

The Meeting Procedures Regulations

Narration Script

Huon Valley Council | Candidate and Councillor Knowledge Series

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Slide 1 — Title — The Meeting Procedures Regulations

Welcome to The Meeting Procedures Regulations, part of the Candidate and Councillor Knowledge Series.

Every Tasmanian council runs its meetings under the same set of rules how a meeting is called, how business reaches the agenda, who may speak, how decisions are made, and what the public may see.

This is a high level overview. Almost every topic in it has its own module in this series, and we will point you to them as we go.

Slide 2 — Before You Begin

The Regulations are the rulebook for council meetings. This module maps them; the other modules go into the detail. Three Parts, five Divisions, fifty-one regulations, covering council meetings and council committee meetings.

They do not cover everything. The Annual General Meeting is not a meeting under these Regulations, which is why a council's own framework sets its procedure. Special committees sit outside them too.

And councils fill the gaps. Several matters are expressly left for each council to determine, which is why practice differs between councils even though the framework is identical.

Slide 3 — Where the Detail Sits

It is worth being clear about what this module is not. It stays deliberately high level, because almost every topic in it has a module of its own.

The agenda is covered in Understanding the Council Meeting Agenda what each item is for, and how a report reaches the chamber.

Motions and debate are covered in Motions and Decision Making, Parts 1 and 2 bringing a motion, amendments, procedural motions, and how the vote is taken.

Public question time, deputations and conduct at meetings are covered in Public Participation Part 1. Petitions, public meetings and elector polls are in Part 2.

Beyond those, Councillor Conduct and Integrity deals with interests and confidentiality, Council as a Planning Authority deals with planning items, and the Annual General Meeting has its own module \u2014 because it is the one meeting these Regulations do not reach.

So treat what follows as a map. When you need the detail, go to the module.

Slide 4 — Convening, Notice and the Agenda

Regulations 5 to 11 govern how a meeting comes to exist and what the public sees beforehand.

An ordinary meeting must be held at least monthly, convened by the mayor — and if the mayor has not, the general manager must. A special meeting follows the written request of a majority of councillors. Councillors get four days' notice of an ordinary meeting and two of a special.

The agenda is prepared by the general manager with eleven standing items, including declarations of interest, public and councillor question time, and motions with notice.

Only what is listed may be discussed. Anything else needs an absolute majority, a report on urgency, and certification of any qualified advice.

The agenda goes public four days ahead, free of charge, with closed items withheld. What each of those items is actually for is covered in the module on Understanding the Council Meeting Agenda.

Slide 5 — The Chair, Quorum and Order

Regulations 12 to 15, together with 49 and 50, keep the meeting properly constituted and orderly.

The mayor chairs, or in the mayor's absence the deputy. If neither is present the councillors present elect one of their number. And if the chairperson moves or seconds a motion, they must vacate the chair until it has been dealt with.

Quorum at a council meeting is an absolute majority; at a committee, a majority of the members. Without one, no business can be transacted.

If a quorum is not present within half an hour the meeting is abandoned, to be reconvened within fourteen days. Three consecutive abandonments go to the Minister.

On order, a councillor may be suspended for a personal reflection they refuse to apologise for, repeated interjection, or disobeying a call to order — after a warning. And a member of the public must not hinder or disrupt a meeting, or remain in a closed one uninvited. Public Participation Part 1 covers how that plays out.

Slide 6 — Open, Closed and Recorded

Regulation 16 states the principle in a single line: a meeting is open to the public unless part of it is a closed meeting.

Regulation 17 sets out twelve grounds for closing — personnel, industrial relations, commercial matters, contracts and tenders, security, land dealings, personal information, leave, litigation and personal hardship. A council closes by absolute majority, a committee by simple majority, with the reason in the open minutes.

Some things cannot be closed at all — acting as a planning authority, considering a permit, or dealing with public land — unless legal action is involved.

In closed session the public is excluded, and the general manager may be excluded where the matter is their own contract or performance. Confidentiality is decided rather than assumed, and a closed meeting can be re-opened by simple majority.

And it is all recorded. The minutes must record every matter discussed, every decision and every motion moved. Every meeting is also recorded — at least audio, published within five business days and kept available for twelve months as a State record.

Slide 7 — Motions and Debate

Division 2 covers how business is moved and how it is argued. Two modules cover it in depth, so this is the shape of it only.

Nothing happens until a motion is moved by one councillor and seconded by another. At a committee the chairperson may waive the seconder.

A motion may be given on notice — seven days in writing — or moved from the floor, provided the subject relates to something already on the agenda. Either may be refused where, in the opinion of both the general manager and the mayor, it is defamatory, offensive, unlawful, or unrelated to the council's functions.

An amendment must come from a councillor who did not move or second the original, one at a time, and the chairperson may refuse more than two. Overturning an earlier decision is broader than rescinding it — any motion that conflicts with a decision overturns it — and needs an absolute majority plus a report from the general manager.

On debate, a councillor speaks once to a motion for five minutes, with a three minute right of reply for the mover. And there are five procedural motions, taken in precedence and not debated once accepted. Motions and Decision Making, Parts 1 and 2, cover all of this properly.

Slide 8 — Voting

Division 3 is short and contains no surprises, but every line of it matters.

Each councillor, including the chairperson, has one vote. There is no casting vote in Tasmania.

The chairperson puts the motion first in the affirmative, then if necessary in the negative, and as often as needed to declare the result.

The vote is taken by any means the council determines \u2014 and the Targeted Reform amendments add that it must be a means enabling each councillor present to vote. That follows directly from allowing remote attendance, and rules out any method that would exclude a councillor attending by link.

Each councillor's vote is recorded. A secret ballot is permitted only to select a council representative on another body. Simple majority applies unless an absolute majority is required; to abstain is to vote in the negative; and a tied vote is lost.

Slide 9 — Questions and Deputations

Division 4 covers questions from councillors and from the public, and regulation 46 covers everyone else who might speak.

Regulation 33 sets the standard for all four kinds of question: concise, clear, not a statement, minimal preamble. A public question must also relate to the activities of the council.

Any question may be refused where it is defamatory, offensive, unlawful, unrelated, or fails those requirements — the chairperson deciding for questions without notice, the general manager for those on notice.

A councillor may ask without notice, with no debate permitted and the person asked free to decline. On notice needs seven days and a written answer. For the public, at least fifteen minutes of every ordinary meeting must be available if required, and the question and answer are not debated.

And regulation 46 is the deputation power — the chairperson may invite a person to address a meeting, including a closed meeting. Public Participation Part 1 covers all of this properly.

Slide 10 — Attending Meetings

In person remains the default. A councillor is required to attend in person, subject to two exceptions.

The first is a request. A councillor may request the chairperson's authorisation to attend by audio or audio visual link in writing, stating the reason, specifying the date, and submitted not less than two hours before the meeting starts.

It may only be made for one of seven reasons: a natural disaster, severe weather or road closure; being outside Tasmania for work; a risk to health or safety; travel for medical treatment; compassionate travel; providing care to family; or injury.

The chairperson grants it if reasonably satisfied a listed reason applies, and may revoke it mid-meeting if the councillor is not giving full attention. A councillor attending by link is taken to be present if able to hear and be heard.

And there is a hard cap: no more than one-third of the council's scheduled meetings in a calendar year may be attended this way.

Slide 11 — Remote Meetings and Confidentiality

The second exception is a meeting held entirely by link, and it works differently.

Where the chairperson is satisfied exceptional circumstances exist, they may determine a meeting be conducted by link only, authorise councillors to attend that way, and invite the public to do the same. Attendance at such a meeting does not count towards the one-third cap, because the councillor had no choice in the matter.

Attending a closed meeting by link carries a serious obligation. A councillor must take reasonable steps to ensure no other person can hear or view the meeting or access its discussions. The penalty is a fine of up to fifty penalty units.

Reasonable steps include attending from a private and secure location where others cannot overhear or observe, unless a majority of councillors present agree another person may attend.

One express exception sits alongside this. Closed-meeting information may be disclosed to make or assist a code of conduct complaint, and that does not breach confidentiality. Councillor Conduct and Integrity covers the confidentiality obligations in full.

Slide 12 — What Councils Decide for Themselves

The Regulations deliberately leave gaps, and each council fills them. That is why practice differs between councils even though the framework is identical.

A meeting is not to start before five in the evening unless the council determines otherwise, and after each ordinary election a council must review its meeting times.

Fifteen minutes of public question time is the floor — every other procedure is determined by the council, including how many questions a person may ask.

The speaking and debate rules apply to council meetings; a council may resolve that they apply to committees, and may suspend them. Regulation 44 gives a general power to determine any other meeting procedures a council considers appropriate.

So read both. The Regulations set the framework; a council's own governance framework sets the rest. Knowing which is which matters, because one can be changed by resolution and the other cannot.

Slide 13 — Five Things to Remember

Five things to take away.

One. Open is the default. A meeting is open unless part of it is closed on one of the twelve grounds, and both the closure and the reason go into the open minutes.

Two. Only what is on the agenda may be discussed. Anything else needs an absolute majority, a report on urgency, and certification of any qualified advice.

Three. Nothing happens without a mover and a seconder. And once a motion is put, no councillor may sit it out to abstain or to vote in the negative, and a tied vote is lost.

Four. In person is still the rule. A link needs a written request two hours ahead, one of seven specified reasons, and no more than a third of scheduled meetings in a year.

Five. The Regulations are a floor, not a ceiling. Meeting times, public question time procedures and a good deal else are determined by each council for itself.

Read the Regulations once end to end they are shorter than they look. Then use the other modules in this series for the detail. A full copy of the regulations can be viewed at the Tasmanian Government Legislation website: www.legislation.tas.gov.au