



# Meeting Procedure Manual 2018

Responsible Officer	Chief Executive Officer
Relevant Delegations	Manager Corporate Services
Legislation and References	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013

The purpose of this Procedure Manual is to provide guidance on protocols and procedures at meetings of Council.

This Meeting Procedure Manual complements the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2013 which prescribes procedures relating to Council meetings.

Regulation 6, Discretionary procedures, allows Council to vary some regulations to suit their needs.

Council also has the ability to establish protocols and procedures, about which the Act and Regulations are silent, through the adoption of this procedure manual.

In preparing this Manual the Guiding Principles set out in the Regulations have been taken into account.

The following principles, the Guiding Principles, will apply at Council and Committee meetings, procedures will:

1. be fair and contribute to open, transparent and informed decision-making;
2. encourage appropriate community participation in the affairs of the council;
3. reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
4. be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

## Disclaimer

*This Meeting Procedure Manual has been supplied to assist Council Members with the conduct of meetings.*

*The document provided is intended to be comprehensive but are not all inclusive. It should be remembered that the procedures are there to facilitate effective meetings. It is counterproductive if people use them in an attempt to manipulate the meetings so you are encouraged to refer questions to the Mayor and accept the Mayor's judgement. The focus of the Mayor should be on running an effective meeting – facilitating good decisions and good time management.*

*Council Members may also utilise additional information in the LGA Council Meetings Procedures Handbook to assist with the conduct of meetings.*

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## Council Meetings

Council meetings are the most important part of a Council's operations. The decisions made by the Members at formal Council meetings provide the direction and authority for the ongoing operation of the Council. The decisions of the Council give direction to the Chief Executive Officer to act.

At Council meetings, Members decide the policy direction of the Council and make decisions on other statutory and strategic organisational matters.

The Council is a corporate body and as such it can only make decisions by resolution i.e. a motion has to be put to a properly convened meeting and passed by the required majority.

Ordinary Council meetings are held monthly, usually on the third Monday of each month commencing at 7.00pm, except for the December meeting which is usually held on the second Monday. The Chief Executive Officer may in consultation vary the commencement time in extraordinary circumstances.

All meetings will finish no later than 10.00pm, unless Council formally resolves (by resolution and vote) to continue past that time.

## Meeting Procedures

There are strict requirements in relation to the procedures to be followed at Council Meetings. These procedures are set down in the Local Government Act 1999 at Chapter 6 and the Local Government (Procedures at Meetings) Regulations 2000.

Council meetings must be conducted in an orderly manner. The meeting procedures aim to enable all points of view to be expressed in fair and open discussion with all Members having the same opportunity to participate in the debate.

## Preparation for Meetings

Council Members have a responsibility to be well informed in relation to any business that is before the Council. The staff, through the Chief Executive Officer, provide input into the decision-making process by providing advice and information based on their specialist skills and knowledge.

Preparation for meetings is essential if Members are to join in constructive debate. Reading agendas and officers' reports thoroughly is vital. If elected members are uncertain about a matter in the agenda then they should discuss it with the Chief Executive Officer prior to the meeting.

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Prior to a meeting Members should:

1. read the agenda and all accompanying papers carefully. It is good practice to set aside a specific time before each meeting in which to read the agenda;
2. allow time to follow up any queries before the meeting;
3. where necessary, seek clarification or other information from the Chief Executive Officer on matters in the agenda;
4. visit sites which are the subject to decisions;
5. where desirable, sound out local resident opinion on issues to be discussed at the meeting.

Members should not be afraid to seek more information or clarification on a matter. There may be occasions when a matter is before the Council and some Members feel they do not have enough information to make a decision. The best time to get information is prior to the meeting through contact with the Chief Executive Officer.

## Agenda

Agendas are sent out electronically on the Thursday of the week before a meeting giving Members 4 days to prepare for the meeting.

Purpose is to give Members adequate time to investigate, inspect and talk to the Chief Executive Officer.

## ORDER OF PROCEEDINGS OF THE MEETING

### Opening Prayer and Acknowledgement of Country

After calling a meeting to order, the Mayor would ask those present to stand for the opening prayer and the acknowledgement of country.

#### Prayer

*We gather to make decisions for our community. May we use only our best skills and judgement keeping ourselves impartial and neutral as we consider the merits and pitfalls of each matter that is placed before us and always act in accordance with what is best for our community and our fellow citizens.*

#### Acknowledgement of Country

*We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.*

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## Attendances, Apologies

If a Member expects to be late or be absent from a meeting the Mayor or Chief Executive Officer is to be advised.

All apologies will be listed in the Minutes for each meeting that it relates to. Members who do not attend a meeting, and have not advised the Mayor or Chief Executive Officer of an apology will not be listed in the Minutes. If a Member arrives after the meeting commences, the time of arrival will be included in the minutes.

## Quorum

The quorum is the number of people that must be present at the meeting to enable it to commence and / or continue.

The quorum for a Council meeting is the number obtained by dividing the total number of Members of the Council (including Mayor) = 10 by two, ignoring any fraction and adding one. quorum = six.

## Addressing Council

Where Members seek to address the Council a Member must seek acknowledgment and consent from the Mayor, generally by raising their hand. Once consent has been granted then the Member speaks through the Mayor and speaks for a maximum of 5 minutes, at the discretion of the Mayor.

Other Members should preserve a respectful silence while another Member, Staff or the Mayor is addressing Council with the exception of items as listed at Regulation 29 (2).

If the Member refers to a section of a Council Policy, Procedure or any Guide, Code, Regulation or Legislation then the Mayor may suspend the address until the document can be displayed on the overhead screen for the information of the whole meeting.

## Voting at Meetings

Decisions at Council meetings are decided by a majority of the votes of the Members present at the meeting and entitled to vote. Voting is generally by a show of hands. Each Member present at the meeting must vote on any question for decision except for the Mayor or in cases where a Member is precluded from doing so by the Act, eg if the Member has a conflict of interest in the matter being decided. A Member is not entitled to abstain from voting, there is a duty to be present and a duty to vote, generally status quo.

The Mayor does not have a 'deliberative' vote. However, if the numbers voting for and against are even then he has a casting vote.

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A "deliberative vote" is the term used for the vote that expresses an individual's opinion on a matter being deliberated. A casting vote is used by the Mayor when the votes for and against are equal.

## Questions

There is provision in the Regulations for questions from Members with notice and without notice.

This procedure enables Members to obtain information at the Council meeting that is relevant to their role as a Member of the governing body and the function of that body.

The question should relate to functional, strategic or policy issues of the Council.

Questions of an operational nature are the domain of the Chief Executive Officer and should be directed to the Chief Executive Officer outside of a meeting and during business hours.

In accordance with regulation 9(3) a Member may ask a question without notice at a meeting but the question must not amount to a statement. A question without notice that cannot be answered at the time it is asked will not result in a later report to the Council unless it is resolved by motion that a report is provided.

The Mayor may use their discretion to rule that a question with or without notice not be answered if the Mayor considers that the question is vague, irrelevant, insulting or improper (regulation 9(6)). In the instance of ruling that a question is not answered that decision cannot be overturned by the meeting.

Unless Council resolves by motion the decision of the Mayor to rule that a question not be answered and the reasons for the ruling will not be included in the minutes.

Members may ask questions for clarification on agenda items before them for consideration, although in the interests of efficiency Members are encouraged to contact the relevant Manager with those queries prior to the Meeting.

## Motions

Must be moved and seconded – before any discussion. A mover of a motion has a right to reply.

Movers and seconders are required to speak at the time of moving and seconding a motion.

Members can only speak for a maximum of 5 minutes.

Withdrawn motions/amendments must be recorded.

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Mover/Seconder must have formal leave of the meeting to vary the motion.

A motion will lapse if it is not seconded at the appropriate time.

A Member may only speak once to a motion except-

1. to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
2. with leave of the meeting; or
3. as the mover in reply.

A Member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

A member who has not spoken in the debate on a question may move a formal motion.

A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last periodic election of the council must be brought by written notice of motion.

To ensure open, transparent and informed decision-making it is preferable that Members wishing to raise a matter at a Council meeting do so in the form of a written notice of motion given to the Chief Executive Officer at least 5 clear days before the date of the meeting at which the motion is to be moved (regulation 12(1)).

In accordance with regulation 12(5) a Member may raise any business by way of a motion without notice.

The Mayor can use their discretion to refuse a motion with or without notice if the Mayor considers that the subject matter is, in his or her opinion, beyond the power of the Council or in the instance of a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion regulation 12(6) and (7)).

## Formal Resolutions (listed in the Regulations)

- The meeting proceed to the next business.
- The question be put.
- The question lie on the table.
- The question be adjourned.
- The meeting be adjourned.

If seconded, any of the above formal motions take precedence and will be put by the Mayor.

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## Amendments

There can only be two amendments to any motion. A mover of the original motion has a right to reply.

## Divisions

A division will be taken at the request of any Member R17(1).

If a division is called for, it must be called immediately and before the meeting proceeds to the next item of business and will be taken immediately. The previous decision of the Mayor as to whether the motion was carried or lost is set aside R17(2).

There are two purposes for a division:

- To achieve a new vote on the question, the previous decision on the question of the motion being 'carried' or 'lost' is set aside; and
- To achieve the recording in the minutes of the names of the Members voting for and against the question.

(NOTE: No division can be called on an amendment because it is not a motion).

## Point of Order

The Mayor may call to order a Member who is in breach of the Act or Regulations.

A Member may bring to the attention of the Mayor a breach of the Act or Regulations, and must state the nature of the alleged breach.

A point or order must be dealt with at the time of calling. The Mayor will make a ruling on the point of order.

If there is an objection to the ruling, a motion must be moved immediately that the ruling is not agreed with. The Mayor may make a statement in support of the ruling.

## Meeting Adjournment

Two thirds of Members may resolve to move into 'informal mode' for informal discussion. If this occurs, no decisions can be made; a quorum must remain; and the meeting resumes when set time expires or the Mayor or two thirds of Members so resolve. The reason for the adjournment and times for this must be entered into the minutes.

## Public Question Time

Public Question Time” to be included in all Council Ordinary Meeting Agendas.

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- The Mayor will call for an adjournment of the meeting to conduct public question time, to enable questions to be asked and answered without the restrictions of the meeting.
- Questions asked and answered will not be included in the Council Minutes
- A maximum period of 15 minutes will be allowed for the conduct of public question time.
- At the commencement of public question time the Mayor will ask for an indication of those wishing to ask questions and the 15 minutes will be divided accordingly.

### Public Forum - Deputations

Whenever possible, requests for a deputation to address Council should be received in writing by the Chief Executive Officer no later than the close of business 7 days prior to the scheduled Meeting.

If the deputation relates to a matter of business on the agenda, a person wishing to appear as a deputation at a meeting must deliver their written request to the principal office of the Council by Noon on the day of the meeting.

Requests falling outside this guideline (i.e.: requests received later than specified above) will be accommodated whenever possible with the consent of the Mayor.

Deputation requests must include sufficient information regarding the issue and indicate the preferred meeting that the individual/group wishes to be heard.

Whether or not a deputation may appear is to be determined on a case-by-case basis, meeting by meeting, and with regard to the particular matter upon which the person/s wish to address the meeting. In determining whether a deputation is allowed the following considerations will be taken into account:

- the subject matter of the proposed deputation
- whether it is within the powers of the Council
- relevance to the Council or Council Committee agenda nominated – and if not,
- relevance to the Council's or Council Committee's powers or purpose
- the integrity of the request, and
- the size and extent of the agenda for the particular meeting.

Where a deputation is to be heard, the person/s making the deputation may speak for no more than five minutes without leave of the meeting.

### Petitions

Should be forwarded to the Chief Executive Officer on receipt. Not to be tabled at

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Meetings. Petitions should be legible and clearly state the request.

Council is not concerned on the 'form' and multi-signature letters are acceptable. Each page of the petition should state clearly the request, for it to be included in the petition.

A summary of the petition only will be included in the agenda.

## Wards

There are no wards within Council. Once elected, Members have a collective responsibility for the whole area.

## Public Access to Council Meetings

Council meetings are to be held in public except in special and very limited circumstances (Part 3 Section 90 of the Act).

The special circumstances that a Council may order that the public be excluded from attendance at part of a meeting are to receive, discuss or consider in confidence any information of a kind set out in Section 90(2) of the Act. All Members of the Council should be aware of these provisions.

If the public is excluded from a meeting so that the Council may discuss a matter in confidence a resolution must be made to that effect in the minutes indicating the grounds under the Act on which the order was made.

Agenda to be provided to the gallery at a Council Meeting - Printed Only - Four full copies (Agenda and all attachments)

## Confidentiality

All reports, recommendations etc. received at a Council Meeting are open to inspection by a member of the public, including documents relating to confidential items unless there has been an order that the document or part thereof be kept confidential. Such documents must be of a prescribed type, e.g. legal advice, personnel, etc.

Members will need to bear in mind the need to take this action upon each occasion when confidentiality is desired.

Council practice is for all confidential items to be dealt with at the end of meetings of Council.

There are three levels of confidentiality:

1. Excluding the public from the meeting;
2. **and** keeping reports confidential;

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3. **and** keeping the decision confidential.

Our practice (and a legislative requirement) is to be as open and transparent as possible.

### **The Legal Responsibilities of a Council Member**

The Local Government Act sets out a number of requirements in relation to Council Members. It is each individual Member's responsibility to be aware of these requirements particularly in relation to conflict of interest.

The Local Government Act 1999 requires each Council Member at or before the first meeting he or she attends to make a prescribed undertaking to discharge his or her duties conscientiously and to the best of their ability (Section 60).

Chapter 5 - Part 4 of the Local Government Act 1999 deals with conduct of Council Members and the requirements for disclosure of interests.

The general duties and code of conduct requirements are set out in Section 62 and require:

- a Member of a Council, at all times, to act honestly in the performance and discharge of official functions and duties;
- a Member of Council, at all times, to act with reasonable care and diligence in the performance and discharge of official functions and duties;
- a Member or former Member of Council, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a Member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council.

There are severe penalties for breaches of these provisions.

The community will often judge a Council according to their perception of the behaviour and image of individual Members. It is essential therefore for all Council Members to conduct themselves in a manner that will promote a high standing of the Council within the community.

In the course of their duties Council Members will interact with many individuals and groups in the community, Government Agencies and other stakeholders. When representing the Council in the wider community they should be fair and honest in their dealings with individuals and organisations and behave in a manner that facilitates constructive communication between the Council and the community.

Council Members should try at all times to behave in a way that generates community trust and confidence in them as an individual, reflects positively on the Council and maintains and enhances the role and image of the Council and Local

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Government in general.

## Code of Conduct for Council Members

The Code of Conduct is a tool to assist Members in carrying out their duties.

Council Members must comply with the provisions of the Code of Conduct for Council Members in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

Council Members must act in good faith in the execution of their duties. No civil liability attaches to them as individuals for an honest act or omission arising from the discharge of their powers and duties. Any liability, which might arise, lies with the Council as the corporate body rather than individual Members (Section 39).

## Conflict of Interest

A Member of Council must not make improper use of their position to gain, directly or indirectly, an advantage for themselves or for another person. They must make sure there is no conflict between their private interest and their role as a public decision maker.

It is imperative that Council Members **are not only aware**, but fully understand the conflict of **interest provisions** in the Act.

It is the Member's responsibility to make sure they are aware of and understand the provisions of Sections 73, 74 and 75 of the Act in relation to conflict of interest.

The Act has determined that three types of conflicts exist; Material, Actual and Perceived.

## Material Conflict of Interest

Section 73 states that for the purposes of the Act a Council Member has an material conflict of interest in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:

1. the member;
2. a relative of the member;
3. a body corporate of which the member is a director or a member of the governing body;
4. a proprietary company in which the member is a shareholder;

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5. a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;
6. a partner of the member;
7. the employer or an employee of the member;
8. a person from whom the member has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services;
9. a person of a prescribed class.

A member of a council will not be taken to have a material conflict of interest in a matter to be discussed at a meeting of the council-

1. if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the council area; or
2. on account of an interest under subsection (1) of a relative of the member, other than the member's spouse or domestic partner, if the member does not know, and could not reasonably be expected to know, of the interest.

### Dealing with a Material Conflict of Interest

The member must;

1. inform the meeting of the member's material conflict of interest in the matter; and
2. leave the meeting room and stay out of the meeting room while the matter is being discussed and voted on.
3. If a member of a council discloses a material conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting;
4. the member's name;
5. the nature of the interest, as described by the member;
6. if the member took part in the meeting, or was in the chamber during the meeting, under an approval under subsection (3), the fact that the member took part in the meeting, or was in the chamber during the meeting (as the case requires).

Refer Section 74 of the Local Government Act for further details

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## Actual Conflict of Interest

Section 75 and 75A states that for the purposes of the Act a Council Member has an actual conflict of interest in a matter if there is a conflict between;

1. a member of a council's interests (whether direct or indirect personal or pecuniary); and
2. the public interest,

that might lead to a decision that is contrary to the public interest.

## Perceived Conflict of Interest

Section 75 and 75A states that for the purposes of the Act a Council Member has a perceived conflict of interest in a matter if it could reasonably be taken, from the perspective of an impartial, fair-minded person, that a conflict of interest in the matter exists between;

1. a member of a council's interests (whether direct or indirect personal or pecuniary); and
2. the public interest,

that might lead to a decision that is contrary to the public interest.

## Dealing with an Actual or Perceived Conflict of Interest

The member must inform the meeting of;

1. the member's interest in the matter; and
2. if the member proposes to participate in the meeting in relation to the matter, how the member intends to deal with the actual or perceived conflict of interest.

If a member of a council discloses an actual or perceived conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting and on a website determined by the Chief Executive Officer:

1. the member's name;
2. the nature of the interest, as described by the member;
3. the manner in which the member dealt with the actual or perceived conflict of interest;
4. if the member voted on the matter, the manner in which he or she voted;
5. the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter.

This means that any vote where a conflict of interest is declared will be dealt with and recorded as an automatic division.

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Refer Section 75 of the Local Government Act for further details

## Register of Interests

Within six weeks of election to Council for the first time, each Member must submit to the Chief Executive Officer a 'primary return'.

Each year Council Members must lodge an 'ordinary return' within sixty days of 30 June (Section 66).

The Chief Executive Officer must compile and maintain a Register of Interests from the information supplied by Council Members. Items listed at 70 (a1) of the Local Government Act will be published on the Council's website.

The Register of Interests may be inspected by a member of the public at the principal office of the Council. Any application to inspect or to obtain a copy must be made in writing to the Chief Executive Officer.

## Leave of Absence for Council Members

If a Member is not able to attend three or more consecutive meetings the Member should request a leave of absence from the Council as follows:

- If the Member knows in advance that they will be away for three or more consecutive meetings they should advise the Chief Executive Officer
- The Chief Executive Officer will advise the Mayor and will list the leave of absence for consideration at the next Council meeting.

Leave of Absence resolutions do not apply to Section 41 Committee meetings and non-attendance at such meetings is managed via an Apology.

The office of a member of Council becomes vacant if a member is absent from three or more consecutive ordinary meetings without leave of the council (section 54(d)).

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