

**COUNCIL MEETING PROCEDURES POLICY****1. SCOPE**

- 1.1 This policy applies to all meetings of Council or its Committees, including Annual General Meetings.

2. PURPOSE

- 2.1 The objective of this policy is to provide guidance and support for chairpersons, other elected members and Council staff and the public in relation to the conduct of meetings of Council or its Committees.

3. POLICY STATEMENT

- 3.1 Pursuant to Regulation 37 of the *Local Government (Meeting Procedures) Regulations 2015*, the provisions are to apply to meetings of Council and its Committees.

4. LEGISLATIVE REQUIREMENTS:

Council has used the *Local Government Meeting Procedures Regulations* as the basis for its meeting procedures with variances included to strengthen or clarify a number of clauses.

The *Local Government Act 1993* provides as follows:

18. *Establishment of councils*

- (1) *There is established in each municipal area a council.*
- (2) *The name of each council in a municipal area is specified in column 2 of Schedule 3 next to the name of that municipal area.*
- (3) *A meeting of a council is to be conducted in accordance with prescribed procedures.*

The *Local Government (Meeting Procedures) Regulations 2005* provides as follows:

37. *Other procedures*

A council may determine any other procedures relating to meetings it considers appropriate.

5. RELATED PROCEDURES/GUIDELINES:

- *The Local Government (Meeting Procedures) Regulations 2015*
- *GOV_009 Council Meeting Procedures*



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PART 1 - Preliminary

1. Interpretation

In these procedures:

Act means the *Local Government Act 1993*;

Annual General Meeting as per Division 3 section 72B of the Location Government Act 1993

associated reports and documents means reports and documents relating to an item on the agenda of a meeting;

chairperson means the person who chairs a meeting;

closed meeting means that part of a meeting which is closed to the public under regulation 15;

commissioner means a person appointed as such under section 230 of the Act;

council committee meeting means a meeting of a council committee convened in accordance with regulation 5(1);

council meeting means an ordinary council meeting or a special council meeting;

council workshop means a workshop, seminar or gathering of persons for the purposes of a council, but does not include a meeting or a meeting of a special committee;

meeting means:

- (a) a council meeting; or
- (b) a council committee meeting;

ordinary council meeting means an ordinary meeting of the council convened in accordance with regulation 4(1)(a), (2), (3) or (5), other than the council's annual general meeting;

pecuniary interest means an interest within the meaning of section 49 of the Act;

prescribed newspaper means a newspaper prescribed in the Local Government (General) Regulations 2015 for the purposes of section 72B of the Act;

relevant municipal area, in relation to a council, general manager of a council, council meeting or council committee meeting, means the municipal area for which the council has responsibility;

special council meeting, means a special meeting of the council convened in accordance with regulation 4(1)(b) or (6);

statutory holiday has the same meaning as in the Statutory Holidays Act 2000.



PART 2 - Meetings

Division 1 - Convening and agendas.

2. Convening council meetings

- (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 the 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;
 - (b) include details of the subject matter and any motion to be dealt with by the meeting; and
 - (c) be lodged with the mayor.
- (8) A council must hold an Annual General Meeting on a date that –
 - (a) is not later than 15 December in each year; and
 - (b) is not before 14 days after the date of the first publication of a notice under subsection (2) A council must publish a notice in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.

3. Convening meetings of council committee

- (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.

4. Times of meetings

- (1) A meeting is not to start before 5:00 pm 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 their meetings.

5. Notice of meetings

- (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 council meeting or a council committee meeting; or
 - (b) at least 2 days, but not more than 14 days, before a special council 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 meetings for the next 12 months.
- (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 subregulation (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;
 - (b) ensure that the notice of the times and places for such meetings published on the website of the council is accordingly updated; 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 updated.
- (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;
 - (b) the general manager is to ensure that the notice:
 - (i) is made available to the public on the website of the council for the relevant 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) In the Case of an Annual General Meeting the general manager is to publish in a daily newspaper, or in a prescribed newspaper, circulating in the relevant municipal area a notice



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of the time and place of the meeting at least twice and with the first notice at least 2 weeks before the meeting;

- (a) the general manager is to ensure that the Annual Report is available at least two weeks prior to the meeting and details on where to access a copy to be included in the notice;
 - (b) the notice and annual report are to be made available to the public on the website of the council for the relevant period; and
 - (c) any member of the public is able to inspect, and obtain a copy of notice and annual report, free of charge, at the public office of the council.
- (7) 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 or;
 - (b) the day of the meeting.

6. Agenda

- (1) The general manager is to:
- (a) prepare an agenda for each council meeting and council committee meeting;
 - (b) in the case of a council meeting, provide each councillor with the agenda and any associated reports and documents at least:
 - (i) 2 days before a special council meeting; or
 - (ii) 4 days before an ordinary council 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 council meeting 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) public statements;
 - (h) any reports to be received; and
 - (i) any matter to be discussed at the meeting.
- (3) The agenda of an Annual General Meeting is to provide for the following items:
- (a) attendance and apologies;
 - (b) confirmation of the minutes;
 - (c) Annual General Meeting Statutory Requirements;



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- (d) Confirmation of previous minutes;
 - (e) Annual Report submissions;
 - (f) Annual Report
 - (g) Notices of Motion;
 - (h) public question time;
 - (i) public statements;
- (4) 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.
- (5) 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.
- (6) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (7) A council by absolute majority at an ordinary council meeting, or a council committee by simple majority, 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;
 - (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.
- (8) 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.
- (a) the day on which the agenda and any associated reports and documents are provided under subregulation (1)(b); or
 - (b) the day of the meeting.

7. Public access to documents

- (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 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.
 - (c) 2 days before the meeting in the coase of an Annual General Meeting;
 - i. Note: The Annual Report for the Annual General Meeting is to be made available at least 14 days prior to the 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



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- (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.
 - (c) the day on which an agenda and any associated reports and documents are made available under that subregulation; or
 - (d) the day of the meeting.

8. Chairperson

- (1) The mayor or, in his or her absence, the deputy mayor is the chairperson of a council meeting.
- (2) If both the mayor and the deputy mayor are not present at a council meeting, the councillors present are to elect one of the councillors present to be the chairperson of 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 of 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.



9. Quorum

- (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.
- (7) If a quorum of the council is not present at an Annual General Meeting –
 - a) the Annual General Meeting is to be reconvened and held within 14 days; and
 - b) a notice is to be published in a daily newspaper circulating in the municipal area specifying the date, time and place of the Annual General Meeting.

10. Abandoned meetings

- (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; and
 - (c) the names of the councillors present at the time of abandonment.
- (3) If a council meeting is abandoned, the mayor:
 - (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.

11. Adjournments

- (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:



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- (a) for a proper purpose;
 - (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;
 - (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.

12. Open meetings

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

13. Closed meetings

- (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;



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- (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; and
 - (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 part of a meeting when it is:
- (a) acting as a planning authority under the Land Use Planning and Approvals Act 1993;
 - (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 to:
- (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;
 - (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.



Division 2 - Motions

14. Motions

- (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;
 - (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 was required; or
 - (b) with the consent of the meeting.
- (9) The chairperson of a meeting 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;
 - (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.
- (11) Notices of Motion for the Annual General Meeting
 - (a) Only eligible electors registered to vote, in the Waratah-Wynyard municipal area are entitled to submit Motions at an Annual General Meeting.
 - (b) Motions must be submitted by the advertised cut-off date for inclusion in the agenda.
 - (c) Motions (other than those related to an existing agenda item) will not be accepted from the floor.



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- (d) The Motion must be moved and seconded before debate is permitted.
- (e) Only one motion may be before the Chair at a time.
- (f) A resolution is passed by a majority of votes taken by a show of hands.
- (g) The mover of the motion has a final right of reply.
- (h) A motion passed at the Annual General Meeting will be considered at the next available meeting of Council.

15. Motions to amend motions

- (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 other 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 another motion.

16. Motion to overturn decision

- (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;
 - (b) the details of that previous decision, or the part of that previous decision, that would be overturned;
 - (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.

17. Discussion of resolved matter

- (1) The chairperson of a meeting may only allow a matter in respect of which a decision was made earlier in the 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;

- (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.

18. Procedural motions

- (1) The following motions 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; and
 - (e) that the meeting be closed to the public.
- (2) Regulation 16(2) and (3) apply 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 of a meeting 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.

19. Addressing council meeting

- (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.

20. Debate at council meeting

- (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 the 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) Opens the debate on the motion
 - (b) has a right of reply for up to 3 minutes; and
 - (c) is not to introduce any new information in exercising that right.
- (6) A Councillor who seconds a motion will have the opportunity to speak second on that particular motion.
- (7) 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.
- (8) 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.
- (9) The chairperson of a council meeting may note a foreshadowed motion given by a councillor.
- (10) If the council so decides, the chairperson of a council meeting is to suspend the operation of this regulation.
- (11) The council may resolve that this regulation applies to a council committee meeting.

21. Point of order at meeting

- (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;
 - (b) a councillor speaking is being interrupted or distracted;
 - (c) the councillor is of the opinion that a meeting procedure is contrary to the Act or these regulations;
 - (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.

(5) Points of order do not apply to public question time

22. Personal explanation at meeting

(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 irrelevant to the explanation; and

(b) although it may be referred to in debate, is not to be the subject of debate.

23. Acting as planning authority

(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 of the meeting.



Division 3 - Voting

24. Votes

- (1) At a council meeting, each councillor, including the chairperson, has one vote.
- (2) At a council committee meeting, each member of the committee, including the chairperson and a councillor who is filling a vacancy at the meeting at the request of the council committee, has one vote.
- (3) Only eligible electors registered to vote, in the Waratah-Wynyard municipal area are entitled to vote at an Annual General Meeting.

25. Voting procedure

- (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 to the vote as often as is necessary to enable the chairperson to declare the result.
- (2) The chairperson of a council meeting or 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.
- (5) A motion at an Annual General Meeting is passed by a majority of votes taken by a show of hands or by any other means of ascertaining the vote the council determines.

26. Determination of voting

- (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 the motion being determined in the negative.



Division 4 - Questions

27. Questions without notice

- (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 or other Officers present.
- (2) In putting a question without notice at a meeting, 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, general manager or delegate who is asked a question without notice at a meeting may decline to answer the question.
- (5) The chairperson of a meeting may refuse to accept a question without notice 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 of the meeting. Questions taken on notice or that require further response will be recorded in the minutes.
- (7) The chairperson of a meeting may require a councillor to put a question without notice in writing.

28. Questions on notice

- (1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, 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.

A Public question time

- (1) Protection of Parliamentary privilege does not apply to Local Government and any statements or discussion in the Council Chambers, or documents produced, are subject to the laws of defamation.
- (2) A member of the public may give written notice to the general manager at least 7 days before an ordinary council meeting of a question to be asked at that meeting.
- (3) 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.
 - (c) A maximum of three (3) questions per person are permitted. **NOTE:** A question in



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three (3) parts will be treated as three (3) questions.

- (d) If multiple questions are to be asked, they are to be stated at once, collectively prior to a response to all.
- (4) 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.
 - (a) A maximum of three minutes per person will be allowed to ask questions.
- (5) 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.
- (6) The chairperson of an ordinary council meeting 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.
- (7) 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 planning issue or 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 Councillors;
 - (e) Relates to the personal affairs or actions of Council staff or Councillors;
 - (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 a Council meeting pursuant to Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015;
 - (h) Is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than making a genuine enquiry;
 - (i) Is vague in nature or irrelevant to Council activities; Page 3 of 3 Do not print and store a copy of this document. Always access the internet/intranet copy to ensure you have the latest version.
 - (j) Are questions that have been substantively asked (and responded to) on any previous occasion.

If a Chairperson refuses to accept a question from a member of the public, the Chairperson is to give reasons for doing so.
- (8) A council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting.
- (9) 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 ordinary council meeting.



B Public Statements

- (1) Members of the public may, during the public statements segment of the order of business, with the consent of the Presiding Member make a public statement on any matter that appears on the agenda for that meeting provided that:
 - (a) The member of the public submits to the General Manager prior to the commencement of the meeting the public statement in a form acceptable to the General Manager and which includes the name and residential or contact address of the member of the public;
 - (b) The public statement precedes discussion of any matter which requires a decision to be made at the meeting but otherwise at item (6.2) of order of business at clause 4.2;
 - (c) The public statement is limited to a maximum period of 3 minutes, unless otherwise determined by the Presiding Member; and
 - (d) No discussion or questions relating to the statement are permitted, unless otherwise determined by the Presiding Member.
- (2) Fifteen minutes is to be allocated for the public statement time.
- (3) Once all statements have been made, nothing prevents the unused part of the statement time period from being used for other matters.
- (4) If the 15-minute period set aside for public statement time is reached, Council, by resolution, may resolve statement time be extended.
- (5) Procedures for public statement time are to be in accordance with policy adopted from time to time by the Council and, where the policy is silent on a matter, the procedures for that matter are to be determined by the Presiding Member.



Division 5 - Minutes

29. Minutes

- (1) Subject to regulation 34(1), the general manager is to ensure that the minutes of a meeting accurately record the following matters:
 - (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; and
 - (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 that:
 - (a) copies of the minutes of meetings are kept as records of the council; and
 - (b) those copies are available to councillors.

30. Digital recording of meetings

- (1) A council may determine that an digital recording is to be made of any meeting or part of a meeting.
- (2) If the council so determines, the digital 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 digital recording of that meeting or part of that meeting is noticed, the council, at the next appropriate meeting, is to review the digital 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) Council has an adopted policy and associated documents related to the digital recordings of Council Meetings.



31. Minutes of closed meeting

- (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;
 - (b) in relation to a matter discussed at the closed meeting:
 - (i) the fact that the matter was discussed at the closed meeting; and
 - (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.

32. Circulation and inspection of minutes of open meeting

- (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 to members of the public.
- (4) The period of 7 days referred to in subregulation (2) does not include Saturdays, Sundays and statutory holidays.

33. Confirming minutes

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



PART 3 - General Provisions

34. Other procedures

- (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.

35. Invitations to address meeting

- (1) The chairperson of a meeting, including a closed meeting, may invite a person:
 - (a) to address the meeting; and
 - (b) to make statements or deliver reports to the meeting.
- (2) An invitation under subregulation (1) may be subject:
 - (a) in the case of a council meeting, to any condition the council may impose; or
 - (b) in the case of a council committee meeting, to any condition the council, or the council committee, may impose.

36. Leave of absence

- (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.

37. Suspension from meeting

- (1) The chairperson of a meeting may suspend a councillor from part or all of the 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 of the reasons for considering suspension; and
 - (b) give the councillor an opportunity to argue against suspension or to apologise.
- (3) If, after considering any argument or apology from a councillor under subregulation (2), the chairperson suspends the councillor, the councillor:
 - (a) must leave the meeting; and



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(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).

38. Offences

(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;
- (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.

39. Application of regulations to commissioner

(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) If a commissioner varies the meeting procedures, 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 of the council and at any council meeting.



SCHEDULE 1 - Fees

Regulations 9(2) and 35(2)

1. The fee payable for the purchase of the following documents is an amount not exceeding 1 fee unit for every 5 pages:
 - (a) the minutes of a meeting;
 - (b) a copy of any part of or extract from the minutes of a meeting;
 - (c) the agenda for a meeting;
 - (d) a copy of any part of or extract from the agenda for a meeting;
 - (e) a record or document associated with the agenda for a meeting;
 - (f) a copy of any part of or extract from a record or document associated with the agenda for a meeting.