



# Council meetings

## Introduction

Council meetings are the mechanism by which council makes decisions. To ensure transparency council meetings are held in public, although certain matters can be heard behind closed doors. Council meetings also provide an opportunity for public question time. The Local Government Act 1995 (the Act) establishes the framework for council meetings.

### Public question time

Public question time is an important opportunity for people to interact with their council and is seen by many in the public as a way to apply scrutiny and rigour to council decision making. Legislation provides that a minimum of 15 minutes of each council or committee meeting is allocated to public question time.

#### What are the opportunities for reform?

In order to engage a greater number of ratepayers in council meetings, it may be necessary to alter the way the public interact with elected members.

#### Different means to ask questions

Technology may present a way for question time to be modernised. For example, using email or social media as a means of accepting questions may foster

greater community interaction, strengthen inclusivity and increase the utility of public question time.

#### Managing public question time effectively

Managing public question time can be challenging. The freedom afforded to local government in the Act means that different rules for public question time exist across local governments. Greater prescription in the Act could provide clear and consistent rules for public question time.

#### Public statement time

As a means of encouraging public engagement and promoting transparency, a period of time allowing members of the public to address council without asking a question could be introduced.

#### Managing interests

Council members are part of the community they serve. Many councillors also have a full-time or part-time job, which might include running their own business and are likely to be involved in community groups and sporting associations. It is inevitable that council members will from time to time will have conflicts of interests. Providing an appropriate framework for these real and potential conflicts of interest is key.

Interest type	Regulation
<b>Financial interests</b>	A person has a financial interest if it is reasonable to expect that a council decision on a matter will result in a financial benefit or detriment to that person. These interests arise commonly as council decisions affect businesses and financial outcomes regularly.
<b>Proximity interests</b>	A person has a proximity interest in a matter if it concerns a proposed change to a planning scheme, zoning, or development of land that adjoins the persons land. This may be too narrow a definition as developments on the councillor's street, for example, may also be likely to influence decision making.
<b>Indirect financial interests</b>	An indirect financial interest results from a financial relationship between the councillor and a person who requires a local government decision in relation to a matter.
<b>Impartiality interests</b>	An impartiality interest is an interest that may adversely affect the impartiality of the person and includes an interest arising from kinship, friendship or membership of an association. These must be disclosed when they arise but the council member participates in the discussion on the matter and votes.
<b>Interests not requiring disclosure</b>	<p>There are a number of situations in which a person is not required to declare an interest in a matter. This includes the situation where an interest is common to a significant number of electors or ratepayers. The term "significant number" is unclear and may cause confusion as to whether the interest needs to be declared.</p> <p>Changes in the valuation of land are not deemed to be an interest if the change affects a planning scheme for an area or the zoning or development of land in a district. That is, there is no interest where the person's land is affected generally, as part of a larger area, rather than individually.</p>
<b>Exemptions granted by the Minister</b>	The council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting relating to the matter. This can occur if the Minister is satisfied that there wouldn't be enough council members to deal with the matter, or if it is in the interests of the ratepayers to do so.

## What are the opportunities for reform?

The rules concerning identifying and taking appropriate actions associated with real or perceived conflicts interests have been criticised as complex and ineffective. Managing interests is vital to ensuring the legitimacy of council decision making and the rules need to be simple and sensible to ensure public confidence.

## Remote attendance

Council members may attend council meetings remotely in specific circumstances. To gain approval for remote attendance, the person (unless they have a disability) must be located in a council-approved place in a townsite that is at least 150 km from the meeting venue. A council is also not permitted to have members attend remotely for more than half of the meetings in a given financial year.

## What are the opportunities for reform?

Expanding the instances in which remote attendance is allowed, by altering or removing the distance and/or townsite requirements, will help to ensure that local issues are heard and voted on by all elected members and mirror the rules for many commercial and not-for-profit boards. It may also reduce the number of instances in which a quorum is not present, thereby allowing the local government to run more effectively.

### General electors meetings

A general meeting of the electors of a district is to be held once every financial year. The purpose of the annual electors' meeting is to discuss the contents of the annual report and any other general business.

## What are the opportunities for reform?

The local government sector has long called for the requirement to hold a general electors' meeting to be scrapped on the basis that very few members of the community attend and that there are other opportunities to ask questions of council. Annual electors' meetings are not required in any State or Territory other than Western Australia.

### Special electors meetings

Special electors' meetings may be called if a sufficient number of people within a district request one. The current requirement to call a meeting is either 100 electors or 5% of the total number of electors, whichever is less. These meetings are usually called by electors to discuss an issue affecting the district however, they do not guarantee any action or outcome that binds councils. These meetings provide an opportunity for people to have their say but may be unhelpful due to the potential for conflict between the council and electors.

## What are the opportunities for reform?

Special electors' meetings are not held in Victoria, New South Wales or South Australia and are held in varying circumstances in other States. None of the States that provide for special electors' meetings allow for the public to call such a meeting. In Queensland, the mayor and CEO may decide to call a special electors' meeting, whilst in Tasmania a special meeting may be convened by the mayor. This only takes place at the request of three or more councillors. As electors' meetings are hardly used in other States, this may imply that these meetings are not essential to the functioning of local government.

To ensure that special electors' meetings are called only when necessary, the threshold of electors required to call a meeting could be raised. Increasing the number of electors required from 100 to 500 may assist in preventing unnecessary meetings. In order to prevent numerous meetings on an issue, a requirement that a meeting cannot be held to discuss the same issue more than once in a 12 month period could be introduced.

### Access to information for council members

During earlier consultation of the review, several submissions called for greater clarity regarding the information that council members may have access to.

## What are the opportunities for reform?

The current legislation provides a mechanism to limit the information that council and committee members have access to; this must pertain to the functions and duties that they are currently undertaking. This limitation is important to not expend a local government's resources finding information about decisions or activities undertaken that bear no relevance to the current issues.

As the legislation is currently written, the power to decide what is relevant rests with the CEO of the local government. The question of what is relevant is based on the opinion of the CEO alone. It may be appropriate to include a mechanism within the Act to allow the review of that decision. Considering the very nature of the question and the possible confidentiality of the material, this may be a question most appropriately reviewed by the council itself.

### Meeting procedures

It is important that council meetings are governed by a set of rules to ensure they are transparent and effective. These rules are set out individually by each local government in local laws.

## What are the opportunities for reform?

### Minutes of council and committee meetings

Submissions to earlier consultation of the review recommended that the responsibility for keeping minutes of council be shifted to the CEO rather than the presiding member. This is because the keeping of minutes is an administrative function that, as the head of the administrative arm of local government, should be the responsibility of the CEO.

### Minutes of confidential portions of meetings

The minutes of council meetings must include details of each motion moved at the meeting and the outcome of the motion, including confidential motions. However, confidential minutes are not to be published. It has been suggested that greater clarity is required in legislation to emphasise this distinction.

### Revoking or changing decisions

The sector has advocated for reforms to clarify and strengthen the rules regarding revoking or changing council decisions. It is proposed that the rules be revised to explicitly state that the rules concerning revoking or changing decisions of council do not apply after the decision has been implemented. This change will assist in ensuring certainty of council decisions without affecting their flexibility, as subsequent decisions on the matter can still be made if need be.

### Creating consistent meeting procedures across all local government jurisdictions

A key part of this reform process is aiming to create constancies across all local government jurisdictions. Having one set of standing orders for all jurisdictions will enable electors to better engage with their local government and reduce confusion.

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## Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.

