# Council Meeting Procedures



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*Version 8 – Adopted 18 August 2025*
*Version 9 – Adopted 16 November 2026*

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# 1. Introduction

1.1 Break O'Day Council considers that the process of Local Government meetings should be open, transparent and accessible to the community.

1.2 To ensure that the processes undertaken by Council are consistent in their application, Council will use the *Local Government (Meeting Procedures) Regulations 2025* ("the regulations") and the *Local Government Act 1993 (*"the Act") supported by the following meeting procedures as the basis for the operation of Council and Committee meetings.

1.3 In accordance with Regulation 44 of the regulations the following procedures be adopted in respect of the operation of Council Meetings and Council Committee Meetings.

# 2. Interpretation

2.1 "Act" means the Local Government Act 1993.

2.2 "Associated reports and documents" means reports and documents relating to an item on the agenda of a meeting.

2.3 "Meeting": means either a Council Meeting or a Council Committee Meeting.

2.4 "Audio link" has the same meaning as in the Evidence (Audio and Audio Visual Links) Act 1999.

2.5 "Audio visual link" has the same meaning as in the Evidence (Audio and Audio Visual Links) Act 1999.

2.6 "Chairperson" means the person who chairs a meeting.

2.7 "Closed meeting" means that part of a meeting which is closed to the public under regulation 17.

2.8 "Commissioner" means a person appointed as such under section 230 of the Act.

2.9 "Council committee meeting" means a meeting of a council committee convened in accordance with regulation 6(1).

2.10 "Council meeting" means an ordinary council meeting or a special council meeting; meeting means –

a) a council meeting; or

b) council committee meeting;

2.11 “Minutes”, of a meeting, are the written minutes of a meeting prepared in accordance with regulation 39.

2.12 “Motion without notice” means a motion that is not in writing and is moved under regulation 20(1).

2.13 “Motion with notice” means a written motion given to the general manager under regulation 19(1) or (2).

2.14 “Ordinary council meeting” means an ordinary meeting of the council convened in accordance with regulation 5(2) (a), (3) , (4) and (6) , other than the council's annual general meeting.

2.15 “Prescribed newspaper” means a newspaper prescribed in the Local Government (General) Regulations 2025 for the purposes of section 72B (2) of the Act.

2.16 “Public question on notice” means a written question given to the general manager by a member of the public under regulation 38(1).

2.17 “Public question without notice” means a question for which written notice has not been given and is asked by a member of the public under regulation 37(1).

2.18 “Question on notice” means a question given on written notice to the general manager by a councillor under regulation 35(1).

2.19 “Question without notice” means a question for which written notice has not been given and is asked by a councillor under regulation 34(1).

2.20 “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.

2.21 “Special council meeting” means a special meeting of the council convened in accordance with regulation 5(2) (b) or (7).

2.22 “Statutory holiday” has the same meaning as in the Statutory Holidays Act 2000.

# 3. Agenda for Council and Council Committee Meetings

3.1 The standard agenda to be used for a Council Meeting is shown in Appendix A.

3.2 The standard agenda to be used for a Council Committee Meeting is shown in Appendix B.

3.3 The Duties and Responsibilities of a Chairperson ("Chair") of a Meeting are shown in Appendix C.

# 4. Live Audio/Visual Streaming of Council Meetings

All ordinary meetings, special meetings and annual general meetings will be live streamed using audio/visual technology. A link to the audio/visual recordings will be made available to the public post the meeting on Council's website. The audio/visual recording of Council Meetings will be published for a minimum of 12 months and kept for a minimum of two years. Audio recordings of Closed Council meetings must be made but are not to be published. These recordings will be stored securely and kept separate from public recordings, in line with confidentiality requirements.

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings shall be permitted without specific approval by resolution of the Meeting.

The streaming platform utilised for recording and streaming is setup specifically for Break O'Day Council and Council has full control of which meetings are streamed or uploaded for viewing. There is no ability for the public to comment, edit or download recordings in anyway. They can only be viewed via the Council link.

Participation in person at the Council Meeting is considered as providing your consent to livestreaming of that meeting.

The Chairperson will read aloud the following Disclaimer at the commencement of meetings and this disclaimer will also be published within the agenda:

*Ladies and gentlemen, I would like to advise you that today's Council Meeting is being live streamed and recorded. This means that members of the public who are unable to attend in person can still observe the proceedings. By remaining in this chamber, you are consenting to being filmed and recorded. Please be mindful of your actions and contributions as they will be visible to the public. Thank you for your cooperation.*

The audio/visual recording of the meetings does not replace the written minutes and a transcript of the recording will not be prepared.
Signs will be placed in prominent positions within the Council Chambers/Meeting Room to inform the public entering the room that the meeting is being audio/visually streamed and recorded.

The Chairperson has the authority at any time of the proceedings to direct the termination of the audio recording of a meeting. However, the Chairperson should only terminate the audio/visual streaming/recording in exceptional circumstances including (but not limited to):

- It is clearly evident that the discussion is (or potentially likely to be):
  - An infringement of copyright;
  - A breach of privacy and/or unlawful disclosure of personal information;
  - A release of privileged or confidential information of Council.
- Unexpected adjournment;
- Inappropriate behaviour;
- Moving into a closed session; or
- Formally closing the meeting.

If in the situation of a technical difficulty that the live streaming is not possible, every attempt will be made to audio record the meeting and the Chairperson will advise those present of the circumstances. In the event that an audio recording is unable to take place due to the same technical difficulties affecting the live streaming or, if any file becomes corrupt and therefore unavailable, this information will be provided on the Council website (or equivalent).

The following Frequently Asked Questions are provided for information purposes only and are simply a general guide in relation to the live streaming of meetings.

*What is live streaming?*
Live streaming is the transmission over the Internet of video of an event as it happens. Streaming is a form of online video in which the site sends video footage to a user's machine "on the fly" rather than as a complete file. It is like the difference between watching a TV show as it airs and watching a DVD.

*What do I need to view the videos?*
You need a device running a supported operating system, a supported web browser, and speakers. Please see responses below for more details.

*What platforms and browsers are supported*?
The following browsers are supported:

Chrome
Firefox
Internet Explorer 11+
Opera

Safari
iOS
Android 4(Mobile)

*What connection speed is required to watch the videos?*
To be sure the video will play smoothly, you will need a minimum connection speed of 700kbs.

*How much data will be used while streaming a video?*
While live streaming a video from this website, it will use approximately 6MB per minute (700kbps).

*Video Player for archive videos?*
For archive videos, you need a browser compatible to play html5 video most update to date browsers can play html5 video.

*How soon after a Council Meeting will the video be available to watch?*
In most cases, once a Council Meeting has concluded, the video will be available to watch online within two business days. These are available in the archive.

# 5. Remote Attendance at Council and Council Committee Meetings

5.1 Councillors are expected to attend meetings in person. Remote attendance requires the Chairperson's prior approval in accordance with Regulation 45A of the *Local Government (Meeting Procedures) Regulations 2025*.

5.2 A councillor who is unable to attend a meeting in person for a reason specified in Regulation 45A(3) may request the Chairperson's authorisation to attend the meeting, or part of it, by audio link or audio visual link. The request must be in writing, state the reason, identify the meeting date and be submitted to the Chairperson at least two hours before the meeting starts. The General Manager and Governance staff must be copied into the request.

5.3 Before the meeting, the Chairperson must grant the request if reasonably satisfied that an eligible reason has been provided, unless the councillor would exceed the limit on attendance in Regulation 45C. The Chairperson will advise the councillor, General Manager and Governance staff of the decision.

5.4 Where approved, Governance staff will provide access details and arrange a suitable audio or audiovisual connection. The Councillor must be able to hear, speak and vote and is responsible for their own device and connection.

5.5 A Councillor attending remotely must remain attentive and follow the Chairperson's directions. Connection difficulties must be reported promptly. The Chairperson may withdraw approval if the Councillor is not providing or unable to provide the meeting their full attention (Regulation 45A). This may be due to an inability to maintain a reliable and secure connection to the meeting.

5.6 Reasonable efforts will be made by Council staff to assist with connection difficulties, however precedence will be given to running an orderly meeting and maintaining the live streaming of meetings.

5.7 Governance staff will monitor the limit of one-third of scheduled meetings per calendar year for remote attendance under Regulation 45A. Meetings held remotely under Regulation 45B are excluded from this limit (Regulation 45C).

5.8 Where exceptional circumstances prevent an in-person meeting, the Chairperson may arrange for all or part of the meeting to be held remotely. Governance staff will coordinate Councillor access, public access where required and recording arrangements (Regulation 45B).

5.9 A councillor attending a Closed Council Meeting by audio link or audio visual link must comply with Section 338A of the *Local Government Act (1993)*

# 6. Public Question Time

6.1 A member of the public may give written notice to the General Manager at least seven (7) days before an ordinary Council Meeting of a question to be asked at that meeting.

6.2 A member of the public can ask no more than four (4) questions per meeting.

6.3 The Chairperson of an ordinary Council meeting will address questions on notice submitted by members of the public and invite any members of the public present at the meeting to ask questions relating to the activities of the Council.

6.4 A question asked at a meeting is to:

6.4.1 Be concise; and
6.4.2 Be clear; and
6.4.3 Not be a statement; and
6.4.4 Have minimal preamble

6.5 A question must relate to the activities of the Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor.

6.6 General statements from the public are not permitted during public question time.

6.7 The Chairperson will require a question from a member of the public asked at the meeting to be put in writing and provided at that meeting.

6.8 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.

6.9 The Chairperson of an ordinary Council meeting may refuse to accept a question from a member of the public and if the Chairperson refuses to accept a question they must give reasons for doing so.

# 7. Questions on Notice

7.1 This agenda item allows Councillors to ask a question on notice on any matter relevant to Council activities.

7.2 A Councillor can ask no more than four (4) questions on notice per meeting by giving the General Manager written notice of the question(s) at least seven (7) clear days before the date of the meeting at which the question is to be asked.

7.3 A question asked at a meeting is to:

7.3.1 Be concise; and
7.3.2 Be clear; and
7.3.3 Not be a statement; and
7.3.4 Have minimal preamble

7.4 In the event the question is accepted the General Manager must ensure that the question and the reply are placed on the agenda for the meeting at which the question is to be asked.

7.5 The question and the reply must be entered in the minutes of the relevant meeting.

# 8. Notice of Motion

*Motions and amendments should not be vague or ambiguous; they should be couched in precise and definite language and should comply with any regulations as to form a notice; otherwise the Chair should refuse to allow them to be put. [Joske's Law and Procedure at Meetings in Australia, 10th Edition, Ellis S Magner, Thomson Lawbook co., 2007]*

8.1 This agenda item allows Councillors to bring forward any business in the form of a written notice of motion.

8.2 A notice of motion must be given to the General Manager at least seven (7) clear days before the date of the meeting at which the motion is to be moved.

8.3 A Councillor can submit no more than four (4) notices of motion per meeting.

8.4 Provided the Chairperson does not refuse to accept a notice of motion in accordance with Regulation 18(6) of the regulations then the General Manager must ensure that the motion on notice is placed on the agenda for the meeting at which the notice of motion is to be moved.

8.5 No motion shall be proceeded with in the absence of the Councillor giving notice unless some other Councillor has been authorised to move it by the Councillor who gave notice. *[Joske's Law and Procedure at Meetings in Australia, 10th Edition, Eilis S Magner, Thomson Lawbook co., 2007]*

All notices of motion must be preceded by the following statement:

*"A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at its meeting on the…"*

# 9. Petitions

9.1 Where a petition is received by a Councillor pursuant to Section 57(1) of the Act then that Councillor is to forward the petition to the General Manager within seven (7) days of receiving it.

9.2 Where a petition is received directly by the General Manager in accordance with Section 57 of the Act or is received by the General Manager in accordance with 6.1 above the General Manager will, subject to Sections 58(3) and 59 of the Act, ensure that the petition is placed on the agenda of the next ordinary meeting of Council with a short statement as to the nature of the petition and the number of signatures to the petition.

9.3 If the petition placed on the Council Meeting agenda is accompanied by a report from a Council Officer, the Council may consider the petition at the Council Meeting.

9.4 If the petition placed on the Council Meeting agenda is not accompanied by a report from a Council Officer, and if it however relates to a matter that:-

9.4.1 Has recently been on (or is already on) an agenda of a Council Meeting, and/or

9.4.2 The community at large do not need to have the opportunity to be aware of and/or have the opportunity to comment on, and

9.4.3 Does not require further information to be provided by a Council Officer prior to Council making an informed decision,

The Chair will allow the petition to be considered at the Council Meeting.

9.5 The head petitioner or their nominee will be invited to attend the Council Meeting as a delegate and will be offered an opportunity to speak to the petition for a maximum of five (5) minutes, except in the case that the petition relates to a matter Council is undertaking consultation on, or relates to a matter that is not the responsibility of Council. Councillors will then be able to ask questions of the petitioner.

9.6 After the petitioner has been heard, the Chair of the Council Meeting will bring forward that item or items on the agenda to enable the matter(s) to be discussed forthwith.

If the head petitioner or their nominee attends a Council Meeting and has an opportunity to speak to the petition, any further request to speak at a subsequent Council Meeting will only be approved by the Chair if new material is placed on the agenda by a Council Officer in relation to the petition.

# 10. Deputations

10.1 A request for a deputation to a meeting received in accordance with Regulation 38 will be referred to the Chair for his/her approval for the deputation to appear.

10.2 Approval for a deputee to speak will only be refused by the Chair if the deputee has previously addressed the Council or a Council Committee about the same subject in the previous six (6) months and Council has resolved the matter.

10.3 Deputees will be given the opportunity to address the Council or Council Committee for a maximum of five (5) minutes. Councillors will then be able to ask questions of the deputee.

10.4 Deputees will be heard and questioned without debate.

10.5 After hearing the deputations the Chair will bring forward the relevant item on the agenda (if any) to enable the matter to be discussed forthwith.

# 11. Voting Procedures

11.1 At a Council meeting, each councillor, including the Chairperson, has one vote. At a Council committee meeting, each committee member, including the Chairperson, has one vote.

11.2 The Chairperson must take the vote by a method determined by the Council or committee that enables each councillor present to vote, including any councillor authorised to attend by audio link or audio visual link. The motion is put first in the affirmative and then, if necessary, in the negative, as often as needed to determine the result.

11.3 The minutes must record the vote of each councillor and the outcome of the vote

11.4 The Chair is to take a vote by any means the Council determines. The voting method used at a meeting is to accommodate Councillors who have been authorised to participate remotely (Regulation 31).

11.5 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.

11.6 Where a Councillor abstains from voting the vote is recorded as a negative.

11.7 A tied vote results in a motion being determined in the negative.

11.8 The Chair will count the number of votes for and against a decision and then declare an outcome. The details of Councillors votes and the outcome are recorded in the minutes.

# 12. Questions Without Notice

12.1 This agenda item allows Councillors to ask no more than four (4) questions per meeting on any matter relevant to Council activities.

12.2 Councillors should provide the Chair with a written copy of the question.

# 13. Acting as a Planning Authority

13.1 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 Chair is to advise the meeting accordingly as follows:

At the Commencement of the "Planning Authority":
*"Pursuant to Regulation 29 of the Local Government (Meeting Procedures) Regulations 2025 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993."*..

At the Conclusion of the "Planning Authority":
*"The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Regulation 29 of the Local Government (Meeting Procedures) Regulations 2025."*

13.2 A member of the Planning Authority is required to make decisions within the framework of the *Land Use Planning and Approvals Act 1993* (LUPAA).

13.3 As a member of a Planning Authority your decisions must be based on the provisions of the Planning Scheme.

13.4 Process to Decision:

13.4.1 Application
13.4.2 Advertising
13.4.3 Representation
13.4.4 Assessment
13.4.5 Decision

13.5 Assessment Report – The Planning Authority will be guided by its Planning Officers, who will assist by:

13.5.1 Identifying which parts of the Scheme you need to consider – Discretion triggers;

13.5.2 Identify relevant considerations;

13.5.3 Representations – relevance; and

13.5.4 Recommendation.

13.6 If the Planning Officer recommends that a development application is refused, then the motion to be considered by the Planning Authority will be to adopt that recommendation.

13.6.1 If the motion is carried, then the Planning Authority will have made a decision to refuse to grant a permit.

13.6.2 If the motion is lost, then the Planning Authority has not made a decision on the development application. In order to avoid the consequences of section 59 of the *Land Use Planning and Approvals Act 1993*, which deems a development application to be approved where there is no decision by the Planning Authority,the Planning Authority should subsequently consider a motion to approve the development application.

13.6.3 If the vote is tied, then the Planning Authority has not made a decision on the development application and it must subsequently consider a motion to approve the development application.

13.7 If the Planning Officer recommends that a development application is approved (or if a motion to refuse has been lost or tied), then a motion to approve the development application on certain conditions should be considered.

13.7.1 If the motion is carried, then the Planning Authority will have made a decision to grant a permit on those conditions.

13.7.2 If the motion is lost, then the Planning Authority has not made a decision on the development application and it may consider a subsequent motion (for example, that a permit is granted on different conditions or that the development approval is refused, on certain grounds).

13.7.3 If the vote is tied, then the Planning Authority has not made a decision on the development application and it must subsequently consider a motion to refuse the development application..

13.8 In the event that the decision of the Planning Authority is tied at both a refusal AND an approval a decision by the Planning Authority has still not been reached. The following steps may happen next:

13.8.1 An alternate motion can be foreshadowed, however it must be different from the motions put previously eg add/change conditions.

13.8.2 To break the deadlock the General Manager may exercise a delegation provided by the Planning Authority to grant a permit under Section 59(7) of the *Land Use Planning and Approvals Act 1993*.

13.9 To ensure that the Planning Authority does not inadvertently refuse a development application through a tied vote, the members of the Planning Authority are encouraged to:

13.9.1 communicate openly during the meeting prior to the formal vote being taken, so that other members are aware of each other's intention to vote; and

13.9.2 foreshadow an alternate motion, if a member supports the Planning Officer's recommendation generally but would prefer that a permit was granted on conditions which differ from the Planning Officer's recommendation, or that it be refused on different grounds.

13.10 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. To the extent that there is a deemed refusal of a development application, the minutes should reflect this.

13.11 The Rules of Engagement and Decision Making

13.11.1 Do Not:

13.11.1.1 Make statements of predetermination – do not make any comments which suggest that you will exercise discretion in a particular way without being prepared to listen to contrary arguments.

13.11.1.2 Sign a representation or a petition in favour or against a proposal.

13.11.1.3 Participate in a decision if you have a conflict of interest:

- Pecuniary benefit or pecuniary detriment – Sections 48 to 56 of the *Local Government Act 1993.*
- Code of Conduct.

13.11.2 Do:

13.11.2.1 Understand exactly what you are required to decide:

- Which provision of LUPAA apply?
- Which parts of the Scheme are relevant?

13.11.2.2 Take the information contained in the application and representations into account when you make your decision.

13.11.2.3 Take other information into account, although you should notify the applicant if you intend to do so.

13.11.2.4 Encourage a community member to make a representation so that their views can be taken into account, rather than relying upon you to do that for them.

13.11.2.5 Channel enquiries through the relevant Planning Officer.

13.11.2.6 Be transparent.

13.11.2.7 Make and keep records of interactions which may be contentious (file notes, emails etc).

13.11.3 You May (Subject to the above):

13.11.3.1 Participate in discussions with developers and interested third parties before and after a development application is lodged.

13.11.3.2 Attend private and public meetings and briefings in relation to an application that will be determined by the Planning Authority.

13.11.3.3 Speak in favour of or against a proposal (although this is not routinely recommended).

13.11.3.4 Speak firmly, even passionately, in favour of your view at a Planning Authority meeting with the intention of influencing other Councillors; that conduct is to be expected.

13.11.3.5 Make a decision which differs from the recommendations of the Planning Officer. Clear reasons (pursuant to the Planning Scheme) must be recorded to support the decision of Council.

# 14. Submission of Emergency Motions

14.1 Emergency motions may be tabled at a Council Meeting. This request must be provided to the Chair and the Chair will determine whether the motion should be dealt with in an urgent capacity or whether it can be listed on a future Council Agenda.

# 15. Closed Council

15.1 Regulation 17(I) stated that in order to close part of a meeting to the public, it may only be done where the Council has resolved to do so by an absolute majority.

15.2 A councillor attending a Closed Council Meeting by audio link or audio visual link must comply with Section 338A of the Local Government Act (1993). The councillor must ensure that no other person is able to hear or observe the Closed Council Meeting.

15.3 Items listed within Closed Council must clearly reference the reason for the inclusion of each Closed Council item, including item for discussion and correctly identifying the relevant sub-regulation reference pursuant to sub-regulation 17(2).

15.4 Within the Regulations there are specific provisions that prohibit some matters being discussed in a Closed meeting.

*Regulation 17(3): Unless sub-regulation (4) applies, a Council or Council Committee must not close 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 the Act; or*

*c) Considering proposals for the Council to deal with public land under section 178 of the Local Government Act 1993.*

15.5 Within the Closed Meeting of Council, there must be a consideration of what, if any, information can be released to the public for each item discussed.

15.6 As per sub-regulation 40(1)(b), there must be at least enough information in the open minutes of Council to show that the matter was discussed and a brief description of the matter. This information should include as many details of what was discussed as possible, as per sub-regulation 17(7) which requires Council to consider whether discussions, decisions, reports or documents from that Closed Meeting are to be kept confidential or released to the public.

Generally, it would be expected that Councils could provide the voting details of closed agenda items, if not the detail of the discussion or motion itself.

15.7 Open minutes must not disclose confidential information meant for the closed meeting of Council (unless the Council agrees that the information can be released).

# 16. Meeting Closure

16.1 The duration of a meeting will not extend beyond 3.00pm without a resolution being passed by those Councillors present.

# Appendix A

**NOTICE OF MEETING**

Notice is hereby given that the next meeting of the Break O'Day Council will be held at the St Helens Council Chambers on..... commencing at 10.00am.

CERTIFICATION

Pursuant to the provisions of Section 65 of the *Local Government Act 1993*, I hereby certify that the advice, information and recommendations contained within this agenda have been given by a person who has the qualifications and/or experience necessary to give such advice, information and recommendations or such advice was obtained and taken into account in providing the general advice contained within the agenda.

**[NAME]**
**GENERAL MANAGER**
Date: ……

STATEMENT BY CHAIRPERSON INFORMING ALL COUNCILLORS, STAFF AND ANY PUBLIC PRESENT, THAT THE MEETING IS BEING RECORDED

OPENING

ACKNOWLEDGEMENT OF COUNTRY

…/18.1.0 ATTENDANCE
…/18.1.1 Present
…/18.1.2 Apologies
…/18.1.3 Leave of Absence
…/18.1.4 Staff in Attendance

…/18.2.0 PUBLIC QUESTION TIME

…/18.3.0 COUNCILLOR'S QUESTIONS ON NOTICE

…/18.4.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

…/18.5.0 DECLARATION OF INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

…/18.6.0 CONFIRMATION OF MINUTES
…/18.6.1 Confirmation of Minutes – Council Meeting ……..

…/18.7.0 COUNCIL WORKSHOPS HELD SINCE.....COUNCIL MEETING

…/18.8.0 PLANNING AUTHORITY

…/18.9.0 COUNCIL MEETING ACTIONS

…/18.10.0 PETITIONS

…/18.11.0 NOTICES OF MOTION

…/18.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS
…/18.12.1 Mayor's Communications for Period Ending ……
…/18.12.2 Councillor's Reports for Period Ending ……

…/18.13.0 BUSINESS AND CORPORATE SERVICES
…/18.13.1 Corporate Services Department Report
…/18.13.2 Monthly Financial Report
…/18.13.3 Visitor Information Centre Report

…/18.14.0 WORKS AND INFRASTRUCTURE
…/18.14.1 Works and Infrastructure Report
…/18.14.2 Animal Control Report

…/18.15.0 COMMUNITY DEVELOPMENT
…/18.15.1 Community Services Report

…/18.16.0 DEVELOPMENT SERVICES
…/18.16.1 Development Services Report
…/18.17.0 GOVERNANCE
…/18.17.1 General Manager's Report

…/18.18.0 CLOSED COUNCIL
…/18.18.1 Confirmation of Closed Council Minutes – Council Meeting ……
…/18.18.2 Outstanding Actions List for Closed Council

# Appendix B

**… ..... COMMITTEE**
**ON [DATE]**
**TO BE HELD AT [VENUE]**

**AGENDA**

…/18.1.0 ATTENDANCE
…/18.1.0 Present
…/18.1.0 Apologies
…/18.1.0 Leave of Absence

…/18.2.0 CONFIRMATION OF MINUTES
…/18.2.1 Confirmation of Minutes – Committee Meeting ……

…/18.3.0 MATTERS ARISING FROM PREVIOUS MINUTES

…/18.4.0 ……

…/18.5.0 ……

…/18.6.0 ……

…/18.7.0 ……

…/18.8.0 GENERAL BUSINESS

…/18.9.0 MEETING CLOSE

# Appendix C

**DUTIES AND RESPONSIBILITIES OF THE CHAIR**

*The Chair has a number of important duties to perform. These duties are as follows:*

- *Preside at meetings;*
- *Conduct proceedings regularly;*
- *Determine the sense of a meeting;*
- *Preserve order;*
- *Adjourn the meeting if necessary;*
- *Control the voting process;*
- *Declare the meeting closed; and*
- *Sign the minutes*

*The Chair has the authority and duty to make necessary rulings on questions of meeting procedure. [Joske's Law and Procedure at Meetings in Australia, 10th Edition, Eilis S Magner, Thomson Lawbook Co., 2007]*

**It is Council's intention to consider all agenda items on the day of a meeting. The following meeting procedures are designed to facilitate the achievement of this intention.**

Meeting Procedures

- Once a quorum is present, to declare the meeting open at the prescribed time.
- Make a statement advising Councillors, staff and any public present that the meeting is being recorded.
- To provide an Acknowledgement of Country.
- To call over the reports by item number (example attached).
- To identify any Councillors who are attending by audio or audio visual link
- To identify Councillors on leave.
- To call for any apologies.
- Ask members of the public who are present whether they have any questions they would like to ask. No debate is allowed on a question and it must be provided in writing and a reply will be provided in the minutes.
- To call Councillors to advise pecuniary/conflict of interests (if any) on any of the agenda items.
- To seek a mover and seconder for confirmation of the minutes of the last meeting. The only discussion permitted on this item concerns the accuracy of the minutes as a record of proceedings. *[Joske's Law and Procedure at Meetings in Australia, 10th Edition, Eilis S Magner, Thomson Lawbook Co., 2007]*
- If there are any questions on notice, to read the title of the question and state the Councillor who asked the question and advise that a response is provided by the relevant person. [**Note**: no debate is allowed on a question on notice or the reply.]
- To call on the Councillor who has a notice of motion to move the motion and speak to it.

- To call for questions without notice (maximum four (4) per Councillor per meeting). [**Note**: no discussion or debate is permitted in reference to the question asked and the answer given. ]
- To close the meeting.
- The duration of a meeting will not extend beyond 3.00pm without a resolution being passed by those Councillors present.
- In the event that such a resolution is passed then at around 3.15pm the Chair will confirm the order or priority that the remaining items on the agenda will be considered.
- The Chair (if necessary) will then seek Councillors to move and second a formal motion that consideration of any remaining agenda items will be adjourned to a date and time as fixed by the meeting or to be determined by the General Manager.

Maintaining Order

In terms of running the meeting for debates on the items reserved, the following points should be noted:

- The Councillor who has reserved an item should be invited to briefly state why it has been withdrawn. However, if the Councillor is not prepared to move the recommendation as presented in the report provided, the Chair will in the first instance, seek a Councillor who is prepared to move the recommendation as presented in the report provided.
- The mover of the recommendation may speak for not more than five (5) minutes.
- The mover of the recommendation has the right of reply for up to three (3) minutes and is not to introduce any new information in exercising that right.
- A Councillor who moves a motion loses the right of reply if a motion "that the motion be put" is passed.
- The Chair will then seek a Councillor who is prepared to second the recommendation as presented in the report provided.
- The seconder of the recommendation may speak for not more than five (5) minutes.
- A motion will lapse if it is not seconded at the appropriate time.
- A Councillor in addressing a Council Meeting is not to digress from the subject under discussion.
- If the Chair is unable to find Councillors who are prepared to move and second the recommendation as presented in the report provided, with or without minor variation, the Chair will seek a Councillor who wishes to move an alternative motion.
- The Chair may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the Council or Council Committee (as the case may be).
- A Councillor may only speak once to a motion except –
    a) To provide a brief explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
    b) With leave of the meeting; or
    c) As the mover in reply.

- Once a motion has been voted on (see "Voting" below), and is LOST, a new motion regarding the same agenda item may be moved (that may be substantially different to the previous motion just lost).

Amendments

- A Councillor who has moved or seconded a motion may not, at a later stage of the debate, move or second an amendment to the motion.
- A Councillor who has not moved or seconded the motion at an earlier stage of the debate may move or second an amendment to the motion. [**Note**: An amendment is not a new motion and cannot be a direct negative of the motion on the floor. Rather it must be relevant to the motion on the floor (and therefore, must relate to the substance or it) and can only seek to modify it by adding to or deleting from the motion, without negating it.]
- When an amendment is moved and seconded the debate is on the subject matter of the amendment.
- A Councillor who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- A Councillor has up to five (5) minutes to talk to the amendment after which the Chair will seek a member to second the amendment. An amendment will lapse if it is not seconded at that time.
- If the amendment is defeated then the debate returns to the original motion and only one further (second) amendment may be moved to the original motion.
- If the (second) amendment is defeated then the original motion must then be decided.
- If an amendment is carried, the amended motion may be subject to one (1) further amendment.
- Once an amendment (and second amendment where applicable) is carried, the amendment becomes the motion which must then be put to the vote in its own right. [**Note**: The effect, therefore, is that where the meeting votes in favour of an amendment it is then required to vote on it for a second time as the substantive motion. The usual course is for the whole original motion, as amended by the amendment, to be put to the vote as the amendment and then, where carried, to be put to the vote again as the substantive motion.]
- An amendment which calls for a further report and/or additional information should include a statement as to what additional information is required.

Variations

- The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- The Chair must immediately put the question for leave to be granted an no debate will be allowed on that question.
- If the Chair gets an indication that at least two thirds of the Councillors are in favour of granting leave, leave is to be granted (ie a formal vote is not required – just require general consensus).

Conduct of Debate

*The purpose of debate is to allow members to state relevant facts and express their views on the business before the meeting. The objective is that the decision reached at the meeting will be an informed one. Controlling the conduct of debate and the progress of the meeting are the major responsibilities of the Chair. [Joske's Law and Procedure at Meetings in Australia, 10th Edition, Eilis S Magner, Thomson Lawbook Co., 2007]*

- It should be particularly noted that a Councillor must not speak for longer than five (5) minutes at any one time.
- This can only be extended by the leave of the meeting. If the Chair gets an indication that at least two thirds of the Councillors are in favour of granting leave, leave is to be granted ie a formal vote is not required – just general consensus). The Chair does not have discretion to allow an extension.
- Elected Councillors wishing to speak should raise their hands and be recognised by the Chair. It is desirable to have alternate speakers for and against the motion and for second and subsequent speakers to confine discussion to information or details not adequately covered by previous speakers. These principles do not in any way take away a Councillors right to speak.
- If a Councillor seeks to ask a question it is important that the Councillor does not make a speech before or after the question, but asks the question straight away. The Chair must ensure that a member only speaks once to a motion and should rule the member out of order if in asking a question a further speech is being made.

Voting

*The common method of voting is by show of hands; that is "by counting the persons present who are entitled to vote and who choose to vote by holding up their hands". [Joske's Law and Procedure at Meetings in Australia, 10th Edition, Eilis S Magner, Thomson Lawbook Co., 2007]*

- The Chair will, in taking a vote, ask for the votes of those Councillors in favour of the question and then for the votes of those Councillors against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- Suspension of Meeting Procedures

- If the Chair considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of the regulations for a period of time in order to allow or facilitate informal discussions, the Chair will seek an indication that at least two thirds of the Councillors present at the meeting are in favour of suspending the operation of the regulations for a period determined by the Chair eg the issue could be clarified by some informal discussion for a period of ten (10) minutes.

- Council has resolved that in the interest of Councillors health, the Chair of the meeting is encouraged to exercise his/her discretion and suspend the operation of the regulations to enable a suitable break to be taken, as far as is practicable, to allow Councillors to stand up and move about thereby restoring their energy and circulation.
- If a suspension occurs –
    a) A note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
    b) The period of suspension should be limited to achieving the purpose for which it was declared; and
    c) The period of suspension will come to an end if –
        - The Chair determines that the period should be brought to an end; or
        - At least two thirds of the Councillors present at the meeting resolve that the period should be brought to an end.

Points of Order

- The Chair may call to order a Councillor who is in breach of the Act, the regulations or these procedures.
- A Councillor may draw to the attention of the Chair a breach of the Act, the regulations or these procedures, and must state briefly the nature of the alleged breach and the section of the Act, regulation or these procedures which has been contravened.
- A point of order takes precedence over all other business until determined.
- The Chair will rule on a point of order.

Interruption of a Meeting by Councillors

- A Councillor must comply with the Code of Conduct at all times.
- A Councillor must not, while at a meeting –
    a) Behave in an improper or disorderly manner; or
    b) Cause an interruption or interrupt another Councillor who is speaking.
- If the Chair considers that a Councillor during a meeting may have acted in contravention of the regulations or Council's Code of Conduct or these procedures the Councillor must be allowed to make a personal explanation.

Interruption of a Meeting by Others

- A member of the public who is present at a meeting must not –
    a) Behave in a disorderly manner; or
    b) Cause an interruption. Maximum penalty: $500.

**Any queries regarding these Meeting Procedures should be directed to the General Manager in the first instance.**