PREFACE

An initiative of the Eastern Region Alliance Governance Group, this handbook has been developed for use as a practical, clear and concise resource for minute takers within local government.

This important and useful Handbook can be used by all councils across the local government sector to assist achieve best practice and good governance.

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FOREWORD

This Handbook for Minute Takers, was the initiative of the Eastern Region Alliance that commenced development in 2012. Minute taking, in particular, is an essential skill to master since the minutes of a Council or Committee meeting are an important record of the decisions made by the Council or Committee respectively. As readers will be aware it is not uncommon for decisions of Council Committees to be ‘adopted’ as decisions of the Council. Hence, the equally important application of minute taking standards applies to Council Committee meetings.

This Handbook is intended to provide guidance for minute takers in South Australian Councils and to assist Councils to achieve consistency, accuracy and to maximise efficiency when taking minutes.

This Handbook sets out the legislative requirements for minute taking, best practice recommendations and practical tips. In addition to the number of examples contained throughout this Handbook, a sample set of minutes is attached as an appendix to this Handbook. This provides a useful reference for the minute taker because it serves as a practical example of how a number of the concepts in this Handbook are to be recorded in the minutes.

Since the minutes of a meeting reflect the procedures that occur at the meeting, it is useful for minute takers to have, at least, a basic understanding of the procedural requirements that apply to Local Government meetings. In this regard, the Local Government Association of South Australia’s Meeting Procedures Handbook for Council Members is a further valuable resource for the minute taker. The Meeting Procedures Handbook, available electronically at www.lga.sa.gov.au/site/page.cfm?u=204, outlines the legal procedural requirements for Local Government meetings in accordance with the Local Government (Procedures at Meetings) Regulations 2013.

The Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2013, include provisions regarding the content of the minutes (i.e. the information that must be recorded in them). However, there is no law that governs the manner in which minutes are required to be kept. Whilst this Handbook contains a number of best practice recommendations in this regard, the format of minutes is ultimately a matter of discretion for every Council.
1. INTRODUCTION

1.1 What are minutes?

A Council is a corporate body governed collectively by the members (the governing body) who are elected or appointed to office pursuant to the provisions of the Local Government Act 1999 ("the Act") and the Local Government (Elections) Act 1999. The governing body can only make decisions that bind the Council at a properly and lawfully convened meeting. The minutes serve as an accurate record of these decisions and are, therefore, an important tool in ensuring transparency and accountability in Local Government decision making.

Minutes provide an ongoing record of Council decisions'. In particular, the minutes constitute a brief, but formal record of:

- the Council’s resolutions in relation to the business discussed at the meeting (i.e. the decisions made);
- the action that is required to be undertaken by the Council’s administration following the meeting (indeed, they form the legal basis for and authorise such action); and
- those present at a meeting and the formalities that have occurred.

For this reason it is vital that the minutes are accurate and complete.

Minutes also promote transparency in Local Government decision making and for this reason, are frequently referred to by members of the public.

Importantly, minutes are not a transcript of the meeting. They must record certain procedural matters, what decisions were made and why, but need not and should not provide a word for word account of what has been said.

Taking the above into account, the minute taker’s role is very important. Those present at a meeting have responsibility to support the minute taker in his/her role and to assist the minute taker in accurately recording the proceedings of the meeting.

A minute taker should never, therefore, hesitate to speak up and ask for clarification during a meeting if he/she requires.

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1.2 Local Government Meetings

For the purposes of this Handbook, Local Government meetings include meetings of a Council and/or of a Council Committee (whether or not that Committee is bound by Part 2 of the Local Government (Procedures at Meetings) Regulations 2013) (‘the Regulations’).

A Council meeting will be either an ‘ordinary’ or ‘special’ meeting. Ordinary meetings occur on a regular basis (at least monthly) and are the meetings during which the Council makes decisions to direct its operations and to consider core business in the form of reports prepared by the Administration. Alternatively, special meetings can be called at any time and are normally held to make decisions in relation to urgent matters that cannot wait until the next ordinary meeting.

A Council may establish Committees to assist in the performance of its functions. Where a Council has done so, section 87 of the Act governs the calling and timing of Committee meetings.

The procedures to be observed at Council and Committee meetings are, for the most part, regulated by legislation. Committee meetings, however, are not always subject to the same formal meeting requirements that apply to Council meetings.

The determination as to whether such requirements apply to Committee meetings is a matter of discretion for the Council. The Terms of Reference of a Council Committee should indicate the procedural requirements that apply to that Committee.
2. LEGISLATIVE REQUIREMENTS FOR MINUTES OF LOCAL GOVERNMENT MEETINGS

The Act and the Regulations contain a number of legislative requirements in relation to the minutes of both Council and Committee meetings. It is important that minute takers are aware of them.

Part 2 of the Regulations contains the formal meeting procedures (including, but not limited to, moving motions, amendments, divisions, questions and deputations) and applies to all Council meetings, meetings of Council Committees that perform regulatory activities and the meetings of any other Council Committee if the Council has resolved that Part 2 is to apply to such Committees. The Terms of Reference adopted by Council for a Council Committee should indicate if the Committee is bound by Part 2 of the Regulations.

In terms of the requirement to keep minutes of Local Government meetings, the starting point is section 91 of the Act. This section provides that the Chief Executive Officer must ensure that minutes are kept of the proceedings at every meeting of the Council or a Council Committee. The taking of minutes is an administrative function, which can be assigned by the Chief Executive Officer to a staff member. The reason for this is to ensure that the Chief Executive Officer is readily available to answer questions posed by members and to otherwise provide advice to the Council and contribute to the meeting as requested by members in accordance with the Chief Executive Officer’s role under section 99(1) of the Act.

In the case of Council Committees, it is a common and recommended practice for a staff member to be appointed as a liaison officer to the Committee. Where this has occurred, the role of the staff member attending the Committee meeting may also be responsible for taking minutes.

A document purporting to be minutes of proceedings at a Local Government meeting, or to be a copy of an extract from such minutes, and to be signed by the Chief Executive Officer, will be accepted as proof, in the absence of proof to the contrary, of the matters contained in the document. This means that if a person wished to dispute the accuracy of a Council’s minutes, the onus is on that person to prove, on the balance of probabilities, that the document is inaccurate.

2 Section 91(11) of the Act
2.1 Provision of Minutes to Members and Public Access Requirements

Each member of the Council must, within five days after a meeting of the Council or a Council Committee, be supplied with a copy of all minutes of the proceedings of the relevant meeting. This means that minutes must be prepared, finalised and delivered within five days of a meeting. The day on which the meeting was held will not be taken into account, but the fifth day will be, in calculating the correct number of days.

For example, if a meeting takes place on a Thursday, the minutes need to be supplied on or before the following Tuesday. If a meeting is held on a Tuesday, the minutes need to be supplied on or before the following Monday (given the fifth day occurs on a Sunday).

The minutes of Local Government meetings are public documents. Any member of the public is entitled to inspect, at no cost, at the office of a Council, the minutes kept by that Council. Members of the public are also entitled to inspect copies of:

- reports to the Council or a Council Committee received at a meeting of the Council or Committee; and
- recommendations adopted by resolution of the Council; and
- budgetary or other financial statements adopted by the Council.

To facilitate this, the Act requires that copies of the minutes of a Council must be placed on public display at the Council’s offices within five days after the meeting. The minutes of Council and Committee meetings are also required to be published on the Council’s website within a reasonable time after they are available at the principal office of the Council and Council minutes must be kept on public display for at least one month.

The public’s ability to access the minutes of Local Government meetings is subject to any confidentiality orders made by a Council (or Committee) in respect of certain information considered at a meeting. Further details about confidentiality orders are provided in Part 6 of this Handbook.

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3 Section 91(3) of the Act
4 Section 132(3)(b) of the Act
5 Section 91(4) of the Act
2.2 Content of the Minutes

2.2.1 Council and Committee Meetings (where Part 2 of the Regulations do apply)

Regulation 8(4) of the Regulations provides that the minutes of the proceedings of a meeting\(^6\) must include –

a) the names of the members present at the meeting; and

b) in relation to each member present –
   i. the time at which the person entered or left the meeting; and
   ii. unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and

c) each motion or amendment, and the names of the mover and seconder; and

d) any variation, alteration or withdrawal of a motion or amendment; and

e) whether a motion or amendment is carried or lost; and

f) any disclosure of interest made by a member; and

g) an account of any personal explanation given by a member; and

h) details of the making of a confidentiality order under the confidentiality provisions of the Act; and

i) a note of the making of an order to maintain documents as confidential under section 91 of the Act; and

j) details of any adjournment of business (including the reasons);

k) a record of any request for documents to be tabled at the meeting; and

l) a record of any documents tabled at the meeting; and

m) description of any oral briefing given to the meeting on a matter of council business; and

n) any other matter required to be included in the minutes by or under the Act or any regulation.

In addition to the above legislative requirements, the Regulations contain a number of other requirements in relation to the information that must be included within the minutes of a Local Government meeting, particularly in relation to the recording of various procedural matters. These additional requirements, which are discussed in further detail throughout this Handbook, include the following:

- questions on notice (regulation 9(2)(b)) – the question and reply must be entered in the minutes;

- questions without notice (regulation 9(5)) – the question and reply will only be recorded in the minutes if the members present at the meeting resolve that an entry should be made;

- divisions (regulation 17(4)) – where a division is called in relation to a particular matter, the names of members who voted in the affirmative and the names of members who voted in the negative must be recorded in the minutes;

- short-term suspension of proceedings (regulation 20(3)(a)) – if a suspension occurs, a note of the suspension and the reasons for and period of suspension must be recorded in the minutes.

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\(^6\) This includes both Council and Committee meetings where Council has applied Part 2 of the Regulations to the Committee
2.2.2 Committee Meetings (where Part 2 of the Regulations do not apply)

Where the Council has not resolved that Part 2 applies in relation to a Committee, the minutes of the Committee must include, as a minimum, the matters set out under regulation 25 of the Regulations. This includes –

a) the names of the members present at the meeting; and
b) each motion carried at the meeting; and
c) any disclosure of interest made by a member; and
d) details of the making of a confidentiality order under the confidentiality provisions of the Act; and
e) a note of the making of an order to maintain documents as confidential under section 91 of the Act.

2.3 Confirmation of Minutes

The minutes of the proceedings of a meeting must be confirmed at the next meeting or if that is omitted, at a subsequent meeting. In confirming the minutes no discussion is to be had in relation to the minutes, except as to the accuracy of the minutes as a record of the proceedings. However, if there is an error in the minutes this may be corrected by resolution of the meeting. Further details in relation to the manner to deal with an inaccuracy in the minutes of a previous meeting are contained in Part 4 of this Handbook.

Where the minutes have been confirmed, Regulation 8(3) of the Regulations requires the presiding member (who is the Principal Member or Chairperson, as the case may be) to:

1. initial each page of the minutes; and
2. place his/her signature and the date of confirmation at the foot of the last page of the minutes.

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7 Regulations 8(1) and 25(2)
8 See R v Mayor of York (1853) 118 ER 558 for discussion regarding what it is to confirm minutes
3. THE DECISION MAKING PROCESS – UNDERSTANDING MOTIONS & RESOLUTIONS

3.1 Motions

Proposing a motion is the usual manner in which decision making at a Local Government meeting occurs. Members may move a motion, either with or without notice, in relation to any matter requiring a decision of the meeting (i.e. moving a motion is the manner in which a member may raise any business for the meeting’s consideration).

Once a motion has been moved, it must be seconded by another member of the meeting. If the motion is not seconded it lapses, which means the meeting will move onto the next agenda item for consideration. When a member moves a motion this must be recorded in the minutes as well as the details of the member who seconds the motion. For example:

**Moved Cr Black/Seconded Cr Green**

That the Council make a donation of $500 to the Queen Victoria Hospital Burns Unit.

If a motion is not seconded and lapses this must still be recorded in the minutes (unless Part 2 of the Regulations do not apply). For example:

**Moved Cr Blue**

That the Council adjourn the meeting to 7pm, Wednesday 5 March 2014.

The motion lapsed for want of a seconder.

Where a motion is moved and seconded it may be considered by the meeting. The members of the meeting will debate the motion and then the presiding member will call for members to vote on the motion. In this regard, section 86(4) of the Act provides that a question arising for decision at a meeting of a Council will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

Where the majority of members vote in favour of the motion, it is carried and constitutes a resolution (i.e. decision) of the meeting. Conversely, if the motion is lost, no decision is made and the meeting moves on to the next agenda item. All motions and details of their outcome (i.e. whether they were lost or carried) must be recorded in the minutes. If a motion is carried unanimously, this may be recorded in the minutes. The Council’s own Code of Practice for Meeting Procedures should clarify whether motions will be recorded as such or recorded as ‘carried’.

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9 Regulation 12(8)
For example:

Moved Cr Yellow/Seconded Cr Orange
That the Memorial Hall on Gilbert Street be painted White
Carried Unanimously

The debate in relation to a motion is not to be included in the minutes.

3.2 Simple and Absolute Majority

Simple majority is the majority of members present at a meeting. This means if a Council comprises 12 elected members, but only 11 are present, simple majority is 6 members.

Absolute majority is defined under the Act to mean a majority of the whole number of the members of the Council. In practical terms, this means that if a Council comprises 12 elected members, the absolute majority is 7 members.

It is to be noted that not all decisions of a Council are determined by simple majority. In some cases, legislation requires a certain percentage of majority votes in favour of a motion before that motion may be carried.

For example:

• section 249(3)(b) of the Act provides that a by-law cannot be made by a Council unless it is made at a meeting where at least two-thirds of the members of the Council are present and where the resolution is supported by an absolute majority of members of the Council; and

• pursuant to regulation 6(1) of the Regulations, if the Council wishes to vary the legislative requirements regarding meeting procedures that are capable of being varied under the Regulations, the Council may, by a resolution supported by two-thirds of the members of the Council entitled to vote on the resolution determine that a Code of Practice for Meeting Procedures be prepared or adopted by the Council that establishes or varies its own procedure that will apply in substitution for the relevant provision.

Importantly, where legislation requires a prescribed number of votes, the minutes should reflect the number of members who voted in favour of the resolution as evidence that the resolution was supported by the required number of votes. For Example:

Moved Cr Purple/Seconded Cr White
In the exercise of its powers contained in Section 246 of the Local Government Act 1999, having satisfied the consultation requirements of that Act and, after having had regard to the National Competition Policy Report, the Certificates of Validity provided by a legal practitioner and the comments from the Dog and Cat Management Board, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes ‘By-law No 5. Dogs’ as attached.

Carried (8 votes in favour, 1 against)


3.3 Alterations to Motions – Amendments and Variations

Once moved and seconded, it is possible for a motion to be altered. A motion may be altered in one of two ways, either by a formal amendment process\textsuperscript{10} or by way of a less formal variation\textsuperscript{11} process. The variation process includes the variation, alteration or withdrawal of a motion or amendment.

An amendment or variation serves to alter the wording of a motion (i.e. it could be to insert or delete additional words or to delete and substitute words). An amendment or variation cannot be used to substantially change the intent of the motion or to contradict it (i.e. a direct negative of a motion is not an amendment or variation and must not be accepted).

A motion may be amended where the meeting votes in favour of the proposed amendment (i.e. a member is required to move an amendment, which must be seconded, is subject to debate and is then voted upon by members).

See example pages 31 and 32.

Alternatively, a variation is not subject to a vote by members. Rather, a person who has moved a motion may, with the consent of the person who seconded the motion, vary, alter or withdraw the motion if he/she is granted leave of the meeting to do so. Leave of the meeting is discussed in detail in Part 7.1 of this Handbook. In short, it means that the consensus of the meeting is obtained to follow a proposed course of action (i.e. to make the proposed variation to a motion). The consensus of the meeting may be obtained by a show of hands given upon request by the presiding member\textsuperscript{12}.

Pursuant to Regulation 8(4)(d) the minutes should record relevant details of a motion having been subject to variation or alteration. For example:

\begin{quote}
Moved Cr Green/Seconded Cr Brown

That the Committee refuse to consider any further applications for a permit to hold a wedding ceremony on the foreshore.

Councillor Green, with the consent of Councillor Brown, sought and was granted leave of the meeting to withdraw the motion.
\end{quote}

This means that where a motion or an amendment has been subject to a variation, the minutes should show not only the motion or amendment in its final (varied or altered) form but also to indicate that the motion or amendment is a variation of the original motion or amendment that was proposed (see example page 32).

\textsuperscript{10} Regulation 13

\textsuperscript{11} Regulation 14

\textsuperscript{12} Regulation 3(4)
3.4 **Resolutions and the Recording of Reasons**

It is recommended practice to incorporate the reasons as to why a decision has been made in the relevant resolution. For example, a meeting may resolve:

- “Having regard to XYZ arising from the public consultation process, the Council resolves to commence the process to introduce a Dogs By-law”; or
- “Based on the findings and recommendations contained in the experts report titled ‘ABC’ the Committee resolves that the building be demolished”.

In the above examples, the basis for each of the decisions arrived at by the meeting is evident in the respective resolutions.

The recording of reasons for decisions promotes transparency and accountability in Local Government decision making and applies equally to Council and Committee meetings. It assists in understanding why a decision has been made. Further, where there are robust reasons to justify a decision, this often avoids the decision being challenged. If reasons are not recorded it may indicate that there was insufficient consideration of the issues during the decision making process.

3.5 **Rescission Motions (revocation and amendment)**

Once a decision has been made, it can only be revoked or amended by way of a rescission motion. A rescission motion is a motion that must be given on notice by a Council Member (i.e. in writing, provided to the Chief Executive Officer at least 5 days before the meeting at which it is to be considered) or by the Chief Executive Officer submitting a report to the Council recommending the revocation or amendment of a resolution previously passed\(^{13}\). This only applies, however, in relation to motions carried since the last periodic election (i.e. after an election, where the ‘new’ Council proposes to revoke or amend a decision made by the ‘old’ Council, a rescission motion is not required by law).

During a meeting minute takers will be guided by the Chief Executive Officer or a person authorised by (a delegate of) the Chief Executive Officer as to whether a proposed motion is a rescission motion. Regardless, the way in which rescission motions are recorded in the minutes is the same as for any other motion (see examples page 33).

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\(^{13}\) Regulation 21
3.6 Divisions

Where the meeting has made a decision in relation to a motion, any member of the meeting may immediately call for a division\(^4\). The purpose of a division is to facilitate the recording of those who voted for and against a particular motion in the minutes. Often, a division may be called in relation to particularly contentious matters to demonstrate how certain members voted in relation to such matters. Divisions cannot be called in relation to an amendment but Regulation 3(4) recognises that a division may be called in relation to the vote on whether leave of the meeting is granted.

If a member requests a division, the previous decision is set aside. Members voting in favour of the motion are required to stand and those voting against the motion remain seated. The presiding member is required to count the number of votes for and against and declare the outcome (i.e. whether the motion was lost or carried).

Where a division has been called for, the minutes must record the names of members who voted in favour of the motion, the names of members who voted against the motion and the result of the vote. The following is an example of the way in which a division should be recorded in the minutes (see further example page 33):

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Moved Cr Blue/Seconded Cr Red
That the Council provide a grant to the Seaside Tennis Club in the amount of $2,000, to assist the Club in re-sealing the tennis courts.
Carried
Councillor Green called for a division:
The Presiding Member declared the vote set aside
Members voting in the affirmative: Councillors Blue, Red, Yellow, Orange and White
Members voting in the negative: Councillors Black, Green, Purple and Grey
The Presiding Member declared the motion Carried
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\(^4\) Regulation 17
4. THE MINUTES – FORM AND CONTENT

4.1 Form

The form of minutes is a matter of discretion for each Council. In the interests of ensuring minutes are well presented and easy to read, the following constitute guidelines and best practice recommendations regarding the style and format of minutes:

- the Regulations require every page of the minutes to be consecutively numbered;
- the order of the items in the minutes should reflect and be numbered the same way as the corresponding items in the agenda for the meeting;
- adopt a system for numbering each motion to assist in easily referencing decisions of the meeting. The numbering system can incorporate a reference to the type of meeting, the meeting number and the motion number. For example motion number ‘OM314’ refers to the 14th motion moved at the third ordinary meeting of the Council. All motions can be assigned a number, including a motion that is lost or lapses;
- the original hardcopy version of the minutes of meetings must be collated and bound into a hard-copy minute book and securely stored (i.e. in fire rated storage) in accordance with the Council’s record keeping practices and to ensure compliance with the requirements under the State Records Act 1997 and General Disposal Schedule 20 that applies in relation to Local Government;
- the past tense should be used when recording what happened at a meeting;
- clear headings should be used to separate business items. A Council may include a brief description of the item under the heading if considered appropriate; and
- where applicable, the title of the minutes should identify whether the minutes relate to an ordinary or special meeting. The date of the meeting should also be included in the title.

4.2 Content

The content of the minutes should be presented in a manner that mirrors the agenda for the corresponding meeting (i.e. the order of business items should be the same in both the agenda and the minutes).

The best practice order of business and comments in relation to the way in which each of the business items should be recorded in the minutes follows the chronology of the Regulations. This is consistent with the approach by the majority of Councils in the State.
Order of Business

Opening

There are no legislative requirements in relation to the procedure to open a Local Government meeting. Accordingly the procedure for and content of the opening is at the discretion of the meeting.

The Presiding Member will open the meeting. Some Councils open their meetings with a prayer or similar. It is sufficient to record in the minutes the fact that the Presiding Member opened the meeting and the time at which the meeting commenced.

Attendances

The minutes must include details of all members who are present at the meeting.

This is achieved by listing the names of members who are present at the meeting.

Whilst the law does not require any more detail to be included than the names of members present at a meeting, it is recommended that the names of those members who have given an apology for the meeting, who are on a leave of absence or absent from the meeting should also be recorded.

The members of staff in attendance and the names of any other persons (such as consultants) who may have been invited to attend the meeting can also be included in the minutes.

Confirmation of the Minutes of the Previous Meeting

This is the resolution that confirms the minutes of the previous meeting.

Any member of the meeting may move, second and/or vote in relation to a motion to confirm the minutes of the previous meeting, even if that member was not present at the previous meeting.

Where a mistake in the minutes is noted such as a typographical or grammatical error or there is concern that they do not reflect the order of business, it must be brought to the attention of the presiding member. If the minutes are incorrect, a resolution of the meeting, which specifies the required changes is required to correct them. A correction can be recorded by ruling a line through the incorrect words, writing the correction above the lines and having the change initialled by the Presiding Member. The correction should also be cross-referenced to the minute of the resolution authorising the change.

Importantly, a decision made at the previous meeting cannot be changed when the minutes are confirmed and debate in relation to any previous decision is not permitted. Any decision to change a resolution of the meeting must be made by way of a motion on notice given five clear days before the meeting or by a recommendation made in a report from the Chief Executive Officer (i.e. a rescission motion).
Deputations
A member of the public may be given permission by the Presiding Member or by way of a resolution of the meeting, to make a deputation at a meeting\textsuperscript{15}. Where this occurs, it is recommended that details of the person making the deputation and a brief summary of the content of the deputation be recorded in the minutes (see example page 40). Any decisions of the meeting arising from the deputation (which may result from a member moving a motion without notice) should also be recorded. The timing of a deputation will be determined having regard to the substance of the deputation.

If there is no deputation to be heard by the meeting it is sufficient to record ‘nil’ in the minutes under this business item.

Adjourned Business
Any business that has been adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting\textsuperscript{16}.

The minutes should indicate the meeting from which the matter was adjourned and record the decision made in relation to the matter. For example:

\begin{quote}
The Council considered item 10.2 in relation to the Waste Services Contract, which was adjourned from the meeting of 7 March 2014.
\end{quote}

\textbf{Moved Cr White/Seconded Cr Black}
That the Council seek expressions of interest for the Waste Services Contract in accordance with the Council’s Contract and Tenders Policy, and that the Chief Executive Officer report the outcome of the expression of interest process to the Council.

\textbf{Carried}

Reports by Members
Council Members may report to the meeting in relation to certain activities undertaken by the members since the last meeting. There is no legal requirement to do so.

For example, Principal Members often report to the Council about the events they have attended or any noteworthy meetings they have had and the related outcomes.

Alternatively, some members may choose to distribute a hardcopy report to members for their information. Where this occurs, the members may resolve to receive and note the report, and this must be reflected in the minutes.

If there are no member reports to be considered at the meeting it is sufficient to record ‘nil’ under this item of business.

\textsuperscript{15} Regulation 11
\textsuperscript{16} Regulation 19(3)
Petitions
Where a meeting receives a petition, details of the petition, its purpose and the number of signatories may be recorded in the minutes (see example page 40).

If there is no petition to be considered at the meeting it is sufficient to record ‘nil’ under this item of business.

Questions with Notice
A member of the meeting may ask a question on notice by giving the Chief Executive Officer written notice of the question at least five clear days before the date of the meeting at which the question is to be asked17.

If notice of a question is given, the minutes must record both the question and the reply (see example page 40).

Questions without Notice
Members may ask a question without notice at any time during a meeting18. A question without notice and its reply is not required to be recorded in the minutes unless the members resolve that this should occur (i.e. where such resolution has been made, the minutes must record the resolution as well as the question and answer).

Council/Committee Business
The meeting will consider reports prepared by Council officers in relation to the matters that require a decision of the meeting. Reports from officers provide information to the meeting and advice (including recommendations) to assist in decision-making. Each report item should be listed and numbered consecutively for ease of reference.

It is good practice for the meeting to resolve to receive and note each of the officers’ reports that it considers as evidence of the meeting having been informed by the reports. The reports ultimately form the basis of decisions made by the meeting in relation to the matters that are the subject of them.

Notice of Motion
A member may bring forward business for the Council’s consideration by way of a motion on notice. The notice of motion must be given to the Chief Executive Officer at least five clear days before the date of the meeting at which the motion is to be moved19.

Notices of motion must be recorded in the minutes the same way as any other motion (see example page 44).

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17 Regulation 9(1) and definition of clear days at Regulation 3
18 Regulation 9(3)
19 Regulation 12(2) and definition of clear days at Regulation 3
Committee Reports

In circumstances where Councils have established Committees, the Council will review and note the minutes of the relevant Committee meetings to ensure it remains informed of the Committees’ activities.

Unless a Committee has specific delegated authority it is not authorised to make decisions on behalf of the Council. In this case, the Committee serves an advisory role and its decisions constitute recommendations to the Council. The Council is then required to consider the decisions of the Committee and make its own determinations as it sees fit.

Specifically, a resolution is required for each recommendation of the Committee as contained in the minutes of the Committee meeting (i.e. the recommendations become the motions to be moved, seconded and voted upon by the Council and each motion will be individually numbered). Of course, there is scope for such motions to be amended and or varied in the decision making process.

Alternatively, where the Council agrees with the decisions made by a Committee, it may resolve to adopt the appropriate Committee recommendations en bloc, which means only a single resolution is necessary and is recorded in the minutes. If the Council’s Code of Practice for Meeting Procedures or relevant policy reflects this practice then it is recommended the minutes contain the following features:

• The heading “Recommendations adopted en bloc” which reflects a discrete agenda item;
• The minutes record the actual motion to pass the recommendation en bloc;
• One mover and seconder recorded once in the minutes;
• The minutes detail the recommendations adopted en bloc (along with separate numbers for each reference).

Urgent Business

Any urgent business should be isolated to any pressing matter that has arisen since the compilation of the agenda which cannot wait until the next meeting.

A reference to any urgent business considered should be recorded in the minutes as well as any decisions made in relation to it. If there is no urgent business it is sufficient to write ‘nil’ in the minutes.

Close of Meeting

Whilst there is no legal obligation to do so, it is recommended that the time that the meeting concluded be recorded in the minutes.
5. CONFLICT OF INTEREST DECLARATIONS

The Act requires members to make a disclosure when they have a prescribed interest in relation to a matter arising for decision before a Council or Committee. Specifically, section 73 of the Act sets out what constitutes a prescribed interest. When an affected person considers that he/she has a prescribed interest in relation to a matter arising for decision by the meeting, he/she must disclose the interest and provide full and accurate details of it. The disclosure must be made by the affected person as soon as the matter arises for consideration. Once the disclosure has been made, the affected person must leave the meeting for as long as the matter is considered and is not able to take part in any discussion regarding the matter, unless the law permits them to remain.

The disclosure, including details of the relevant interest and the time at which the person left the meeting must be recorded in the minutes. Details of the disclosure should be recorded directly above the item heading or immediately after the item heading (and before any motion is moved) to evidence that the interest was declared before the matter was considered by the meeting (see example page 41).

Where a member who declares an interest is required to leave the meeting, the minutes must also record the time the member left the meeting and the time that he/she re-entered (see example page 42).

6. CONFIDENTIALITY (SECTIONS 90 & 91) ORDERS

The starting point is that Local Government meetings are open to the public. However, both a Council and a Committee may make an order that the public be excluded from attendance at a meeting during such time as the meeting considers it appropriate and necessary to close the meeting to receive, discuss or consider certain information in confidence. Orders may also be made by a meeting to maintain any documents or information considered in confidence by a meeting as confidential.

It is recognised practice for meetings to consider confidential items at the end of the meeting, where they are then addressed as a separate business item under the agenda heading ‘confidential business’. The advantage of doing so means that if members of the public are present at the meeting, they may remain for majority of the meeting until such time as the confidential items arise for the meeting’s consideration.
6.1 Orders to Exclude the Public (Sections 90(2) and (3))

Section 90(3) of the Act sets out the grounds when a Council or Committee may resolve to go into confidence. If a meeting makes an order to go into confidence, details of the order must be recorded in the minutes, including the grounds relied upon by the meeting to go into confidence and the reasons why such grounds apply. The confidentiality order must include reference to the names of any person who is authorised by the meeting to remain in the meeting (see example page 45).

6.2 Orders to Maintain Certain Information as Confidential

Where the meeting has resolved to consider a matter in confidence, it also has power to order that any documents considered by it in confidence as well as the associated minutes detailing any decisions made in relation to the matter, remain confidential. This requires an order under section 91(7) of the Act. Whenever the meeting chooses to make such a confidentiality order, the order must also be recorded in the minutes and specify exactly what documents are to be maintained as confidential and the duration of the order.

Where an order has been made under section 91(7) of the Act to maintain the confidentiality of the minutes relating to a particular matter, two sets of minutes are required to be prepared. One is the public version which will detail the relevant confidentiality orders. The other is the confidential version being the resolutions made in relation to the matter. When a confidentiality order expires or is otherwise revoked, the related public minutes (including those on Council’s website) are required to be updated to include any resolutions made in relation to the matter (since upon expiry or revocation of the confidentiality order they are no longer confidential) (see example page 46).

6.3 Model Confidentiality Orders

The Local Government Association has prepared model confidentiality orders that are available on its website and may be adapted and used by minute takers. The model confidentiality orders are contained within the Confidentiality Guidelines at www.lga.sa.gov.au/site/page.cfm?u=204.
7. RECORDING OTHER PROCEDURAL MATTERS IN THE MINUTES

7.1 Leave of the Meeting

The Regulations outline circumstances where leave of the meeting is required (for example, leave is required for a short term suspension of meeting procedures and for a member to make a personal explanation). To obtain leave of the meeting, the Presiding Member asks the meeting ‘is leave granted?’. If the majority of members indicate the affirmative (by a show of hands), leave is granted.

Where leave of the meeting is granted this should be recorded in the minutes. For example:

Councillor Brown sought and was granted leave of the meeting to make a personal explanation.

Alternatively, it is possible for leave of the meeting to be granted by way of a formal resolution of the meeting.

7.2 Personal Explanations

If a member wishes to make a personal explanation during a meeting he/she can only do so with leave of the meeting.

The fact a member has sought and been granted leave to make a personal explanation should be recorded in the minutes. The minutes must also include a brief summary of the content of the explanation. The minutes should also record if leave is requested, but not granted.

Alternatively, the meeting may resolve that the personal explanation be included word for word in the minutes. If this occurs, the member who has made the personal explanation should provide their written version of it (if available) to the minute taker to ensure it is recorded accurately.

7.3 Short Term Suspension of Proceedings

Where a meeting is required to observe the formal procedures under Part 2 of the Regulations, the Presiding Member may consider that the meeting would benefit from a short term suspension of these procedures, to allow for more relaxed and informal discussion between members. If this is the case, the Presiding Member may, with the consent of at least two-thirds of the members present at the meeting, suspend the operation of Part 2 for a specified period.

20 Regulation 15(3)
The minutes must record any decision by the Presiding Member to suspend the operation of Part 2 and include a reference to the period for which the suspension is in operation and the reasons for it. The minutes should also reflect that the consensus of two-thirds of the meeting was obtained. For example:

The Mayor, with approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013, for a period sufficient to facilitate informal discussion in relation to the 2014/2015 draft Budget Report and will resume at the discretion of the Mayor.

7.4 Procedures to Address the Conduct of Members

Points of Order

Currently there is no legal requirement to minute such conduct at a Council meeting - the Local Government (Meeting Procedures) Regulations 2013 are silent. In this instance Councils may undertake to record points of order at their own discretion.

Examples of the manner in which to record a point of order are:

The Mayor called to order Councillor Green for seeking to move a formal motion that the question be put when he had already spoken in relation to the motion and ruled that Councillor Green acted in breach of Regulation 12(12).

Councillor Red raised a point of order in relation to Councillor Black on the basis that Councillor Black had exceeded the 5 minute speaking time allowed by Regulation 15(1).

The Mayor ruled that Councillor Black was in breach of Regulation 15(1).

The Mayor raised a point of order in relation to Councillor Orange and ruled that her contribution was not relevant to the subject matter of the debate and therefore was contrary to Regulation 15(5).

Moved Cr White/Seconded Cr Yellow.

That the ruling on the point of order by the Mayor in relation to Councillor Orange’s contribution to the debate is not agreed with.

The Mayor made a statement in support of his ruling pursuant to Regulation 28(6) of the Local Government (Procedures at Meetings) Regulations 2013.

The motion was then put and carried.

The ruling by the Mayor is of no effect and the point of order is annulled.
7.5 Improper Conduct and Interruptions

If the Presiding Member considers that a member has behaved contrary to Regulation 29(1) of the Regulations (i.e. behaved in an improper or disorderly manner or interrupted the meeting or another member who is speaking), the member must be allowed to make a personal explanation. The member is then required to leave the meeting and the meeting must consider whether the member has acted in such a manner. If the meeting resolves that the member did act contrary to regulation 29(1) it may, by resolution, censure the member or suspend the member for a part or the remainder of the meeting.

The minutes must record:
• any personal explanation made by a member in response to a claim by the Presiding Member that he/she has acted improperly, disorderly or interrupted the meeting or another member. This is recorded as an account of the explanation unless the Council resolve for more information to be included; and
• the fact and time the member left the meeting; and
• details of the outcome as resolved by the meeting and return of the member to the meeting if relevant.

7.6 Formal Motions

Formal motions are procedural in nature and may be moved by a member during the course of debate on a particular matter. If carried, a formal motion will either terminate or suspend the debate or adjourn the meeting.

The Regulations make provision for five formal motions as follows:

a) that the meeting proceed to the next business – if carried, debate immediately ceases in relation to the matter and the meeting moves to the next agenda item;

b) that the question be put – if carried, debate is terminated and the Presiding Member is required to put the question to a vote;

c) that the question lie on the table – if carried, the meeting immediately moves to the next item of business and the question can be retrieved at any point in the future by resolution of the meeting;

d) that the question be adjourned – if carried, the question stands adjourned to a specified time;

e) that the meeting be adjourned – if carried, the meeting is immediately brought to a close to be resumed at a later specified time.

The minutes must record all formal motions and their outcomes. Formal motions are recorded in the exact same manner as all other motions.

With respect to the formal motions to adjourn the question for decision (either an amendment or a motion) or to adjourn the meeting, the reasons for adjournment and the details of resumption (i.e. the time when consideration of the question or the meeting will resume) must be included in the minutes.

21 Regulation 12(12)
8. RECORDING COUNCIL MEETINGS TO ASSIST THE MINUTE TAKER

Some Councils make audio recordings of Council meetings to assist the minute taker in ensuring the accuracy of the minutes.

There is no obligation, legal or otherwise, to record (in the form of an audio recording) the proceedings at Council or Committee meetings. Since the minutes are intended to be a brief formal record of the outcomes of the meeting and the Council is not required to keep a transcript of proceedings at meetings, the recording of Council meetings is not necessary.

Any perceived need to record a meeting can be overcome by projecting the agenda on a screen for all members (and everyone present) to see what the minute taker is typing and to also read what is being voted upon. The accuracy of the minutes can be maintained by this process.

If, however, a Council chooses to record its meetings, such recordings become ‘official records’ for the purposes of the State Records Act 1997 and must, therefore, be dealt with and retained in accordance with the Council’s obligations under that Act. General Disposal Schedule 20 enables Councils to destroy any facilitative records related to the transcription of meetings once the minutes have been confirmed. Further, Councils that record meetings should be aware that the recordings may be subject to a demand for access by:

- a member of the public asserting that they have a right to access it since Council meetings are public;
- a Council Member exercising their rights under Section 61 of the Local Government Act 1999; or
- any person pursuant to a Freedom of Information request.

Such requests for access can be complicated where confidential Council information is contained in the recording.

The Council’s obligations to comply with the State Records Act 1997 are easily overcome if recordings are not made.
9. QUICK REFERENCE

This section provides a quick reference to examples only.

Motions

9.1 Recording moving/seconding motions
Moved Cr Black/Seconded Cr Green
That the Council make a donation of $500 to the Queen Victoria Hospital Burns Unit.
Carried

9.2 Lapsed motions
Moved Cr Blue
That the Council adjourn the meeting to 7pm, Wednesday 5 March 2014.
The motion lapsed for want of a seconder.

9.3 Motions carried unanimously
Moved Cr Yellow/Seconded Cr Orange
That the Memorial Hall on Gilbert Street be painted White.
Carried Unanimously

9.4 Absolute Majority
Moved Cr Purple/Seconded Cr White
In the exercise of its powers contained in Section 246 of the Local Government Act 1999, having satisfied the consultation requirements of that Act and, after having had regard to the National Competition Policy Report, the Certificates of Validity provided by a legal practitioner and the comments from the Dog and Cat Management Board, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes ‘By-law No 5. Dogs’ as attached.
Carried
(8 votes in favour, 1 against)

9.5 Amendments to motions

9.3 Surf Life Saving SA Aquatic Access, Risk Management Report
Moved Cr Grey/Seconded Cr Purple That:
1. the Surf Life Saving SA Aquatic Access, Risk Management Report be received and noted; and
2. that Council note that a further report will be presented to the meeting in August 2014 detailing a proposal for the installation of appropriate signage along the coast addressing regulatory requirements, aquatic risk and safety
Matters.

**AMENDMENT** – moved Cr Black/ Seconded Cr Blue

That the following be included:

1. Council write to the State Government and the Coast Protection Board requesting funding contributions to the installation of signage along the coast.

Carried

**Motion OM18 AS AMENDED:**

That:

1. the Surf Life Saving SA Aquatic Access, Risk Management Report be received and noted; and

2. Council note that a further report will be presented to the meeting in June 2012 detailing a proposal for the installation of appropriate signage along the coast addressing regulatory requirements, aquatic risk and safety matters; and

3. Council write to the State Government and the Coast Protection Board requesting funding contributions to the installation of signage along the coast.

Carried

**Variations to motions**

**9.4 Amendment to Treasury Policy**

Moved Cr Purple /Seconded Cr Black

That:

1. the Officer’s Report entitled ‘Legislative Updates Impacting Upon the Treasury Policy’ be received and noted;

2. the Treasury Policy be amended as per the recommendations numbers 1-3 contained in the Officer’s Report; and

3. the Treasury Policy be reviewed in 6 months time.

Councillor Purple, with the consent of Councillor Black, sought and was granted leave of the meeting to vary the motion as follows:

That (as varied):

1. the Officer’s Report entitled ‘Legislative Updates Impacting Upon the Treasury Policy’ be received and noted;

2. the Treasury Policy be amended as per the recommendations numbers 1-3 contained in the Officer’s Report; and

3. the Treasury Policy be reviewed in 12 months time.

Carried
9.7 Resolutions and Recording of Reasons

“Having regard to XYZ arising from the public consultation process, the Council resolves to commence the process to introduce a Dogs By-law”; or

“Based on the findings and recommendations contained in the experts report titled ‘ABC’ the Committee resolves that the building be demolished”.

9.8 Rescission Motions

Councillor Green gave notice of the following motion

Moved Cr Green/Seconded Cr Blue

That, the decision OM525 made at the Ordinary Council meeting on 9 December 2011 to sell Council land located at 2 Prime Place be revoked.

Carried

9.9 Divisions

That:

1. the Officer’s report entitled ‘Application for Discretionary Rate Rebate by Florey Emergency Medical General Practice Centre’ be received and noted;

2. that, pursuant to section 166(1)(f) of the Local Government Act 1999, having regard to the factors set out under section 166(1a) of the Act and the Council’s Discretionary Rebates Policy, the Council resolves to grant a rebate of rates in the amount of 25% in respect of the land constituting the Florey Emergency Medical General Practice Centre; and

3. the rebate is effective from 1 February 2014 to 30 June 2015.

Carried

Councillor Black called for a division:

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Green, Grey, Orange and Purple

Members voting in the negative: Councillors Black, Yellow and Blue

The Mayor declared the motion CARRIED
10. **FREQUENTLY ASKED QUESTIONS**

Is the Council required to confirm the minutes of meetings of a Council Committee?

No. Minutes of Council Committee meetings are required to be confirmed by the Committee. Committee minutes can be adopted by a Council before they are confirmed by the Committee. If the Council chooses to depart from resolutions of the Committee (i.e. to make a different decision to that recommended by the Committee) it may do so. In this case, the relevant resolution forms part of the minutes of the Council meeting not the Committee meeting.

How are personal explanations recorded in the minutes?

Where a member seeks and is granted leave to make a personal explanation this must be recorded in the minutes. Further, pursuant to Regulation 8(4)(g) of the Regulations, an account of the content of any personal explanation is required to be recorded in the minutes. The meeting may otherwise resolve that the personal explanation in its entirety be included in the minutes. Refer to section 7.2 of this Handbook for additional details of how a personal explanation is recorded.

It is recommended that any member who prepares a written version of their personal explanation provides it to the minute taker to ensure it is accurately recorded.

What are some practical tips to increase the accuracy of the minutes kept?

It is helpful for proposed motions on notice (including rescission motions) to be provided to the minute taker where possible prior to commencement of the meeting. It is also recommended that the minutes of the meeting be typed during the meeting and for the electronic minutes to be displayed on a screen for all members to see. Where this occurs members can easily identify any inaccuracies and bring them to the minute taker’s attention so they may be promptly addressed.

Is the Chief Executive Officer required to sign minutes of Local Government meetings?

No. Only the Presiding Member of the meeting is required to sign the minutes. In this regard, the Regulations require the Presiding Member to initial each page of the minutes, and to place his or her signature and the date of confirmation at the foot of the last page of the minutes.
Are variations to motions required to be recorded in the minutes?
Yes. A variation is a process recognised in the Regulations to vary, alter or withdraw a motion or amendment. Specifically, the mover of the motion may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment. This process does not require a resolution of the meeting to take effect. The fact that a proposed motion or amendment has been subject to a variation to alter or vary its wording or that it (or parts of it) be withdrawn must be recorded in the minutes to comply with the requirements of the Regulations and to demonstrate how the Council reached its final decision. Refer to section 3.3 of this Handbook for further information in relation to variations.

Can members of the public access Local Government minutes?
Yes. Pursuant to the Act, copies of the minutes of Local Government meetings are public and must be available for inspection at the Council’s offices and displayed on the Council’s website. However, if a meeting resolves to consider a matter in confidence and to keep the minutes in relation that matter confidential, the relevant resolutions should not be publicly available, except those resolutions made under sections 90 and 91(7) of the Act.

What happens if there is an error in the minutes when they are placed before the meeting for confirmation?
If there is an error in the minutes this may be amended by way of resolution of the meeting. The error should be corrected by writing the correction on the hardcopy of the minutes. The correction should be signed by the presiding member.

Can a Council Member require certain information to be included in the minutes?
No. A member cannot unilaterally determine what information is to be included in the minutes. Therefore, if a member asks the minute taker to include certain information in the minutes the minute taker should refuse to do so, unless it is a legal obligation (refer to section 2.2.1 and Part 3 of this Handbook). The meeting may, however, resolve to include certain information in the minutes.
If somebody makes a deputation at a meeting is the content of the deputation required to be included in the minutes?

No. If a deputation is made at a meeting it is sufficient to record in the minutes the details of the person who made the deputation and a brief description of the subject matter of the deputation.

What is recorded in the minutes when the Council undertakes a secret ballot?

The information recorded in the minutes depends upon the process adopted by the Council:
- if the Council suspends the operation of the meeting procedures under Regulation 20(1) to allow the ballot to take place the minutes will record any decision to suspend operation of part 2 of the Regulations (see section 7.3 of this Handbook);
- the minutes can then record when the suspension of Part 2 of the Regulations has ended or when the formal meeting has resumed, if adjourned;
- if the Council adjourns the meeting to allow the ballot to take place the minutes will record the motion that the meeting is adjourned and will specify when the meeting is to resume;
- the motion, mover and seconder and that the motion is carried confirming selection of the relevant person must also be recorded in the minutes.

What happens to the confirmation of minutes relating to the last Committee meeting if a Council Committee ceases to exist or if the membership of the Committee changes?

If the Committee is abolished then there is no Committee in existence that is able to confirm the minutes of the previous meeting. This means the minutes remain unconfirmed.

If the membership of the Committee changes during the term of Council or changes as a result of a new term of Council, the minutes of the previous meeting are still confirmed at the subsequent Committee meeting.
MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD ON 11 MARCH 2014 AT 7PM

1. ATTENDANCES

PRESENT:   His Worship the Mayor A. Brown
Deputy Mayor, Councillor B. Blue
Councillors C. Green, D Orange, R. Yellow, T. Black,
W. Purple and F. Grey

IN ATTENDANCE:  Chief Executive Officer, G. Lewis
Director Environmental Services, C. Miller
Director Community Development, S. Stevens
Director Corporate Services, A. Black
Manager Governance, P. Stuart
Executive Assistant to the Chief Executive Officer, L. Bold

APOLOGIES:  Councillor J. White

LEAVE OF ABSENCE:  Councillor D. Red

2. COMMENCEMENT

The meeting commenced at 7:00pm.

3. CONFIRMATION OF MINUTES

Moved Cr Grey/Seconded Cr Black
OM11  That the minutes of the Ordinary Council meeting held on 8 December 2011 be taken as read and confirmed.

Carried
4. DEPUTATIONS
Ms Erica Glade gave a 5 minute deputation on the proposed improvements to the community centre.
Mayor Brown thanked Ms Glade for her presentation
Moved Cr Purple/Seconded Cr Grey
OM12 That the Council commend Ms Erica Glade for her proposal to improve the community centre and that during the preparation of the Council budget for 2014/2015, consideration be given to the allocation of funds for construction of an extension to the community centre.
Carried
7:34pm Councillor Black left the meeting

5. ADJOURNED DEBATE
Nil
7:36pm Councillor Black re-entered the meeting

6. MEMBER REPORTS
Moved Cr Purple/Seconded Cr Green
OM13 That the Mayor’s report titled ‘Mayor’s Report March 1 – March 31’ be received and noted
Carried Unanimously

7. PETITIONS
A petition comprising 200 signatures was received urging the Council not to proceed with the revocation of community land status of Rose Gardens.

8. QUESTIONS WITH NOTICE
Councillor Purple gave notice of his intention to ask the following questions:
1. What is the total number of residents in the Coast Ward?
2. Of those residents, how many are pensioner ratepayers?
Answers:
1. The total number or residential ratepayers in the Coast Ward is 6,577.
2. The number of pensioner ratepayers in the Coast Ward is approximately 1,147.

9. COUNCIL BUSINESS
9.1 Fees and Charges – Hiring of Town Hall
Moved Cr Green/Seconded Cr Purple
That, pursuant to section 188 of the Local Government Act 1999, the Council adopt the Fees and Charges in relation to the hiring of the Town Hall as set out on page 3 of the Officer’s Report titled ‘Town Hall - Fees and Charges Review’, and that the Council’s schedule of fees and charges be amended accordingly.

Carried

Councillor Grey declared a conflict of interest in relation to agenda item 9.2 ‘Code of Conduct Investigation’ because it relates to the investigation of a code of conduct complaint against her.

Councillor Grey left the Chamber at 8:05pm

9.2 Code of Conduct Investigation into Complaint against Councillor Grey

Moved Cr Blue/Seconded Cr Black

OM15 That pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all persons, except the Chief Executive Officer, Manager Governance and the Executive Assistant to the Chief Executive Officer, be excluded from attendance at the meeting for Agenda Item 9.2 relating to the Code of Conduct Investigation into the Complaint against Councillor Grey.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person, being Councillor Grey, because the matter relates to an investigation into a code of conduct complaint against her.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this agenda item in confidence.

Carried

Moved Cr Black/Seconded Cr Blue

OM16 The Council, having regard to the Report prepared by the Local Government Governance Panel:

• resolves to accept the findings contained in the Report that Councillor Grey has acted in breach of the Code of Conduct; and
• expresses its disappointment in the conduct displayed by Councillor Grey that gave rise to the complaint against her; and
• resolves that the Mayor request that Councillor Grey provides a written apology to the complainant.

Moved Cr Purple/Seconded Cr Black

OM17 That the motion be put.

Carried

Motion OM16 was immediately put and CARRIED.

8:36pm Councillor Grey re-entered the meeting.
9.3 Surf Life Saving SA Aquatic Access, Risk Management Report

Moved Cr Grey/Seconded Cr Purple

OM18 That:

- the Surf Life Saving SA Aquatic Access, Risk Management Report be received and noted; and
- Council note that a further report will be presented to the meeting in August 2014 detailing a proposal for the installation of appropriate signage along the coast addressing regulatory requirements, aquatic risk and safety matters.

AMENDMENT – moved Cr Black/ Seconded Cr Blue

OM19 That the following be included:

- Council write to the State Government and the Coast Protection Board requesting funding contributions to the installation of signage along the coast.

Carried

Motion OM18 AS AMENDED:

OM18 That

- the Surf Life Saving SA Aquatic Access, Risk Management Report be received and noted; and
- Council note that a further report will be presented to the meeting in December 2013 detailing a proposal for the installation of appropriate signage along the coast addressing regulatory requirements, aquatic risk and safety matters; and
- Council write to the State Government and the Coast Protection Board requesting funding contributions to the installation of signage along the coast.

Carried

9.4 Amendment to Treasury Policy

Moved Cr Purple/Seconded Cr Black

OM110 That

- the Officer’s Report entitled ‘Legislative Updates Impacting Upon the Treasury Policy’ be received and noted;
- the Treasury Policy be amended as per the recommendations numbers 1-3 contained in the Officer’s Report; and
- the Treasury Policy be reviewed in 6 months time.

Councillor Purple, with the consent of Councillor Black, sought and was granted leave of the meeting to vary motion OM110 as follows:

OM110 (as varied) That

- the Officer’s Report entitled ‘Legislative Updates Impacting Upon the Treasury Policy’ be received and noted;
- the Treasury Policy be amended as per the recommendations numbers 1-3 contained in the Officer’s Report; and
- the Treasury Policy be reviewed in 12 months time.

Carried
9.5 Application for Discretionary Rate Rebate by Florey Emergency Medical General Practice Centre

Moved Cr Black / Seconded Cr Yellow

OM111 That

- the Officer’s report entitled Application for Discretionary Rate Rebate by Florey Emergency Medical General Practice Centre be received and noted;
- that, pursuant to section 166(1)(f) of the Local Government Act 1999, having regard to the factors set out under section 166(1a) of the Act and the Council’s Discretionary Rebates Policy, the Council resolves to grant the Florey Emergency Medical General Practice Centre a rebate of rates in the amount of 50%; and
- the rebate is effective from 1 February 2014 to 30 June 2015.

AMENDMENT - Moved Cr Green / Seconded Cr Grey

That the rebate be changed from 50% to 25%.

The Mayor raised a point of order in relation to Councillor Yellow for the use of inappropriate language contrary to the Council’s Code of Conduct for Elected Members and ruled that Councillor Yellow acted in breach of the Act.

Moved Cr White / Seconded Cr Yellow

OM112 That the ruling on the point of order by the Mayor in relation to Councillor Yellow having breached the Act or Regulations is not agreed with.

The Mayor made a statement in support of his ruling pursuant to Regulation 28(6) of the Local Government (Procedures at Meetings) Regulations 2013.

The motion was then put and carried.

The ruling by the Mayor is of no effect and the point of order is annulled.

CARRIED

Motion OM111 AS AMENDED:

OM111 That:

- the Officer’s report entitled ‘Application for Discretionary Rate Rebate by Florey Emergency Medical General Practice Centre’ be received and noted;
- that, pursuant to section 166(1)(f) of the Local Government Act 1999, having regard to the factors set out under section 166(1a) of the Act and the Council’s Discretionary Rebates Policy, the Council resolves to grant a rebate of rates in the amount of 25% in respect of the land constituting the Florey Emergency Medical General Practice Centre; and
- the rebate is effective from 1 February 2014 to 30 June 2015.

Carried

Councillor Black called for a division:
The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Green, Grey, Orange and Purple

Members voting in the negative: Councillors Black, Yellow and Blue

The Mayor declare Motion OM111 CARRIED

10. NOTICE OF MOTION

10.1 Councillor Blue gave notice of the following motion

Moved Cr Blue/Seconded Cr Purple

OM113 That the Council write to the Chief Officer of the MFS to thank the crews that responded to the recent bush fire in the Florey Conservation Park.

Carried

10.2 Councillor Purple gave notice of the following motion

Moved Cr Purple

OM114 That the Council install play equipment, including swings, a see-saw and a slippery-dip along the foreshore reserve 100 metres from the existing toilet blocks.

The motion lapsed for want of a seconder.

10.3 Councillor Green gave notice of the following motion

Moved Cr Green/Seconded Cr Blue

OM115 That, the decision OM525 made at the Ordinary Council meeting on 9 December 2012 to sell Council land located at 2 Prime Place be revoked.

Carried

10.4 Councillor Black gave notice of the following motion:

Moved CR Black/Seconded Cr Yellow

OM116 That the decision OM411 made at the Ordinary Council meeting on 14 November 2013 for Cr Purple to be the Deputy Mayor for the term of Council be amended to read that Cr Purple be the Deputy Mayor until 30 June 2014.

Carried

11. CONFIDENTIAL ITEMS
11.1 Lacey Street Depot Waste Management Contract

Moved Cr Blue/Seconded Cr Black

OM117 That pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all persons, except the Chief Executive Officer, and Joe Citizen, lawyer, Probiti Lawyers, be excluded from attendance at the meeting for Agenda Item 11.1 relating to the terms of the Lacey Street Depot waste management contract.

The Council is satisfied that, pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business, and the information would prejudice the commercial position of the Council. In addition, the disclosure of this information would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this agenda item in confidence because the disclosure of the Council’s commercial position may prejudice the Council’s ability to negotiate a cost-effective proposal for the benefit of the Council and the community.

Carried

OM118 CONFIDENTIAL
OM119 CONFIDENTIAL

Moved Cr Yellow/Seconded Cr Grey

OM120 That having considered Agenda Item 10.3 in confidence under section 90(2) and (3) (b) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Act orders that the documents considered by the Council, including the officer’s report and all minutes be retained in confidence until the contract has been entered into. This order is to be reviewed every 12 months if it continues in operation.

Carried

12. URGENT BUSINESS
Nil

13. CLOSE OF MEETING
The Mayor declared the meeting closed at 10:58pm.