



NORTHERN
MIDLANDS
COUNCIL

NORTHERN MIDLANDS COUNCIL CONSOLIDATED MEETING PROCEDURES

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NORTHERN MIDLANDS COUNCIL

CONSOLIDATED MEETING PROCEDURES

(Based on the Local Government Act 1993, Local Government (Meeting Procedures) Regulations 2025, Local Government (Code of Conduct) Order 2024, Council's Meeting Procedures and Policies)

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PART 1: CONVENING MEETINGS

1.1 CONVENING COUNCIL MEETINGS (REGULATION 5– PART 2, DIVISION 1)

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

1.2 CONVENING MEETINGS OF A COUNCIL COMMITTEE (REGULATION 6 – PART 2, DIVISION 1)

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

1.3 TIMES OF MEETINGS (REGULATION 7 – PART 2, DIVISION 1)

- (1) A meeting is not to start before 5.00pm unless otherwise determined by the council by absolute majority or by the council committee by simple majority.
- (2) After each ordinary election, a council and a council committee are to review the times of commencement of their meetings.

1.4 STATEMENT TO BE MADE AT MEETINGS (REGULATION 8 – PART 2, DIVISION 1)

The chairperson of a meeting is to make a verbal statement at the beginning of a meeting, so far as is practicable, to the effect that:

- (a) an audio or audio visual recording is being made of the meeting; and
- (b) all persons attending the meeting are to be respectful of, and considerate towards, other persons attending the meeting; and
- (c) language and conduct at the meeting that could be perceived as offensive, defamatory or threatening to a person attending the meeting, or listening to the recording, is not acceptable.

1.5 NOTICE OF MEETINGS (REGULATION 9 – PART 2, DIVISION 1)

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

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- (b)** the general manager is to ensure that the notice:

 - (i)** is made available to the public on the website of the council for the relevant period; and
 - (ii)** any member of the public is able to inspect, and obtain a copy of, that notice, free of charge, at the public office of the council; and
 - (c)** the notice is to:

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

PART 2: AGENDA

2.1 AGENDA (REGULATION 10 – PART 2, DIVISION 1)

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

- (b) the general manager has reported that the matter is urgent; and
 - (c) in a case where the matter requires the advice of a qualified person, the general manager has certified under Section 65 of the Act that the advice has been obtained and taken into account in providing general advice to the council.
- (7) The chairperson of a council or a council committee is to request councillors or members of the committee to indicate whether they have, or are likely to have, an interest in any item on the agenda.
- (8) A period referred to in Subregulation (2) includes Saturdays, Sundays and statutory holidays, but does not include:
 - (a) the day on which the agenda and any associated reports and documents are provided under Subregulation (2)(b) or (c); or
 - (b) the day of the meeting.

2.2 COUNCIL MEETING AGENDA AND REPORT FORMATS

(1) Agenda Format

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

Meeting Information and Guidelines

1. Attendance, (including Apologies)
2. Table of Contents
3. Acknowledgement of Country
4. Declarations of Interest
5. Procedural
 - 5.1 Confirmation of Council Meeting Minutes
 - 5.2 Date of Next Council Meeting
 - 5.3 Motions on Notice by a Councillor (*if applicable*)
 - 5.4 Councillor Questions on Notice (*if applicable*)
 - 5.5 Code of Conduct Panel Determination (*if applicable*)
6. Council Committees – Confirmation of Minutes
7. Council Committees – Recommendations
8. Information Items
 - 8.1 Council Workshops / Meetings Held Since the Last Ordinary Meeting
 - 8.2 Mayor's Activities Attended and Planned
 - 8.3 General manager's Activities
 - 8.4 Petitions
 - 8.5 Conferences and Seminars: Report on Attendance by Council Delegates
 - 8.6 132 and 337 Certificates Issued
 - 8.7 Animal Control

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- 8.8 Environmental Health Services
 - 8.9 Customer Request Receipts
 - 8.10 Gifts and Donations (under section 77 of the LGA)
 - 8.11 Action Items: Council Minutes
 - 8.12 Resource Sharing Summary
 - 8.13 Vandalism
 - 8.14 Youth Program Update
 - 8.15 Integrated Priority Projects and Strategic Plans Update
 - 8.16 Tourism and Events and Heritage Highway Tourism Region (HHTRA) Update
- 9. Public Questions and Statements
 - 10. Council Acting as a Planning Authority
 - 11. Planning Reports
 - 12. Council Acting as a Planning Authority: Cessation
 - 13. Community and Development Reports
 - 14. Governance Reports
 - 15. Corporate Services Reports
 - 16. Works Reports
 - 17. Items for the Closed Meeting

(2) Report Format

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

Title

Responsible Officer / Report Author

Recommendation

- 1. Purpose
- 2. Introduction / Background
- 3. Strategic Plan and Integrated Priority Projects Plan
 - 3.1 Strategic Plan 2021-2027
 - 3.2 Integrated Priority Projects Plan 2021
- 4. Policy Implications
- 5. Statutory Requirements
- 6. Financial Implications
- 7. Risk Issues

8. Consultation with State Government
9. Community Consultation
10. Options for Council to Consider
11. Officer's Comments / Conclusion
12. Attachments

2.3 PLANNING REPRESENTATIONS

- (1) Representations received in regard to planning applications are held in confidence by Council.
- (2) A summary of the issues raised in representations is provided to applicants.
- (3) Representations in full are provided to councillors confidentially.
- (4) Representations are not included in the council agenda.
- (5) A summary of the issues raised in the representations is provided in the agenda along with the planner's comment.

2.4 BRIEFING REPORT ITEMS

Only reports which are of an informative nature and which do not require formal consideration by the Council, be included in the Fortnightly Briefing Report.

2.5 PUBLIC ACCESS TO DOCUMENTS (REGULATION 11 – PART 2, DIVISION 1)

- (1) As far as practicable, the general manager is to make available for inspection by members of the public a copy of the agenda of a meeting and any associated reports and documents, other than an extract relating to any matter referred to in Regulation 17(2), at least:
 - a. 2 days before the meeting in the case of a special council meeting; or
 - b. 4 days before the meeting in the case of an ordinary council meeting or a council committee meeting.
- (2) The agenda and associated reports and documents made available for inspection under Subregulation (1) are to be so made available under that subregulation:
 - a. at the public office, and on the website, of the council; and
 - b. free of charge.
- (3) As far as practicable, the general manager is to make available for purchase by members of the public, by payment of the relevant fee specified in regulation 4, copies of the agenda and any associated reports and documents made available for inspection under Subregulation (1).
- (4) The agenda and associated reports and documents made available for purchase under Subregulation (3) are to be made available under that subregulation at the public office of the council during the relevant period specified in Subregulation 1.
- (5) At a meeting, a copy of the agenda of the meeting is to be made available free of charge to any member of the public attending the meeting.

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- (6) At a meeting, any associated report or document made available for inspection under Subregulation (1) is to be made available free of charge for inspection by members of the public attending the meeting.
- (7) Subject to the Right to Information Act 2009, the general manager must withhold from the public all associated reports and documents which, in the opinion of the general manager, relate to any matter referred to in Regulation 17(2).
- (8) Despite Subregulation (7), but subject to the Right to Information Act 2009, the general manager may release to the public an associated report or document that he or she is otherwise required under that subregulation to withhold, if:
- a. the council, or a council committee, has authorised its release to the public under Regulation 17(8); or
 - b. the council, or council committee, has:
 - (i) discussed, at a meeting that was not a closed meeting, the matter to which the associated report or document relates; and
 - (ii) after considering privacy and confidentiality issues, authorised its release to the public.
- (9) A period referred to in Subregulation (1) includes Saturdays, Sundays and statutory holidays, but does not include:
- a. the day on which an agenda and any associated reports and documents are made available under that subregulation; or
 - b. the day of the meeting.

PART 3: CONDUCT OF MEETINGS

3.1 CHAIRPERSON (REGULATION 12 – PART 2, DIVISION 1)

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

3.2 MAYOR'S COMMUNICATION

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

3.3 CONDUCT OF MEETINGS IN RELATION TO THE CHAIR

- (1) The Chairperson need not stand when addressing the Council.
- (2) The Chairperson is to call on items listed on the formal agenda for consideration and until called on, no discussion or debate on motions is to ensue.
- (3) Before an item is discussed or debated there is to be a motion moved, seconded and accepted by the Chairperson.
- (4) In accordance with Regulation 12 of the Local Government (Meeting Procedures) Regulations 2025, if the Chairperson has moved or seconded a motion before the Meeting, the Chairperson is to vacate the Chair until the motion has been dealt with. The Chairperson may remain in the Chair to address the meeting on any motion before the Chair which has not been moved or seconded by the Chairperson.
- (5) A Councillor proposing or speaking to a motion or discussing any matter under consideration is to address the Chairperson.
- (6) If two or more Councillors rise simultaneously to address the Chairperson, the Chairperson is to decide the order in which they are to address the meeting.
- (7) A Councillor, when addressing the Chairperson, is to refer to the Mayor, Deputy Mayor and Councillors by their respective titles.

3.4 QUORUM (REGULATION 13 – PART 2, DIVISION 1)

- (1) A meeting may only transact business if a quorum is present.
- (2) The quorum at a council meeting is an absolute majority.
- (3) The quorum at a council committee meeting is the majority of such number of councillors as are members of the committee.
- (4) If a meeting lacks a quorum because a councillor declares an interest¹ and must leave the meeting, the Minister may permit the councillor to remain at that meeting or at a later meeting when the matter is next considered to make up a quorum on condition that the councillor does not take part in any discussion or vote on the matter.
- (5) If a permission under Subregulation (5) is given, the general manager is to record the details of that permission in the minutes of that meeting;
- (6) If at any time during a meeting the required quorum is no longer present, the chairperson is to adjourn the meeting until the quorum is present or until a later date, unless the quorum is likely to be present for the next item of business.

3.5 ABANDONED MEETINGS (REGULATION 14 – PART 2, DIVISION 1)

- (1) If a quorum is not present within half an hour after a meeting is to start, the meeting is to be abandoned.
- (2) If a council meeting is abandoned because of the lack of a quorum, the general manager is to record the following details as the minutes of that meeting, even though business could not be transacted at that meeting:
 - (a) the absence of a quorum;
 - (b) the abandonment of the meeting and the time of abandonment;
 - (c) the names of the councillors present at the time of abandonment.
- (3) If a council meeting is abandoned, the mayor:
 - (a) within 14 days after the abandonment of the meeting, is to convene another council meeting to deal with the business that was to be dealt with at the abandoned meeting; and
 - (b) is to provide notice of the new meeting in accordance with Regulation 9.
- (4) If 3 consecutive council meetings have been abandoned, the general manager must report the matter to the Minister.

¹ **Local Government (Meeting Procedures) Regulations 2025 – Regulation 13(1):** In this regulation – pecuniary interest means an interest within the meaning of section 49 of the Act.

Local Government Act 1993 – Section 49 Having an interest: *A councillor or member has an interest in a matter if the councillor or member or a close associate would, if the matter were decided in a particular manner, receive, have an expectation of receiving or be likely to receive a pecuniary benefit or pecuniary detriment.*

3.6 ADJOURNMENTS (REGULATION 15 – PART 2, DIVISION 1)

- (1)** The chairperson may only adjourn a meeting:
 - (a)** for a proper purpose; and
 - (b)** if it is reasonable to do so in the circumstances; and
 - (c)** in good faith.
- (2)** If a meeting is adjourned under Subregulation (1), the meeting may be adjourned:
 - (a)** to a later time on the same day; or
 - (b)** to a later date.
- (3)** If a meeting is adjourned under Subregulation (1), the chairperson is to ensure that all business of the meeting not then disposed of at the time of adjournment is given precedence at the resumption of the adjourned meeting.
- (4)** At the adjournment of a meeting under Subregulation (1), the chairperson is to advise the councillors present:
 - (a)** of the date and time when the meeting is to be resumed; and
 - (b)** of the reasons for the adjournment.
- (5)** If a meeting is adjourned under Subregulation (1), the general manager is to advise the councillors not present at the meeting:
 - (a)** that the meeting was adjourned; and
 - (b)** of the date and time of the resumption of the meeting; and
 - (c)** of the reasons for the adjournment.
- (6)** The reason for the adjournment of a meeting under Subregulation (1) is to be recorded in the minutes of the meeting.
- (7)** If a meeting is adjourned under Subregulation (1) for a period which would allow a special meeting to be convened, the general manager is to publish in a daily newspaper, or in a prescribed newspaper, circulating in the relevant municipal area a notice stating:
 - (a)** that the meeting has been adjourned; and
 - (b)** the date and time of the resumption of the meeting.

3.7 OPEN MEETINGS (REGULATION 16 – PART 2, DIVISION 1)

A meeting is to be open to the public unless part of the meeting is a closed meeting.

3.8 CLOSED MEETINGS (REGULATION 17 – PART 2, DIVISION 1)

- (1)** At a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in Subregulation (2).

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

- (5) If part of a meeting is a closed meeting, the chairperson:
 - (a) is to exclude members of the public from a closed meeting; and
 - (b) may exclude the general manager from a closed meeting if the matter to be discussed relates to the contract of employment, or the performance, of the general manager; and
 - (c) may invite any person to remain, or be present, at the meeting to provide:
 - (i) advice or information to the meeting; or
 - (ii) service, assistance or support to the meeting.
- (6) If a council or council committee closes a part of a meeting, the reason for the closure is to be recorded in the minutes of the meeting that relate to the part of that meeting that is open to the public.
- (7) While in a closed meeting, the council, or council committee, is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- (8) Subject to the Right to Information Act 2009, any discussions, decisions, reports or documents relating to a closed meeting are to be kept confidential unless the council or council committee, after considering privacy and confidentiality issues, authorises their release to the public.
- (9) A council, or council committee, by simple majority may re-open a closed meeting to the public.

3.9 SUSPENSION FROM MEETING (REGULATION 49 – PART 3)

- (1) The chairperson of a meeting may suspend a councillor from part or all of the meeting if the councillor:
 - (a) makes a personal reflection about another councillor or an employee of the council and refuses to apologise; or
 - (b) interjects repeatedly; or
 - (c) disrupts the meeting and disobeys a call to order by the chairperson.
 - (2) Before deciding to suspend a councillor, the chairperson is to:
 - (a) advise the councillor that suspension is being considered and of the reasons for considering suspension; and
 - (b) give the councillor an opportunity to argue against suspension or to apologise.
 - (3) If, after considering any argument or apology from a councillor under Subregulation (2), the chairperson suspends the councillor, the councillor:
 - (a) must leave the meeting; and
 - (b) must not attend the meeting while suspended.
- Penalty: Fine not exceeding 10 penalty units.**
- (4) The chairperson may request the assistance of a police officer to remove a councillor who refuses to leave a meeting as required under Subregulation (3)(a).

3.10 DIGRESSION, PERSONAL COMMENTS, OR IMPROPER IMPUTATIONS

When addressing the Chairperson, a member is not to:

- (1) digress from the subject under discussion; or
- (2) make any personal comments regarding any other Councillor; or
- (3) impute an improper motive to any other Councillor; or
- (4) repeatedly annoy another Councillor; or
- (5) use an expression which, in the opinion of the Chairperson, is capable of being applied to another Councillor so as to cause offence to that other Councillor.

3.11 INTERRUPTION OF SPEAKER BY COUNCILLORS (REGULATION 25(3))

When a Councillor is addressing the Chairperson, no other Councillor is to:

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

PART 4: DECLARATIONS OF INTEREST

4.1 PECUNIARY INTEREST

Local Government Act 1993, Part 5, Regulation 48 - Declaration of pecuniary interest by councillor

- (1)** A councillor must not participate at any meeting of a council, council committee, special committee, controlling authority, single authority or joint authority in any discussion, nor vote on any matter, in respect of which the councillor–

 - (a)** has an interest; or
 - (b)** is aware or ought to be aware that a close associate has an interest.

Penalty: Fine not exceeding 20 penalty units.
- (2)** A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.

Penalty: Fine not exceeding 50 penalty units.
- (3)** On declaring that he or she has an interest, the councillor is to leave the room in which the meeting is being held.

Penalty: Fine not exceeding 20 penalty units.
- (4)** The councillor, by notice in writing, is to advise the general manager of the details of any interest that the councillor has declared under this section within 7 days of so declaring.

Penalty: Fine not exceeding 20 penalty units.
- (5)** The general manager is to –

 - (a)** ensure that the declaration of interest is recorded in the minutes of the meeting at which it is made; and
 - (b)** record the details of any interest declared in the register of interests kept under section 54.
- (6)** In addition to any penalty imposed under this section, a court may make an order –

 - (a)** barring the councillor from nominating as a candidate at any election for a period not exceeding 7 years; and
 - (b)** dismissing the councillor from office.

4.2 ACTUAL, POTENTIAL OR PERCEIVED INTEREST

Local Government Act 1993 – Part 5

Section 49. Having an interest

A councillor or member has an interest in a matter if the councillor or member or a close associate would, if the matter were decided in a particular manner, receive, have an expectation of receiving or be likely to receive a pecuniary benefit or pecuniary detriment.

Local Government (Code of Conduct) Order 2024 – Part 2

- (1)** A councillor, in carrying out the councillor’s public duty, must not be unduly influenced, nor be seen to

be unduly influenced, by personal or private interests that the councillor may have.

- (2) A councillor must act openly and honestly in the public interest.
- (3) A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the council.
- (4) A councillor must act in good faith and exercise reasonable judgement to determine whether the councillor has an actual, potential or perceived conflict of interest.
- (5) A councillor must avoid, and withdraw from, positions of conflict of interest as far as reasonably possible.
- (6) A councillor who has an actual, potential or perceived conflict of interest in a matter before the council must –
 - (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to leave the room.

4.3 RECORDING OF DECLARATIONS OF INTEREST

Council in accordance with the procedures and intention of:

- part 5 of the Local Government Act 1993,
 - in particular, section 48(2) of the Local Government Act 1993;
- regulation 10 (3) of the Local Government (Meeting Procedures) Regulations 2025; and
- schedule 1, part 2 of the Local Government (Code of Conduct) Order 2024;

will deal with this matter as follows:

- (1) In both the open and closed sessions of Council, the Mayor will request Councillors and staff to indicate whether they have, or are likely to have, an interest in any item on the Council Agenda.
- (2) A decision by Council to receive Declarations made is not required.
- (3) The declaration recorded will include Councillor name, the Item number, the Item Description.
- (4) The declaration recorded will only include the Nature of the Interest declared if provided.
- (5) Declarations made within the closed session will be recorded in closed session minutes, to take into account privacy and confidentiality issues. Under regulation 17(7) (Local Government (Meeting Procedures) Regulations 2025), the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public.
- (6) Council records within its minutes the name and time a Councillor vacates the meeting at the time the matter is declared and the time of return.

PART 5: MOTIONS

Motions are to be managed in accordance with Division 2 of the Local Government (Meeting Procedures) Regulations 2025, including the distinction between written notice of motion and motions without notice.

5.1 MOTIONS GENERALLY (REGULATION 18 – PART 2, DIVISION 2)

- (1) The chairperson of a meeting is not to allow a motion to be debated or otherwise dealt with unless it has been moved by one councillor and seconded by another councillor.
- (2) The chairperson of a council committee meeting may waive the requirement for a motion to be seconded.
- (3) A councillor moving a motion for an adjournment of the debate on another motion is to include in the motion the reason for the adjournment.
- (4) If a councillor, who has given notice of a motion in accordance with regulation 19(1), that has not been refused under Subregulation (6), does not move the motion at the meeting, the motion lapses.
- (5) A councillor who has moved a motion, whether it is being debated or not, may only withdraw the motion:
 - (a) with the consent of the seconder, if a seconder was required; or
 - (b) with the consent of the meeting.
- (6) The chairperson of a meeting may refuse to accept a motion under regulation 19 or 20 if, in the opinion of both the general manager and the mayor, the motion:
 - (a) is defamatory; or
 - (b) contains offensive language; or
 - (c) is unlawful; or
 - (d) does not relate to the activities, or functions, of the council.

5.2 WRITTEN NOTICE OF MOTION (REGULATION 19 – PART 2 – DIVISION 2)

- (1) A councillor may give to the general manager, at least 7 days before a meeting –
 - (a) written notice of a motion; and
 - (b) supporting information and reasons for the inclusion of the motion on the next meeting agenda.
- (2) If a councillor gives to the general manager written notice of a motion less than 7 days before a meeting, or during a meeting, the chairperson, in consultation with the general manager, may:
 - (a) permit debate on the motion at the meeting; or
 - (b) set aside the motion for inclusion on the agenda of a later meeting.
- (3) The general manager is to include a motion with notice on the agenda of the next meeting if the motion:
 - (a) was given in accordance with Subregulation (1); and
 - (b) was not refused under regulation 18(6).
- (4) A period referred to in Subregulation (1) or (2) includes Saturdays, Sundays and statutory holidays, but does not include:
 - (a) the day on which notice is given under that subregulation; or
 - (b) the day of the meeting.

5.3 MOTIONS WITHOUT NOTICE (REGULATION 20 – PART 2, DIVISION 2)

- (1) A councillor may, during a meeting, move a motion of which notice has not been given in accordance with regulation 19.
- (2) If a councillor intends to move a motion without notice:
 - (a) the chairperson of the meeting may require the councillor to provide a written copy of the motion; and
 - (b) the subject matter of the motion must relate to a matter that is listed on the agenda of that meeting.
- (3) If, during a meeting, a councillor moves a motion without notice, the chairperson, in consultation with the general manager, may:
 - (a) permit the councillor to debate the motion at the meeting; or
 - (b) set aside the motion for inclusion in the agenda of a later meeting.
- (4) The general manager is to include a motion without notice moved in accordance with Subregulation (1) if the motion:
 - (a) was set aside for inclusion in the agenda of a later meeting in accordance with Subregulation (3)(b); and
 - (b) not refused under regulation 18(6).

5.4 MOTIONS TO AMEND MOTIONS (REGULATION 21 – PART 2, DIVISION 2)

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

5.5 MOTION TO OVERTURN DECISION (REGULATION 22 – PART 2, DIVISION 2)

- (1) For the purposes of this regulation, a decision may be overturned, wholly or partly, by:
 - (a) a motion directly rescinding or otherwise overturning the decision or part of the decision; or
 - (b) a motion that conflicts with, or is contrary to, the decision or part of the decision.
- (2) A council or council committee may only overturn a decision passed at a previous meeting held since the last ordinary election:
 - (a) by an absolute majority, in the case of a council; or
 - (b) by a simple majority, in the case of a council committee.
- (3) Any report given by the general manager to a council in respect of a proposed motion to overturn a

decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include:

- (a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and
- (b) the details of that previous decision, or the part of that previous decision, that would be overturned; and
- (c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and
- (d) if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out.

5.6 DISCUSSION OF RESOLVED MATTER (REGULATION 23 – PART 2, DIVISION 2)

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

5.7 PROCEDURAL MOTIONS (REGULATION 24 – PART 2, DIVISION 2)

- (1) The following motions or their negatives are procedural motions:
 - (a) that the motion be now put;
 - (b) that the matter be deferred;
 - (c) that the matter of the motion be referred to a committee;
 - (d) that the meeting be now adjourned;
 - (e) that the meeting be closed to the public.
- (2) Regulation 18(1) and (2) apply to a procedural motion.
- (3) The chairperson is to:
 - (a) consider a procedural motion in precedence over all other business; and
 - (b) accept or reject that motion.
- (4) If the chairperson of a meeting accepts a procedural motion:
 - (a) no discussion on the procedural motion is to be allowed; and

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- (b)** the procedural motion is to be put to the vote.
 - (5)** If the chairperson of a meeting rejects a procedural motion, the chairperson is to give reasons for the rejection.
 - (6)** A councillor at a meeting must not move a motion of dissent against a ruling by the chairperson under Subregulation (3).
 - (7)** Despite Subregulation (4)(a), if the procedural motion is that the meeting be now adjourned, the chairperson is to allow discussion on, and only on, the date, time and place of resumption of the meeting.
 - (8)** If the chairperson of a meeting rejects a procedural motion or the vote in respect of a procedural motion is lost, the chairperson:
 - (a)** is to allow discussion on the original motion to be resumed; and
 - (b)** is not to permit a similar procedural motion to be moved until at least one councillor has addressed the meeting on the original motion.

5.8 ADDRESSING COUNCIL MEETING (REGULATION 25 – PART 2, DIVISION 2)

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

PART 6: DEBATE

6.1 DEBATE AT COUNCIL MEETING (REGULATION 26 – PART, DIVISION 2)

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

6.2 POINT OF ORDER AT MEETING (REGULATION 27 – PART 2, DIVISION 2)

- (1) A councillor at a meeting may raise a point of order if:
 - (a) a councillor speaking raises an issue that is irrelevant to the motion being discussed; or
 - (b) a councillor speaking is being interrupted or distracted; or
 - (c) the councillor is of the opinion that a meeting procedure is contrary to the Act or these regulations; or
 - (d) the councillor has been misrepresented during the debate; or
 - (e) a statement is made by a councillor speaking that the councillor raising the point of order believes is, or is likely to be, offensive to a councillor or to another individual.
- (2) A councillor who is interrupted by the taking of a point of order is to cease speaking.
- (3) The chairperson is to deal with a point of order as soon as it is raised and before the meeting resumes to deal with other business.
- (4) The chairperson's ruling on a point of order:

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- (a) is not to be questioned; and
 - (b) is binding on the meeting.

6.3 PERSONAL EXPLANATION AT MEETING (REGULATION 28 – PART 2, DIVISION 2)

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

6.4 ACTING AS PLANNING AUTHORITY (REGULATION 29 – PART 2, DIVISION 2)

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

PART 7: VOTING

7.1 VOTES (REGULATION 30 – PART 2, DIVISION 3)

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

7.2 VOTING PROCEDURE (REGULATION 31 – PART 2, DIVISION 3)

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

7.3 DETERMINATION OF VOTING (REGULATION 32 – PART 2, DIVISION 3)

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

PART 8: QUESTIONS – COUNCILLORS

Questions by Councillors are to be managed in accordance with Division 4 of the Local Government (Meeting Procedures) Regulations 2025, including the distinction between questions with and without notice.

8.1 QUESTIONS GENERALLY (REGULATION 33 – PART 2, DIVISION 4)

- (1) In the Local Government (Meeting Procedures) Regulations 2025 question means:
- (a) a public question without notice; or
 - (b) a public question on notice; or
 - (c) a question without notice; or
 - (d) a question on notice;
- relevant entity, in relation to refusing a question, means
- (a) if the question asked is a question without notice or a public question without notice, the chairperson of the meeting; or
 - (b) if the question asked is a question on notice or public question on notice, the general manager.
- (2) A question asked at a meeting is to, as far as is practicable:
- (a) be concise; and
 - (b) be clear; and
 - (c) not be a statement; and
 - (d) have minimal pre-amble.
- (3) A relevant entity may refuse to accept a question if the relevant entity is of the opinion that the question:
- (a) is defamatory; or
 - (b) contains offensive language; or
 - (c) is unlawful; or
 - (d) does not relate to the activities of the council; or
 - (e) does not meet the requirements specified in Subregulation (2).
- (4) If a relevant entity refuses a question under Subregulation (3), the relevant entity is to give reasons for that refusal.
- (5) If a question on notice or public question on notice is refused under Subregulation (3), the question is not to be reproduced in the agenda for that meeting.

8.2 QUESTIONS WITHOUT NOTICE BY COUNCILLOR (REGULATION 34 – PART 2, DIVISION 4)

- (1)** A councillor at a meeting may ask a question without notice:
 - (a)** of the chairperson; or
 - (b)** through the chairperson, of:
 - (i)** another councillor; or
 - (ii)** the general manager.
- (2)** In asking a question without notice, a councillor must not:
 - (a)** offer an argument or opinion; or
 - (b)** draw any inferences or make any imputations:
except so far as may be necessary to explain the question.
- (3)** The chairperson of a meeting must not permit any debate of a question without notice or its answer.
- (4)** The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.
- (5)** The chairperson of a meeting may require a councillor to put a question without notice in writing.

8.3 QUESTIONS ON NOTICE (REGULATION 35 –PART 2, DIVISION 4)

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

8.4 COUNCILLORS' QUESTION TIME

In recognition of the provisions of Regulation 34 of the Local Government (Meeting Procedures) Regulations 2025, Councillors are permitted to submit a maximum of two questions without notice at a Council Meeting. Council places no limitation on the number of questions that Councillors may put on notice to be listed for answer at a forthcoming Council Meeting.

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

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

In accordance with Regulation 35 of the Local Government (Meeting Procedures) Regulations 2025 a Question on Notice is to be submitted in writing seven days before the Meeting.

PART 9: QUESTIONS – MEMBERS OF THE PUBLIC

Questions by members of the public are to be managed in accordance with Division 4 of the Local Government (Meeting Procedures) Regulations 2025, including questions with and without notice.

9.1 QUESTIONS BY MEMBER OF THE PUBLIC (REGULATION 36 – PART 2, DIVISION 4)

- (1) The chairperson of an ordinary council meeting must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.
- (2) A question asked by a member of the public under regulation 37 or 38, and the answer given to that question, is not to be debated at the ordinary council meeting.
- (3) A council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting.

9.2 QUESTIONS WITHOUT NOTICE BY MEMBER OF THE PUBLIC (REGULATION 37 – PART 2 – DIVISION 4)

- (1) (1) A member of the public may, on invitation by the chairperson of an ordinary council meeting, ask a question without notice at the meeting.
- (2) A public question without notice must relate to the activities of the council.
- (3) The chairperson of an ordinary council meeting may require a public question without notice to be:
 - (a) put on notice in writing; and
 - (b) answered at a later ordinary council meeting.

9.3 QUESTIONS ON NOTICE BY MEMBER OF THE PUBLIC (REGULATION 38 – PART 2 – DIVISION 4)

- (1) A member of the public may, at least 7 days before an ordinary council meeting, give written notice to the general manager of a question to which the member of the public seeks an answer at the meeting.
- (2) A public question on notice must relate to the activities of the council.
- (3) The chairperson of an ordinary council meeting may address a public question on notice.
- (4) The period referred to in Subregulation (1) includes Saturdays, Sundays and statutory holidays, but does not include:
 - (a) the day on which notice is given under that subregulation; or
 - (b) the day of the ordinary council meeting.

9.4 PUBLIC QUESTION TIME

In accordance with the Local Government (Meeting Procedures) Regulations 2025, a period of twenty (20) minutes for “public question time” will be set aside at ordinary Council Meetings for members of the community to ask questions relating to Council activities.

Public question time provides an opportunity for people to ask questions about Council’s activities, not make statements. Anyone wishing to address Council and make a statement relating to a planning matter may do so

at the commencement of the Planning section of the Council Meeting Agenda when Council act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*.

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

(1) Asking a Question

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

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

(2) Putting a Question on Notice

- (a) Members of the public are encouraged to submit a question in writing and be put on notice to address the Council in the public question time. Council recommends this option, as it will enable Council to provide a more “well-researched” and complete response.
- (b) A maximum of two questions may be submitted in writing before the meeting.
- (c) To submit a question in writing, members of the public will need to fill out a question registration form. These are available at Council offices and on the Council website.
- (d) Forms will need to be lodged at the Council Offices no later than 5 p.m. on the Friday 10 days before the scheduled meeting.
- (e) Question registration forms can be lodged by:
 - Mail: PO Box 156, Longford 7301
 - In person: 13 Smith Street, Longford
 - Email: council@nmc.tas.gov.au
- (f) The registered questions to be answered at the Council Meeting will be listed on the agenda for the scheduled meeting.
- (g) Each person whose registration form has been accepted or declined will be advised by no later than the Friday of the week before the scheduled meeting.
- (h) When contacted, a person who has submitted a registration form will need to confirm their presence at the meeting for their question to be read.
- (i) The name of the person asking a question on notice and the question will be included in the meeting agenda and minutes.

3. Questions Without Notice

- (a) Priority will be given to questions on notice over questions without notice asked from the public gallery.
- (b) Questions without notice are permitted at the discretion of the Chairperson.

4. Questions may be refused in certain circumstances

- (a) The Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that:
- a. relates to any item listed on the agenda for the Council meeting (**note:** this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda);
 - b. is unlawful in any way;
 - c. contains defamatory remarks, offensive or improper language;
 - d. questions the competency of Council staff or Councillors;
 - e. relates to the personal affairs or actions of Council staff or Councillors;
 - f. relates to confidential matters, legal advice or actual or possible legal proceedings;
 - g. relates to any matter which would normally be discussed in the closed section of the Council Meeting pursuant to Regulation 17 of the Local Government (Meeting Procedures) Regulations 2025;
 - h. is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than to make a genuine enquiry;
 - i. is vague in nature or irrelevant to Council;
 - j. is not related to Council activities; or
 - k. is a question that has been substantively asked at the previous Council Meeting.

5. At the Meeting

- (a) At the Council Meeting, public question time will be held early on the Council Meeting Agenda. This is usually shortly after the meeting commences at 5.30pm.
- (b) At each Council Meeting, up to 20 minutes, or such longer period as Council may determine by resolution at that meeting, is to be provided for persons at the meeting to ask questions.
- (c) Each speaker is limited to a maximum of 3 minutes.
- (d) At the beginning of public question time, the Chairperson (usually the Mayor) will firstly refer to questions on notice. The Chairperson will ask each person who has a question on notice to come forward.
- (e) A person seeking to ask a question must firstly identify themselves by stating their name and the town they reside in.
- (f) If more than one person wishes to ask a question, the Mayor is to determine the order in which those questions are asked.
- (g) Questions must be directed to the Mayor who shall answer or direct the question to the appropriate Councillor or Council Officer. A question will be answered if the information is known otherwise taken on notice and responded to in writing within 10 working days.
- (h) A person is entitled to ask no more than two questions on any specific subject. If a person has up to two questions on several subjects, the Mayor may defer those questions until other questions have been asked and refer back to that person only if time permits.

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- (i) The Chairperson may direct a Councillor or Council officer to provide a response.
 - (j) All questions and answers must be kept as brief as possible.
 - (k) There will be no debate on any questions or answers.
 - (l) In the event that the same or similar question is raised by more than one person, an answer may be given as a combined response.

Notes

- The Chairperson may allocate a maximum time for each question, depending on the complexity of the issue, and on how many questions are asked at the meeting. The Chairperson may also indicate when sufficient response to a question has been provided
- Limited Privilege: Members of the public should be reminded that the protection of parliamentary privilege does not apply to local government, and any statements or discussion in the Council Chamber or any document produced are subject to the laws of defamation.

PART 10: REPRESENTATIONS ON PLANNING ITEMS

10.1 REPRESENTATIONS ON PLANNING ITEMS

A maximum of four persons per item (two for and two against) will be permitted to address Council on a planning item. After the representation has been made, Councillors are permitted to ask questions of the party who made the representation.

The duration of any statement is not to exceed three minutes.

Notes

- The speaker is required to follow the direction of the Chairperson in relation to how and when they may make the statement.
- When the speaker has been invited forward by the Chairperson they are to introduce themselves to the meeting, stating where they are from (town and/or organisation) before commencing their statement.
- The speaker is reminded that Council Meetings are open forums and unlike State and Commonwealth parliaments these meetings do not have protection from parliamentary privilege. This means any statement made will need to take into account the rights of other persons.
- At the meeting the speaker is fully responsible to ensure that the statement is accurate and that the statement is not defamatory, does not disclose any confidential information or personal information and does not disclose any commercial-in-confidence information.
- Should the statement be defamatory or disclose confidential information or personal information, or disclose commercial-in-confidence information then the speaker agrees that they will be fully responsible for any issues which follow from the statement.

PART 11: RECORDING OF PROCEEDINGS

11.1 RECORDING OF PROCEEDINGS

The following record of proceedings will apply to Council meetings in addition to the procedures outlined in the Local Government (Meeting Procedures) Regulations 2025.

(1) Lapse of Motion

A motion lapses if it is not seconded.

(2) Words may be Taken Down

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

11.2 AUDIO RECORDING OF MEETINGS (REGULATION 43 – PART 2, DIVISION 5)

- (1)** In this regulation audio recording, of a meeting, includes part of an audio recording of the meeting.
- (2)** A council is to make, as a minimum, an audio recording of a meeting.
- (3)** For the purposes of Subregulation (2), a council that makes an audio-visual recording of a meeting is taken to have made an audio recording of that meeting.
- (4)** The audio recording of a meeting is to be retained by the council for a period of at least 2 years, commencing on the day after the day of the meeting.
- (5)** The audio recording of a meeting, that is not a closed meeting:
 - (a)** is to be, subject to Subregulation (8) , made available on the council’s website:
 - (i)** within 5 business days after the day of the meeting; and
 - (ii)** for a continuous period of not less than 12 months from the day of the meeting; and
 - (b)** may be an edited, in full or in part, audio recording of the meeting.
- (6)** If an audio recording of a meeting is edited under Subregulation (5)(b) , the audio recording must include a statement, in any form, at the commencement of the recording, to the effect that –
 - (a)** the recording of the meeting has been edited; and
 - (b)** the reason for that edit.
- (7)** If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording and either –
 - (a)** confirm that the minutes are a true record; or
 - (b)** amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.
- (8)** The general manager of a council may, in relation to the audio recording of a meeting, edit the audio recording if the manager is reasonably satisfied that the audio recording –
 - (a)** would, or is likely to, place the safety of a person at risk if the recording is published; or

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- (b)** is, or is likely to be, defamatory; or
 - (c)** contains, or is likely to contain, offensive language; or
 - (d)** is, or is likely to be, unlawful.
- (9)** A council may determine any other procedures relating to the audio recording of meetings that it considers appropriate.
- (10)** For the avoidance of doubt, a recording made in accordance with this regulation is a State record within the meaning of the Archives Act 1983.

Notes

- This section to be read in conjunction with Council’s Live Streaming of Council Meetings Policy.

PART 12: MINUTES

12.1 MINUTES (REGULATION 39 – PART 2, DIVISION 5)

- (1)** Subject to Regulation 40(1), the general manager is to ensure that the minutes of a meeting accurately record, as a minimum, the following matters as relevant to that meeting:
- (a)** each matter discussed at the meeting;
 - (b)** each decision made at the meeting;
 - (c)** if the Act or any regulations made under the Act require the making of a decision by absolute majority, that the decision was by absolute majority.
 - (d)** a summary of any address, statement or report made or provided on an invitation under Regulation 46;
 - (e)** each motion moved during the meeting;
 - (f)** if a declaration of an interest in a matter of a councillor is made, the following information is to be recorded:
 - (i)** the name of the councillor to whom the declaration relates;
 - (ii)** the interest as described by the councillor's declaration;
 - (iii)** if the councillor left the meeting, the period in which the councillor was not present during the meeting;
 - (g)** if a question is asked by a councillor:
 - (i)** each question on notice asked that was not refused and the answer given to that question; and
 - (ii)** each question without notice that was not refused and the answer given or a summary of the answer given to that question;
 - (h)** if a question is asked by a councillor on notice, or without notice, and is refused, only the following information is to be recorded:
 - (i)** that acceptance of a question was refused;
 - (ii)** the reason given under these regulations for that refusal;
 - (iii)** the name of the councillor who asked the refused question;
 - (iv)** the meeting date on which the refused question was asked;
 - (i)** if a question is asked by a member of the public:
 - (i)** each public question on notice asked that was not refused and the answer given to that question; and
 - (ii)** each public question without notice asked that was not refused and the answer given or a summary of the answer given to that question;
 - (j)** if a question is asked by a member of the public and is refused, only the following information is to be recorded:
 - (i)** that acceptance of a public question on notice, or public question without notice, was

- refused;
 - (ii) the reason given under these regulations for that refusal;
 - (iii) the name of the person who asked the refused question;
 - (iv) the meeting date on which the question was asked;
- (k) each absence of any councillor during the meeting, including the times of leaving and returning to the meeting;
- (2) The general manager is to ensure that:
- (a) copies of the minutes of meetings are kept as records of the council; and
 - (b) those copies are available to councillors.
- (3) For the avoidance of doubt, the minutes of a meeting are the true record of that meeting.

12.2 MINUTES OF CLOSED MEETING (REGULATION 40 – PART 2, DIVISION 5)

- (1) If at a meeting it is decided to hold a part of the meeting as a closed meeting:
- (a) in accordance with Regulation 17(6), the grounds for the closure are to be recorded in the minutes of that part of the meeting that is open to the public; and
 - (b) in relation to a matter discussed at the closed meeting:
 - (i) the fact that the matter was discussed at the closed meeting; and
 - (ii) a brief description of the matter so discussed:
 - are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be so recorded in a manner that does not disclose any confidential information and protects confidentiality; and
 - (c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.
- (2) The general manager is to record in the minutes of a closed meeting any matter of a kind listed in Regulation 39(1) that relates to the closed meeting.
- (3) The minutes of a closed meeting are to be kept confidential unless the council, or the council committee, after considering privacy and confidentiality issues, authorises the release to the public of the minutes.
- (4) If the general manager is excluded from a closed meeting, the chairperson of the meeting is to direct a person to record the minutes of the meeting.
- (5) A copy of the minutes of a closed meeting is to be provided to each councillor by the general manager or, if the general manager is excluded from the meeting, the person who recorded the minutes.
- (6) At the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

12.3 CIRCULATION AND INSPECTION OF MINUTES OF OPEN MEETING (REGULATION 41 – PART 2, DIVISION 5)

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

12.4 CONFIRMING MINUTES (REGULATION 42 – PART 2, DIVISION 5)

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

12.5 CONFIRMATION OF MINUTES

- (1)** The Council or Council committee is to ensure that the minutes of any previous ordinary or special meeting not then confirmed are to be submitted for confirmation.
- (2)** Council may resolve to amend the minutes of a meeting prior to confirmation.
- (3)** In accordance with Regulation 42 of the Local Government (Meeting Procedures) Regulations 2025, debate of any matter referred to in minutes submitted for confirmation is not permissible except to question the accuracy of the minutes as a record of the meeting to which they relate.

PART 13: GENERAL PROVISIONS

13.1 OTHER PROCEDURES (REGULATION 44 – PART 3)

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

13.2 REQUIREMENTS TO ATTEND MEETING IN-PERSON (REGULATION 45 – PART 3)

A councillor is required to attend a meeting in-person.

13.3 INVITATIONS TO ADDRESS MEETING (REGULATION 46 – PART 3)

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

13.4 LEAVE OF ABSENCE (REGULATION 47 – PART 3)

- (1) If a councillor wishes to take a leave of absence in respect of one or more meetings, the councillor, or the chairperson on behalf of the councillor, may request that leave of absence.
- (2) At a meeting:
 - (a) the council may grant a request under Subregulation (1) for a leave of absence from one or more of its meetings or one or more council committee meetings, or both; and
 - (b) a council committee may grant a request under Subregulation (1) for a leave of absence from one or more of its meetings.
- (3) A leave of absence may not be granted retrospectively.
- (4) The purpose of the leave of absence and the period involved are to be recorded in the minutes.
- (5) Leave of absence granted under this regulation must not be taken concurrently with leave of absence for parental leave under regulation 48.

13.5 PARENTAL LEAVE (REGULATION 48 – PART 3)

- (1) A councillor is entitled to leave of absence for parental leave from one or more meetings for a period not exceeding 3 consecutive months, beginning on the day on which the councillor –
 - (a) becomes a parent due to the birth of a child; or
 - (b) either alone or with another person, adopts, becomes the guardian or foster parent of, a child

under the age of 16.

- (2) A councillor who intends to take leave of absence for parental leave is to –
 - (a) give written notice of that intention to the general manager before commencing the leave of absence; and
 - (b) include with that written notice information supporting the councillor’s intention.
- (3) The purpose for which the councillor gives written notice of leave of absence for parental leave and the period involved are to be recorded in the minutes.
- (4) Leave of absence for parental leave must not be taken concurrently with leave of absence granted under regulation 47.

13.6 OFFENCES (REGULATION 50 – PART 3)

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

13.7 POWERS AND FUNCTIONS OF COMMISSIONER UNDER SECTION 232 OF THE ACT (REGULATION 51)

- (1) In the Local Government (Meeting Procedures) Regulations 2025 meeting procedures means the meeting procedures under these regulations.
- (2) Pursuant to section 232 of the Act, a commissioner may conduct meetings of a council in accordance with the meeting procedures.
- (3) Despite Subregulation (2), a commissioner may vary the meeting procedures, in relation to a council, if the commissioner considers it necessary in the circumstances.
- (4) If a commissioner varies the meeting procedures in relation to a council under Subregulation (3), the commissioner must:
 - (a) table a copy of the variation to the meeting procedures; and
 - (b) conduct council meetings and council committee meetings in accordance with the tabled meeting procedures; and

- (c) ensure that a copy of the variation is available during business hours for public scrutiny:
 - (i) at the public office of the council; and
 - (ii) at council meetings.

13.8 REPRESENTATIVES OF THE COUNCIL

- (1) The Mayor is to represent the council on regional organisations and at intergovernmental forums at regional, state and federal levels.
- (2) With the exception of appointments made by the Council under any other Act, all representative appointments of the Council on boards, authorities, special committees, community committees and outside bodies expire at the first Council Meeting following every ordinary Council election.
- (3) At the first Council Meeting following every ordinary Council election the Council is to elect its representatives, to fill the expired terms referred to in “2” above.

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

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

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

APPENDIX A: MOTION ON NOTICE TEMPLATE FOR SUBMISSION

NORTHERN MIDLANDS COUNCIL

MOTION ON NOTICE FOR ORDINARY COUNCIL MEETING

TO BE HELD ON:

Day / Date

MOTION SUBMITTED BY:

SUBJECT OF MOTION:

1. MOTION

I move that ...

2. BACKGROUND

3. ATTACHMENT/S
(list)

APPENDIX B: AGENDA TEMPLATE FOR MOTION ON NOTICE, OFFICER'S REPORT

Responsible Officer:

Report prepared by:

OFFICER'S RECOMMENDATION

In the event that a decision is to be overturned, the recommendation to include:

- *The actions to be overturned; and*
- *The minute number of the original resolution.*

MOTION

1. TITLE OF MOTION SUBMITTED
 - 1) Motion submitted by: ...
 - 2) Motion for the Ordinary Meeting to be held on: ...
2. MOTION
3. BACKGROUND TO MOTION

OFFICER'S REPORT

4. STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN
 - 4.1 Strategic Plan 2021-2027
 - 4.2 Integrated Priority Projects Plan 2021
5. POLICY IMPLICATIONS
6. STATUTORY REQUIREMENTS
 - 6.1 *Local Government Act 1993 Section 65*

(1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

...

In the event that a decision is to be overturned:

- 6.2 *Local Government (Meeting Procedures) Regulations 2025, Regulation 22,*

...

(2) A council or council committee may only overturn a decision passed at a previous meeting held since the last ordinary election –

(a) by an absolute majority, in the case of a council; or

(b) by a simple majority, in the case of a council committee.

(3) Any report given by the general manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include –

(a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and

(b) the details of that previous decision, or the part of that previous decision, that would be

*overturned; and
(c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and
(d) if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out.*

7. FINANCIAL IMPLICATIONS
8. RISK ISSUES
9. CONSULTATION WITH STATE GOVERNMENT
10. COMMUNITY CONSULTATION
11. OPTIONS FOR COUNCIL TO CONSIDER
12. OFFICER'S COMMENTS/CONCLUSION

In the event that a decision is to be overturned, the officers report to provide the following details:

- Whether actions have been wholly or substantially carried out;
- Actions specified in the original resolution;
- The actions to be overturned; and
- The minute number of the original resolution.

13. ATTACHMENT/S

**APPENDIX C: AGENDA TEMPLATE FOR ORDINARY COUNCIL MEETINGS,
OFFICER'S REPORT**

Responsible Officer:

Report prepared by:

RECOMMENDATION

- (1) PURPOSE OF REPORT**
- (2) INTRODUCTION/BACKGROUND**
- (3) STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN**
 - 3.1 Strategic Plan 2021-2027
 - 3.2 Integrated Priority Projects Plan 2021
- (4) POLICY IMPLICATIONS**
- (5) STATUTORY REQUIREMENTS**
- (6) FINANCIAL IMPLICATIONS**
- (7) RISK ISSUES**
- (8) CONSULTATION WITH STATE GOVERNMENT**
- (9) COMMUNITY CONSULTATION**
- (10) OPTIONS FOR COUNCIL TO CONSIDER**
- (11) OFFICER'S COMMENTS/CONCLUSION**
- (12) ATTACHMENTS**