

## 5.2 COUNCIL MINUTES

Responsible officer: Jarrod Doake, Chief Operating Officer

### **RECOMMENDATION**

*That the minutes for Ordinary and Special meetings of Council no longer include the commentary made by Councillors or advice provided by officers on items of business on the agenda of a meeting.*

### **INTRODUCTION**

This report addresses the issue of the content of the minutes for Ordinary and Special Meetings of Council.

### **BACKGROUND/DISCUSSION**

Section 93(6) of the Local Government Act 1989 provides that:

- (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

There is no information or guidance in the legislation regarding the meaning of ‘details of the proceedings.’ This is taken to mean that processes such as divisions, disclosures of interest, amendments and procedural motions are to be captured in the minutes.

There is a variety of approaches to Council meeting minutes across the sector. However, Monash is the only council that appears to include extensive commentary attributed to Councillors, on each item of Council business, where such commentary is made, as well as advice provided by officers in response to questions from Councillors.

There does not necessarily appear to be a direct link between the content of meeting minutes and access to meetings via the web, amongst other councils. For example, a council such as Bass Coast, which does not webcast its meetings, also does not provide ‘transcripts’ of what was said in a meeting, to off-set the absence of an electronic recording of a meeting.

An email received from the Local Government Inspectorate made the following observation regarding Monash Council meeting minutes:

“The Council meeting minutes provide transcripts of what individual Councillors are saying.

The Inspectorate is of the view that the more long-winded the minutes, the more difficult it becomes to refer back to decisions.

The meeting minutes should talk about the agenda items and record council decisions.”

The Inspectorate’s comments are noted. However, the practice of including comments from Councillors, and officer advice, in some detail, cannot be considered to provide a ‘transcript’, ie a verbatim record, of what is said.

The current practice of including Councillor comments in some detail, and officer advice, in Council minutes, evolved at a time when meetings were not recorded and it was originally intended to provide a summary of those comments and advice.

Over time, the expectation regarding the extent of the summary of Councillor comments in the Council minutes, increased.

The now well-established practice of recording, web casting and archiving Council meetings means that the full proceedings of a meeting, and all the commentary made, are easily available in the public domain, in electronic form.

The exception to this is that part of a meeting closed to the public under s.89(2) of the Local Government Act 1989, for the consideration of matters of confidential business, where access is not provided in the public domain. However, this part of a meeting is recorded, with the audio recording retained.

### ***PROPOSAL***

The current practice of including comments from Councillors, in some detail, in the minutes of a Council meeting appears to no longer be necessary, given the audio-visual recording of the open section of a meeting and its availability in the public domain, as well as its long-term retention.

In addition, that part of a meeting conducted under s.89(2) of the Local Government Act 1989, is recorded and that recording is retained.

It is therefore proposed that the minutes of a Council meeting, whether held in ‘open Council’ or in ‘Confidential Business’, under s.89(2) of the Local Government Act 1989, will no longer capture, in written form, the commentary made by Councillors on items of business, or the advice provided by officers.

This proposal does not affect the recording, in written form, of the ‘proceedings’ of a meeting, i.e. the capture of amendments, divisions, points of order, procedural motions, etc.

***POLICY IMPLICATIONS***

There are no policy implications to this matter.

***FINANCIAL***

There are no financial implications in relation to this matter.

***CONCLUSION***

It is proposed that the minutes for Ordinary and Special meetings of Council no longer include the commentary made by Councillors or advice by officers, on items of business on the agenda of a meeting.