When discussion ceases, either because no further amendments are forthcoming, or because debate has been terminated by a procedural resolution, the motion is put to the meeting.

Upon concluding debate on the motion and the accepted amendments, it may be necessary to review the order and numbering of the parts of the resolution to ensure it fits together in a coherent

way. It may be necessary to reorder the sequence to ensure the motion makes sense. It is vital that the motion as structured and resolved by the council or committee is accurately recorded in the minutes of the meeting.

**Note:** Where the resolution passed is significantly different from the written recommendation of a committee or an employee, regulation 11 of the Administration Regulations requires the minutes to include a written reason for the changes.

### **8.13 Withdrawing motions**

The mover of a motion may request that the motion be withdrawn any time prior to the vote being taken. If such a request is received all debate is suspended and the presiding member calls the meeting to order and ascertains whether the seconder of the motion agrees with the withdrawal request. If the seconder agrees, the matter is put to a vote without further debate. If any council member votes against the withdrawal, the motion must proceed and cannot be withdrawn.

A request to withdraw a motion can be made even if an amendment to the substantive motion is being debated. The presiding member will call the meeting to order and deals with the withdrawal request. If any council member votes against the withdrawal, the motion remains in effect and debate on the amendment continues. Once the amendment has been dealt with, debate continues on the substantive motion.

### **8.14 Foreshadowed motions**

A foreshadowed motion is a proposed suggestion to the meeting, usually raised during debate, that there is an alternative proposal should the motion being debated, be lost. Foreshadowed motions are usually noted by the presiding member and if the vote is lost, the member who proposed the foreshadowed motion will be invited to move their foreshadowed motion. Once moved the motion is debated in the normal manner.



## 9. Procedure and directions

### 9.1 Procedural motions

Procedural motions are a specific set of motions to control the conduct of meetings and aid the effective transaction of business.

Procedural motions fall into two categories:

- permanent – procedural motions that dispose of the motion permanently
- temporary – procedural motions that temporarily set the matter aside without a vote being taken.

### 9.2 Permanent procedural motions

#### 9.2.1 That the question be now put – the closure

The closure (or gag) is a motion used when it is felt the debate has gone on long enough and should be concluded by taking a vote. The procedural motion can be moved in the form, “I move that the question be now put”. The presiding member may call for a seconder to show there are others present who wish to terminate the debate.

At this stage the presiding member should proceed to take the vote on the procedural motion.

Important notes about this closure motion include:

- The closure motion may be moved by any person who has not already spoken in the debate (as allowing a person who has already spoken in the debate to move closure would confer an unfair advantage by allowing them to close down the debate after they had their say) .
- the closure motion may be moved while another speaker is speaking and if carried, immediately stops debate at that stage.
- The mover of the closure motion may not speak to it and the seconder does not speak other than to formally second the motion.
- No debate or amendment is permitted.
- If the closure motion is successful, the presiding member should:
  - in the case of an amendment, proceed to the vote
  - in the case of a motion, permit the mover of the substantive motion to exercise the right of reply before calling for the vote (**note**: only for substantive and not for amendments to a substantive motion)
  - if the closure motion is defeated, the debate continues from the stage at which it was interrupted and a speaker speaking when the procedural motion was moved is permitted to continue and can use up the balance of their permitted time.

Subject to meeting procedures, a closure motion may be moved again later in the debate. However, a later closure motion may not be moved by:

- the person who moved it originally
- a person who has previously spoken in the debate.

### **9.2.2 That the meeting proceeds to the next item of business**

This procedural motion is usually stated in the form; “That the meeting proceed to the next item of business.”

Important points about “proceed to the next item of business” include:

- the mover of the closure motion may speak to it; however, the seconder does not speak other than to formally second the motion
- if accepted, there is no debate or amendment to the motion
- it cannot be moved by a member who has already spoken to the motion
- it cannot be proposed while a member is speaking to the motion or an amendment and must therefore be moved at the close of any address
- if moved during the course of an amendment or a procedural motion and the motion is carried, the effect is to put aside the amendment or the procedural motion as if it was defeated
- if the motion is not carried it can be resurrected at a later stage of the debate, subject to any limitations set out in the council’s meeting procedures
- if carried, debate on the motion ceases, the meeting moves to the next item of business and no vote is taken on the motion
- if not carried, the debate carries on as before.

If the motion is carried, the item is dropped for the entire meeting unless re-introduced as a notice of motion. The matter need not be further considered.

## **9.3 Temporary procedural motions**

There are a number of reasons why a member may wish to terminate debate on a matter. For example, the member may be of the view that:

- the motion under debate has been debated long enough and it is not worthwhile pursuing the issue any further at the meeting
- the matter should be deferred to another time to permit more consideration
- further time should be provided to seek additional information on the matter.

A temporary procedural motion is a useful device if there is a contentious matter before the meeting that the members want to delay debating or adopting a position on. The procedural motion, if carried, places the matter on hold until specific steps are taken to place it back on the agenda again.

### **9.3.1 That the debate be adjourned**

If the meeting wishes to temporarily set aside the motion so that it may be revived at a later stage, a member should move; “That the debate be adjourned.”.

The details or conditions to be met before resuming the debate on the motion should be expressly stated in the procedural motion, for example, adjourn the debate until a particular council or committee meeting date, or until more information is available.

Important points about “That the debate be adjourned” include:

- the mover of the adjournment motion may speak to it; however, the seconder does not speak other than to formally second the motion
- the presiding member has no discretion to refuse it
- it may not be moved by a member who has participated in the debate on the motion
- amendments to the motion are permissible, provided that the amendment clarifies the details at the resumption of the debate on the motion
- there is no debate and no right of reply to the mover
- if carried, it has the effect of temporarily stopping the debate on the motion
- the matter can be adjourned to a later part of the meeting
- when the debate resumes, it is as if there was no break and therefore members who have already participated in the debate are subject to the normal rules of debate
- on resumption of the debate, the convention is that the mover of the procedural motion has the first opportunity to speak
- a motion to adjourn the debate can be trumped by a motion to adjourn the meeting.

Moving a procedural motion to adjourn the debate can be very useful when:

- more information and/or more time is needed to consider the issue and develop other options
- it is likely that coming events may change the situation
- a wider range of views beyond the meeting are necessary
- pressure of time dictates bringing forward other urgent business.

### **9.3.2 That the matter be referred to a committee**

A matter before the council can be temporarily put aside by the simple device of the procedural motion: “That the matter be referred to a committee.”

There are several reasons why a council may wish to adopt this approach. For example, the council may not have the time to do the issue justice and may be of the view that the issue would be better dealt with in detail by a smaller number of members in committee. It is a very practical device that can provide an opportunity for members to examine all aspects of an issue in more detail.

Before referring the matter to a committee, it is advisable to give some consideration as to the terms of reference and the composition of the committee. It may be possible to refer the matter to a standing committee of council. The important points listed in section 9.3.1 above should also be noted as applicable for this referral motion.

### **9.3.3 That the meeting now adjourn**

The majority of members present at a meeting of a local government may adjourn the meeting to a later hour on the same day or to a later day. An adjournment may occur when:

- the meeting is disorderly and order cannot be restored
- members present do not constitute a quorum
- time runs out, such as when a pre-determined meeting close time is reached.

Administration regulation 8 states that if a quorum is not present within 30 minutes after the scheduled start time for a meeting, the meeting may be adjourned to another day or time by a majority of the members present. The order in which authorised persons can adjourn a council or committee meeting due to the lack of a quorum is:

- the presiding member
- the deputy presiding member if the presiding member is not present
- a majority of members present if neither presiding member is present
- a single member if no other member is present
- the local government's CEO, if no member is present.

The meeting must be adjourned by resolution. The mover of the motion to adjourn may speak to it; however, the seconder does not speak other than to formally second the motion. It is desirable that the resolution also specifies the arrangements for conducting the meeting at a later time – for example: "Council resolves that the meeting be adjourned and resumed at 2:00 pm on day/date, at the council chamber."

The motion cannot be moved by a member who has already spoken in the debate before the meeting, and a member cannot move this motion more than once in any meeting.

If carried, debate ceases and re-starts at the same point as it left off, unless a vote is taken to change this procedure. If the adjournment is for the meeting to continue on another day, a notice of meeting to re-convene an adjourned meeting should be given as soon as practical.

### **9.3.4 That a member no longer be heard**

A successful motion that a nominated member be no longer heard prevents the member from speaking further on the current substantive motion. The mover is not permitted to speak to it and the seconder is only permitted to formally second it. If the member prevented from speaking was the mover to the substantive motion, their right of reply before the vote is taken is not affected.

### **9.3.5 Points of order**

If a member considers that there has been an irregularity in the conduct of the meeting — for example, a member introduces irrelevant matters, it can be brought to the attention of the presiding member by calling a “point of order.”

The presiding member must permit the member calling the point of order to state what standing order, code or procedure they believe has been infringed. A point of order takes precedent over all other business until it is determined. The presiding member should immediately rule, upholding the point of order, or overruling it.

Points of order may arise where a member believes there may have been a breach of any local law or any written law.

### **9.3.6 Challenging the presiding member’s ruling on a point of order**

When a member disagrees with a ruling on a point of order, it is possible to move a motion of dissent. The purpose of the motion of dissent is to seek to correct what may have been a mistake of fact or interpretation on the part of the presiding member. Therefore, when voting on the motion, consideration should be given to the procedural matters, not the popularity of the presiding member.

The procedural motion is stated in the following terms, “That the ruling of the presiding member be disagreed with.” No further business should be transacted until the dissent motion is resolved.

It is important to remember that:

- only the mover of the motion and the presiding member can speak to the motion
- there is no right of reply.

If the meeting supports the motion of dissent:

- the business is resumed and the presiding member accepts the reversal of the point of order
- any business or motion that has been ruled out of order by the presiding member is reinstated.

## **9.4 Procedural motions in general**

Any motion that seeks to change the order of business or alter the formal rules of debate falls within the category of a procedural motion. Examples of this, as contained in a council’s meeting procedures, include motions closing a meeting to the public, and suspending and then resuming meeting procedures.

## 10. Decision making

A decision of council is the result of democratic debate. The final decision, the resolution of council, is the result of open voting by the majority of council members at the meeting. Once a collective decision is made, all members must abide by the decision.

Collective responsibility requires members of a council or its committees to support publicly all decisions made by council even if they do not agree privately.

The Act's principles establish that the primary accountability of a local government is to its community, and that the decisions of the local government must be made with regard to the benefit of the entire local government area. Accordingly, there are legislative requirements associated with a member's capacity to participate in decision making (voting) when there is financial interest or conflict arising from an impartiality interest (see sections 7.1 and 7.2).

### 10.1 Making the decision

At the conclusion of the formal debate, the presiding member is required to ascertain the view of the meeting by calling for a vote. Section 5.21 of the Act explains voting and counting requirements, namely:

- voting to be open and accountable
- each member of council or a committee present at the meeting is entitled to one vote
- in the case of a tied vote, the presiding member must cast a second vote
- a decision which is carried by the majority of votes at a meeting of council where a quorum is present is considered to be a lawful decision of council.

Section 5.21(2) of the Act states that any member of a council or a committee with a delegated decision-making power, who is present at a meeting, must vote on matters which require a decision at that meeting. The only exception is when the member has declared a financial interest in accordance with section 5.65 of the Act. If the member does not vote when required to do so, they are in breach of the Act (section 5.21(5)). It is advisable for the local government's CEO to record in the minutes the name of the member who failed to vote on the matter. Such non-voting is considered a serious breach of the Act.

### 10.2 Counting the votes

Council's meeting procedures may permit the use of the "show of hands" or "on the voices" or other methods for taking the vote. It is a matter of discretion for the presiding member to adopt the most suitable method in the circumstances existing at the meeting.

The presiding member has a duty to ensure that the:

- view of the meeting is clearly articulated
- result of the voting is formally declared.

The presiding member can take any appropriate steps to ensure the result is clear. If any doubt exists, the presiding member can immediately seek a recount.

Each individual member's vote and the total vote, for and against, must be recorded in the minutes. A request for a recount must occur immediately after the presiding member declares the result.

### **10.3 Presiding member's second vote**

The person presiding has a vote and must exercise this right as a member of the council or of a committee. If the votes of members present at a council or committee meeting are equally divided, the person presiding must cast a second vote to break the deadlock and achieve a result.

For example, if there are seven councillors plus the President forming the quorum for the meeting and four councillors vote for the motion and three councillors and the President vote against it, the vote would be tied. The President, as the person presiding, would use their second vote to break the deadlock and bring about a decision. The second vote cannot be used to achieve an absolute majority vote outcome.

### **10.4 Revoking or changing meeting decisions**

A decision of a local government to revoke or change an earlier decision may have serious legal implications for a variety of reasons, such as where the original decision has been implemented, or has already been communicated to the applicant.

It is not the purpose of this guide to elaborate on such legal implications but local governments are urged to be sure that the issues are addressed, and legal advice sought, as necessary before attempting to revoke or change an earlier decision.

A well-researched report, prepared for the council or committee by or at the direction of the CEO, addressing the legal, financial and any other consequences of the proposed revocation or change is essential to ensure that all relevant matters are properly considered by council members before the revocation process is commenced.

Regulation 10 of the Administration Regulations prescribes how and when a decision made at a meeting of council or a committee may be revoked or changed. Such revocation or change can only occur where the result is that the original decision is either revoked or becomes substantially different.

A motion to revoke or change a previous council or committee decision must (first stage) be supported and be signed by at least a third of the number of members (whether vacant or not), inclusive of the mover, of the council or committee, or by an absolute majority if an attempt to revoke or change the decision has been made and failed in the previous three months.

The second stage (after the required support for the motion has been obtained and recorded), is the formal consideration of the motion after it is seconded, and the decision whether to revoke or change the earlier resolution. This decision must be made, in the case where the decision to revoke or change was made by an absolute or special majority, by that same type of majority. In any other case, decisions are to be made by an absolute majority.

Regulation 10 of the Administration Regulations governs the number of members that must:

- support a motion to revoke or change a prior council or committee decision
- decide to change a prior council or committee decision.

The minutes must clearly show compliance with the voting requirements.

To ensure consistency, local governments should resolve the procedure that is to be adopted for accepting and recording a proposal to revoke or change a decision. It is recommended that the names of the members who support the introduction of the motion should be recorded in the minutes, before the motion to revoke or change a decision is put to the meeting.

Unless the motion to revoke or change includes an explanation for the action as part of the motion, it is good practice to record the reason in a separate resolution or as a notation in the minutes.

## **10.5 Moving items “en bloc”**

The term “en bloc” is used to describe the practice of adopting the recommendations of a committee, or multiple officer recommendations, by the use of only one resolution or the adoption of the recommendations in groups, without a separate resolution for each recommendation.

The practice of adopting recommendations en bloc is intended to speed up the resolution of the business of the council meeting where council members have no reason to disagree with recommendations. While the intent in adopting the procedure is obvious, it is extremely important that the outcome in respect to every item in the agenda is clear.

It is suggested that the meeting procedures of those local governments that have adopted, or wish to adopt, an en bloc method of dealing with committee or officer recommendations should be written to clearly endorse the practice. This will ensure there is consistency in the way the recommendations of committees and officers are dealt with and recorded.

If a local government wishes to use, or continue to use, the en bloc method of dealing with and recording the outcome of decisions relating to recommendations from committees, the following procedure is recommended:

1. Before commencing the process, the presiding person should give a brief explanation of the en bloc method of decision making for the benefit of the members of the public in the gallery.
2. The presiding person then introduces the committee or officer recommendations by reading the heading for each item. This practice makes it easier for council members and members of the public to follow the business of the meeting. Groups of recommendations are then adopted by the council with the groups interspersed with resolutions relating to recommendations that are to be dealt with separately due to:
  - the legislative requirement for absolute or special majority votes
  - a disclosure of financial or impartiality interest
  - the need to debate items of public interest that have attracted members of the public to the meeting to observe their determination, or may have been the subject of a deputation or a presentation to the council
  - the need to debate items about which there is diverse opinion or there is disagreement with the recommendation(s).



## 11. Meeting records

### 11.1 Keeping the record: minutes of the meeting

Minutes are the official record of the business and decisions made at the council and committee meetings and, as a legal record, are arguably the most important records of a local government.

The minutes do not need to be a verbatim transcript of proceedings and there is no legal requirement to have a full transcript or even a summary of member's statements, unless it is determined at the meeting that this should occur. Administration regulation 11 sets out what the content of minutes is to include. See also DLGSC's A Guide to the Preparation of Agendas and Minutes.

The minutes of each meeting need to be:

- an accurate historical recording of what took place and of the decisions made at the meeting
- written in a consistent, clear and readable format so that members of the public can see the reasons for the decisions made
- made available to the public
- stored as a record in an appropriate format and conditions and in compliance with the *State Records Act 2000*.

### 11.2 Transparent and accountable records of meeting

Regulation 11 of the Administration Regulations sets out the content that the minutes of council or committee meetings must contain, including:

- the names of members present
- details of each motion moved, the mover and the outcome of the motion
- details of each decision made at the meeting
- written reasons for each decision made at a meeting that is significantly different from the committee's or council employee's recommendation.

Section 5.22(2) and (3) of the Act requires that the minutes of a council or committee meeting are to go to the next meeting of the council or committee for confirmation and signing by the person presiding to certify the confirmation.

### **11.3 Accessible records**

Section 5.94(n) (o) and (p) of the Act lists, amongst other items, the agenda and minute related documents, (whether or not current and in the form or medium that they are held by the local government), that must be available free for inspection by members of the public. This list includes the availability of:

- confirmed minutes of council or committee meetings;
- notice papers and agenda relating to any council or committee meeting
- reports and other documents that have been either tabled at, or produced for and presented at, a council or a committee meeting.

Section 5.96A sets out information that must be accessible on the local government's website. This includes confirmed minutes of council or committee meetings but excludes the meeting or that part of the meeting that was closed to members of the public, or in the CEO's opinion, could have been closed to members of the public but was not closed.

### **11.4 Confirmation of the minutes**

The confirmation of the minutes of council is by way of a motion and the meeting may, until the confirmation motion is carried, move amendments to the minutes.

Once the minutes have been confirmed, they cannot be altered. If at a later date an error is noted in the minutes, any correction must be in the form of a motion and carried by the meeting. The minutes of the meeting are to record details of any motion for the correction of the minutes of a former meeting.

Courts have held that the minutes are prima facie evidence of council decisions, but their accuracy may be challenged. The burden of proof is on the party questioning the accuracy of the minutes. In considering the adoption of the minutes, the test is to ask - are they a clear, accurate, concise and complete record of the business and decisions of the meeting?

## Appendix 1: A quick guide to the order of debate at a meeting

A quick guide to the order of debate at a meeting				
Motions	Member's Initials	Amendments	Member's Initials	Procedural Closure Motions
Motion: Insert ref no:		Amendment No 1:		Moved by:
Moved by:		Moved by:		Seconded by:
Seconded by:		Seconded by:		<b>* Check to ensure member's rights</b>
Move r's right to speak to motion		Speakers for the amendment:		
Taken? Y = N =				
		Speakers against the amendment:		
Seconder's right to speak to motion		Vote outcome of amendment 1		
Taken? Y = N =		Accepted? Y = N =		
Deferred? Y = N =				Vote on procedural motion and act on the vote decision. May terminate the need for any further action at this point.
		Amendment No 2:		
Speakers for the motion:		Moved by:		Carried =
		Seconded by:		Rejected =
Speakers against the motion:				
		Speakers for the amendment:		
Close of debate triggered by:				
-No more speakers		Speakers against the amendment:		
-No more amendments				
-*Procedural closure motions		Vote outcome of amendment 2		
		Accepted? Y = N =		
Move r of motions right of reply:				
Right taken? Y = N =		Amendment No 3:		
		Moved by:		
Vote on the motion- Original or as amended:		Seconded by:		
Carried =		Speakers for the amendment:		
Rejected =				
		Speakers against the amendment:		
		Vote outcome of amendment 3		
		Accepted? Y = N =		

