



Department of
**Local Government, Sport
and Cultural Industries**

A Guide to the Preparation of Agendas and Minutes

for local government officers to support effective decision making
in council and committee meetings.



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Introduction

Local government is an integral part of the structure of government both in Western Australia and nationally. Its council members are ideally placed to monitor the changing needs of local communities and to plan and implement strategies to meet those needs. A local government functions properly when both the elected council and its supporting administration work together to produce the best results for the community. The council and the administration come together at meetings, where the elected membership uses its combined knowledge and experience, informed by advice from the administration, to make decisions for both the good governance and the advancement of the community they serve.

The agendas that organise meetings of council, the minutes that record the decision making process, and the final decisions resulting from that process, are arguably the most important records produced by local governments.

Properly structured agendas are the key to efficient and effective council meetings that produce good decisions, made following the analysis of sound advice and constructive debate. At the end of such meetings, all those involved should be satisfied that the local government and its community have derived the greatest possible benefit from the valuable time that has been contributed. The structure of an agenda should be directed towards decision making, and should not include irrelevant or unnecessary information. It is generally agreed that focused meetings directed towards decisions are most likely to achieve good results for the community.

The minutes of council meetings are a record of the decisions made by a governing body. As such, they need to be:

- readable and clear so that members of the public can see the reasons for decisions of council;
- an accurate record of what occurred at the meeting in question; and
- able to provide evidence that both accountability, and statutory compliance, requirements of the decision making process have been met.

The Department of Local Government's original guide to *The Preparation of Agendas and Minutes*, first released in 1997, has proved over the years to be a greatly valued resource by local governments. It has now been revised to produce this third version, taking account of legislative changes, feedback to the Department of Local Government, Sport and Cultural Industries, lessons learned from Department visits and inquiries into local governments, and current practices in the sector.

Some local governments may prefer to use alternative methods to those suggested in this guide. The important point to remember is that all the decisions of a local government should only result from properly prepared written reports that include recommendations. Such reports and recommendations, along with the decisions of the local government (and the reasons for any decisions that are significantly different from committee or employee recommendations) provide an appropriate record of the decision making process, as required by regulations 11(c) to (da) of the *Local Government (Administration) Regulations 1996*. Reports must be made available to the members of a council or any of its committees in sufficient time for them to properly consider any issues of relevance, and make whatever inquiries they believe are necessary before they vote on those issues.

In many local governments, elected members make use of forums to discuss issues outside the formal council and committee meeting process. The Department recognises this practice while encouraging the use of formal committees. Forums can range from discussion of strategic concepts for the community's future (commonly called 'concept forums') to briefing sessions in relation to upcoming agenda items for which council members will be making decisions (generally known as 'agenda forums').

While such forums are informal and not convened under the provisions of the *Local Government Act 1995*, councils that wish to hold forums of either the 'agenda' or 'concept' variety are encouraged to adopt rules and processes in accordance with those outlined in this guide. This will assist with accountability and minimise public criticism of the local government. See also the Department of Local Government, Sport and Cultural Industries' Operational Guideline Number 05 – Council Forums.

1 Giving Notice of a Council or Committee Meeting

1.1 Giving notice to elected members

The *Local Government Act 1995* (the Act) establishes a requirement that the Chief Executive Officer (CEO) of a local government gives elected members at least 72 hours' notice of the date, time and place of an ordinary meeting of council, and an agenda for the meeting. Refer to section 5.5(1) of the Act.

Recommended practice is that the notice of meeting should comprise the first page or cover sheet of the agenda document. Alternatively, the notice can be sent to members before the agenda is delivered, or included as a separate document with the agenda.

As this notice is a legislative requirement, and is therefore an important record for compliance purposes, it is advisable that it be signed and dated by the CEO or an officer to whom that responsibility has been assigned by the CEO.

Where a local government has implemented a completely computerised system that does not provide for a signature, there should be an official copy of the notice that is signed and dated by the CEO, and retained as a record of the local government.

A CEO 'gives' a notice to an elected member when:

- it is delivered or in some manner provided personally to that elected member;
- it is posted in a letter addressed to, or delivered to, an appropriate address (for example, an elected member's residence or place of business); or
- it is emailed to him or her in circumstances where the CEO has the member's prior consent to communicate in that way, when any conditions of the prior consent are satisfied (for example, the use of a nominated email address), and it can be reasonably expected that the notice message will be accessible.

Refer to sections 75 and 76 of the *Interpretation Act 1984*, and sections 8 and 10 of the *Electronic Transactions Act 2011*.

It should be noted that the Act makes a distinction between the calling of a meeting and the convening of a meeting. For instance, if a special meeting is urgently required, and has been called by the mayor or president in a notice provided to the CEO under section 5.4(a) of the Act that sets out the date and purpose of the proposed meeting, the CEO then proceeds to convene the meeting by giving notice to the council members under section 5.5(2) of the Act.

Any notice calling for a special meeting of the council that is given to the CEO by the mayor or president (or at least one third of the councillors) under section 5.4(a) of the Act becomes part of the meeting documentation, and should be stored in the records management system of the local government. An example of a notice that could be used to call a special meeting is provided in Appendix B.

When any special meeting is convened, the notice must include the date, time and place of the meeting, and advise of the purpose. However, the Act does not prescribe the amount of prior notice for a special meeting, nor the method required for giving it.

The form of notice should be similar to that used for an ordinary meeting, though it must also include the purpose. Given that the reason for a special meeting may determine the level of public interest or attendance, only the business listed in the notice must be discussed.

1.2 Giving notice to the public

All meetings of council, and of committees to which council has delegated powers or duties, are to be open to members of the public, except when dealing with matters under section 5.23(2) of the Act. Regulation 12 of the *Local Government (Administration) Regulations 1996* (the Administration Regulations) establishes the requirements for giving public notice of these meetings.

The primary provision, in regulation 12(1) of the Administration Regulations, is that local public notice must be given, at least once each year, of the date, time and place of all ordinary council meetings, and of all committee meetings that are required or proposed to be open to the public, and scheduled to be held within the next twelve months. Regulation 12(2) requires that further local public notice be given of any changes to the date, time or place of a meeting advertised in that primary notice.

Local public notice is defined in section 1.7 of the Act as a notice advertised by:

- a) publication of a notice on the local government's official website
- b) provision of the information via at least three of the following mediums:
 - on a State Government website;
 - on social media;
 - electronic mail distribution list;
 - published in a newsletter or newsletters available to the majority of residents throughout the district;
 - exhibited on a notice board at every local government office and library within the district;
 - publication of a notice in a newspaper circulating generally throughout the district (if available).

The Act's basic requirement is intended to ensure the best possible opportunity for all elected members and the public to attend meetings of the council. Any change to the date, time or place of an already scheduled meeting would have to leave enough time for the requirements of local public notice to be satisfied.

The Act and Regulations do provide for the fact that special council meetings will be needed to deal with crucial or unexpected issues from time to time. Again, local public notice is required under regulation 12(3), as it would be for any other council meeting. However, given the potentially urgent nature of such meetings, regulation 12(4) allows for the CEO to determine the extent to which local public notice is practicable. Every effort should be made to give as much public notice as possible.

The Department recommends that local governments adopt procedures that address issues such as giving notice when calling or convening meetings, incorporating details of the processes for giving notice, and a minimum notice period for special meetings. The procedures should be prescribed in Standing Orders.

As the Act is silent on giving notice of committee meetings that do not involve delegated powers or duties, or of informal forums, it is advisable that any adopted procedures extend to the calling, convening and giving notice of these sorts of meetings and discussions.

2 The Structure of the Meeting Agenda

The agenda sets out the order of business for a meeting and provides the necessary information on any matters to be determined. A properly structured agenda will assist the council to make the most of its meetings, and enable the elected members to make informed decisions on the basis of sound advice and constructive debate.

Meeting agendas with logical linkages to the local government's adopted Plan for the Future (Strategic Community Plan and Corporate Business Plan) allow elected members to act strategically in meetings, spending the maximum time in productive debate, setting strategic policy and planning for the future. Refer to section 5.56 of the Act and regulations 19C to 19D of the Administration Regulations for further information.

2.1 The table of contents

A comprehensive table of contents is an important part of any agenda as it enables readers to easily find items that are included for decision at the particular meeting. All matters to be considered should be listed under appropriate headings in the table of contents.

Each item in the table of contents should have a reference number and appropriate subject heading, and may include a file reference. The page number on which the item can be found in the agenda should also be shown.

Some local governments use a discrete number for each item that is submitted to the council or a committee for decision. Others have a number for each resolution of council or a committee. These numbers can include coded reference to the council or committee meeting at which the matter was considered, and the month and year are sometimes included in the referencing system. Such a system is appropriate as long as whatever is adopted is clear to all readers.

All items submitted to the council by a committee should be shown separately in the table of contents. The council does not need to review the full minutes of a committee meeting and should only deal with the reports and recommendations of

the committee that are extracted from the committee minutes for consideration by the council. There is further reference to this in part 2.2.7 of this guide.

Status reports and information bulletins for council members can be used as adjuncts to the agenda, though it is recommended that both be distributed separately to the agenda itself. Distribution of such bulletins and status reports at a different time will assist in managing the reading responsibilities of the elected members. It will also help to keep the informal distribution of information separate from the formal decision making process. Status reports and information bulletins are covered in more detail in parts 5.1 and 5.2 of this guide.

The following sections of this guide deal with the order of business recommended for council and committee meetings, and its use as the basis for structuring agendas for those meetings.

Some comments have been made on aspects of the meeting process that arise from the recommended order of business. Where relevant to the preparation of meeting minutes as covered later in this publication, those comments have been highlighted.

2.2 The order of business

The Standing Orders or Meeting Procedure Local Laws adopted by local governments establish rules for management of council and committee meetings, and usually nominate the order of business for those meetings, forming the basis of the meeting agendas.

They also provide a procedural mechanism to enable the council to change the order of business at a meeting if necessary. Standing Orders should provide that the order of business for a meeting can be changed by resolution of the members, as the need arises.

For example, it may be considered reasonable to bring forward an item that is listed for consideration to allow members of the public attending for that particular item to witness the outcome and then leave the meeting, without having to sit through other items of no interest to them. Refer to part 6.1.2 of this guide.

It is important that the order of business be established and not changed at meetings without good reason. Members of the public who attend a meeting at a particular time to hear an issue being discussed may be disappointed if the order of business is changed without notice.

A local government should monitor and review, on an ongoing basis, how effectively its order of business, which is the basis for the preparation of the agenda and the recording of meeting minutes, is operating. The focus should be on continuous improvement in decision making processes, and encouragement of the community's participation in the affairs of its local government.

For reasons of consistency, it is preferable that the order of business for a committee meeting should be similar to the order of business for a council meeting. Some variations are necessary, such as the deletion of any item regarding applications for leaves of absence, as there is no legislative requirement for members to be granted leaves of absence from committee meetings.

The Department recognises that the order of business suggested in this guide may not be appropriate for all local governments, and in some cases alternatives will be adopted.

Some local governments, for instance, may prefer an order of business that allows certain officers to present reports earlier in the meeting, so they can subsequently leave to carry on with other duties and minimise the time spent waiting to present reports. However, regardless of the options that council may adopt, the decision making process will only benefit from having a clear and logical order of business for meetings.

Most importantly, the business of a meeting should not include items that could lead to decisions of the council or a committee without sufficient time for its members to properly consider all relevant reports and recommendations before being required to vote on matters.

The recommended order of business

The following order of business is a key recommendation of this guide, and intended as a practical approach both to meeting legislative requirements, and achieving best practice.

Order of Business

- (a) Official Opening
- (b) Public Question Time
- (c) Apologies and Leaves of Absence
- (d) Petitions/Deputations/Presentations/Submissions
- (e) Confirmation of Minutes
- (f) Announcements by Presiding Member
- (g) Reports
- (h) Elected Members' Motions of Which Previous Notice Has Been Given
- (i) New Business of an Urgent Nature Introduced by Decision of Meeting
- (j) Closure of Meeting

Local governments are encouraged to adopt this recommended order of business, though it is recognised that local circumstances may require some variation to the suggested sequence.

2.2.1 Official opening

To ensure a proper record of the time the meeting begins, it is important that the person presiding declares the meeting open and states the time.

At the opening, the person presiding may also wish to recognise any relevant visitors and provide the council with information regarding presentations to be delivered, or deputations to be made, later in the meeting. An acknowledgement of country could also be given at this time.

Acknowledging country and its traditional owners is a way that the wider community can demonstrate respect for the historical and cultural significance of Aboriginal and Torres Strait Islander cultures in Australia, their past, present and future contribution to the richness of Australian society.

It is a demonstration of respect dedicated to the traditional custodians of the land or sea where the meeting is being conducted. The practice of acknowledging the traditional custodians of country can be used at meetings, ceremonies, events, formal gatherings and functions of council. If using a more specific acknowledgement, it is important to use the correct name of the Aboriginal and Torres Strait Islander nation whose connection to country is being acknowledged.

An example for the Perth area:

“I’d like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Whadjuk people of the Noongar nation and pay my respects to Elders past, present and emerging.”

A more general example:

“I’d like to begin by acknowledging the Traditional Owners of the land on which we meet today. I would also like to pay my respects to Elders past, present and emerging.”

2.2.2 Public question time

Section 5.24(1) of the Act and regulation 5 of the Administration Regulations require time to be allocated for questions from members of the public at council meetings, and at meetings of committees to which a power or duty has been delegated. Detailed information on procedures for public question time is available in the Department’s Operational Guideline Number 03 – Managing Public Question Time.

There are potential limitations on the types of questions that may be accepted by the presiding member, established in regulation 7(4) of the Administration Regulations. As such, it is essential that ‘Public Question Time’ be the name of the relevant agenda item. Alternative names for this part of the meeting (for instance, ‘Public Consultation’) are not considered appropriate. However, this is not to suggest that public or community consultation could not be included elsewhere in the agenda.

Some local governments have adopted the practice of including public question time, or some other form of participation process, at meetings of any committee that members of the public are permitted to attend. Regulation 7(2) of the Administration Regulations requires the public question time to precede discussion of any matter that requires a decision of the council or the committee.

It should be noted that some local governments have at times made it mandatory that questions be submitted in writing prior to a meeting. In these cases, a person not prepared to follow this procedure is sometimes denied the opportunity to ask a question. However, regulation 7(3) of the Administration Regulations states that each member of the public 'is to be given an equal and fair opportunity to ask a question and receive a response'. While the regulations do not preclude a requirement for questions to be submitted in writing, any procedures introduced to manage question time in this way should not prevent a person from verbally asking a question.

While the legislation prescribes fifteen minutes as the minimum time to be allowed for questions and responses (regulation 6(1) of the Administration Regulations), this must be balanced with the right of each person who wants to ask a question to be given the chance to do so. As it is not uncommon for a person to preface their question with a brief statement of context, the presiding member should be mindful of the time allocated for questions and use his or her judgement to request that the preamble is brief. The establishment of a procedure that ensures an equal and fair opportunity, and yet has time management in mind, is therefore very important.

In general, the presiding person determines the procedures for question time, though a majority of the council or committee members present may intervene should they disagree with the course adopted by the presiding person (regulation 7(1) of the Administration Regulations). However, it is good practice for local governments to adopt procedures for the conduct of question time and make the detail of those procedures available to the public. This will ensure that those who attend meetings will be aware of the relevant requirements, and what they must do if they wish to ask a question.

Regulation 11(e) of the Administration Regulations requires that meeting minutes include a summary of each question raised by members of the public at the meeting and a summary of the response to the question.

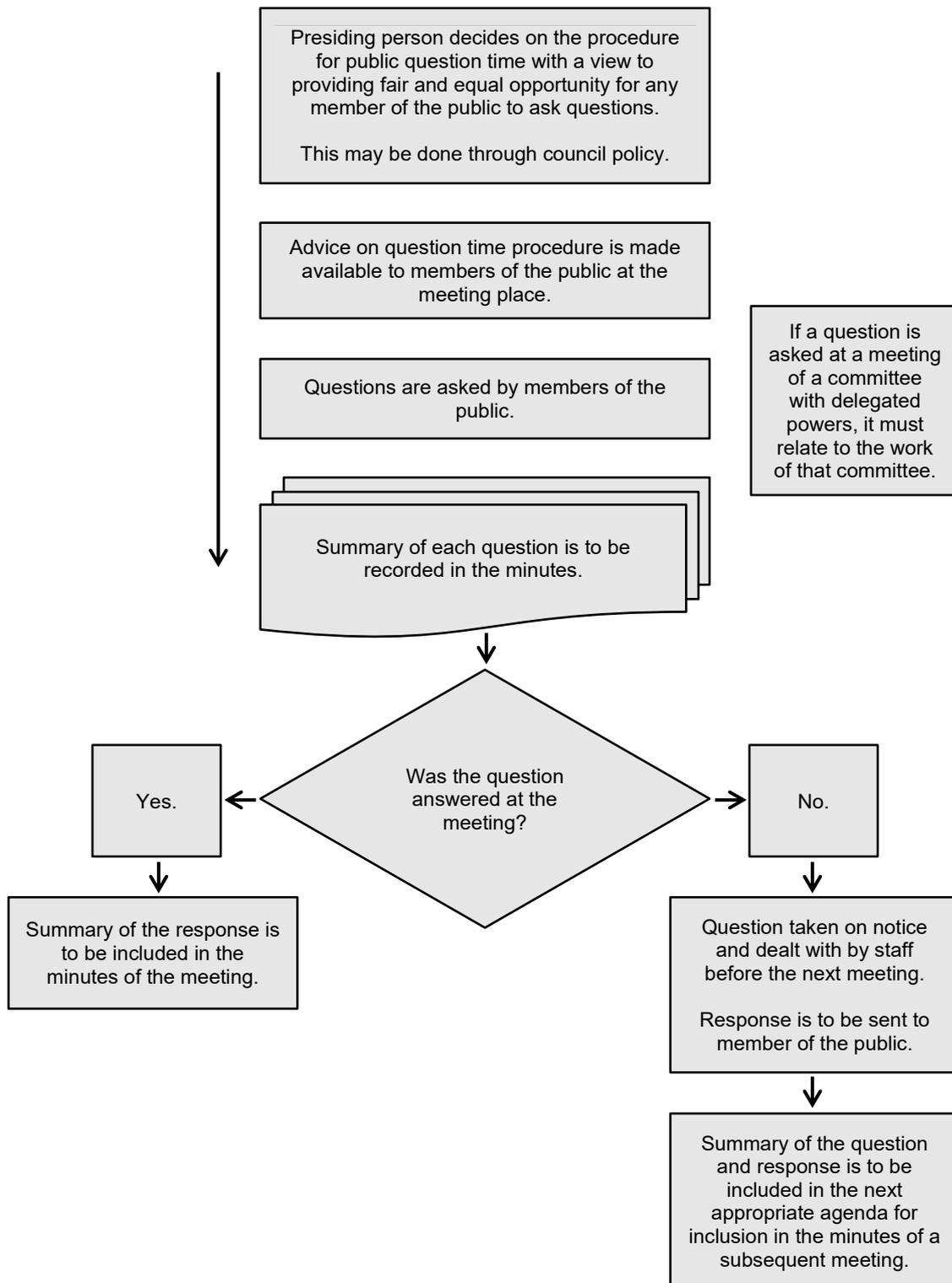
It is important that questions be answered immediately unless there is a valid reason for not providing a response. When it is not possible to respond immediately, the question should be 'taken on notice', and recorded in the minutes. The question should then be researched by an appropriate officer and a written response provided to the questioner if possible.

A summary of the response to the question (along with the question) should then be recorded in the agenda and minutes of the following meeting of the relevant council or committee. There should also be a notation as to the actions already taken to provide the response to the questioner. More information on this is also available in the Department's Operational Guideline Number 03 – Managing Public Question Time.

It is also recommended practice to request the name of any person asking questions, for inclusion in the summary of questions and responses recorded in the minutes.

Public Question Time

The aim is to ensure consistency and fairness and to meet legislative requirements



2.2.3 Apologies and leaves of absence

Disqualification from membership of council under sections 2.25(4) and 2.25(5A) of the Act for failing to attend meetings will generally be avoided as long as the council grants a leave of absence prior to a member being absent from three consecutive ordinary meetings, unless all the meetings are within a two month period. Refer to section 2.25(4) of the Act.

Any member who has advised of his or her inability to attend a meeting but has not sought a leave of absence should be noted and recorded as an apology.

Some local governments hold more than one ordinary council meeting each month. Section 2.25(5A) of the Act provides for those local governments that hold three or more ordinary council meetings within a two month period, and applies where an elected member is believed to be disqualified. An elected member is disqualified if they are absent (without council's prior approval of leave):

- throughout three consecutive ordinary council meetings held during a two month period; and
- throughout the whole meeting immediately following the end of the two month period.

Refer to sections 2.27 and 2.32 of the Act for the processes to be followed when a member is believed to be disqualified.

While the Act provides for the granting of leaves of absence to elected members, it is silent on methods for applying. It is recommended that applications for leave of absence should be made in writing. There is no requirement that a member attend the meeting at which an application for leave of absence is to be determined, however, it is necessary that any leave be granted by a resolution of council prior to a particular meeting absence, or at the commencement of a meeting for which leave is requested for the remainder of that meeting. The leave cannot be granted retrospectively.

Any council resolution that grants a leave of absence will need to be recorded in the minutes of the relevant meeting and should include the detail of the period of leave that has been approved. Similarly, any resolution of refusal to grant an application for leave of absence, together with the reasons for that refusal, must be recorded in the minutes. Refer to section 2.25(3) of the Act.

Where a member has been granted a leave of absence at an earlier meeting, this should be noted as the explanation for the absence, in the minutes of the subsequent meeting/s to which the leave of absence applies.

In circumstances when a written application is not possible, an oral application could be accepted from the elected member or from a person representing that member. Local governments should adopt procedures relating to the granting of leave of absence. The process should include a requirement that the reason for any leave application must be stated. An apology for not attending a meeting, duly recorded in the minutes, is neither an application for, nor deemed to be an approval of, a leave of absence.

As failure to observe the requirements of the Act relating to absences from meetings can lead to an elected member being disqualified, it is important that all of the relevant provisions are brought to the attention of elected members and the decisions made are both in order and properly recorded.

It should be noted that, as regulation 7(2) of the Administration Regulations establishes that public question time must precede discussion of 'any matter that requires a decision', the agenda needs to be structured to comply with that requirement. This will ensure that decisions on leaves of absence are only made following the completion of public question time.

Disqualification under the Act for failure to attend meetings only applies to ordinary council meetings. There is no legislative requirement for members to request any leave of absence from special council meetings or committee meetings.

Many councils appoint deputies for committee members to overcome the problem of quorum requirements when members are unable to attend committee meetings. The authority to appoint deputies is provided by section 5.11A of the Act.

Section 2.25(2) of the Act establishes that a council may, by resolution, grant leave of absence to a member for no more than six consecutive ordinary meetings, unless all of the meetings for which leave is being granted are to be held within a period of three months. Approval from the Minister for Local Government (the Minister) is required for any leave of absence requested by a member that exceeds these limits.

Applications to the Minister for any such approvals should be lodged in writing and, for practical purposes, timed to ensure receipt by the Minister at least 72 hours prior to the meeting for which the approval is sought.

It may be useful to note the following examples of scenarios in which section 2.25(2) of the Act will require Ministerial approval for a leave of absence.

The Shire of Meetingup holds ordinary council meetings once a month, so it could approve an application for a leave of absence from one of its members for the six ordinary meetings scheduled for February through to July. The approval of the Minister would be required for the leave of absence to be extended to any further ordinary meetings.

The City of Chatalot holds ordinary council meetings on a fortnightly basis, so it could approve an application for a leave of absence from one of its members for seven ordinary meetings, should all of those meetings be scheduled in the period from February through to April. The approval of the Minister would be required for the leave of absence to be extended to any further ordinary meetings scheduled for May.

Note that in these cases the decision to grant a leave of absence needs to be made by resolution of the council only when the Minister has given approval. Council cannot validly grant leave of absence before a required Ministerial approval has been obtained. For practical purposes, a resolution of council should be sought for the request to be made to the Minister, as well as the subsequent granting of leave to the member.

It is important to note also that, under section 2.25(3A) of the Act, leave is not to be granted retrospectively, either for a meeting that has already been concluded, or for the part of a meeting before the granting of leave.

Regulation 14A of the Administration Regulations does provide for a council or committee member who is not physically present at a council or committee meeting to 'attend' the meeting by telephone, video conference or other electronic form of communication, if that member is in a 'suitable place' as defined by the regulation and has been given approval by council. The meeting minutes will need to record this attendance, and note any point at which the member is not in communication as a time during which the member is not present.

2.2.4 Petitions, deputations, presentations and submissions

An item of this nature in the agenda for a meeting facilitates the tabling of petitions and acceptance of any deputations, as well as the delivery of presentations and lodging of any submissions, on matters that are to be considered at that particular meeting.

While opportunities for these processes to occur are not mandated by legislation in the same way as public question time, it is common for local governments to adopt relevant procedures in their Standing Orders, as discussed in the following sections.

Petitions

The Standing Orders or Meeting Process local laws adopted by a local government should prescribe requirements for the tabling of formal petitions.

Those requirements can address the intent, content and form of petitions and detail the options available to the council for dealing with them. The recommended practice, following formal receipt of a petition by the council or by an appropriate committee, is for the matter to be referred to the CEO for the preparation of a report on the subject of the petition for consideration by the council or committee.

Letters or correspondence signed by a number of people, which may be considered by some to be a petition, will not necessarily satisfy the criteria for a formal petition (that is, a petition presented to the local government in a form specifically intended or required to be considered by council).

Views expressed or presented in other formats may be put before the council by way of an officer's report or responded to through the administration process.

Deputations

A local government's Standing Orders should also set out the arrangements that will apply if deputations are accepted. These could include the requirement for a written request (that may be accepted or refused) and also establish:

- the number of deputators who will be allowed to participate;
- how many of them can address the meeting; and
- the amount of time that will be available.

It is recommended that the council should not act on a matter that is the subject of a deputation without first considering an officer's report on that subject.

A summary of issues addressed by any deputation should be included in the minutes of the meeting.

Presentations

There may be occasions when the council is required to accept an award or gift on behalf of the residents of the district, or wishes to present to a worthy recipient.

Allowing for presentations also provides opportunities for individuals or agencies to provide information on plans or proposals that will impact on the local government.

As with deputations, it is not advisable for the council to act on matters covered in a presentation without the benefit of an officer's report with a recommendation.

However, this is not to suggest that appropriate courtesies, such as a 'vote of thanks' or a motion expressing the appreciation of the council, should not be extended at this time.

Some local governments conduct citizenship ceremonies during council meetings for individuals or families. This could occur at this time in the meeting.

A summary of any presentation accepted or given should be included in the minutes of the meeting.

Submissions

Many local governments allow members of the public to make submissions to council on matters in which they have a direct interest, that are before the council or a committee for a decision. Again, it is recommended that appropriate processes be formalised in Standing Orders. The procedures should address requirements such as time limits for speakers, and the number of speakers who will be permitted to address the meeting in support of, or against, a particular proposal or recommended decision. The need to ensure that all potential speakers are given a fair hearing must also be recognised.

Deputations, presentations and submissions will not always take place in the order listed in the agenda. The minutes should record them in chronological sequence.

Petitions, deputations, presentations and submissions

The aim is to provide a variety of ways for members of the community to be heard

Petitions

A formal process by which representatives of the community present a written request to the council.
The required format is usually prescribed in Standing Orders.

Deputations

A formal process by which members of the community request permission to address the council or committee on an issue.

Presentations

Can be formal or informal proceedings during which awards or gifts may be accepted by the council on behalf of the community, or when agencies may present on a proposal that will impact on the local government.

Submissions

A formal process by which members of the public can speak on matters in which they have a direct interest, which are currently before the council or committee for a decision.

2.2.5 Confirmation of minutes

Section 5.22(2) of the Act sets out the requirements for confirmation of minutes from the previous meeting of the council or a committee. The council is to confirm the minutes of previous council meetings, while committees confirm the minutes of their own meetings. It is important to note that the minutes of committee meetings should not be confirmed at a council meeting.

The motion to confirm the minutes should take the following form:

‘Moved _____ Seconded _____. That the minutes of the (describe meeting) held on (date) be confirmed as a true and accurate record.’

Though it is preferable that a motion to confirm minutes be moved and seconded by members who were present at the meeting concerned, this is not essential. Meeting participants are not considered, nor expected, to take individual responsibility for the content of minutes when voting to confirm them.

Common law around meeting procedure generally holds that a member who votes to accept or confirm minutes is simply expressing confidence that those who were present at a meeting and prepared the minutes have provided an appropriate record.

As such, if anyone has reason to question the accuracy of minutes, they should put forward their arguments as to why the minutes should not be considered accurate.

(Some local governments emphasise this principle by actually including in their Standing Orders a requirement that members refusing to accept the accuracy of minutes must move the amendments they believe are required in order for them to be accurate. In other words, the onus is on the person questioning the accuracy to demonstrate what the inaccuracy is).

It is important to note that a confirmation motion should clearly identify the meeting to which it refers. As an example, if two special meetings of council were held on the one day it would be necessary to specify the purpose of each meeting as a means of identifying which minutes were under review for confirmation.

Where the minutes are confirmed with correction, the relevant corrections should be incorporated into the motion in the following form:

‘Moved _____ Seconded _____. That the minutes of the (describe meeting) held on (date) be confirmed as a true and accurate record, subject to amendment of (quote minute book reference, and words to be changed or deleted, or any words to be added).’

All corrections to the minute book should be clearly identified in the minutes where the correction is necessary. The corrections should be made by the CEO or by an appropriate person nominated by the CEO. A cross reference to the date on which the corrections were agreed should also be included, such as:

‘Corrections as per council resolution, Item No. _____
Date_____.’

It is still common practice and recommended that minutes should be in a permanently bound form when they are presented for confirmation. Minute book corrections should be recorded in the original minutes and not simply included as an attachment. If minutes are not permanently bound before confirmation, any correction that is made should be in a manner that makes the correction obvious. An example is to strike through any incorrect content and substitute the content that was agreed to be correct when the minutes were confirmed.

There is no requirement for each page of the minutes to be signed, but where they are kept in a form which could enable changes to be easily made (such as loose leaves), it is advisable that each page be signed or initialled. In general, any loose format is considered inappropriate. The CEO should be aware of his or her statutory responsibilities for the security of the minute book. Refer to section 5.41(h) of the Act.

Council and committee members have the right to propose amendments to minutes of previous meetings when they are presented for confirmation. A simple majority vote is required for any amendment motions. During this process, however, it is not permissible to change the recorded wording of a decision made at a meeting unless the resolution has been incorrectly recorded.

The person presiding at a meeting of council or a committee when the minutes of the previous meeting are confirmed subsequently certifies the confirmation by signing and dating a statement in the minute book. The certification should take the following form:

‘These minutes were confirmed by the council at the (describe meeting) held on (date).’

The process of confirming minutes from a council or committee meeting converts the unconfirmed version of events into a legal record of the decisions and deliberations of that meeting. Refer to section 9.37 of the Act.

2.2.6 Announcements by the presiding member

It is common for any general news of potential interest to council and the public to be delivered by the presiding member during ‘announcements’.

A council must not consider any business that may arise from ‘announcements’ for resolution at this point in the meeting. When a decision of council is required, the presiding member should discuss it with the CEO and arrange for a report to be prepared by an appropriate officer for submission to the council or a committee before its deliberations. However, if the presiding person believes the matter to be urgent and council agrees, it may be appropriate for the item to be brought forward as ‘business of an urgent nature’.

In addition to any announcements by the presiding member, announcements by or on behalf of other members could also be included at this point of the meeting with the permission of the presiding person, or included elsewhere on the agenda. Announcements should not, however, be considered an opportunity for discussion, nor should they request an action or commitment from the local government. Such decisions should be considered at a later point in the meeting’s order of business, or at a subsequent meeting.

Ideally, any details for the announcement of items of interest will be written before the meeting and will be ready for inclusion in the minutes. Verbal announcements that are not accompanied or supported by written detail must be summarised by the minute taker for recording in the minutes. There should be a separate heading in this section for each announcement item.

2.2.7 Reports

Most of the business of the council will be conducted in the part of the meeting set aside for 'Reports'. This covers both reports of committees and officers. Section 5.41(a) of the Act requires CEOs to advise councils in relation to the functions of a local government under both the *Local Government Act 1995*, and other legislation.

The CEO's function under section 5.41(b) is to ensure the availability of unbiased, professional and relevant advice and information to elected members for their decision making purposes. This is provided through written reports, which form a crucial part of the agendas for council and committee meetings, and provide the basis for both the decisions made at the meetings, and the meeting minutes of the local government.

Where the council has implemented a practice of dealing with most of its business through committees, officers will usually report to committee meetings and rarely submit reports directly to a council meeting. The reports (not minutes) from committee meetings, which include the officer's reports, will then be considered by the council at its full meeting.

It is not recommended that committee meetings occur on the same day as a council meeting, though it is recognised that some local governments follow this practice because of the distance that elected members must travel for meetings. When committees and councils do meet on the same day, it is essential that any business to be considered by a committee should also be included in the council meeting agenda. It is not advisable for recommendations from committees to be forwarded to

council when its elected members have not been given time to familiarise themselves with the matter first.

Where local governments decide not to operate with committees, officers will always report and make their recommendations directly to the council for its deliberation.

Most local governments will operate with some business dealt with by committees and some dealt with directly by council. Some may also establish what could be described as occasional or short term committees, usually for particular projects or tasks. The reports of these committees will be presented to the council, or to a permanent or standing committee, during the part of the meeting set aside for 'Reports'. It should be noted that occasional and short term committees, like the council or any other committee, should only make decisions and recommendations based on properly prepared officer reports.

Every report submitted to council or a committee for consideration must be complete with appropriate headings and include all relevant information and recommendations relating to the item. The author of the report should also be clearly identified. The appropriate format of reports is covered in more detail in the guidance notes included in Appendix C.

It is recommended that reports should be incorporated in their entirety into the minutes of the meeting at which they are considered. Regulations 11(c), (d) and (da) of the Administration Regulations establish the requirement that council and committee minutes must contain:

- details of each motion moved at the meeting, the mover and the outcome of the motion;
- details of each decision made at the meeting; and
- written reasons for each decision made that is significantly different from the relevant written recommendation in a report from a committee or an officer (unless the decision is to note the report, or to return the recommendation to the committee or officer for further consideration).

As such, the reason for any change to a relevant recommendation may be difficult to understand if the report containing the recommendation is not shown. Refer to part 6.1.6 of this guide for further information.

Where a report includes attachments, they need to be referenced in the minutes with an indication of their location in the records system if, due to their size, it is not possible to include them in the minute book. Refer to part 6.1.12 of this guide for further information.

All reports to the council or a committee must be in writing, including options (where appropriate) and a recommendation worded with enough detail to be understood without reference to the report, or to any other document or decision. Unless there is a strong reason, councils should not be prepared to consider a report that does not include a meaningful recommendation.

The preparation of reports with the appropriate level of detail recommended by this guide is considered necessary to fulfil the statutory function of the CEO to ensure that advice and information is available to the council so that informed decisions can be made. Refer to section 5.41(b) of the Act.

2.2.8 Elected members' motions of which previous notice has been given

Elected members have the ability to submit notices of motion between meetings, and up to a time usually prescribed in Standing Orders, before a meeting. As there is ample opportunity for council members to submit notices of motion under these circumstances, it is not considered necessary to list 'Motions for Consideration at the Following Meeting' as an agenda item.

Standing Orders generally provide for notices of motion to be provided to the CEO a number of days before the meeting at which the motion is to be moved, to allow enough time for advice of the proposal to be provided to all council or committee members. It is recommended practice, and should be a requirement in the Standing

Orders, that any notices of motion be accompanied by a report from an officer when advice of the motion is sent to members. It is therefore important that the deadline for lodging a notice of motion facilitates the preparation of any reports to accompany the notice.

2.2.9 New business of an urgent nature introduced by decision of meeting

Urgent business can be defined in Standing Orders as business of such urgency that if it was deferred to the next ordinary council meeting or the next meeting of the relevant committee, the delay could result in the local government, or an applicant or relevant stakeholder, being unfairly or unreasonably disadvantaged in some way.

Some local governments require an absolute majority vote when an elected member objects to the inclusion of new business on the basis that it is not urgent. There will sometimes be a valid case for late items to be considered as a priority, and as such this requirement is considered practical.

Written reports should be considered a requirement except when an emergency or urgent situation arises that does not allow time for a report to be prepared. In such circumstances, when a verbal report is given, a summary should be included in the minutes that provides enough detail to give the reader a clear understanding of the information and advice upon which the council or committee based its deliberations.

As a general principle, all resolutions of a council or committee should only be made when members have been given a written report with a recommendation and have had sufficient time to understand the issues involved before making a decision. Late reports should be discouraged.

2.2.10 Closure of meeting

The presiding person is to close the meeting and state the closing time. This time of closing is to be recorded in the minutes of the meeting, in accordance with regulation 11(d) of the Administration Regulations.

3 Preparing the Meeting Agenda

3.1 Separation of confidential business in the agenda

The inclusion of 'Confidential Business' in the agenda is a discretionary item and may be adopted by local governments on occasions when it is considered necessary to deal with confidential matters. This provides for the relevant part of the meeting to be closed to the public.

A meeting can only be closed to the public for a reason prescribed in section 5.23(2) of the Act, and in accordance with section 5.23(3) of the Act. The specific reason (preferably with the relevant subsection reference from the Act) must be recorded in the minutes.

It is important to note that regulations 11(c), (d) and (da) of the Administration Regulations require the minutes of a meeting to include the details of all decisions made at the meeting (including motions moved and the results of those motions, and written reasons for any decision that is significantly different from a relevant recommendation by a committee or employee). The closing of a meeting under section 5.23 of the Act does not in any way revoke the need for compliance with this regulation, so it should be noted that the full wording of any decisions arising from confidential sessions will still need to be included in the publicly available minutes.

Any reports, information or advice considered while a meeting is closed to the public for reasons of confidentiality can remain confidential, but must be retained in the records of the local government. Refer to part 6.1.10 of this guide for further information.

The principal advantage of scheduling ‘Confidential Business’ towards the end of the agenda is that it saves the public from being repeatedly excluded throughout the meeting. If a council or committee finds during the course of its meeting that some aspect of a matter should be dealt with in a confidential context, its consideration can then be deferred until the closed session near the end of proceedings.

3.2 Provision for financial interest disclosures

Section 5.65 of the Act requires that any member of a council or committee, with a financial interest in any matter to be discussed at a meeting of that council or committee that will be attended by the member, must disclose to the meeting the nature of that interest:

- in a written notice given to the CEO before the meeting; or
- at the meeting immediately before the matter is discussed.

The three types of financial interest that must be disclosed in accordance with this section are defined in section 5.60 of the Act as direct financial interests, indirect financial interests, and proximity interests. This provision also establishes that a member must treat any such interest that exists for a ‘closely associated person’ (defined in section 5.62 of the Act) as if it were his or her own interest.

Such interest disclosure requirements are not limited to elected members. Section 5.70 of the Act further requires that employees (who may also be appointed as members of committees) must disclose their own financial interests, and also the financial interests of any person with whom they are closely associated, relating to any matter on which they are providing advice or reports directly to council or a committee. For such disclosure purposes, the definition of ‘employee’ should be considered to extend to persons engaged in any contract for services with the local government, including consultants or contractors.

Most local governments include an agenda item covering the disclosure of interests at an early stage of the meeting. If this practice is adopted, it is still a requirement under section 5.66 of the Act that the presiding member brings any such disclosure to the attention of the meeting immediately prior to the relevant matter being considered. (This section also requires the CEO to provide the presiding member with any written notices of financial interest disclosures before the meeting to which

they relate, so the presiding member can bring them to the attention of those who are present, prior to any relevant discussions.)

There is no requirement for interests disclosed immediately before the discussion of a matter to be in writing. The crucial point in terms of meeting process is that such interests be brought to the attention of the meeting before the matter to which they relate is discussed, whether by a member disclosing the interest verbally before the discussion, or by the presiding member announcing any written disclosures that were lodged with the CEO before the meeting.

In any case, both the Act and Administration Regulations require that the nature of any interest disclosed (and, when it is declared in accordance with section 5.68(1)(b)(i) of the Act, the extent of the interest) must be accurately recorded in the minutes. Refer to section 5.73 of the Act, regulation 11(f) of the Administration Regulations and part 6.1.1 of this guide for further information.

For some examples of disclosures relating to both the 'nature' and 'extent' of financial interests, see sections 17 and 20 of the Department's Operational Guideline Number 20 – Disclosure of Financial Interests at Meetings.

For the purposes of transparency, it is extremely important to record all the relevant procedural information, along with actions taken in relation to compliance with the financial interest disclosure provisions of the Act, immediately prior to consideration of any matter for which there has been a disclosure of interest.

A recommended practice adopted by many local governments is the inclusion of a standard disclosure form with council and committee agenda papers, to assist members with their statutory compliance obligations. Such a form can include general information on disclosure of financial interests and provide for members to list the items on which they must disclose an interest.

It is also recommended practice for the presiding person to advise a member, who has disclosed an interest in a matter and been excused from the meeting, of the results of discussions on that matter when the member subsequently returns to the meeting.

The appropriateness of interest disclosures for 'concept' or 'agenda' forums, or any other sort of informal briefing session, is a question of ethics rather than one of legislative compliance. The Act's disclosure requirements only apply to council and committee meetings convened under the provisions of the Act itself. As such, elected members can legally participate in council forums, even when they have a clear financial interest, without contravening any legislative provisions. However, such participation should still be considered ethically unacceptable and inconsistent with the accountability and probity principles of the Act, and council codes of conduct.

The Department recommends that councils should adopt processes for disclosure of interests in briefing sessions and forums that are similar to those prescribed by legislation for formal council and committee meetings. Disclosures made in these sessions and forums should be noted in the relevant written record that is produced from the forum.

Again, for more information regarding the disclosure of financial interests, consult the Department's Operational Guideline Number 20 – Disclosure of Financial Interests at Meetings.

3.3 Provision for disclosures of impartiality interests

In addition to disclosing financial interests, both the elected members and employees of local governments (including persons under contract) are required to disclose interests that may affect their impartiality in any matter discussed at a council or committee meeting, where they are members involved in the discussions themselves, or provide advice to members for the purposes of those discussions. This requirement arises for elected members from regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007* (the Rules of Conduct), and for employees from regulation 34C of the Administration Regulations (which prescribes that such a requirement for employees is to be included in the code of conduct prepared or adopted by the local government under section 5.103 of the Act). As

such, the need to disclose interests affecting impartiality does not apply to committee members who are not elected members or local government employees.

For the purposes of such disclosures by both elected members and employees, an interest affecting impartiality (impartiality interest) is defined in both the Rules of Conduct and the Administration Regulations as ‘an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association’. Each of these regulations establishes precise disclosure requirements for individuals within local government.

If a matter in which an elected member or employee has an impartiality interest is to be discussed at a particular council or committee meeting, the member or employee is to disclose the interest (as with financial interests):

- in a written notice given to the CEO before the meeting; or
- at the meeting immediately before the matter is discussed.

As with financial interests, it is suggested that local governments include a standard disclosure form for impartiality interests with council and committee agenda papers, to assist members with their compliance obligations. Such a form can include general information on disclosure of impartiality interests and provide for members to list the items on which they must disclose an interest.

Unlike the provisions in the Act for disclosure of financial interests, the provisions in the regulations for disclosure of impartiality interests do not impact on the right, or indeed the responsibility, of an elected member to discuss and cast votes on matters.

However, like the provisions in the Act, the pertinent regulations in both the Rules of Conduct and the Administration Regulations establish that disclosures of impartiality interests must be recorded in the minutes of the relevant meeting. Refer to part 6.1.1 of this guide for further information.

It is important that the minutes distinguish between disclosures of financial interests and impartiality interests. Since the introduction of regulatory requirements for disclosure of impartiality interests, elected members have questioned whether they impact on their ability to participate in the decisions to which an impartiality interest relates.

The Department's view is that declarations of impartiality interests do not override the requirement of section 5.21 of the Act, that all members of councils and committees to which a local government power or duty has been delegated are to cast votes on any matter for which they are present, unless they have disclosed an interest defined within the Act.

Impartiality interests are distinct from direct and indirect financial interests, and from proximity interests, as defined in sections 5.60 to 5.62 of the Act.

Under section 5.67 of the Act, persons declaring any of these interests as listed in section 5.60 of the Act are prohibited from participating in decisions on the matter in which they have the interest, unless given an appropriate approval, by the relevant council or committee or by the Minister for Local Government (section 5.68 or 5.69 of the Act respectively). However, prior to consideration of approval under section 5.68 or 5.69, the relevant person is firstly required to disclose both the nature and extent of the proposed interest.

In contrast, impartiality interests are defined by the Rules of Conduct rather than the Act, and are specifically excluded by regulation 11(3) from any provisions of the Act relating to the interests listed in section 5.60, including the participation restrictions in section 5.67.

For further information on disclosure of impartiality interests as distinct from financial interests, consult the Department's Operational Guideline Number 01 – Disclosure of Interests Affecting Impartiality.

3.4 Colour coding of the agenda

Many local governments use different coloured pages to distinguish between reports of different committees or local government officers, or between different sections of their agendas, or to highlight confidential items.

An alternative adopted by local governments still using paper agendas is to use single coloured pages, or coloured tabs, to divide the different parts of their agendas. A well prepared 'Table of Contents' assists with the location of items on the agenda.

3.5 Inclusion of legal disclaimers in agenda documents

Many local governments display a disclaimer in their council chambers or on copies of their agendas that are available in the meeting place for members of the public. The disclaimer is intended to ensure that members of the public who attend council and committee meetings do not act immediately on what they hear at the meetings. The essence of such a message is that a person should wait for written advice from the local government before taking action on any application that the person may have before the council. Local governments should not place too much reliance on the use of disclaimers, as their legal force will depend on the circumstances of each case.

4 Content Inappropriate to the Agenda

4.1 Business arising from the minutes

The presentation of reports that include recommendations is considered necessary for any items that may give rise to a commitment for the local government should a relevant motion be adopted. It is for this reason that 'Business Arising from the Minutes' is not considered an appropriate part of an agenda, and that business arising from any earlier decisions of a council or committee should be dealt with in the 'Reports' section of the agenda. Consideration of any item from a previous meeting should be based on a properly structured report to the council or committee.

Members of the council or relevant committee should be progressively informed of the implementation of earlier decisions by way of a status report. If a member believes that an item in the status report requires more attention, a request can be made through the Mayor or President for the CEO to have a report prepared for further consideration. Refer to part 5.1 of this guide for further information about status reports.

4.2 Correspondence and councillor reports

General correspondence

All correspondence that requires a council decision should be given to the council or a committee in the form of a report.

The three types of matters covered by correspondence to a local government will generally be:

- those which can be dealt with directly by the administration;
- those which require a determination by the council; and
- those with information value to council or committee members.

Most correspondence sent to a local government involves 'day to day' business and is dealt with by the administration without the need for reference to council.

When correspondence does relate to an issue that requires a decision of the council, an appropriate officer should research the matter and prepare a written report. This will facilitate a sound understanding of the relevant topic by members, and assist them to make informed decisions as well as providing a clear record of the basis for any decisions.

When correspondence relates to a subject that does not require a decision of council, but is of potential interest to elected members, it is important that an appropriate avenue of communication is used. Refer to part 5.2 of this guide for further information.

Verbal reports from councillors

The verbal presentation of reports from council's delegates to other government and community bodies may result in the council making decisions on issues arising from those reports without the benefit of an officer's report and recommendation. It is therefore considered inappropriate to include an item in a council's meeting agenda for 'Reports of Delegates'.

It is important that the council should be updated on the activities of its delegates to other bodies, and on information that those members have gained as a result of attending meetings and other functions. The Councillors' Information Bulletin (refer to part 5.2 of this guide) is considered the appropriate method for sharing the reports of delegates and the minutes of any meetings they attend.

When a delegate believes that a decision is required on a particular matter, a request should be put to the CEO for an appropriate officer to prepare a written report. The views of the delegate should be expressed in the report. However, the officer should also assert his or her professional opinion on the subject, and the recommendation should reflect that professional opinion. The delegate will have the opportunity to address the issues covered in the report when the matter is put before the council for a decision.

As an alternative to the recommended practice described above, the delegate could raise a matter by giving notice of motion (refer to part 2.2.8 of this guide). Any such notice of motion should be accompanied by the report of an officer relating to the matter raised in the motion. A process that allows for such a report recognises the

statutory obligation of the CEO to advise the council in relation to its decision making. Refer to part 2.2.7 of this guide for further information.

4.3 General business

'General Business' should not be listed as an agenda item as it allows issues to be raised without warning and potentially debated without adequate supporting information. It is important to remain mindful of the general principle that decisions without the benefit of a report and a recommendation should be avoided.

Many local governments have adopted policies and procedures that enable elected members to have routine administrative communications (such as information requests) dealt with in a timely manner through electronic messages or through the use of request forms with duplicate copies.

On receipt of such a request, the CEO or another designated officer will then initiate appropriate action in accordance with council policy. The member has the original electronic message or the duplicate copy of the request form to follow up, if necessary. Such procedures, along with the opportunities available to council and committee members to put issues before the council or committee for debate, should obviate the need for a 'General Business' session.

If a member is concerned that a request has not prompted an adequate response, or if the member believes that a matter should be brought to the attention of the council, a request for a report to council may be given through the Mayor or President to the CEO, or a Notice of Motion should be submitted to the CEO for council consideration.

5 Information Additional to the Agenda

5.1 Status reports

It is important that elected members are informed on an ongoing basis of progress in relation to the implementation of council decisions. A status report that addresses outstanding items of council business can be treated as a ‘for information only’ adjunct to the agenda. However, it is preferable that the status report be included in a council members’ information bulletin that is not part of the agenda. As with any topic covered in such a bulletin, if a member believes an item that appears in the status report requires further attention, he or she can request through the Mayor or President that the CEO have a relevant report prepared for consideration by the council or an appropriate committee. Again, the member may alternatively choose to bring the matter to attention by way of a notice of motion.

An example of a Status Report can be found at Appendix A of this guide.

5.2 Council members’ information bulletin

To ensure that elected members are well informed of matters relevant to their role as decision makers, many local governments produce and distribute an information bulletin for council members at least once each month. These bulletins are separate documents from council meeting agendas, and are distributed at a different time. Correspondence of potential interest to elected members, but which does not necessitate consideration by council or a committee, can be brought to the attention of members through a bulletin. Operational reports from local government officers, updates on the exercise of delegated authority, and administrative or community related news items and statistics, are the kinds of information that can be included in these bulletins.

If an elected member wishes to have a topic that was covered in a bulletin brought to the council for a decision, the member can refer the matter through the Mayor or President to the CEO for the preparation of a report and inclusion of a related item in

the next appropriate council or committee meeting agenda. Alternatively, the elected member can raise the matter directly by giving notice of motion.

Any information bulletins distributed to council members are important administrative documents and should be retained in the records of the local government as confirmation of the information that was given to the elected members in the course of their duties.

Record of actions taken under delegated authority

While an administrative record must be kept of decisions and actions that are taken by officers acting under delegated authority (regulation 19 of the Administration Regulations), no requirement exists for that record to be included in the agenda or minutes of a council or committee meeting. The practice of some local governments to include this information in a bulletin (lists of planning and building approvals, for instance) is recommended as it ensures that elected members are well informed.

Delegated powers or duties exercised by committees will be recorded in the minutes of the committee meetings.

6 Preparing the Meeting Minutes

6.1 The format of meeting minutes

Well-presented minutes make it easy for users to locate items of interest and identify the results of deliberations. Minutes should be consistently formatted with clear item headings, regular spacing, and highlighted decisions. The table of contents to the minutes is an important component of the records management system of the local government. Every item considered at a meeting should have a subject heading and a file reference with the detail included in the table of contents. Where committee reports are part of the business of a council meeting, each item of business in those reports should be listed in the table of contents for the council meeting minutes.

6.1.1 Basic content required by the Administration Regulations

Most of the requirements for the content of council and committee meeting minutes are prescribed in the Administration Regulations. Regulation 11 of the Administration Regulations states that the minutes must include:

- the names of the members present at the meeting (regulation 11(a));
- where a member enters or leaves the meeting during proceedings, the time of that member's entry or departure in the chronological sequence of the business of the meeting (regulation 11(b));
- details of each motion moved at the meeting, the mover and the outcome of the motion (regulation 11(c));
- details of each decision made at the meeting (regulation 11(d));
- a written reason for each decision made that is significantly different from a relevant written recommendation of a committee or an employee (except a decision to note a matter, or to return a recommendation to the appropriate committee or employee for further consideration) (regulation 11(da));
- a summary of each question raised by members of the public at the meeting and a summary of the response to the question (regulation 11(e)); and

- in relation to each disclosure of a financial interest by a member or employee, where the extent of the interest has also been disclosed, the extent of the interest (regulation 11(f)).

The requirements for the basic content of the minutes and some of the issues that may arise from these requirements are examined in more detail below.

Recording details of those present

The regulatory requirement for recording the names of those present at a council or committee meeting is that the names of all elected members present at any time during the course of the meeting, and the times at which they enter or leave, and return to the meeting place, must be recorded in the minutes in correct chronological sequence.

It is recommended that the minutes should also include:

- the names and official titles of staff members who are present; and
- the times when staff members enter and leave meetings.

A deputy who attends a committee meeting in the absence of the committee member whom he or she represents is regarded as a committee member. While it is not necessary to record movements of elected members who attend committee meetings as observers, it is considered to be a good practice.

Some local governments also note the number of attendees in the public gallery and the names of any media representatives who are present, as a useful addition to the record of the meeting.

Primarily, it is important to ensure that there is a record of the names of the council or committee members who are present when decisions are made, particularly when there has been a disclosure of financial interest. It should be remembered that, having disclosed any financial interest in a matter, an elected member must leave the meeting room while that matter is being deliberated. The member must also leave the room if the rest of the council or committee members are considering whether he or she should be allowed to participate in the matter.

The Department's Operational Guideline Number 20 – Disclosure of Financial Interests at Meetings contains more detailed advice on processes to be followed in the event of a financial interest disclosure.

Recording movers and seconders

While regulation 11 of the Administration Regulations requires only that the name of the person moving a motion be recorded in the minutes, the Standing Orders of most local governments also require the name of a seconder to be recorded. Recording the name of a seconder establishes that there was enough support for a proposal to warrant its discussion (and during the course of the meeting, the requirement for a seconder will have averted an unnecessary debate if the lack of a seconder has made it clear that a motion did not have enough support). When a motion lapses due to the lack of a seconder, this should be recorded in the minutes. As such, local governments are encouraged to consider amending any Standing Orders to prescribe the requirement for seconders where there is no such requirement at present.

The recommended practice is that the names of the mover and seconder of each motion should be recorded in the form:

‘Moved _____ Seconded _____ That the names of the mover and seconder of this motion be properly recorded in the minutes.’

It is unacceptable to simply record a decision of the council or a committee as having been ‘accepted’, ‘agreed’ or ‘resolved’. More information on recording details of voting, and the outcome of motions, is provided in parts 6.1.4 and 6.1.5 of this guide.

Recording disclosures of interests

It may be noted that the requirements of regulation 11 of the Administration Regulations for disclosures of interests refer only to the need for recording the extent of a disclosed interest, when the extent has in fact been disclosed. This is because the primary requirement to include financial interest disclosures in minutes is established directly by the financial interest provisions of the Act, in section 5.73.

This necessitates that minutes of a council or committee meeting include the nature of any financial interest disclosed, whether by one of the members, in accordance with section 5.65 of the Act, or an employee, in accordance with section 5.70 of the Act.

It should also be noted that section 5.68 of the Act, in establishing that councils and committees may sometimes allow participation in consideration of a matter by members who have disclosed a financial interest, emphasises in section 5.68(2) of the Act that any such participation approval, as a decision of that council or committee, is to be recorded in the minutes. The extent of participation that has been allowed must also be included in the record.

It is recommended that minutes should also include reference to any approval given by the Minister under section 5.69 of the Act for a member to participate in a matter, together with any conditions that may have been imposed by the Minister in granting that approval.

The requirement for meeting minutes to record the disclosure of impartiality interests, and the nature of each interest disclosed, originates in the regulations which establish the need for those disclosures. In the case of impartiality interests disclosed by elected members, the requirement for recording them in minutes is in regulation 11(6) of the Rules of Conduct, while in the case of impartiality interests disclosed by employees, the requirement is in regulation 34C(7) of the Administration Regulations.

6.1.2 Recording changes to the order of business

Standing Orders may prescribe an order of business different to that recommended in this guide, or indeed different to an order that a council or committee prefers. In such instances, it may be necessary to amend Standing Orders, or to pass a resolution at the beginning of each meeting (following public question time) that changes the order of business for that meeting. Any amendments to Standing Orders should include a provision that enables the council to review the order of business for meetings from time to time, and change it as appropriate without the necessity of amending the local law. The order of business can then be established by a policy of the council.

The council should adopt an order of business that is appropriate to its requirements for all but those exceptional circumstances when it is necessary to vary the sequence of business at a meeting by resolution. Consistency is important from the point of view of members of the public who attend council meetings. When the order of business is changed, the minutes must show the chronological sequence of events.

Any change should be cross referenced so that items dealt with in a different order to that in the agenda can be easily found in the minutes.

The table of contents for the minutes should indicate the sequence in which the items were actually considered at the meeting as well as the original location of each item in the agenda. It is imperative that the minutes accurately record the chronological sequence of any changes in attendance at a meeting, particularly in terms of financial interest disclosures.

6.1.3 Recording suspensions of proceedings

It is essential that any changes in the attendance at a council or committee meeting following a suspension of proceedings (an adjournment) be clearly recorded. The names of members who arrived or departed during the adjournment must be shown, and the names of employees who arrived or departed during this period should also be recorded. The times of both any adjournment and the resumption of the meeting should be recorded in the minutes.

Adjournments due to the absence of a quorum

Under section 5.19 of the Act, the quorum for a meeting of council or a committee is members numbering at least 50 per cent of the number of offices (whether vacant or not) of member of the council or the committee.

If a quorum has not been established within 30 minutes of the scheduled start time for a council or committee meeting, then the meeting may be adjourned. (Refer to regulation 8 of the Administration Regulations for the adjournment procedure). However, it is important to note that if a quorum is expected to be established later than 30 minutes after the scheduled start time, the meeting is not required to be adjourned and may commence at this later time. When a meeting is adjourned due to the lack of a quorum, a record of the names of persons who attended, and the reason the meeting did not take place, should be included in the minutes.

Adjournments may also occur due to the departure of a member during a meeting. Procedures for adjournment in these circumstances would normally be found in Standing Orders, and should address the recording of the names of members who had already spoken on a matter at the time the meeting was adjourned.

6.1.4 Recording the casting of votes

Each elected member (which includes a Mayor or President elected directly by the public) and each member of a committee (which can include employees) who is present at a meeting of council or a committee is entitled to one vote, and is in fact required to vote under section 5.21(2) of the Act, unless prevented by the financial interest provisions of section 5.67. If the votes of members present are equally divided, the person presiding is to cast a second vote in accordance with section 5.21(3) of the Act. The minutes should record that there was a tie of votes requiring the presiding member to cast a second vote.

Important to note: The Act always requires the presiding member to cast a second vote on a matter when the votes are tied, but because the requirements for an absolute majority decision are based on the number of positions on a council or committee, that second vote must not be counted towards the numbers required for an absolute majority.

Voting at council and committee meetings must be conducted openly, in accordance with regulation 9 of the Administration Regulations, so that no member's vote is secret, except when the provisions of the Act relating to the election of Mayor or President, Deputy Mayor or Deputy President, apply. Refer to section 2.11(1)(b), 2.15 and Schedule 2.3 of the Act for further information.

Remember also that under section 5.21(4) of the Act, if a member of a council or a committee specially requests that there be recorded:

- his or her vote; or
- the vote of all members present,

in relation to a matter voted on at a meeting of the council or committee, the person presiding is to ensure that the vote or votes, as the case may be, are recorded in the minutes.

Recording the outcome of voting

The minimum requirement of Administration Regulation 11(c) for recording the result of council or committee deliberations on a matter is that the outcome of any motion be included in the minutes. This necessitates that minutes must at least indicate that a motion was 'CARRIED' or 'LOST'. The term 'LAPSED' would be appropriate if there was no seconder for a motion in circumstances where, as recommended, a local government's Standing Orders require it. As the Administration Regulations require only that the name of the mover be recorded in the minutes, a motion must be accepted without being seconded if Standing Orders are silent on the requirement for a seconder.

In terms of good practice, however, local governments are urged to adopt a practice of recording the number of votes counted for and against a motion, as well as the outcome required by the regulations (for instance, 'CARRIED 5/4', 'LOST 3/6', or 'CARRIED BY ABSOLUTE MAJORITY 6/4'. Recording the number of votes is very useful for confirming that all members who are present have cast a vote, and that the required majority (simple or absolute) is achieved.

In terms of the public record, it is also useful that the level of support for a proposal is clearly shown, and this may be of benefit to members of the public with an interest in a particular issue.

Where an absolute majority vote is required the minutes should show that the required majority has or has not been achieved. However, a motion requiring only a simple majority should not be shown as having been carried by an absolute majority.

It should also be noted that a council or committee member has a right, under section 5.21(4) of the Act, to request of the presiding person that the minutes record even more detail, by having the vote of the requesting member, or indeed the votes of all members present, on a particular matter recorded in the minutes. If such a request is made, the presiding person must ensure that it is granted.

6.1.5 Recording decisions

The statutory requirement in Administration Regulation 11(c) in terms of recording decisions is to show:

- the detail of each motion;
- the name of the person who moved it; and
- the outcome of the motion.

These details may not be enough, however, to provide readers of the minutes with an understanding of the process that led to any resolutions, and do not in themselves demonstrate that each recommendation put to the relevant council or committee was given due consideration.

The report and recommendation that led to any decision should be included in the minutes to show what could be described as the ‘decision making trail’.

The recommended method for recording this trail, where the council has incorporated committees into its decision making process, is as follows:

The section of the report that details the recommendation is shown in the agenda with a heading as follows:

OFFICER RECOMMENDATION

Where the recommendation is adopted in full by a committee, the details of the officer recommendation are included in the minutes with a heading that shows the committee has adopted it, as follows:

COMMITTEE AND OFFICER RECOMMENDATION

Where the recommendation is subsequently adopted in full by the council, the details of the committee and officer recommendation are included in the minutes with a heading that shows the council has adopted it, as follows:

**COUNCIL DECISION
(COMMITTEE AND OFFICER RECOMMENDATION)**

If at any stage in this process a decision differs from a relevant recommendation, the original recommendation must be retained in the report, and followed by the ultimate committee recommendation or council decision. In accordance with Administration Regulation 11(da), a reason for the change must be recorded if the subsequent committee recommendation or council decision is significantly different from the original recommendation. Similarly, a reason must also be recorded when a council decision is significantly different from a committee's recommendation. Refer to part 6.1.6 of this guide for further information.

Where a local government does not use committees and simply deals directly with officer reports at council meetings, the process described above can be adapted to suit.

Clarity in motions and resolutions

It is essential that resolutions passed by a council or committee are absolutely clear as to the expected result of the resolution, how it is to be achieved, by when, by whom and at what cost. Each resolution needs to be able to stand alone, and should be phrased in terms of a positive action that is to be taken. A resolution must be clear as to its intent so that a person can understand what has been decided without needing to refer back to information contained in a supporting document or report. If budget allocations or proposed timeframes are vital elements of the action required, these must be included in the resolution.

It is preferable that a resolution appear to contain excessive details rather than being unclear in its intent. It must be remembered when framing resolutions that the only document retained for legal and historic purposes as evidence of council decisions is the minutes of the meetings. As such, the resolutions in the minutes will be taken as the defining statements of council's decisions, and its intent as to future actions to be taken.

The Department's Operational Guideline Number 07 – Clarity in Council Motions should be consulted for additional information.

6.1.6 Recording reasons for changes to recommendations

As mentioned earlier, regulation 11(da) of the Administration Regulations requires that the minutes of council and committee meetings include written reasons for each

decision that is 'significantly' different from the relevant written recommendation of a committee, or an employee. This requirement does not apply when a recommendation is 'noted' or returned for further consideration.

Local governments themselves will need to determine the circumstances where a change to a recommendation is considered to be 'significant'. The record of the reason for a decision that is significantly different to a recommendation can be included in the decision motion or it can be a separate resolution. This avoids the possibility of ambiguity as the council or committee must vote on the motions, and the outcome in all such cases must be clear.

The least recommended method of recording the reasons for a decision significantly different to a recommendation is a notation in the minutes. If such a method is being used, the presiding member should ensure that the council or committee agrees with the wording proposed to describe the reasons for any change, and the minutes of the meeting must record this agreement decision. Where a decision of the council or a committee is not considered to be significantly different from the relevant recommendation of a committee or employee, a notation to this effect should be included in the minutes.

6.1.7 Recording changes to decisions

Regulation 10 of the Administration Regulations, pursuant to section 5.25(1)(e) of the Act, establishes the circumstances in which an earlier decision of council or a committee may be revoked or changed. These circumstances apply only when a new decision of the council or committee would either reverse an earlier decision entirely, or result in a decision that is 'substantially different' from the earlier decision.

A notice of motion to revoke or change a previous decision of council or a committee must, in the first instance, be supported and signed by members (inclusive of the mover) numbering at least one third of the total membership, that being the total number of positions on the council or committee, whether vacant or not. If an unsuccessful attempt has already been made to change or revoke the decision in the preceding three months, the notice of motion will need to be supported by an absolute majority of the membership.

Once the required support for the notice of motion has been confirmed and recorded, the second stage is the formal consideration of the motion following its moving and

seconding, and the final resolution as to whether or not to revoke or change the earlier decision. This resolution must be passed, in any case where the original decision was made by an absolute majority, by the same kind of majority. However, an absolute majority is the minimum level of support required for any resolution to revoke or change earlier decisions, even when the earlier decision was made only by a simple majority. The minutes must clearly show compliance with these voting requirements. To ensure consistency, local governments should resolve the procedure that is to be followed for accepting and recording motions to revoke or change decisions. It is recommended that the names of any council or committee members who supported the introduction of the motion should be recorded for the minutes, before the motion to revoke or change a decision is put to the meeting.

Unless the motion to revoke or change a decision includes, as part of the motion, an explanation for the action, it is good practice to record the reason in a separate resolution or as a notation in the minutes (refer to part 6.1.1 of this guide). The methods of recording reasons for decisions that are different to recommendations that were suggested in part 6.1.6 of this guide should also be applied when there is a motion to revoke or change an earlier decision.

Any resolution by a council or committee to revoke or change a previous decision may have serious legal implications for the local government in a number of situations, such as where the original decision has already been implemented, or communicated to an applicant. It is not the purpose of this guide to elaborate on such legal implications but local governments are urged to ensure that any such potential issues are addressed, and legal advice sought as necessary, before any attempt is made to revoke or change an earlier decision. A properly researched report, prepared for the council or relevant committee by or at the direction of the CEO, addressing the legal, financial and other possible consequences of the proposed revocation or change before the revocation process is commenced, is essential to ensure that members make an informed and appropriately considered decision.

6.1.8 Recording ‘en bloc’ adoption of recommendations

The term ‘en bloc’ is used to describe the practice of adopting the recommendations of a committee, or a number of officer recommendations, by the use of only one

resolution or the adoption of the recommendations in groups, without a separate resolution for each recommendation. There is no provision in the Act to prevent this. It is suggested, however, that the Standing Orders of those local governments that have adopted, or wish to adopt, an ‘en bloc’ process for dealing with recommendations should contain provisions that clearly endorse the practice. This will ensure consistency in the manner in which the recommendations of committees and officers are dealt with and recorded.

The practice of adopting recommendations ‘en bloc’ expedites the resolution of the business of the meeting where council or committee members have no reason to disagree with particular recommendations. However, it is extremely important that the outcome of each item of business in the agenda is clear.

If a local government wishes to use, or to continue to use, the ‘en bloc’ process for dealing with, and recording the outcome of decisions relating to, recommendations from committees, the recommended procedure is as follows:

- Before commencing the process, the presiding person should provide a brief explanation of the ‘en bloc’ method of decision making, for the benefit of any members of the public in the gallery.
- The presiding person should then introduce the committee recommendations by reading the heading for each item. This practice allows members and the public to follow the business of the meeting.
- Groups of recommendations should then be adopted by council and reflected in the minutes. The inclusion of a table in the minutes, prior to the first agenda report, is recommended. For example:

• Items 1-4	Adopted by en bloc resolution
• Item 5	Considered separately as absolute majority decision required
• Item 6	Considered separately due to an interest disclosure
• Item 7	Debated prior to adoption
• Items 8-15	Adopted by en bloc resolution
• Item 16	Considered separately as an item of public interest
• Items 17-23	Adopted by en bloc resolution

The groups of recommendations dealt with 'en bloc' are interspersed with resolutions related to particular recommendations that must be dealt with separately due to:

- the legislative requirement for absolute majority votes;
- a disclosure of financial or impartiality interest;
- the need to debate items of public interest that have attracted members of the public to the meeting to observe deliberations, or may have been the subject of a deputation or a presentation to the council; or
- the need to debate matters about which there are diverse opinions or over which there is disagreement with recommendations.

This procedure for 'en bloc' voting achieves, as near as can reasonably be expected, the consideration of each agenda item individually.

However, the alternative procedure for 'en bloc' voting, while not recommended by this guide, is considered to be acceptable and is described as follows:

- Before commencing the process, the presiding person should provide a brief explanation of the 'en bloc' method of decision making, for the benefit of any members of the public in the gallery.
- The presiding person should then introduce the committee recommendations by reading the heading for each item. This practice allows members and the public to follow the business of the meeting.
- Each item that must be dealt with separately due to:
 - the legislative requirement for absolute majority votes;
 - a disclosure of financial or impartiality interest;
 - the need to debate items of public interest that have attracted members of the public to the meeting to observe deliberations, or may have been the subject of a deputation or a presentation to the council; or
 - the need to debate matters about which there are diverse opinions or over which there is disagreement with recommendations,is dealt with as it arises by way of formal resolution.
- When all of the items have been introduced, those that remain unresolved are then adopted by one 'en bloc' resolution.

The following example illustrates this procedure:

- Items 1-4 Introduced (no action at this time)
- Item 5 Considered and resolved as absolute majority decision required
- Item 6 Considered and resolved due to an interest disclosure
- Item 7 Debated and resolved
- Items 8-15 Introduced (no action at this time)
- Item 16 Considered and resolved as an item of public interest
- Items 1-4 and 8-15 Adopted by en bloc resolution

It is advisable that the complete report that accompanies each recommendation put before a meeting for deliberation should be included in the minutes of the meeting. When recommendations are adopted 'en bloc' the relevant reports, as well as the recommendations, should be shown in the minutes in the chronological sequence of events, and the record should clearly show that they were adopted with the 'en bloc' process.

Where the recommendation of a committee and an officer are not the same, both of them should be included in the minutes with the reason for the variance.

Whatever process is favoured for dealing with recommendations at council meetings, care should be taken to ensure that there is an accurate record in the minutes of the members present when each resolution was adopted.

6.1.9 Recording closures of the meeting

Under section 5.23 of the Act, all council meetings, and meetings of any committee to which a local government power or duty has been delegated, are to be open to the public unless the council or the committee resolves to close the meeting or part of the meeting for a reason in accordance with section 5.23(2) of the Act.

Under section 5.23(3) of the Act, any decision to close a meeting or part of a meeting, and the reason for the decision, must be recorded in the minutes. The reason for the decision must be clearly evident, and can only be one of those allowable under section 5.23. It is not adequate to simply move or record a motion 'that the meeting go behind closed doors' or to continue the meeting 'in camera'.

While recognising confidentiality provisions, the minutes should include a record of all the business that is actually conducted while the meeting is closed to the public. All

decisions taken while the public is excluded from the meeting, including motions that were put and lapsed or lost, as well as those motions that were ultimately put and carried, must be recorded in accordance with regulations 11(c), (d) and (da) of the Administration Regulations. It is advisable that resolutions should be read aloud when the meeting is once again opened to the public, if any members of the public are still present at the time.

It is also recommended that the names of any employees who departed the meeting when it was closed to the public, and the time of their departure, should be recorded in the minutes of the meeting. Refer to part 6.1.1 of this guide for further information.

Should the CEO be requested to leave a meeting that has been closed to the public, he or she should still remain close by and readily accessible, in a position to provide information and guidance to the council or committee if required.

Confidentiality of documents

A 'confidential' document is any document marked by the CEO to clearly show that the information in the document is not to be disclosed. Restrictions on access to such documents should only apply for the period of time that the information contained in the document is confidential. Where appropriate, time limits should be prescribed by council resolution or policy to indicate when confidential documents can be made available to the public. The provisions of the *Freedom of Information Act 1992* are applicable. Confidential reports are to be retained within the local government's records management system, in accordance with the record keeping plan adopted by the local government in compliance with the provisions of the *State Records Act 2000* (the Records Act).

Any documents that are not clearly marked as confidential should not be considered to be confidential.

6.1.10 Recording discussions in the meeting

Local government meetings are not generally recorded verbatim. The only legislative requirement is that the principal aspects of the decision making process that are prescribed in the Act and its Regulations, such as those who disclose financial or impartiality interests in matters, those who are present for decisions, and the details of the decisions that are ultimately made, must be recorded in the minutes. Of

course, this does not limit the extent to which additional information can be provided in minutes. Refer to part 6.1.1 of this guide for further information.

For instance, there is no reason why explanatory notes should not be included in the minutes to provide information additional to the report that was before the council for deliberation. The supplementary information may be from an officer or a member, and should only add to the information in the report. It should not be used to record arguments against the recommendation in the report, as that should be dealt with in another form (such as reasons for not accepting recommendations). Explanatory notes should assist in demonstrating the basis for council and committee decisions.

However, the minutes are intended to be a record of the collective decision making of the relevant council or committee, and as such, a request by a member to include particular comments by the member, or by other members, in the minutes of a meeting should be declined unless there is provision for dealing with such requests in the Standing Orders of the local government (not recommended).

Where there is such a provision in the Standing Orders, and a member requires his or her comments, or the comments of another member, to be included in the minutes, the words to be recorded should be provided by the requesting member, and those words should be read aloud for verification by those present before they are entered into the minutes.

6.1.11 Recording documents tabled at the meeting

When a document is tabled at a meeting, it should be given an appropriate reference number, and signed and dated by the presiding person. The minutes of the meeting should record who tabled the document, and clearly identify it along with its allocated reference number.

Tabled documents should be treated in the same way as attachments to the minutes unless there is good reason not to do so. Reasons may include the size of the document (such as planning scheme maps) or the nature of a document (such as a confidential contract).

Where elected members or employees table or make reference to any document that is not subsequently attached to the minutes, but that has a bearing on any decision of the council, the document should be clearly marked and described in the minutes

to the extent necessary to enable it to be easily located in the future. The records management system of the local government must ensure the permanent retention of such documents.

6.1.12 The minutes are a public record

It is essential that the decisions of a local government can be easily found at a future time, particularly by the CEO and employees, who must be aware of previous decisions when advising the council or its committees. It is also important that decisions of the council be easily found to assist good customer service, and in the event of an inquiry or litigation. The methods used for indexing, binding and storage of the minutes are therefore very important. There are several ways in which meeting minutes can be presented. In this guide, however, only two methods are encouraged.

Recommended practice is to electronically manage the minutes of a council or committee meeting. Regardless of format minutes should reflect the actual chronology of events and include the detail of all reports and recommendations (including any submitted from committees) along with the resolutions of the council.

This requires the replication of all material submitted to the council and used as part of the decision making process for its inclusion in the minutes.

The documents that become part of the minutes include:

- reports and recommendations, along with any attachments, considered by committees and the recommendations of those committees;
- reports of officers, along with any attachments, presented to the council for decision; and
- any documents tabled at the meeting, the nature of which does not preclude their inclusion in the minutes.

The practice which represents a minimum acceptable standard is that all committee reports and recommendations (not the minutes of committee meetings) that were considered by council be treated as attachments to the council meeting minutes. Those separate documents must be bound together preferably on archival quality paper, with the council meeting minutes, in the minute book. This minimum standard requires a good method of cross referencing in the council meeting minutes to assist in the location of material used in the decision making process.

In each case there should be a complete table of contents at the front of the bound copy.

It is recognised that it may not be possible to bind all documents that are presented at a meeting into the minutes due to the size or nature of the documents.

In such circumstances the documents should be described in the minutes along with clear reference to the place in the records management system where they are located. The documents themselves should also be clearly marked and cross referenced in order to identify them as the documents referenced in the minutes.

It is also considered necessary for an appropriate record to be produced of all local government forums. As no decisions will be made at forums, the record need only be a general overview of matters covered, but it should record attendance, and disclosures of interest, with appropriate reference to departures and returns

Consult the Department's Operational Guideline Number 05 – Council Forums for further information.

7 Legal Requirements for Managing Agendas and Minutes

7.1 Responsibilities of the presiding person and CEO for minutes

Under section 5.22(1) of the Act, the person presiding at any meeting of council or a committee has legal responsibility for ensuring that minutes of the proceedings are kept. This task is undertaken by, and through the direction of, the CEO as part of his or her statutory role under section 5.41(h) to ensure that records and documents are properly kept for the purposes of the Act and any other legislation. The presiding member is also required, at the meeting where the minutes are confirmed, to sign the minutes and certify the confirmation in accordance with section 5.22(3).

The CEO also has the function under section 5.32 of ensuring that minutes are kept and preserved of the proceedings at electors' meetings, and that they are made available for inspection by members of the public before the council meeting at which resolutions from the electors' meeting are to be considered.

7.2 Retention of agendas and minutes

Under the Records Act, local governments are included in the definition of 'government organisations' that must comply with that Act. Each local government must develop its own record keeping plan in accordance with the principles and standards established under the Records Act, and ensure that the records of the organisation, including meeting agendas, minutes and any visual or audio recordings of meetings, are retained, and only disposed of, in accordance with the approved disposal authority relevant to each kind of record.

Local governments may adopt policies to define the principles in their record keeping plans by establishing, for example, appropriate definitions for records, accessibility protocols, processes for training and education, and requirements for the destruction of records.

State records are defined as any record of information (in any form) created, received or maintained by a government organisation or parliamentary department in the course of conducting its activities. The State Records Commission (SRC) is the body responsible for authorising disposal authorities.

Consult the Records Act and the State Record Office's (SRO) website (www.sro.wa.gov.au) for more detailed advice on the requirements for records management and development of record keeping plans.

7.2.1 Audio or visual recording of meetings

If a council live-streams the proceedings of its meetings and records in audio or visual format, those recordings become part of the official records of the local government and are subject to the requirements of the Records Act and the SRO, Freedom of Information legislation as administered by the Office of the Information Commissioner, and other relevant legislation such as *The Criminal Code*.

The SRC's *General Disposal Authority for Local Government Records* requires that all such formats used to record council meetings must be retained in accordance with the conditions of the Records Act, the SRO's 'Record Keeping Policies and Standards', and the General Disposal Authority itself.

7.3 Rights of the public to inspect agendas and minutes

Section 5.94(n), (o) and (p) of the Act lists, among other information, the agenda and minute related documents (whether or not current, and in the form or medium that they are held by the local government) that must be made available, free of charge, for inspection by any member of the public. This list includes the confirmed minutes of council or committee meetings (and also electors' meetings), in addition to:

- any notice papers and agenda relating to any council or committee meeting; and
- reports and other documents,

that have been either tabled at, or produced for and then presented at, a council or committee meeting.

Regulation 29 of the Administration Regulations prescribes requirements for information that is to be available for public inspection. These requirements extend to unconfirmed minutes of council or committee meetings, except for meetings or parts of meetings that were closed to members of the public, or in the CEO's opinion, could have been closed (unless the information to be inspected is the record of a decision, in which case it must still be made available). They also extend to notice papers and agenda relating to any council or committee meeting, and reports and other documents produced for the meeting, that have already been made available to the council or committee members, except for information relating to meetings or parts of meetings that, in the CEO's opinion, are likely to be closed to the public.

Local governments are required to make a significant amount of information available to the community at their offices during office hours. This information is now required to also be made available on the local government's website.

Appendix A

Sample status report

ITEM (Includes minute book reference)	ACTION REQUIRED (Note: This could be a copy of the council resolution) (Includes note of responsible officer)	RESPONSE OR STATUS
451.5 1/19 742 Evergreen Terrace Building contraventions	That an order be served under Section 111(2)(a) of the <i>Building Act 2011</i> on the owner of 742 Evergreen Terrace, to stop construction work that is being undertaken in contravention of the Building Act. PEHO	The notice was served on 30 November 2019. The unauthorised work has stopped and negotiations are under way with the owner.
462.6 1/19 Ward boundary amendment North Haverbrook and Ogdenville Wards.	Request an amendment to the common boundary between the North Haverbrook and Ogdenville Wards by the inclusion of all of lot 71 (the old monorail station) in the North Haverbrook Ward. CEO	The proposal has been lodged with the Local Government Advisory Board. A reply is expected before the February 2020 meeting of council.
473.7 1/19 Brockway Recreation Centre Management Plan	That a draft Management Plan for the Brockway Recreation Centre be prepared for consideration by council. RM	A meeting is scheduled with representatives of the groups that use the centre to discuss a draft plan, expected to be available for the consideration of the Community Development Committee at its February 2020 meeting.
484.8 1/19 Invitation to visit – Minister for Local Government.	That the Minister for Local Government be invited to visit the district to present the Shire's Annual Montgomery Awards for Outstanding Achievement, and for informal discussions with council members. CEO	An invitation has been sent to the Minister and inquiries with the Minister's office suggest a visit early in March 2020. This is to be confirmed. In the meantime, details of the issues that council wishes to discuss should be sent to the Minister and a recommendation for the agenda for the meeting will be put to the February meeting of council.

Appendix B

Sample notice from Mayor or President to CEO to call special meeting

Memorandum

To: B. Ward, CEO
From: Mayor A. West
Date: 30 January 2020
Subject: SPECIAL COUNCIL MEETING

This memorandum is notice that I am calling a special council meeting in the Quimby Memorial Chambers at 1 Imaginary Place, Moot Point, at 6.30pm on the 16th February 2020 for the purpose of considering expressions of interest lodged in relation to the management of Conjectural Cove Community Centre.

A. West

Mayor

Appendix C

Guidance notes on preparing reports for council and committee meetings

1. Introduction

The purpose of these guidance notes is to recommend a minimum standard for the format and content of reports.

Section 5.41(a) and (b) of the *Local Government Act 1995* (the Act) establishes the requirement that Chief Executive Officers (CEOs) of local governments advise the council on the functions of the local government under the Act and other legislation.

The CEO's role is to ensure the provision of unbiased, relevant, professional advice and information to elected members for their decision making purposes. This is achieved by written reports that become a pivotal part of the agenda for council and committee meetings and provide the basis for any decisions made, and the meeting minutes of the local government.

When local government employees prepare reports for council or a committee, they are assisting the CEO to perform this important duty.

Ensuring a standard format in reports ensures that council and committee members, and other readers such as members of the public, are provided with a consistent format that is easy to follow and understand. These guidance notes suggest such a format. For additional related information, refer to the main body of this Guide to Preparation of Agendas and Minutes, and to the Department's Operational Guideline Number 07 – Clarity in Council Motions.

2. The importance of report structure

Reports to council and committees form the primary basis for good decision making. It is essential that the members of these bodies are fully informed on all the items of business placed before them.

Elected members have a responsibility to ensure that what they decide complies with the law, takes into consideration all relevant factors, is in the community interest, and is fair and equitable.

The administration, through the CEO, must therefore ensure that reports to council and committees contain sufficient information on which to base decisions.

These guidance notes are not intended as a comprehensive manual for report writing in local government. The intention is to address the recommended structure for reports to be presented to council and committee meetings, and the content of those reports.

While the objective is to achieve a reasonable level of uniformity in the preparation of reports to councils, it is expected that local governments will adopt formats appropriate to their requirements that will be used consistently by employees as they submit reports to the council.

A standard format is required to:

- ensure that all reports are presented in a consistent and recognisable format, and
- assist both the author and the reader, who will be able to work more efficiently when they become accustomed to a standard format.

Generally, the report structure described in these guidance notes is regarded as the **minimum standard** that should be applied in Western Australian local governments.

Some local governments have a more comprehensive format that functions well for them, and they are encouraged to continue regular reviews in support of the aim for best practice.

It is recommended that the report structure be reviewed at least on an annual basis, with suggestions for improvement sought from the elected members, the public and the local government's employees.

3. Consistent report format

The report format that is recommended is shown in the following pages. The format includes a number of basic headings that are required to ensure a strategic focus is maintained in the business of the council and that relevant and adequate information is included in the reports.

The headings act as a 'check list' and should be included in the final report presented to provide the elected members with assurance that all relevant issues and implications have been considered by those responsible for preparing the report.

Local governments are encouraged to include additional headings that they believe are appropriate to their particular circumstances.

An explanation of the recommended information that should be included in each section of the report can be found in part 9 of these notes.

4. Attachments or appendices

Attachments or appendices to a report may be contained within the agenda if not too large, or alternatively provided as separate attachments and distributed with the agenda. If an appendix to a report is unusually lengthy, any recommendations it may contain should be included in the report that forms part of the agenda.

5. Tabled items

Items which are lengthy or provided in a format that is difficult to duplicate, items which are confidential, or items which require additional verbal explanation (such as working diagrams) can be tabled and referenced in the report as 'to be tabled at the meeting'.

Tabled items form part of the official record of the meeting and should be described in the minutes in enough detail to enable them to be located at some future time.

The items themselves must be put in a secure place, and should be marked 'Not to be destroyed', or with another similar notation that ensures they are retained in accordance with the General Disposal Authority that controls retention and disposal of local government records.

The State Records Commission (SRC) is the State Government body responsible for authorising disposal authorities. See the *State Records Act 2000* (the Records Act), the 'Record Keeping Policies and Standards' produced by the State Records Office (SRO), and the SRC's General Disposal Authority for Local Government Records for more detailed advice on records management, and requirements for the development of record keeping plans, at www.sro.wa.gov.au.

6. Confidential items

Some reports will not be appropriate for publication or distribution to members of the public, the media, or indeed employees of the local government who do not require the information for their work purposes. Such reports are dealt with when the meeting at which they are considered is closed to the public. (Matters that can be discussed when the public is excluded from a meeting are limited to those prescribed in section 5.23 of the Act.)

Confidential items should be clearly identified in the agenda by the heading and any relevant reference information, such as the source of relevant correspondence and its date. The report, which must include a recommendation, will be submitted on a separate confidential attachment for limited distribution. However, any subsequent decisions on the matter must be recorded in the minutes of the relevant meeting in accordance with regulation 11 of the *Local Government (Administration) Regulations 1996* (the Administration Regulations).

Confidential restrictions on reports and other council documents should only apply for the period of time that the information contained in them is confidential. Such reports are to be retained within the local government's official record keeping system in accordance with its record keeping plan, adopted in compliance with the provisions of the Records Act.

7. Minimum standards for reports

The purpose of these guidance notes is to suggest minimum standards for the format and content of reports. It is also to recommend that the information be presented in a regular format that acts as a 'check list'.

While a format similar to that described in these notes has been used successfully by some local governments, it is not necessarily the only format that can meet the needs of all councils.

The important point is that all local governments should adopt a standard format that will be used by all employees when they submit reports to council or a committee. That standard format should include the sections suggested in these guidance notes.

The adopted format should also be recorded as a procedure of the local government and made available to all employees who may be involved in preparing reports to the council or its committees.

A standard report format ensures that:

- the CEO performs his or her function under the Act to provide information and advice;
- reports are strategically linked to the local government's Strategic Community Plan and Corporate Business Plan;
- elected members are fully informed in their decision making;
- a consistent method of reporting is used by all staff;
- everyone finds the reports easy to follow and understand; and
- a detailed record of the information provided for decision making purposes is available.

8. Recommended minimum standard

The following report format is the minimum recommended. It is designed to ensure that employees who write reports consider the implications of all factors that can impact on issues facing the council and committee members. An explanation of the headings in the report is provided on the following pages.

Reference Number and Subject:
File Reference:
Applicant or Proponent(s):
Author's Name and Position:
Previously before Council:
Disclosure(s) of Interest:
Nature of Council's Role in the Matter:
<ul style="list-style-type: none"> • Advocative • Executive • Legislative • Review • Quasi-judicial
Purpose of the Report:
Background:
Comments and details:
Implications to Consider:
<ul style="list-style-type: none"> • Consultative • Strategic • Policy related • Financial • Legal and Statutory • Risk related
Voting Requirements:
Officer Recommendation:
Reason for Varying the Officer's Recommendation:

9. Explanation of recommended report format

The precise arrangement and order of the material in the report headings is for each local government to decide according to its own requirements. This is acceptable as long as the basic information is included.

9.1 Reference number and subject

The agenda reference number can be added to the report document when all reports are being collated and a table of contents for the agenda is prepared. The reference may be numerical, or an alpha-numeric combination.

The subject description should be concise, as it will also be used in the agenda table of contents. By the use of an appropriate keyword, fast retrieval from the records management system will be possible should the matter need to be researched in the future.

While the subject description may be governed by the referencing procedure used in the records management system, examples of a simple system are shown below:

'Recreation Grounds, Unreal Reserve, Maintenance'

'Shire Housing, 1 Pretend Promenade, Renovations'

The same subject heading should be used whenever a report is prepared for the same issue.

9.2 File reference

There should be at least two reference numbers in a heading. The first number will be the agenda reference that was mentioned earlier. The second will be the file reference that links between the agenda or minutes, and the records management system of the local government.

If the council or a committee has previously considered the matter, reference to the earlier meeting date and relevant agenda item number in the report should also be included.

9.3 Applicant or proponent(s)

Where appropriate, the name of an applicant could be shown in a report as a further means of identification. This can be useful if the application relates to a property, and the applicant is not the property owner. It will also assist the members of the council or committee to determine any financial interests or impartiality interests that may apply.

9.4 Author's name and position

Reports finalised by the author(s) should be authorised by the relevant senior officer responsible for submitting reports to council or its committees. In some cases the appropriate senior officer may be the CEO. It is not considered necessary for reports prepared by the CEO, or by other senior officers who report directly to the CEO, to be authorised by another officer.

Where the use of resources in another division would be under consideration through a report, a senior person from that division should also authorise it. This ensures that the relevant officers are clearly identified as being aware of the contents of the report, and are able to address any query that may arise in the future. Authorisations may be confirmed by manual or electronic signatures, and must be in accordance with the local government's policies and procedures.

9.5 Previously before council

If the matter was previously considered by the council or committee, the relevant meeting date and agenda item number should be provided.

9.6 Disclosure(s) of interest

The author of a report to council or a committee is required, under section 5.70 of the Act and regulation 34C of the Administration Regulations, to disclose any interest that he or she may have in the matter that is the subject of the report when it is presented for deliberation. The interest disclosed may be a financial or impartiality interest. Potential authors of a report on a matter for which they would be required to disclose an interest should consider withdrawing from the process, and having the report prepared instead by an employee without any interest to disclose.

Section 5.70(2) of the Act requires that an employee who has a financial interest in a matter on which they are providing advice or a report must disclose the nature of the

interest when providing the advice or report. For the purposes of compliance with this provision, it is appropriate for a report to include any necessary disclosures in its heading.

Similarly, regulations 34C(2) and (3) of the Administration Regulations require that employees disclose any impartiality interest they may have in a matter for which they are going to be present during discussions or giving advice. As such, when the advice takes the form of a report, the disclosure should be made at the time of writing the report, and it must describe the nature of the interest.

Both the Department’s *Operational Guideline Number 20 – Disclosure of Financial Interests at Meetings* and its *Operational Guideline Number 01 – Disclosure of Interests Affecting Impartiality* should be consulted for additional information on the correct processes for disclosing and recording interests.

9.7 Nature of council’s role in the matter

The nature of council’s role in a matter will generally fall within one of the following categories:

<ul style="list-style-type: none"> • Advocative: 	When council advocates on its own behalf, or on behalf of its local community, to another agency, body, organisation or level of government;
<ul style="list-style-type: none"> • Executive: 	When council determines and sets the strategic direction of the local government, by adopting budgets, accepting tenders, and endorsing plans and policies;
<ul style="list-style-type: none"> • Legislative: 	When council deals with legislation through processes such as adopting local laws and town planning schemes;
<ul style="list-style-type: none"> • Review: 	When council reviews decisions that have been made by local government officers; or
<ul style="list-style-type: none"> • Quasi-judicial: 	When council determines applications and other requests for approvals that impact on a person’s interests and rights, such as planning applications, requests for building approvals, and applications for licences and permits. (The judicial character of these functions involves the obligation to abide by the principles of natural justice, and decisions on these matters by councils can generally be appealed to the State Administrative Tribunal.)

9.8 Purpose of the report

This is the opening statement of the report, and it is very important to state in general terms the principal cause or reason for the report and convey its intention to readers as soon as possible. Council and committee members, and anyone else who reads the report, should be able to understand the essentials and follow the logic that leads to the recommendation.

Authors should be able to provide an explanation of the purpose of the report and the basis of its recommendation in two or three sentences. An example is given below:

‘A drainage problem has become increasingly apparent in Cobblestone Way since excavation work was undertaken in the vicinity. This report recommends that the Water Corporation be asked to correct the problem by constructing a drainage sump on council owned land. The sump will need to be fenced to ensure that the location is safe and secure.’

9.9 Background

This section should include factual supporting information about the matter that is the subject of the report. It could also include a summary of relevant correspondence.

Where the matter to be discussed relates to a particular property, such as in the case of planning or building approvals, a very brief description of the property that is the subject of the report should be included in this section of the report format. While the description should be brief, it must provide enough detail for any relevant property information to be easily located in the records management system, for inspection by members of the relevant council or committee, or by employees.

Inserting an aerial image of the relevant property from the local government’s internal map imaging system or any other appropriate mapping sources would be a beneficial addition.

9.10 Comments and details

Council and committee members have a right to all the relevant facts about potential courses of action (advantages, disadvantages and alternatives) relating to an issue put to them for a decision. While the report will certainly include a recommendation,

there may be options that suggest alternative courses of action, and these should be detailed in the comment.

Members should always be made aware of the professional opinion of the employee who prepared a report, though they can choose to disregard that opinion. As professionals, employees should attempt to advise council to the best of their ability.

In providing comments on an issue, it may be necessary to use subheadings that bring attention to the main points of debate or discussion.

While the format suggested in these notes places the comments and details section in a particular place, there is merit in locating it towards the end of the report, just before the recommendation. Such an arrangement allows the author to discuss the nature of the issue, and its various implications, once the reader has studied earlier information in the report. A comments section just before any recommendations provides the opportunity to explain the reason for those recommendations, and give details of options that may be available.

9.11 Implications to consider

<ul style="list-style-type: none"> • Consultative: 	<p>Where consultation has been conducted as a requirement of law, in accordance with council policy, or in any other appropriate situation, with external agencies or individuals, the details of the person or body consulted, with a concise summary of the results of the consultation process, should be shown in the report.</p>
<ul style="list-style-type: none"> • Strategic: 	<p>Every council sets a strategic vision for its local community through a Strategic Community Plan, and for its administration through its Corporate Business Plan (see section 5.56 of the Act and Part 5 of the Administration Regulations). If a matter being put before council or a committee for deliberation is likely to have an impact on the strategic plans for the future of the local government, whether positive or negative, the significance of the impact should be recorded in this section. If a decision on a matter is not going to have an impact on the strategies of the council, a notation should be included to indicate that.</p>

<ul style="list-style-type: none"> • Policy related: 	<p>The detail of any policy of the council that has a bearing on the matter under consideration should be brought to the council's or committee's attention, even if it is felt that the policy is well known to the members. This is an important part of the decision making process which ensures that similar cases are dealt with in a consistent manner. It is appropriate to remind council of the need to demonstrate principles of natural justice in the application of policy. Matters such as the need to amend policy, or to develop a new policy in the future, to deal with issues such as those covered in the report, should be brought to attention in this part of the report.</p>
<ul style="list-style-type: none"> • Financial: 	<p>Details of any positive or negative impact the issue under review may have on the local government's finances, in the current budget year, should be provided in this section.</p>
<ul style="list-style-type: none"> • Legal and Statutory: 	<p>Section 5.41 of the Act places a duty on the CEO to advise council about legislative provisions relevant to its decision making (including local laws). Council and its committees must be advised of any legislative provisions that are applicable along with an explanation of any legislation that may impact on ultimate decisions. Council and committee members also need to be mindful of any legal sensitivities if the issue is one that could result in litigation.</p>
<ul style="list-style-type: none"> • Risk related: 	<p>Any report should indicate the consideration that has been given to the level of potential risk inherent in the matter under consideration, which could include financial, operational or reputational risks, as well as risks in terms of environmental or social impact, or community conflict. Local governments should have in place processes for identifying, analysing and minimising risks which may impact on the fulfilment of the objectives in their strategic plans.</p>

9.12 Voting requirements

When a decision before council will result in a resolution that requires an absolute or special majority, whether under the Act or under other legislation (such as the *Planning and Development Act 2005*), the report should clearly show the proper

voting requirements (for example, 'Simple Majority required' or 'Absolute Majority required').

A list of decisions for which the Act requires an absolute majority decision is available on the DLGC website.

9.13 Officer recommendation

The CEO has a statutory responsibility to advise the council. It is therefore important that reports include a meaningful recommendation, as members are entitled to have the benefit of the employee's professional opinion. Alternative recommendations that suggest the council could adopt one position or another are not appropriate.

The recommendation should not contain any new information, or any comment or opinion. These should be confined to the body of the report.

Recommendations should be written in a single concise sentence that with sufficient detail to be understood without reference to information in the report, or any other documents or decisions. They should be written in a manner that enables them to be adopted as resolutions of the council.

Recommendations should be written as directions, and be conclusive and definite regarding an intended course of action. An example is:

'That..... be approved (granted) (refused).'

It is not acceptable to simply recommend:

'That the report be received' or 'That the information be accepted'.

Recommendations phrased in this way do not stand alone, and depend on the reader establishing the actual decision from some other part of the report. This can leave the decision open to interpretation. There will be some exceptions, with perhaps the most obvious being the acceptance of the Annual Report.

If there is more than one recommendation (not alternatives), each of these should be separated and numbered so that each can be voted on independently. For example, one recommendation may be to proceed with a particular project, while another could propose the method of funding the project.

In the format provided in these notes, the recommendation is towards the end of the report. The earlier section of the report covering the purpose will give the reader an indication (at least in general terms) of what the recommendation will be.

In addition, a reader will not always be prepared for some of the legalistic terms used in a recommendation until he or she has read the entire report through and can follow the logic behind the author's views.

Some local governments prefer to have the recommendation at the beginning of the report, immediately under the heading. Both formats are considered to be acceptable but one or the other must be adopted and then used consistently. The Department's Operational Guideline Number 07 – Clarity in Council Motions should be consulted for additional information.

9.14 Reason for varying the officer's recommendation

Regulation 11(da) of the Administration Regulations requires written reasons to be included in minutes for each decision that is significantly different from the relevant written recommendation of a committee or an employee. Written reasons are not required when a recommendation is 'noted' or returned for further consideration. Local governments will need to determine themselves the circumstances where a change to a recommendation is considered to be significant.

Notes

If you would like more information please contact us.

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