

Governance

Council Meeting System

Objective

This policy establishes the requirements and standards for the Shire of Koorda (“**the Shire**”) Council Meetings and Committee Meetings which apply in accordance with Part 5 of the Local Government Act 1995 (“**the Act**”) and the Shire of Koorda Standing Orders Local Law 2018 (“**Standing Orders**”).

Policy

Standing Orders

The Shire of Koorda Standing Orders apply to Council meeting procedures and nothing in this policy overrides those Standing Orders.

Council Meetings

Meeting frequency and starting time

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996 the Chief Executive Officer is to present an Item to Council no later than December each year requesting Council confirm the dates for the Ordinary Council Meetings and Committee Meetings for the following year.

Council meetings will typically be held the third Wednesday of the month (excluding January where no meeting is typically held).

Council meetings normally commence at 5.00pm to afford an opportunity for most members of the public to attend after work, with November and December meetings normally commencing at 6.00pm to afford the opportunity for members to attend during the harvest period.

Any change to the meeting details must be published on the local government’s official website as soon as practicable after the change is made.

Dress Code for Council Meetings

As agreed by Council Members, the dress code for Elected Members attending Council Meetings, is business formal.

Recording of Council Meetings

Section 58 of the Local Government Amendment Act 2023 (the Amendment Act) inserts a new section 5.23A into the Local Government Act 1995 (the Act) covering electronic broadcasting (livestreaming) and video and audio recording of council meetings.

Section 5.23A(2) of the Act is a power that allows regulations to be made that may require, regulate, or otherwise make provision for any of the following matters:

- Electronic broadcasting of council meetings
- Making or retaining recordings of council meetings
- Making recordings of council meetings publicly available
- Provision, or otherwise making available, recordings of council meetings.

The requirements for livestreaming and recording of council meetings are aimed at increasing transparency and accountability in local government. This reform will also increase access to council meetings.

The Shire of Koorda is a Class 4 local government and is required to record Council Meetings.

Technology Requirements

Technical specifications for broadcasting and recording council meetings are not prescribed to allow local governments flexibility to use equipment that best meets their needs.

The minimum requirement is that recordings are of a standard that enable people to effectively listen to council meeting proceedings.

Electronic and Remote Attendance

Where a council member attends a council meeting remotely by electronic means, the minimum requirement is for an audio broadcast of that council member.

Recording Requirements

Regulation 14I of the Administration Regulations requires class 4 local governments to make and retain audio recordings of council meetings, at a minimum. In accordance with the *State Records Act 2000*, local governments should retain recordings of meetings for a period of 5 years.

Recordings of council meetings must be published on the local government's website or another external website with a link placed on the local government's website. The recording must be published within 14 days of the meeting taking place.

Meetings at Locations that are not the usual Meeting Place

If a meeting is held outside of the council's usual meeting place, the minimum requirement for all classes of local government is for an audio recording to be made.

If a local government regularly holds council meetings at different meeting locations where recording technology is not installed, appropriate portable recording technology should be utilised to ensure that meetings can be recorded with sufficient quality.

Portable recording technology can also be used for improvised recordings in the case of technological failure.

Recording Technology Failure

If technology failure prevents a council meeting (or part of a meeting) from being recorded, the meeting may still proceed if the local government does everything reasonably practicable to make an improvised recording of the meeting.

The quality of the improvised recording must be of a quality sufficient to effectively watch and listen to the deliberations of the council meeting.

If a council meeting is recorded by improvised recording, the local government must publish a notice on the local government's website stating the following:

- that it was not possible for a recording of the meeting or part of the meeting to be made by means of the local government's recording technology (with an explanation of why that was the case)
- that the improvised recording was made by means other than the local government's recording technology
- the means by which the improvised recording was made (for example, the technology used)
- any deficiencies in the improvised recording (with an explanation of the reasons for those deficiencies).

If a local government was unable to make an improvised recording, the local government must publish a notice on the local government's website stating the following:

- that it was not possible for a recording of the meeting or part of the meeting to be made by means of the local government's recording technology (with an explanation of why that was the case)
- that no improvised recording was made
- that it was not reasonably practicable for the local government to make any improvised recording (with an explanation of why that was the case).

Closed Proceedings (meetings behind closed doors)

Local governments must not publish recordings of closed proceedings of council meetings where confidential matters are deliberated by council (see section 5.23(2) of the Act).

As a minimum standard for all classes of local governments, audio recordings of closed proceedings of a council meeting are required under regulation 14I(2)(a)(ii) of the Administration Regulations.

Public Access and Notices

Regulation 14J of the Administration Regulations requires a local government to take reasonable steps to notify members of the public in attendance at a council meeting, that a recording of the meeting will be made.

The notice must be provided in advance of the meeting taking place. In practice, this may take the form of a sign or notice at the entrance to the council chamber. Presiding members may also wish to notify members of the public in their announcements at the beginning of a meeting.

In the case of recordings, members of the public need to be heard if they are participating in the meeting (for example, public question time).

Defamation

Section 9.57A of the Act provides local governments with protections from liability for defamation in relation to broadcasts of council meetings.

Regulation 14K of the Administration Regulations provides a defamation protection for local governments in relation to the recording requirements.

As a further practical safeguard, it is recommended that local governments do not provide the option for members of the public to provide comments in relation to recordings (for example, turning off comments in the settings options for the recording platform).

Public Question Time

As per Clause 5.7 of Standing Orders, other procedures for question time for the public are included below;

- (1) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.
- (2) Unless determined otherwise under the Regulations, the procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows—
 - (a) a member of the public who raises a question during question time is to state their name and address;
 - (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
 - (c) questions are to be answered by the Presiding Member or employee nominated by the Presiding Member;

- (d) questions may be taken on notice, at the determination of the Presiding Member, and the Presiding Member may determine that any complex question requiring research be answered only in writing;
 - (e) no discussion of a question or answer is to take place by Council unless the Presiding Member has given permission to do so; and
 - (f) when a question is taken on notice under subclause (d), a response is to be given to the member of the public in writing, and a copy is to be included in the agenda of the next meeting of the Council or Committee as the case requires.
- (3) The Presiding Member may reject any question that may be deemed offensive towards, or reflect adversely upon, the character of any member of the Council or employee of the local government.
 - (4) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes of the meeting.
 - (5) There is to be no public question time in meetings of Committees other than a Committee to which the Council has delegated a power or duty, or which is open to the public.
 - (6) A member of the public shall have two minutes to submit a question.
 - (7) The Council, by resolution, may agree to extend public question time.

Guests

The Shire President and Chief Executive Officer may approve guests to meet with Councillors after Council meetings and/or to join Councillors for supper. It is the responsibility of Councillors to advise the Chief Executive Officer and Shire President of those people who they wish to be invited from time to time.

Officers' Reports

In the interest of providing prompt decision-making, officer reports from any department may be presented at the next available meeting. It is critical that reports prepared by officers for Council contain adequate information on which the Council can make an informed decision.

Principles

Reports prepared by officers for Council's consideration are to:

- Be according to law;
- Take account of any State or Council Policy;
- Have regard to the current Strategic Community Plan and Corporate Business Plan, and any other relevant Shire strategic documents;
- Have regard to the Shire's Risk Management Framework;
- Be balanced and objective;
- Be technically correct;
- Be properly researched using relevant information and data;
- Ensure procedural fairness;
- Include options, consequences and associated impacts where appropriate; and
- Include expert opinion or advice where necessary.

Recommendations

Recommendations prepared by officers for Council's consideration are to:

- Be clear and unambiguous;
- Be implementable;
- Be professional and ethical;
- Not expose Council to unreasonable risk or liability;
- Have regard for the interests of the applicant/submitter as well as the wider community; and
- Include the administrative actions to enable implementation of Council's decision.

Alternate Motions or amendments to Officers' Recommendation

Councillors are required to provide the Chief Executive Officer written alternate motions or amendments to officers' recommendations they intend to move either prior to or at the meeting.

Councillors are encouraged to provide suggested alternatives to officer recommendations to the appropriate Author or CEO at least 24 hours in advance of the relevant Council meeting. This is to ensure that the terminology being proposed in the alternative recommendation is consistent and clear, as well as to ensure the legality of any proposed amendments.

A copy of the proposed amendment, with reasons, is to be circulated to all other Councillors, CEO and any other relevant staff.

Order of business

The order of business for Council meetings is prescribed in Clause 4.3 of Standing Orders.

CEO Matters - Meeting Attendance

When Council is considering matters regarding the Chief Executive Officers employment, contract, performance, or other matters in relation to the Chief Executive Officer, all staff and any visitors are to be requested to leave the meeting.

Late Reports

Late reports are generally discouraged as insufficient time is afforded to Councillors and the public to study the item and gauge community response.

The Chief Executive Officer may approve the inclusion of a late report if the matter is considered to be of an urgent nature and satisfactory notification to Councillors and broader consultation (if required) has been achieved.

New Business of an Urgent Nature

New business of an urgent nature is generally discouraged as it fails to provide Council Officers with any opportunity to research and report on the matter.

It also fails to allow adequate opportunity for Councillors to consult the community on the matter. Standing Orders Clause 4.12 provides guidance when it may be appropriate to introduce new business of an urgent nature.

Councillors are encouraged to submit in writing and advise staff of items of new business of an urgent nature they wish to introduce to the meeting, so that Councillors and staff receive notice of any such subject to be discussed.

Special Council Meetings

When required, a Special Meeting of Council may be called by President or by at least one third of the councillors. The CEO will convene the special meeting and arrange public notice if the meeting is to be open to the public. A special meeting requires that:

- Public notice be given and it must specify the purpose of the meeting; and
- It must only deal with the item of business as set out in the notice of the meeting.

Although special meetings of council are to be open to members of the public, if in the opinion of the CEO it is not practicable to advertise the details of the meeting in the newspaper, then a public notice providing the details and purpose of the meeting must be given by whatever means the CEO considers to be practicable (e.g. display on notice boards, at public library, on council website).

Dress Code for Special Council Meetings

As agreed by Council Members, the dress code for Elected Members attending Special Council Meetings, is business formal.

Committees

Under section 5.8 of the Act, Councils are able to form committees to assist with its functions.

Committee members can include elected members, employees and members of the public in a variety of combinations.

Committees can operate with council delegated decision-making powers or solely on an advisory basis.

Advisory committees where members are drawn from both council and the community give the community a significant opportunity to provide input into the council's decision-making meeting process.

The tenure of Committee Membership is determined as per section 5.11 of the Act. Generally, Committee Membership is determined biennially, at the first Council Meeting following the Local Government Ordinary Elections, or as determined in section 5.11.

Council is required to appoint, by absolute majority, the Presiding Member / Deputy Presiding Member for each committee, which may occur at the time Council appoints the Committee Membership.

The Committee functions, membership and meeting schedule will be determined in the Committee Terms of Reference.

The following "Core" Committees shall be operated by Council;

- Audit, Risk & Improvement Committee;
- Behavioural Complaints Committee;
- Building, Recreation and Town Planning Committee;
- CEO Performance Review Committee;
- Governance Committee;
- Koorda Awards Committee;
- Koorda Grants Committee; and
- Works Committee.

Each "Core" Committee shall comprise of three (3) Elected Members who will form the Committee and one (1) Elected Member who will be a Deputy Member.

To ensure independence of the Audit, Risk & Improvement Committee (ARIC), both the Presiding Member and Deputy Presiding member must be an independent person and cannot be a council member of any local government.

During CEO Recruitment, Council may appoint a "CEO Recruitment Committee/Panel" which generally has no minimum or maximum membership and is open to all Elected Members. The CEO Recruitment Committee/Panel is generally disbanded once the CEO Recruitment process has concluded.

CEO Recruitment and Performance Reviews shall be in line with the adopted "Shire of Koorda Standards for CEO Recruitment, Performance and Termination 2021."

The following Advisory Committees shall also be operated by Council;

- Local Emergency Management committee; and
- Bush Fire Advisory Committee.

Annual General Meeting of Electors

A general meeting of the electors of a district is to be held once every financial year. A general meeting is to be held on a day selected by the local government but not more than 56 days after

the local government accepts the Annual Report for the previous financial year. The matters to be discussed at the general electors' meetings are to be those prescribed in the Local Government Act 1995 and associated Regulations.

Note: In accordance with Section 1.4 of the Local Government Act 1995 an elector is defined as: "elector, in relation to a district or ward, means a person who is eligible to be enrolled to vote at elections for the district or ward;" and as depicted in section 5.26 of the Act also includes ratepayers.

Date and Location of Meeting

It is a requirement of the Shire to prepare an annual report (Section 5.53), accept the report (Section 5.54), advertise its availability (Section 5.55) and hold an Annual General Meeting of Electors (AGM) within 56 days of accepting the annual report (Section 5.27). The meetings are held once a year at one of the Council Chambers of the Shire of Koorda or another suitable location.

The annual report is to be accepted (by absolute majority), by the local government no later than 31 December after that financial year. The CEO is then responsible for giving local public notice of the availability of the annual report as soon as practicable after the report has been accepted (Section 5.55) and must publish the report on the local government's official website within 14 days after acceptance (Section 5.55A).

Attendance and Participation

The Annual General Meeting of Electors is a less formal meeting than a Council meeting. On arrival, those attending and participating in the meeting will be requested to record their names and addresses and to confirm their status as an elector as they enter to confirm they are an eligible elector for minute taking purposes.

Any member of the public is welcome to attend the meeting but will only be permitted to participate as an elector if they have confirmed that they are eligible to vote in the Shire of Koorda local government elections.

Meeting Procedure

The Shire President is to preside at the electors' meeting, if not available the Shire Deputy President may preside according to Section 5.30.

In line with Section 5.27(3) of the Act and regulation 15 of the Local Government (Administration) Regulations 1996, the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

The following procedures will normally apply to the meeting:

1. Opening of meeting.
2. Record of attendance.
3. Presentation of Annual Report inclusive of Audited Financial Statements
 - i. Questions from electors on items relating to the Annual Report.
4. General Business.
 - i. Questions from electors on items relating to other matters.
5. Closure.

Voting

Only electors are entitled to move motions and vote at the meeting. The mover is allowed to speak for a maximum of five minutes, then the seconder can speak for a maximum of five minutes. Both the mover and seconder of a motion must state their name and address prior to moving or seconding a motion. Voting will only take place after a motion that has been moved and seconded has been provided in writing to the administration in full. As stipulated in

Regulation 17 of the Local Government (Administration) Regulations 1996 voting provisions at an electors' meeting are as follows:

- Each elector at the meeting is entitled to one vote on each matter to be decided, but does not have to vote;
- All decisions are to be made by a Simple Majority vote; and
- Voting is to be conducted by a show of hands, ensuring that no voter's vote is secret.

Decisions made at an Electors AGM

In accordance with Section 5.33 of the Act all decisions made at the electors' meeting are to be considered at the next Ordinary Council Meeting or if not practicable

- At the first Ordinary Council Meeting after that meeting; or
- At a Special Meeting called for that purpose.

If at a meeting of the Council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision is to be recorded in the minutes of the Council meeting.

Related Documents (Legislation/Local Law/Policy/Procedure/Delegation)

Local Government Act 1995

Local Government (Administration) Regulations 1996

State Records Act 2000

Shire of Koorda Standards for CEO Recruitment, Performance and Termination 2021

Review History

Date	Council Resolution	Description of review/amendment
20/05/2026	RES: 060526	V1.2. Updated requirement for Council to also confirm annual meeting details for Committee Meetings, as well as Ordinary Council Meetings. Updated name of Audit, Risk & Improvement Committee and added section about independent member requirement. Added requirement for Council to appoint committee presiding & deputy presiding members.
18/06/2025	RES: 040625	V1.1. Minor updates to Committees section. Inclusion of requirements and explanatory notes following introduction of audio recordings at Council Meetings.
18/10/2023	RES: 171023	V1.0. Merged and re-wrote old policies.
Former Policy: A1 Administrative Structure & Organisational Chart, A22 Public Question Time, A24 Electors Meeting Date, A25 Procedure at Electors Meeting & A47 Meeting Attendance - CEO Matters		
19/07/2000		Adoption of Policy (A1)
18/04/2007	146.1.1-2007	Amended
19/09/2007	43.1.5-2008	Amended
21/10/2009	RES: 210009	Amended
15/06/2011	RES: 110611	Amended
20/03/2013	RES: 080313	Amended
18/03/2015	RES: 130315	Amended
21/03/2018	RES: 050318	Amended
19/07/2000		Adoption of Policy (A22)
19/07/2000		Adoption of Policy (A24)
15/06/2011	RES: 110611	Amended
19/07/2000		Adoption of Policy (A25)
20/11/2013	RES: 041113	Adoption of Policy (A47)