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This document is available in alternative formats (e.g. larger font) if requested.

1 PURPOSE

This section provides information to Section 86 committees about holding meetings and protocols expected by committee members and guests at meetings.

2 SCOPE

This guide applies to Section 86 committee members. All members of Section 86 committees should be aware of better practice in holding a meeting, to support the current executive, and to prepare them for the opportunity to hold a position in the future.

In addition to operating in a better practice environment, committees should be aware that a number of the items addressed in this document are mandatory as they are created under the Local Government Act 1989 (the Act).

In this document reference to a “special committee” is reference to a Section 86 committee.

3 MEETING PROTOCOLS AND REQUIREMENTS

There are three key documents that influence Section 86 committees' actions in relation to meetings.

They are:

- Local Government Act 1989 which can be found at:
http://www.austlii.edu.au/au/legis/vic/consol_act/lga1989182/
- Local Law No. 1 Process of Municipal Government (Meetings and Common Seal Local Law – Amendment No. 1 2017 (Local Law No. 1) which can be found at:
<http://www.loddon.vic.gov.au/Our-documents/Local-laws/Local-Law-1-Process-of-Municipal-Government>
- the committee's Instrument of Delegation, a copy of which is held by the committee and Council.

If there is any contradiction between documents, the Act has first priority, Local Law No. 1 has second priority, and the Instrument of Delegation has third priority.

3.1 The Act

The Act has a number of clauses relevant to special committees and their meetings, which include:

3.1.1 Section 87 Special committee meetings

- 1 Council must keep a register of delegations for special committees
- 2 The Council may appoint a Chairperson for a special committee.
- 3 If the Council has not appointed a Chairperson under subsection (2), the members of a special committee must appoint a Chairperson.
- 4 If the Chairperson is not present at a meeting of a special committee the members must appoint a Chairperson for that meeting.
- 5 A meeting of a special committee must be held at a time and place determined by the special committee.
- 6 If the special committee has not appointed a time and place for a meeting under subsection (5), the Chairperson, or if the Chairperson is incapable of doing so, the Council, must fix the time and place of the next meeting.
- 7 Until approved by the Council a decision of a special committee which does not relate to a matter delegated to the special committee cannot be given effect to.
- 8 A Council may specify in the instrument of delegation that a member of a special committee who is a member of the public or of Council staff does not have voting rights on the special committee.

3.1.2 Section 89 Meetings to be open to the public

- (1) Unless subsection (2) applies, any meeting of a Council or special committee must be open to members of the public.
- (2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following –
 - a. personnel matters
 - b. the personal hardship of any resident or ratepayer
 - c. industrial matters
 - d. contractual matters
 - e. proposed developments
 - f. legal advice
 - g. matters affecting the security of Council property
 - h. any other matter which the Council or special committee considers would prejudice the Council or any person

- i. a resolution to close the meeting to members of the public.
- (3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.
- (4) Unless subsection (4A) applies, a Council must at least 7 days before the holding of—
 - (a) an ordinary council meeting; or
 - (b) a special council meeting; or
 - (c) a meeting of a special committee comprised solely of Councillors—
give public notice of the meeting.
- (4A) If urgent or extraordinary circumstances prevent a Council from complying with subsection (4), the Council must—
 - (a) give such public notice as is practicable; and
- (5) (b) specify the urgent or extraordinary circumstances which prevented the Council from complying with subsection (4) in the minutes
- (5) The Chairperson of a special committee that is not comprised solely of Councillors must provide reasonable notice to the public of meetings of the special committee.

3.1.3 Section 90 Voting

- (1) A question before a meeting of a Council or special committee is to be determined as follows –
 - a. each Councillor present at a meeting of the Council and each member of a special committee present at a meeting of the special committee who is entitled to vote is entitled to one vote
 - b. (repealed)
 - c. unless the procedure of a Council or special committee otherwise provides, voting must be by a show of hands
 - ca. voting at a meeting that is open to members of the public must not be in secret
 - d. the question is determined in the affirmative by a majority of the Councillors or members of the special committee present at a meeting at the time the vote is taken voting in favour of the question
 - e. except where subsection (2) applies, if the number of votes in favour of the question is half the number of Councillors or members of the special committee present at the meeting at the time the vote is taken, the Chairperson has a second vote.
- (2) If there is an equality of votes on a question arising under section...87(2), 87(3), or 87(4), the matter is to be determined by lot.

3.1.4 Section 91 Conduct of meetings

- (1) A Council must make local laws governing the conduct of meetings of the Council and special committees.
- (2) Except as provided in this Act and subject to any local laws, the conduct of meetings of a Council is in the Council's discretion.
- (3) Except as provided in this Act and subject to any local laws and any resolutions of a Council, the conduct of meetings of a special committee is in the special committee's discretion.
- (3A) A quorum at a meeting of the Council or a special committee must be at least a majority of the members of the Council or the special committee.
- (4) Resolutions made at a meeting of the Council or special committee must clearly state the intention and effect of the resolution.

3.1.5 Section 92 Validity of proceedings

Proceedings of a Council or committee are not invalidated because of –

- a) any vacancy in the number of Councillors or members, or
- b) any defect in the election or appointment of a Councillor or member, or

- c) any incapacity to be a Councillor or member, or
- d) any failure to comply with Section 89.

3.1.6 Section 93 Minutes of meetings

- (3) The Chairperson of a special committee must arrange for minutes of each meeting of the committee to be kept.
- (4) If subsection (3) applies, the Chairperson must submit the minutes of a committee meeting to the next meeting of the committee for confirmation.
- (5) If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- (6) The minutes of a meeting of the Council or a special committee must –
 - a. contain details of the proceedings and resolutions made
 - b. be clearly expressed
 - c. be self-explanatory
 - d. in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

Councils' Local Law No 1 addresses protocols for meetings.

For further guidance on the following topics, refer to Local Law 1 <http://www.loddon.vic.gov.au/Our-documents/Local-laws/Local-Law-1-Process-of-Municipal-Government>

- election of chairpersons (clause 6 to 9)
- meeting preparation (clauses 10 to 19)
- general conduct of meetings (clauses 20 to 37)
- conduct of debate (clauses 38 to 61)

3.2 Instrument of delegation

The Instrument of Delegation which is the legal agreement between Council and the committee includes clauses about meetings.

3.2.1 Clause 5.1 Meeting of the committee

This clause outlines that the committee can only act under delegation when sitting in a formally constituted meeting.

It also documents that the meeting must be called and conducted in a manner that complies with the provisions of the Act and with the Council's meeting procedures local law. (Refer to 3.1 and 3.2 of this document).

3.2.2 Clause 7 Committee proceedings

This clause outlines requirements for committee proceedings, including:

- setting regular times and places for meetings at the Annual General Meeting (AGM)
- holding the AGM within 90 days of the end of the annual term, and advertising the AGM in the local newspaper or community newsletter at least 14 days prior to the meeting
- having a notice period of at least 48 hours for an alteration to time or place of regularly appointed meetings
- voting entitlements
- quorum numbers
- the calling of special meetings
- keeping of minutes and forwarding a copy of minutes to Council.

4 COURTESY AT MEETINGS

Section 86 committee meetings are formally constituted meetings, and attendance by committee members and guests come with certain responsibilities.

The Chair has responsibility for managing the meeting, ensuring that it runs as smoothly as possible, allowing everyone the opportunity to speak, and ensuring that others listen when they are not speaking.

Many committees have developed Codes of Conduct for their committee meetings, and this is recommended. A sample code is provided at Appendix 1.

5 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

The following are definitions included in Local Law No. 1:

| Term | Definition |
|-------------|--|
| Chairperson | Means the person who chairs a meeting and includes the Mayor who chairs a Council meeting. |
| Member | Means a Councillor or a member of a special committee who is entitled to vote at a meeting |
| Quorum | Means the minimum number of members of the Council or committee who be present in order to constitute a valid meeting of the Council or committee. |

6 REVIEW

The Director Corporate Services will review this procedure for any necessary amendments no later than 1 year after adoption of this current version.

7 ATTACHMENTS

Appendix 1: Sample Code of Conduct

APPENDIX 1

Sample Code of Conduct

- 1) We start on time and finish on time
- 2) We all participate and contribute - everyone is given opportunity to voice their opinions
- 3) We use improvement tools that enhance meeting efficiency and effectiveness
- 4) We actively listen to what others have to say, seeking first to understand, then to be understood
- 5) We follow-up on the actions we are assigned responsibility for and complete them on time
- 6) We give and receive open and honest feedback in a constructive manner
- 7) We use data to make decisions (whenever possible)
- 8) We strive to continually improve our meeting process and build time into each agenda for reflection