



**CLARENCE CITY COUNCIL  
CONSOLIDATED MEETING PROCEDURES**

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(Based on the Local Government (Meeting Procedures) Regulations 2015 and Council’s  
Meetings Procedures Policy as adopted by Council on 18 July 2005.)

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## **PART 1 – CONVENING MEETINGS**

### **Convening Meetings of Council (*Regulation 4 - Part 2, Division 1*)**

- (1) The mayor of a council may convene -
  - (a) an ordinary meeting of the council; and
  - (b) a special meeting of the council.
- (2) The general manager of an existing council is to convene the first ordinary meeting of a council following an ordinary election.
- (3) The Minister is to convene the first ordinary meeting of a newly established council on a date determined by the Minister.
- (4) An ordinary meeting of a council is to be held at least once in each month.
- (5) The general manager is to convene an ordinary meeting of a council if the mayor has not convened such a meeting in the previous calendar month.
- (6) The mayor of a council, or the general manager if the mayor has not done so, must convene a special meeting of the council at the request of a majority of councillors or if the council so determines..
- (7) A request for a special meeting of a council must–
  - (a) be in writing and signed by the councillors making the request; and
  - (b) include details of the subject matter and any motion to be dealt with by the meeting; and
  - (c) be lodged with the mayor.

### **Convening meetings of council committee (*Regulation 5 – Part 2, Division 1*)**

- (1) The chairperson of a council committee may convene a meeting of that committee.
- (2) The chairperson of a council committee must convene a meeting of that committee:
  - (a) if the council committee or the council so determines; or
  - (b) at the request of a majority of the members of the committee.

**Times of meetings (Regulation 6 – Part 2, Division 1)**

- (1) A meeting is not to start before 5 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.
- (2) After each ordinary election, a council and a council committee are to review the times of commencement of meetings.

**Notice of meetings (Regulation 7 – Part 2, Division 1)**

- (1) The general manager is to provide each councillor with a notice in writing of the time and place of a council meeting or a council committee meeting -
  - (a) at least 4 days but not more than 14 days before an ordinary meeting, or a council committee meeting;; or
  - (b) at least 2 days but not more than 14 days before a special meeting.
- (2) At least once in each year, the general manager is to publish in a daily newspaper, or in a prescribed newspaper, circulating in the relevant municipal area a notice containing —
  - (a) the times and places of the ordinary council meetings for the next 12 months; and
  - (b) the times and places, as known, of the council committee
- (3) The general manager also is to ensure that -
  - (a) the notice referred to in subregulation (2) is made available to the public on the website of the council for the period to which the notice applies; and
  - (b) any member of the public is able to inspect, and obtain a copy of, that notice, free of charge, at the public office of the council.
- (4) If there is any change in the time or place of an ordinary council meeting, or a council committee meeting, as published under subregulations (2) and (3), the general manager is to -
  - (a) publish a notice of the change in a daily newspaper, or in a prescribed newspaper, circulating in the relevant municipal area; and
  - (b) ensure that the notice of the times and places for such meetings published on the website of the council is accordingly up-dated; and
  - (c) ensure that the notice of the times and places for such meetings that is made available to the public, at the public office of the council, also is accordingly up-dated.
- (5) In the case of a special council meeting -
  - (a) the general manager is to publish in a daily newspaper, or in a prescribed newspaper, circulating in the relevant municipal area a notice of the time and place of the meeting at least 2 days, but not more than 14 days, before the meeting; and
  - (b) the general manager is to ensure that the notice –
    - (i) is made available to the public on the website of the council for therelevant period; and
    - (ii) any member of the public is able to inspect, and obtain a copy of, that notice, free of charge, at the public office of the council; and

- (c) the notice is to –
  - (i) state whether any part of the meeting is likely to be a closed meeting; and
  - (ii) if a part of the meeting is not likely to be a closed meeting, include details of the items to be discussed at that meeting or part of the meeting.
  
- (6) A period referred to in this regulation includes Saturdays, Sundays and statutory holidays, but does not include -
  - (a) the day on which a notice is provided or made available under subregulation (1); or
  - (b) the day of the meeting.

**PART 2 – AGENDA****Agenda (Regulation 8 – Part 2, Division 1)**

- (1) The general manager is to—
  - (a) prepare an agenda for each meeting and council committee meeting; and
  - (b) in the case of a council meeting, provide each councillor with the agenda together with any associated reports and documents at least –
    - (i) 2 days before a special meeting; and
    - (ii) 4 days before an ordinary meeting; and
  - (c) in the case of a council committee meeting, provide each member of the committee with the agenda and any associated reports and documents at least 4 days before the council committee meeting.
- (2) The agenda of an ordinary meeting of a council is to provide for, but is not limited to, the following items:
  - (a) attendance and apologies;
  - (b) confirmation of the minutes;
  - (c) the date and purpose of any council workshop held since the last meeting;
  - (d) applications for leave of absence;
  - (e) declarations of any pecuniary interest of a councillor or close associate;
  - (f) public question time;
  - (g) any reports to be received; and
  - (h) any matter to be discussed at the meeting.
- (3) The general manager is to arrange the agenda so that the items to be dealt with by a council or council committee as a planning authority are sequential.
- (4) The business of a meeting is to be conducted in the order in which it is set out in the agenda of that meeting, unless the council by absolute majority, or the council committee by simple majority, determines otherwise.
- (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority at an ordinary council meeting, or a council committee by simple majority, at a council committee meeting may decide to deal with a matter that is not on the agenda if
  - (a) the general manager has reported the reason it was not possible to include the matter on the agenda; and
  - (b) the general manager has reported that the matter is urgent; and
  - (c) in a case where the matter requires the advice of a qualified person, the general manager has certified under section 65 of the Act that the advice has been obtained and taken into account in providing general advice to the council.

- (7) The chairperson of a council or a council Committee is to request councillors or members of the committee to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.
- (8) The periods referred to in subregulation (1) include Saturdays, Sundays and public holidays but do not include –
  - (a) the day on which the agenda and any associated reports and documents are provided under subregulation (1)(b); or; and
  - (b) the day of the meeting.



**Council Meeting Agenda and Report Formats (Council Policy)**

**1. Agenda Format**

The following format outlines the standing items and business order for Council Meetings:-

1. Attendance and Apologies
2. Confirmation of Minutes
3. Mayor's Communication
4. Council Workshops
5. Declarations of Pecuniary Interests of Aldermen or Close Associate
6. Tabling of Petitions
7. Public Question Time
  - 7.1 Public Questions on Notice
  - 7.2 Answers to Questions on Notice
  - 7.3 Answers to Previous Questions Taken on Notice
  - 7.4 Questions without Notice
8. Deputations by Members of the Public
9. Motions on Notice
10. Reports from Outside Bodies
  - 10.1 Reports from Single and Joint Authorities
  - 10.2 Reports from Council and Special Committees and other Representative Bodies
11. Reports from Officers
  - 11.1 Weekly Briefing Reports
  - 11.2 Determination on Petitions Tabled at Previous Council Meetings
  - 11.3 Planning Authority Items
  - 11.4 Customer Service Items
  - 11.5 Asset Management Items
  - 11.6 Financial Management Items
  - 11.7 Governance Items
12. Aldermen's Question Time
13. Closed Meeting
  - 13.1 Applications for Leave of Absence

## Council Meeting Agenda and Report Formats /contd

### 2. Report Format

The following format outlines the content details for agenda items and associated reports listed on Council Meeting Agendas:-

**Title**

**Executive Summary**

Purpose

Relation to Existing Policy/Plans

Legislative Requirements

Consultation

Financial Implications

**Recommendation**

**Associated Report**

1. Background
2. Report in Detail
3. Consultation
4. Strategic Plan/Policy Implications
5. External Impacts
6. Risk and Legal Implications
7. Financial Implications
8. Any other Unique Issues
9. Conclusion

### Briefing Report Items (*Council Policy*)

Only reports which are of an informative nature and which do not require formal consideration by the Council, be included in the Weekly Briefing Report; and that an item for noting regarding the Weekly Briefing Report be included in the Agenda for the Council Meeting.

<b>Public access to documents (<i>Regulation 9 – Part 2, Division 1</i>)</b>
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- (1) As far as practicable, the general manager is to make available for inspection by members of the public a copy of the agenda of a meeting and any associated reports and documents, other than an extract relating to any matter referred to in regulation 15(2), at least–
  - (a) 2 days before before the meeting in the case of a special council meeting; or
  - (b) 4 days before the meeting in the case of an ordinary council meeting or a council committee meeting..
- (2) The agenda and associated reports and documents made available for inspection under subregulation (1) are to be so made available under that subregulation –
  - (a) at the public office, and on the website, of the council; and
  - (b) free of charge.
- (3) As far as practicable, the general manager is to make available for purchase by members of the public, by payment of the fee specified in Schedule 1, copies of the agenda and any associated reports and documents made available for inspection under subregulation (1).
- (4) The agenda and associated reports and documents made available for purchase under subregulation (3) are to be made available under that subregulation at the public office of the council during the relevant period specified in subregulation (1).
- (5) At a meeting, a copy of the agenda of the meeting is to be made available free of charge to any member of the public attending the meeting.
- (6) At a meeting, any associated report or document made available for inspection under subregulation (1) is to be made available free of charge for inspection by members of the public attending the meeting.
- (7) Subject to the *Right to Information Act 2009*, the general manager must withhold from the public all associated reports and documents which, in the opinion of the general manager, relate to any matter referred to in regulation 15(2).
- (8) Despite subregulation (7), but subject to the *Right to Information Act 2009*, the general manager may release to the public an associated report or document that he or she is otherwise required under that subregulation to withhold, if –
  - (a) the council, or a council committee, has authorised its release to the public under regulation 15(9); or
  - (b) the council, or a council committee, has discussed, at a meeting that was not closed to the public under regulation 15, the matter to which the associated report or document relates and has, after considering privacy and confidentiality issues, authorised its release to the public.

- (9) A period referred to in subregulation (1) includes Saturdays, Sundays and statutory holidays, but does not include -
- (a) the day on which an agenda and any associated reports and documents are made available under that subregulation; or
  - (b) the day of the meeting

## **PART 3 – CONDUCT OF MEETINGS**

### **Chairperson (*Regulation 10 – Part 2, Division 1*)**

- (1) The mayor or, in his or her absence, the deputy mayor is the chairperson at a meeting of a council.
- (2) If both the mayor and the deputy mayor are not present at a meeting of a council, the councillors present are to elect one of the councillors present to be the chairperson at that meeting.
- (3) A council may–
  - (a) elect a member of a council committee as chairperson of that council committee; or
  - (b) delegate that power of election to the members of the council committee.
- (4) If the chairperson is absent from a council committee meeting, the councillors present who are members of that council committee are to elect one of their members present to be the chairperson at that meeting.
- (5) If the chairperson has moved or seconded a motion, the chairperson is to vacate the chair until the motion has been dealt with.

### **Mayor's Communication (*Council Policy*)**

Immediately after confirmation of the minutes at a Council Meeting, the Mayor or Chairperson may make any communication to the Council which the Mayor or Chairperson considers necessary.

**Conduct of Meetings in Relation to the Chair (*Council Policy*)**

- 1.1 The Chairperson need not stand when addressing the Council.
- 1.2 The Chairperson is to call on items listed on the formal agenda for consideration and until called on, no discussion or debate on motions is to ensue.
- 1.3 Before an item is discussed or debated there is to be a motion moved, seconded and accepted by the Chairperson.
- 1.4 In accordance with Regulation 10 of the Local Government (Meeting Procedures) Regulations 2015, if the Chairperson has moved or seconded a motion before the Meeting, the Chairperson is to vacate the Chair until the motion has been dealt with.
- 1.5 The Chairperson may remain in the Chair to address the meeting on any motion before the Chair which has not been moved or seconded by the Chairperson.
- 1.6 An Alderman proposing or speaking to a motion or discussing any matter under consideration is to stand and address the Chairperson.
- 1.7 If two or more Aldermen rise simultaneously to address the Chairperson, the Chairperson is to decide the order in which they are to address the meeting.
- 1.8 An Alderman, when addressing the Chairperson, is to refer to the Mayor, Deputy Mayor and Aldermen by their respective titles.

**Quorum (Regulation 11 – Part 2, Division 1)**

- (1) A meeting may only transact business if a quorum is present.
- (2) The quorum at a council meeting is an absolute majority.
- (3) The quorum at a council committee meeting is the majority of such number of councillors as are members of the committee.
- (4) If a meeting lacks a quorum because a councillor declares a pecuniary interest and must leave the meeting, the Minister may permit the councillor to remain at that meeting or at a later meeting when the matter is next considered to make up a quorum on condition that the councillor does not take part in any discussion or vote on the matter.
- (5) The details of any permission given by the Minister are to be noted in the minutes.
- (6) If at any time during a meeting the required quorum is no longer present, the chairperson is to adjourn the meeting until the quorum is present or until a later date, unless the quorum is likely to be present for the next item of business.

**Abandoned meetings (*Regulation 12 – Part 2, Division 1*)**

- (1) If a quorum is not present within half an hour after a meeting is to start, the meeting is to be abandoned.
- (2) If a council meeting is abandoned because of the lack of a quorum, the general manager is to record the following details as the minutes of that meeting, even though business could not be transacted at that meeting:
  - (a) the absence of a quorum;
  - (b) the abandonment of the meeting and the time of abandonment;
  - (c) the names of the councillors present at the time of abandonment.
- (3) If a council meeting is abandoned, the mayor is to—
  - (a) within 14 days after the abandonment of the meeting, is to convene another council meeting to deal with the business that was to be dealt with at the abandoned meeting; and
  - (b) is to provide notice of the new meeting in accordance with regulation 7.
- (4) If 3 consecutive council meetings have been abandoned, the general manager must report the matter to the Minister.

**Adjournments (*Regulation 13 – Part 2, Division 1*)**

- (1) At any time during a meeting, the chairperson, subject to subregulation (2), may adjourn the meeting—
  - (a) to a later date; or
  - (b) to a later time on the same day.
- (2) The chairperson may only adjourn a meeting –
  - (a) for a proper purpose; and
  - (b) if it is reasonable to do so in the circumstances; and
  - (c) in good faith.
- (3) If a meeting is adjourned, the chairperson is to ensure that any business of the meeting not then disposed of is given precedence at the resumption of the adjourned meeting.
- (4) At the adjournment of a meeting, the chairperson is to advise the councillors present of the date and time when the meeting is to be resumed and of the reasons for the adjournment.
- (5) If a meeting is adjourned, the general manager is to advise the councillors not present at the meeting –
  - (a) that the meeting was adjourned; and
  - (b) of the date and time of the resumption of the meeting; and
  - (c) of the reasons for the adjournment.
- (6) The reason for the adjournment of a meeting is to be recorded in the minutes.



- (7) If a meeting is adjourned for a period which would allow a special meeting to be convened, the general manager is to publish in a daily newspaper, or in a prescribed newspaper, circulating in the relevant municipal area a notice stating –
- (a) that the meeting has been adjourned; and
  - (b) the date and time of the resumption of the meeting.
- .

**Open meetings (Regulation 14 – Part 2, Division 1)**

A meeting is to be open to the public unless closed under regulation 15.

**Closed meetings (Regulation 15 – Part 2, Division 1)**

- (1) At a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in subregulation (2).
- (2) A part of a meeting may be closed to the public when any one or more of the following matters are being or are to be discussed at the meeting:
  - (a) personnel matters, including complaints against an employee of the council and industrial relations matters;
  - (b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business;
  - (c) commercial information of a confidential nature that, if disclosed, is likely to –
    - (i) prejudice the commercial position of the person who supplied it; or
    - (ii) confer a commercial advantage on a competitor of the council; or
    - (iii) reveal a trade secret;
  - (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal;
  - (e) the security of –
    - (i) the council, councillors and council staff; or
    - (ii) the property of the council;
  - (f) proposals for the council to acquire land or an interest in land or for the disposal of land;
  - (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
  - (h) applications by councillors for a leave of absence;
  - (i) matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;
  - (j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.
- (3) Unless subregulation (4) applies, a council or council committee must not close a meeting or part of a meeting when it is–
  - (a) acting as a planning authority under the Land Use Planning and Approvals Act 1993; or
  - (b) considering whether or not to grant a permit under that Act; or
  - (c) considering proposals for the council to deal with public land under section 178 of the Act.

- (4) A council or council committee may close a part of a meeting when it is acting or considering as referred to in subregulation (3) if it is to consider any matter relating:
  - (a) legal action taken by, or involving, the council; or
  - (b) possible future legal action that may be taken, or may involve, the council.
- (5) If at a meeting a council or council committee closes a part of the meeting, the grounds for the closure are to be recorded in the minutes relating to the part of the meeting that is open to the public.
- (6) The chairperson–
  - (a) is to exclude members of the public from a closed meeting; and
  - (b) may exclude the general manager from a closed meeting if the matter to be discussed relates to the contract of employment or the performance of the general manager; and
  - (c) may invite any person to remain at the meeting to provide advice or information.
- (7) A council, or council committee, by simple majority may re-open a closed meeting to the public.
- (8) While in a closed meeting, the council, or council committee, is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- (9) Subject to the *Right to Information Act 2009*, any discussions, decisions, reports or documents relating to a closed meeting are to be kept confidential unless the council or council committee, after considering privacy and confidentiality issues, authorises their release to the public.

**Closed Meetings (Council Policy)**

Council, in accordance with the procedures and intentions of the Local Government (Meeting Procedures) Regulations 2015, will deal with the following matters in Closed Meeting:

- a. personnel matters including complaints against an employee of the Council;
- b. industrial matters relating to a person;
- c. contracts for the supply and purchase of goods and services;
- d. the security of property of the Council;
- e. proposals for the acquisition of land or an interest in the land or for the disposal of land;
- f. information provided to the Council on the condition it is kept confidential;
- g. trade secrets of private bodies;
- h. matters relating to actual or possible litigation taken by or involving the Council or an employee of the Council;
- i. applications by Aldermen for Leave of Absence;
- j. the personal affairs of any person.

**Suspension from meeting (Regulation 40 – Part 3)**

- (1) The chairperson may suspend a councillor from part or all of a meeting if the councillor–
  - (a) makes a personal reflection about another councillor or an employee of the council and refuses to apologise; or
  - (b) interjects repeatedly; or
  - (c) disrupts the meeting and disobeys a call to order by the chairperson.
- (2) Before deciding to suspend a councillor, the chairperson is to–
  - (a) advise the councillor that suspension is being considered and the reasons for considering suspension; and
  - (b) give the councillor an opportunity to argue against the suspension or to apologise.
- (3) If, after considering any argument or apology from a councillor under subregulation (2), the chairperson decides to suspend the councillor, the councillor–
  - (a) must leave the meeting; and
  - (b) must not attend the meeting while suspended.

Penalty:

Fine not exceeding 10 penalty units.

- (4) The chairperson may request the assistance of a police officer to remove a councillor who refuses to leave a meeting as required under subregulation (3)(a).

**Digression, Personal Comments, or Improper Imputations (Council Policy)**

When addressing the Chairperson, a member is not to:

- a. digress from the subject under discussion; or
- b. make any personal comments regarding any other Alderman; or
- c. impute an improper motive to any other Alderman; or
- d. repeatedly annoy another Alderman; or
- e. use an expression which, in the opinion of the Chairperson, is capable of being applied to another Alderman so as to cause offence to that other Alderman.

**Interruption of Speaker by Alderman (Council Policy)**

When an Alderman is addressing the Chairperson, no other Alderman is to:

- a. converse aloud; or
- b. create any disturbance; or
- c. interrupt the speaker or interject except:
  - to request that any words spoken be noted; or
  - to call attention to a point of order; or
  - to call attention to the want of a quorum.

## PART 4 – MOTIONS

### Motions (*Regulation 16 – Part 2, Division 2*)

- (1) If, during a meeting, a councillor intends to move a motion of which notice has not been given, the chairperson of the meeting may require the councillor to provide a written copy of the motion. (2) The chairperson of a meeting is not to allow a motion to be debated or otherwise dealt with unless it has been moved by one councillor and seconded by another councillor.
- (3) The chairperson of a council committee meeting may waive the requirement for a motion to be seconded.
- (4) A councillor moving a motion for an adjournment of the debate on another motion is to include in the motion the reason for the adjournment.
- (5) A councillor may give to the general manager, at least 7 days before a meeting, written notice of a motion, together with supporting information and reasons, to be included on the agenda of that meeting.
- (6) The general manager, after consultation with the relevant chairperson, may refuse to accept a written motion given under subregulation (5) if, in the opinion of both of them, the motion–
  - (a) is defamatory; or
  - (b) contains offensive language; or
  - (c) is unlawful.
- (7) If a councillor who has given notice of a motion that has not been refused under subregulation (6) does not move the motion at the meeting, the motion lapses.
- (8) A councillor who has moved a motion, whether it is being debated or not, may only withdraw the motion–
  - (a) with the consent of the seconder, if a seconder is required; or
  - (b) with the consent of the meeting.
- (9) The chairperson may refuse to accept a motion of which written notice has not been given under subregulation (5) if, in the opinion of the chairperson, the motion–
  - (a) is defamatory; or
  - (b) contains offensive language; or
  - (c) is unlawful.
- (10) The period referred to in subregulation (5) includes Saturdays, Sundays and statutory holidays but does not include–
  - (a) the day on which notice is given under that subregulation; and
  - (b) the day of the meeting.

**Motions on Notice (Council Policy)**

In accordance with Regulation 16(5) of the Local Government (Meeting Procedures) Regulations 2005, an Alderman may give notice of a motion which that Alderman intends to move at a meeting.

When an Alderman intends to give notice of a motion, that Alderman is to submit to the General Manager on the Friday ten days before the meeting at which it is to be listed, a signed copy of the motion, together with supporting information and reasons prepared by that Alderman explaining the motion and its effect on previous decisions or policies of the Council.

The General Manager is to notify the substance of the motion in the notice of the next meeting and is to incorporate the Alderman's motion and supporting information and reasons in the agenda of that meeting. In the case of motions on notice to overturn previous resolutions of Council, the General Manager is to include advice as to whether or not:

- a. the original motion directed that certain actions be taken; and
- b. that action has been wholly or substantially carried out.

A maximum of two notices of motion may be submitted by an Alderman for any one meeting of the Council.

In considering a notice of motion the Council is to have regard to the advice provided by the General Manager in respect of the motion.

**Motions to amend motions (Regulation 17 - Part 2, Division 2)**

- (1) At a meeting, a councillor who did not move or second a motion (the *original motion*) may move a motion to amend the original motion.
- (2) A councillor is not to move a motion to amend another motion while a previous motion to amend that motion is before the meeting.
- (3) If a motion to amend another motion is resolved in the affirmative, that other motion, as amended, is then the motion before the meeting.
- (4) The chairperson may refuse to accept more than 2 motions to amend a motion.

**Motion to overturn decision (*Regulation 18 – Part 2, Division 2*)**

- (1) For the purposes of this regulation, a decision may be overturned, wholly or partly, by –
  - (a) a motion directly rescinding or otherwise overturning the decision or part of the decision; or
  - (b) a motion that conflicts with, or is contrary to, the decision or part of the decision.
- (2) A council or council committee may only overturn a decision passed at a previous meeting held since the last ordinary election –
  - (a) by an absolute majority, in the case of a council; or
  - (b) by a simple majority, in the case of a council committee.
- (3) Any report given by the general manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include –
  - (a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and
  - (b) the details of that previous decision, or the part of that previous decision, that would be overturned; and
  - (c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and
- (d) if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out.

**Discussion of resolved matter (*Regulation 19 – Part 2, Division 2*)**

- (1) The chairperson of a meeting may only allow a matter in respect of which a decision was made earlier at a meeting to be discussed again at that meeting if–
  - (a) in the opinion of the chairperson, the vote may not have accurately reflected the opinion held by the meeting due to misunderstanding of the motion or for some other reason; or
  - (b) new information comes to hand; or
  - (c) in the opinion of the chairperson, some vital information has been overlooked.
- (2) A motion that a matter be allowed to be discussed again under subregulation (1) is to be made and voted for in the affirmative before the matter may be discussed.



**Procedural motions (Regulation 20 – Part 2, Division 2)**

- (1) The following or their negatives are procedural motions:
  - (a) that the motion be now put;
  - (b) that the matter be deferred;
  - (c) that the matter of the motion be referred to a committee;
  - (d) that the meeting be now adjourned;
  - (e) that the meeting be closed to the public.
- (2) Regulation 16(2) and (3) applies to a procedural motion.
- (3) The chairperson is to—
  - (a) consider a procedural motion in precedence over all other business; and
  - (b) accept or reject that motion.
- (4) If the chairperson of a meeting accepts a procedural motion—
  - (a) no discussion on the procedural motion is to be allowed; and
  - (b) the procedural motion is to be put to the vote.
- (5) If the chairperson rejects a procedural motion, the chairperson is to give reasons for the rejection.
- (6) A councillor at a meeting must not move a motion of dissent against a ruling by the chairperson under subregulation (3).
- (7) Despite subregulation (4)(a), if the procedural motion is that the meeting be now adjourned, the chairperson is to allow discussion on, and only on, the date, time and place of resumption of the meeting.
- (8) If the chairperson of a meeting rejects a procedural motion or the vote in respect of a procedural motion is lost, the chairperson—
  - (a) is to allow discussion on the original motion to be resumed; and
  - (b) is not to permit a similar procedural motion to be moved until at least one councillor has addressed the meeting on the original motion.

**Addressing council (Regulation 21 – Part 2, Division 2)**

- (1) At a council meeting, a person is to refer to the chairperson by his or her title.
- (2) If 2 or more councillors wish to address a meeting of the council, the chairperson is to decide the order in which they are to do so.
- (3) If a councillor is addressing a meeting of a council, another councillor is not to converse aloud, interrupt the speaker or interject, except to call attention to a point of order or to call attention to the want of a quorum.
- (4) The council may resolve that this regulation applies to a council committee.

## **PART 5 – DEBATE**

### **Debate (*Regulation 22 – Part 2, Division 2*)**

- (1) A councillor in addressing a council meeting is not to digress from the subject under discussion.
- (2) A councillor at a council meeting may speak once to a motion at any time after the motion has been moved and seconded.
- (3) A councillor at a council meeting is not to speak for more than 5 minutes on a motion.
- (4) A councillor at a council meeting may seek leave of council to speak on a motion for a further period of up to 3 minutes at any one time on a motion.
- (5) A councillor at a council meeting who moves a motion–
  - (a) has a right of reply for up to 3 minutes; and
  - (b) is not to introduce any new information in exercising that right.
- (6) A councillor at a council meeting who moves a motion loses the right of reply if a motion that the motion be put is passed.
- (7) The chairperson of a council meeting may invite the general manager or an employee of the council to provide further qualified advice to the meeting on any item on the agenda or incidental to the agenda.
- (8) The chairperson of a council meeting may note a foreshadowed motion given by a councillor.
- (9) If the council so decides, the chairperson of a council meeting is to suspend the operation of this regulation.
- (10) The council may resolve that this regulation applies to a council committee meeting.

### **Point of order (*Regulation 23 – Part 2, Division 2*)**

- (1) A councillor at a meeting may raise a point of order if–
  - (a) a councillor speaking raises an issue that is irrelevant to the motion being discussed; or
  - (b) a councillor speaking is being interrupted or distracted; or
  - (c) the councillor is of the opinion that a meeting procedure is contrary to the Act or these regulations; or
  - (d) the councillor has been misrepresented during the debate; or
  - (e) a statement is made by a councillor speaking that the councillor raising the point of order believes is, or is likely to be, offensive to a councillor or to another individual..

- (2) A councillor who is interrupted by the taking of a point of order is to cease speaking.
- (3) The chairperson is to deal with a point of order as soon as it is raised and before the meeting resumes to deal with other business.
- (4) The chairperson's ruling on a point of order—
  - (a) is not to be questioned; and
  - (b) is binding on the meeting.

**Personal explanation (*Regulation 24 – Part 2, Division 2*)**

- (1) The chairperson of a meeting may allow a councillor to explain a matter of a personal nature in the absence of a motion on the matter if, in the opinion of the chairperson, it is in the interests of the councillor and the council or the council committee to do so.
- (2) An explanation—
  - (a) is not to include reference to any matter that, in the opinion of the chairperson, is not relevant to the explanation; and
  - (b) although it may be referred to in debate, is not to be the subject of debate.

**Acting as planning authority (*Regulation 25 – Part 2, Division 2*)**

- (1) If a council or council committee intends to act at a meeting as a planning authority under the *Land Use Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.
- (2) The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes.

**PART 6 – VOTING****Votes (*Regulation 26 – Part 2, Division 3*)**

- (1) At a council meeting, each councillor, including the chairperson, has one vote.
- (2) At a council committee meeting, the chairperson, and a councillor who is a member of the council committee or who is filling a vacancy at the meeting at the request of the council committee, has one vote.

**Voting procedure (*Regulation 27 – Part 2, Division 3*)**

- (1) Immediately after discussion on a motion is finished at a meeting, the chairperson is to—
  - (a) put the motion to the vote, first in the affirmative, then, if necessary, in the negative; and
  - (b) put the motion as often as is necessary to enable the chairperson to declare the result.
- (2) The chairperson of a council meeting or a council committee meeting is to take the vote by any means the council or council committee determines.
- (3) The chairperson is to ensure that the vote of each councillor is recorded in the minutes of the meeting.
- (4) Voting at a meeting may be conducted by secret ballot if the purpose is to select a person to represent the council on a committee or other body.

**Determination of voting (*Regulation 28 – Part 2, Division 3*)**

- (1) A motion at a council meeting is determined by a simple majority of votes unless an absolute majority is required under the Act or any regulations made under the Act.
- (2) A motion at a council committee meeting is determined by a simple majority of votes.
- (3) To abstain from voting at a meeting is to vote in the negative.
- (4) A tied vote at a meeting results in a motion being determined in the negative.

## **PART 7 – QUESTIONS - ALDERMEN**

### **Questions without notice (*Regulation 29 – Part 2, Division 4*)**

- (1) A councillor at a meeting may ask a question without notice –
  - (a) of the chairperson; or
  - (b) through the chairperson, of –
    - (i) another councillor; or
- (ii) the general manager.
- (2) In putting a question without notice, a councillor must not–
  - (a) offer an argument or opinion; or
  - (b) draw any inferences or make any imputations–  
except so far as may be necessary to explain the question.
- (3) The chairperson of a meeting must not permit any debate of a question without notice or its answer.
- (4) The chairperson, councillor or general manager who is asked a question without notice may decline to answer the question.
- (5) The chairperson of a meeting may refuse to accept a question if it does not relate to the activities of the council.
- (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes.
- (7) The chairperson of a meeting may require a councillor to put a question without notice in writing.

### **Questions on notice (*Regulation 30 – Part 2, Division 4*)**

- (1) A councillor, at least 7 days before an ordinary meeting of a council or council committee, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.
- (2) An answer to a question on notice must be in writing.

**Aldermen's Question Time (Council Policy)**

In recognition of the provisions of Regulation 29 of the Local Government (Meeting Procedures) Regulations 2015, Aldermen are permitted to submit a maximum of two questions without notice at a Council Meeting. Council places no limitation on the number of questions that Aldermen may put on notice to be listed for answer at a forthcoming Council Meeting.

The Chairperson or Alderman asked a question on notice is not to answer it unless the Alderman giving notice, or an Alderman at the request and on behalf of that Alderman, is present at the meeting to ask the question formally.

A question on notice that has been answered, together with the answer, is to be recorded in the minutes of the meeting at which the answer was given.

In accordance with Regulation 30 of the Local Government (Meeting Procedures) Regulations 2015 a Question on Notice is to be submitted in writing seven days before the Meeting.

## **PART 8 – QUESTIONS – MEMBERS OF THE PUBLIC**

### **Public question time (*Regulation 31 – Part 2, Division 4*)**

- (1) A member of the public may give written notice to the general manager at least 7 days before an ordinary meeting of a council of a question to be asked at that meeting.
- (2) The chairperson of an ordinary council meeting may–
  - (a) address questions on notice submitted by members of the public; and
  - (b) invite any member of the public present at the meeting to ask questions relating to the activities of the council.
- (3) The chairperson of an ordinary council meeting must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.
- (4) A question by any member of the public under this regulation and an answer to that question are not to be debated at the ordinary council meeting.
- (5) The chairperson may–
  - (a) refuse to accept a question from a member of the public; or
  - (b) require a question from a member of the public asked without notice to be put on notice and in writing to be answered at a later ordinary council meeting.
- (6) If the chairperson of an ordinary council meeting refuses to accept a question from a member of the public, the chairperson is to give reasons for doing so.
- (7) A council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting.
- (8) The period referred to in subregulation (1) includes Saturdays, Sundays and statutory holidays but does not include–
  - (a) the day on which notice is given under that subregulation; and
  - (b) the day of the meeting.

## **Public Question Time (Council Policy)**

In accordance with the Local Government (Meeting Procedures) Regulations 2015, a period of fifteen minutes for “public question time” will be set aside at ordinary Council Meetings for members of the community to ask questions relating to Council activities.

Public question time provides an opportunity for people to ask questions about Council’s activities, not make statements. Anyone wishing to address Council and make a statement may do so under the Deputation section of the Council Meeting Agenda.

The procedures for the conduct of public question time at meetings of the Clarence City Council are set out below.

### **1. Asking a Question**

Anyone may ask a question. A person may ask a maximum of three questions per meeting. Questions may be submitted in two ways:

- a. Two questions can be submitted in writing and be “put on notice” before the Council Meeting.
- b. One question may be raised from the public gallery “without notice” during public question time.

### **2. Putting a Question on Notice**

- 2.1 Members of the public are encouraged to submit a question in writing and be put on notice to address the Council in the public question time. Council recommends this option, as it will enable Council to provide a more “well-researched” and complete response.
- 2.2 A maximum of two questions may be submitted in writing before the meeting.
- 2.3 To submit a question in writing, members of the public will need to fill out a question registration form. These are available at Council offices and on the Council website.
- 2.4 Forms will need to be lodged at the Council Offices no later than 5 p.m. on the Friday 10 days before the scheduled meeting.
- 2.5 Question registration forms can be lodged by:  
Mail: PO Box 96, Rosny Park 7018  
In person: 38 Bligh Street, Rosny Park  
Fax: (03) 6245 8700  
Email: [publicquestions@ccc.tas.gov.au](mailto:publicquestions@ccc.tas.gov.au)
- 2.6 The registered questions to be answered at the Council Meeting will be listed on the agenda for the scheduled meeting.
- 2.7 Each person whose registration form has been accepted or declined will be advised by no later than the Friday of the week before the scheduled meeting.



### **Public Question Time - Putting a Question on Notice /contd**

- 2.8 When contacted, a person who has submitted a question registration form will need to confirm their presence at the meeting for their question to be read.
- 2.9 The name of the person asking a question on notice and the question will be included in the meeting agenda and minutes. If members of the public do not want these details recorded, they may choose to ask a question without notice from the public gallery at the meeting, as these questions are not formally recorded.

### **3. Questions Without Notice**

- 3.1 Priority will be given to questions on notice over questions without notice asked from the public gallery.
- 3.2 Questions without notice will be dependent on available time at the meeting (maximum 15 minutes).
- 3.3 Questions without notice are permitted at the discretion of the Chairperson.
- 3.4 Provided time is available, each person in the public gallery will be given an opportunity to ask one question without notice.
- 3.5 Subject to available time and in the event that no other persons seek to ask questions without notice at the meeting the Chairperson may allow further questions from persons in the public gallery. (Note: this is in recognition of the discretion of the Chairperson provided for under Regulation 31 (2) (b) in respect to questions without notice.)
- 3.6 If members of the public wish to ask a question but would prefer that their name or question were not recorded in the minutes, they may choose to ask a question without notice from the public gallery, as names and details of questions without notice will not be recorded.

### **4. Questions May be Refused in Certain Circumstances**

- 4.1 The Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that:
- a. relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda);
  - b. is unlawful in any way;
  - c. contains defamatory remarks, offensive or improper language;
  - d. questions the competency of Council staff or Aldermen;
  - e. relates to the personal affairs or actions of Council staff or Aldermen;
  - f. relates to confidential matters, legal advice or actual or possible legal proceedings;
  - g. relates to any matter which would normally be discussed in the closed section of the Council Meeting pursuant to Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015;

**Public Question Time – Questions May be Refused /contd**

- h. is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than to make a genuine enquiry;
- i. is vague in nature or irrelevant to Council;
- j. is not related to Council activities; or
- k. is a question that has been substantively asked at the previous Council Meeting.

**5. At the Meeting**

- 5.1 Public question time will continue for no more than fifteen minutes.
- 5.2 At the Council Meeting, public question time will be held early on the Council Meeting Agenda. This is usually shortly after the meeting commences at 7.30pm.
- 5.3 At the beginning of public question time, the Chairperson (usually the Mayor) will firstly refer to questions on notice. The Chairperson will ask each person who has a question on notice to come forward to the microphone and state their name and where they are from (suburb or town) before asking their question(s).
- 5.4 The Chairperson will then ask anyone else with a question without notice to come forward to the microphone and give their name and where they are from (suburb or town) before asking their question.
- 5.5 If called upon by the Chairperson, a person asking a question without notice may need to submit a written copy of their question to the Chairperson in order to clarify the content of the question.
- 5.6 A member of the public may ask a Council officer to read their question for them.
- 5.7 If accepted by the Chairperson, the question will be responded to, or, it may be taken on notice as a question on notice for the next Council meeting. Questions will usually be taken on notice in cases where the questions raised at the meeting require further research or clarification.
- 5.8 The Chairperson may direct an Alderman or Council officer to provide a response.
- 5.9 All questions and answers must be kept as brief as possible.
- 5.10 There will be no debate on any questions or answers.
- 5.11 In the event that the same or similar question is raised by more than one person, an answer may be given as a combined response.
- 5.12 Questions on notice and their responses will be minuted.
- 5.13 Questions without notice raised during public question time and the responses to them will not be minuted or recorded in any way.

**Public Question Time – At the Meeting /contd**

5.14 Once the allocated time period of fifteen minutes has ended, the Chairperson will declare public question time ended. At this time, any person who has not had the opportunity to put forward a question will be invited to submit their question in writing for the next meeting.

**Notes**

- Council officers may be called upon to provide assistance to those wishing to register a question, particularly those with a disability or from non-English speaking cultures, by typing their questions.
- The Chairperson may allocate a maximum time for each question, depending on the complexity of the issue, and on how many questions are asked at the meeting. The Chairperson may also indicate when sufficient response to a question has been provided.
- Limited Privilege: Members of the public should be reminded that the protection of parliamentary privilege does not apply to local government, and any statements or discussion in the Council Chamber or any document produced are subject to the laws of defamation.

## **PART 9 – DEPUTATIONS**

### **Deputations (*Council Policy*)**

In accordance with the provisions of Regulation 38 of the Local Government (Meeting Procedures) Regulations 2005, the following policy, guidelines and conditions apply for the attendance of deputations at Council Meetings.

#### 1. Public Participation segment of Council Meeting

As a standing practice the Council provides an opportunity for members of the public to request the opportunity to make a statement at Council meetings.

- 1.1 Members of the public are, at the invitation of the Chairperson of the meeting, permitted to make a statement at any ordinary meeting of Council provided the statement does not relate to a topic which is the subject of a motion of revocation which is to be discussed at the meeting which they address.
- 1.2 A maximum of fifteen minutes is to be set aside for public participation at ordinary Council Meetings.
- 1.3 Not more than five members of the public are to be permitted to address the Council at any one meeting.
- 1.4 The duration of any statement is not to exceed three minutes.
- 1.5 Any member of the public wishing to make a statement shall indicate his/her desire and subject matter, in writing, to the General Manager by lunch-time (12 noon) on the Friday preceding the meeting.
- 1.6 The subject of any statement can relate to a matter currently before, or at some future stage to come before the Council, or any other matter of general relevance to the interests of the City.

#### **Notes**

- The speaker is required to follow the direction of the Chairperson in relation to how and when they may make the statement.
- When the speaker has been invited forward by the Chairperson they are to introduce themselves to the meeting, stating where they are from (town or suburb) before commencing their statement.
- The speaker is reminded that Council Meetings are open forums and unlike State and Commonwealth parliaments these meetings do not have protection from parliamentary privilege. This means any statement made will need to take into account the rights of other persons.

- At the meeting the speaker is fully responsible to ensure that the statement is accurate and that the statement is not defamatory, does not disclose any confidential information or personal information and does not disclose any commercial-in-confidence information.
- Should the statement be defamatory or disclose confidential information or personal information, or disclose commercial-in-confidence information then the speaker agrees that they will be fully responsible for any issues which follow from the statement.

#### **Other Deputations (*Council Policy*)**

A formal deputation may be received by Council or any committee of the Council upon invitation of the Chairperson. The procedures and conditions in relation to formal deputation requests are as follows:

- a. A written request may be submitted to the Chairperson:
  - from the persons who intend to comprise the deputation; and
  - setting out the recommendation, request, or other matter which, it seeks to be placed before the Council or committee.
- b. The Chairperson is to decide whether or not the deputation requested will be invited.
- c. If the Chairperson decides that a deputation will be invited, the Chairperson is to indicate to the General Manager the meeting at which the deputation will be received.
- d. The Chairperson is to allow deputations as requested by Council.
- e. The General Manager, upon being informed of the matters referred to above is to:
  - include in the notice of meeting advice of the proposed deputation and its purpose; and
  - notify the persons that the request has been granted, and the meeting at which the deputation will be received.
- f. A recommendation, request or other matter placed before a Closed Meeting of the Council or committee, is not to be considered until the deputation has withdrawn from the meeting unless the Chairperson has invited them to remain in the meeting room.
- g. A deputation is:
  - not to exceed three persons; and
  - not to address the meeting for a period longer than fifteen minutes.

## **PART 10 – RECORDING OF PROCEEDINGS**

### **Recording of Proceedings (*Council Policy*)**

The following record of proceedings will apply to Council meetings in addition to the procedures outlined in the Local Government (Meeting Procedures) Regulations 2015.

#### **1. Lapse of Motion**

A motion lapses if it is not seconded and is not to be recorded in the minutes of the meeting.

#### **2. Words may be Taken Down**

An Alderman may request the General Manager to record in the minutes of the meeting any words spoken by another Alderman when addressing the Chairperson, unless, in the opinion of the Chairperson, the request is made vexatiously or with the sole intention of hindering the meeting.

#### **3. Abstaining from Vote**

- 3.1 An Alderman who fails to vote in the manner applicable in the circumstances is taken to have abstained from the vote.
- 3.2 An Alderman not in his or her seat or at the meeting table, unless absent from the room or from the meeting, when a motion is put, is taken to have abstained from the vote.
- 3.3 Immediately after a motion has been put and before the meeting has proceeded to the next item of business, an Alderman may request that his or her abstaining vote be recorded, and upon such a request the General Manager is to record the name and details of his or her abstaining vote in the minutes of the meeting.

### **Audio recording of meetings (*Regulation 33 – Part 2, Division 5*)**

- (1) A council may determine that an audio recording is to be made of any meeting or part of a meeting.
- (2) If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be –
  - (a) retained by the council for at least 6 months; and
  - (b) made available free of charge for listening on written request by any person.

- (3) If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.
- (4) A council may determine any other procedures relating to audio recording of meetings it considers appropriate.

## **PART 11 - MINUTES**

### **Minutes (*Regulation 32 – Part 2, Division 5*)**

- (1) Subject to regulation 34(1), the general manager is to ensure that the minutes of a meeting accurately record the following:
- (a) any matter discussed at the meeting;
  - (b) any decision made at the meeting;
  - (c) if the Act or any regulations made under the Act require the making of a decision by absolute majority, that the decision was by absolute majority;
  - (d) a summary of any address, statement or report made or provided on an invitation under regulation 38;
  - (e) any motion moved during the meeting;
  - (f) any question on notice by a councillor that is answered and the answer to that question;
  - (g) any question asked and put in writing during the period referred to in regulation 31(3) and any written answer or summary of that answer to that question;
  - (h) any question asked, without notice, by a member of the public and a summary of any answer given in response;
  - (i) the attendance of councillors;
  - (j) any absence of any councillor during the meeting, including the times of leaving and returning to the meeting.
- (2) The general manager is to ensure—
- (a) that copies of the minutes of meetings are kept as records of the council;  
and
  - (b) that they are available to councillors.

### **Minutes of closed meeting (*Regulation 34 – Part 2, Division 5*)**

- (1) If at a meeting it is decided to hold a part of the meeting as a closed meeting –
- (a) in accordance with regulation 15(5), the grounds for the closure are to be recorded in the minutes of that part of the meeting that is open to the public; and
  - (b) in relation to a matter discussed at the closed meeting –
    - (i) the fact that the matter was discussed at the closed meeting;
    - (ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be so recorded in a manner that does not disclose any confidential information and protects confidentiality; and



- (c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.
- (2) The general manager is to record in the minutes of a closed meeting any matter of a kind listed in regulation 32(1) that relates to the closed meeting.
- (3) The minutes of a closed meeting are to be kept confidential unless the council, or the council committee, after considering privacy and confidentiality issues, authorises the release to the public of the minutes.
- (4) If the general manager is excluded from a closed meeting, the chairperson of the meeting is to direct a person to record the minutes of the meeting.
- (5) A copy of the minutes of a closed meeting is to be provided to each councillor by the general manager or, if the general manager is excluded from the meeting, the person who recorded the minutes.
- (6) At the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

**Circulation and inspection of minutes (*Regulation 35 – Part 2, Division 5*)**

- (1) The minutes of a meeting, other than a closed meeting –
  - (a) as soon as practicable but at least at the next ordinary council meeting, or next council committee meeting, that is open to the public, are to be circulated to all councillors; and
  - (b) at that next ordinary council meeting or next council committee meeting, after any necessary correction, are to be confirmed as the true record by the council or the council committee and signed by the chairperson of the meeting.
  
- (2) The general manager is to ensure that the minutes, and copies of any extract from the minutes, as confirmed under subregulation (1)(b), of a meeting that was open to the public are available to the public –
  - (a) on the council's website for inspection; and
  - (b) at the public office of the council for inspection, free of charge, and for purchase by payment of the fee specified in Schedule 1 –within 7 days after the minutes are so confirmed.
  
- (3) The general manager may withhold from purchase any extract from the minutes of a meeting–
  - (a) for which the council does not own the intellectual property; or
  - (b) which contains information provided to the council on the condition that it be not made available.
  
- (4) The period of 7 days referred to in subregulation (2) does not include Saturdays, Sundays and statutory holidays.

**Confirming minutes (*Regulation 36 – Part 2, Division 5*)**

In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.

**Confirmation of Minutes (*Council Policy*)**

1. The Council or Council committee is to ensure that the minutes of any previous ordinary or special meeting not then confirmed are to be submitted for confirmation.
2. Council may resolve to amend the minutes of a meeting prior to confirmation.
3. In accordance with Regulation 36 of the Local Government (Meeting Procedures) Regulations 2015, debate of any matter referred to in minutes submitted for confirmation is not permissible except to question the accuracy of the minutes as a record of the meeting to which they relate.

## **PART 12 – GENERAL PROVISIONS**

### **Other procedures (*Regulation 37 – Part 3*)**

- (1) A council may determine any other procedures relating to meetings it considers appropriate.
- (2) Despite subregulation (1), a council may not determine that a councillor may attend a meeting in any manner that does not consist of the person attending the meeting in person.

### **Leave of absence (*Regulation 39 – Part 3*)**

- (1) If a councillor wishes to take a leave of absence in respect of one or more meetings, the councillor, or the chairperson on behalf of the councillor, may request that leave of absence.
- (2) At a meeting –
  - (a) the council may grant a request for a leave of absence from one or more of its meetings or one or more council committee meetings, or both; and
  - (b) a council committee may grant a request for a leave of absence from one or more of its meetings.
- (3) A leave of absence may not be granted retrospectively.
- (4) The purpose of the leave of absence and the period involved are to be recorded in the minutes.

### **Offences (*Regulation 41 – Part 3*)**

- (1) A member of the public must not hinder or disrupt a meeting.  
Penalty:  
Fine not exceeding 10 penalty units.
- (2) A member of the public must leave a closed meeting unless invited to remain.  
Penalty:  
Fine not exceeding 10 penalty units.
- (3) If a member of the public –
  - (a) hinders or disrupts a meeting; or
  - (b) tries to hinder or disrupt a meeting; or
  - (c) fails or refuses to leave a closed meeting –the chairperson may take reasonable steps to remove the person from the meeting or closed meeting, including requesting the assistance of a police officer in removing the person.

**Application of regulations to commissioner (*Regulation 42*)**

- (1) The meeting procedures in these regulations apply as far as practicable to a commissioner but the commissioner may vary those meeting procedures if the commissioner considers it necessary to do so.
- (2) If a commissioner varies the meeting procedures, the commissioner is to—
  - (a) table a copy of those meeting procedures; and
  - (b) conduct council meetings and council committee meetings in accordance with the tabled meeting procedures.
- (3) The commissioner is to ensure that a copy of the varied meeting procedures are available during business hours for public scrutiny at the public office and at any council meeting.

**Representatives of the Council (Council Policy)**

1. The Mayor is to be the Council's representative on the Local Government Association of Tasmania, Australian Mayoral Aviation Council, Counter Disaster Committee, Southern Tasmanian Councils Board (Authority to be formalised) unless the Mayor declines that appointment, in which case, he or she may appoint another member to be the Council's representative.
2. With the exception of appointments made by the Council under any other Act, all representative appointments of the Council on boards, authorities, special committees, community committees and outside bodies expire at the first Council Meeting following every ordinary Council election.
3. At the first Council Meeting following every ordinary Council election the Council is to elect its representatives, to fill the expired terms referred to in "2" above.

Where there are two or more positions to filled to represent Council on a particular body, then each position is to be dealt with as a separate election in accordance with the following election process.

The election process for filling of the expired terms is to be in accordance with the following procedures:

- a. nominations put before the meeting do not require a seconder, however, the nomination must be accepted by the nominee;
  - b. in the event that there are two or more nominations received, the nominee members must leave the meeting room whilst the election takes place;
  - c. if there are more than two candidates for an appointment then the election is to be conducted in the following manner:
    - the vote is to be taken in stages;
    - the candidate having the least number of votes is to be eliminated from the ballot and excluded from the next stage of the ballot;
    - the candidate member who has been excluded from the ballot is entitled to return to the meeting room and thereafter is entitled to take part in the voting for the remaining candidates;
    - this procedure is to be followed until the number of candidates has been reduced to two;
  - d. if there is a tie in the number of votes cast for two or more nominee members, the nominee eliminated or the successful nominee, whichever the case may require, is to be determined by lot.
4. In the event that there is a casual vacancy for a representative appointment made by Council then the Council is to elect a replacement appointee to fill the vacancy at the earliest available meeting of the Council in accordance with the above election process.