

## ADVICE NOTE

<b>Presented to</b>	20 September 2022 Ordinary Council Meeting
<b>Related to Item</b>	Motion With Notice –Amendment to 16 August 2022 OMC Minutes (14 Beach Street, Bicton)
<b>Submitted by</b>	Head of Governance
<b>Attachments</b>	Nil

The *Local Government Act 1995*, makes provisions to what is to be contained in the minutes of a Council or Committee meeting and the documents that are to be available to the public as part of the minutes.

### **5.25. Regulations about council and committee meetings and committees**

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to —

- (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
  - (i) tabled at a council or committee meeting; or
  - (ii) produced by the local government or a committee for presentation at a council or committee meeting,
 are to be made available for inspection by members of the public.

The *Local Government (Administration) Regulations 1996* provides for the information that is to be contained in the minutes of a Council or Committee meeting:

### **11. Minutes, content of (Act s. 5.25(1)(f))**

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest; and
- (g) each document attached to an agenda relating to a council or committee meeting unless the meeting or that part of the meeting to which the document refers is closed to members of the public.

The Minutes of a Meeting are to record what actually took place at the meeting. The documents referred to in Cr Edinger's Motion were not circulated as part of the 16 August 2022 Ordinary Meeting of Council business papers, nor were they tabled at the meeting and therefore were not considered by officers to be part of the meeting proceedings for inclusion in the minutes.

A resolution of the Council would be required for these documents to be included as part of the meeting proceedings.