

## 5.2 AMENDMENT TO MEETING PROCEDURES CODE 2017

Submitting Officer: Jarrod Doake, Chief Operating Officer

### **MOTION**

- A. *That clause 12.1 of the Meeting Procedures Code 2017, be amended by:*
1. *Substituting the figure and words "13 days", with the figure and words "14 days".*
  2. *Including, after the words "Chief Executive Officer", the words "or any officer nominated by the Chief Executive Officer".*
  3. *Clause 12.2 be amended by substituting the figure "4" with the figure "5".*
- B. *A notice be published in the local press and on Council's website, advising of the amendment to the Meeting Procedures Code 2017.*
- C. *That a revised version of the Meeting Procedures Code 2017 be made publicly available and circulated to all councillors.*

### **INTRODUCTION**

An amendment is required to clause 12 (Notices of Motion) to the Meeting Procedures Code 2017, to account for recent legal advice received regarding the interpretation of the deadlines contained in sub-clauses 12.1 and 12.2 of the Code.

### **BACKGROUND**

At its 24 April 2018 meeting, the Council resolved to amend its Meeting Procedures Code 2017 in relation to the timing for the submission of, and amendment to, Notices of Motion by Councillors, contained in clauses 12.1 and 12.2 of the Code.

The amendments provided for an extra day being given for both the submission of, and amendment to, a Notice of Motion.

The amendments were based upon legal advice received regarding the interpretation of the deadline.

Accordingly, the Council resolved to provide Councillors with an extra day to submit a Notice of Motion and to make changes to it.

These amendments applied from the May 2018 Council meeting.

### **DISCUSSION**

Subsequent legal advice has been provided to the effect that now compels a return to the original provisions of clauses 12.1 and 12.2 of the Code.

That advice points to section 44(1)(a) of the *Interpretation of Legislation Act 1984*, where a period of time is to be 'reckoned from' a particular day, that day is not included in the calculations.

The proposal to revert to the previous deadlines is particularly necessary where, based upon that interpretation, the new provision in sub-clause 12.2, relating to changes to a Notice of Motion gives the deadline for such changes as 9.00 am of the day after the Council meeting agenda and papers have been published.

As the Code is a supporting document for the local law, the amendments, if approved by the Council, will be publicly notified in the local press and Council's website, and an amended version of the Code will be made publicly available, as well as circulated to all Councillors.