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HELD ON MONDAY 13 JULY 2015

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Blayney Shire Council



Policy Register

Policy No 1A

Policy Title Payment of Expenses and the
Provision of Facilities to the
Mayor and Councillors Policy

Officer Responsible Director Corporate Services

Last Review Date 13/07/2015

Objectives

Section 252 (1) of the Local Government Act 1993 requires Council to adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor and other councillors in relation to discharging the functions of civic office.

Policy Statement

Blayney Shire Council



Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy

1. OBJECTIVE OF POLICY

Section 252 (1) of the Local Government Act 1993 requires Council to adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor and other councillors (including Administrators) in relation to discharging the functions of civic office.

The purpose of this policy is to ensure that councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties and that there is accountability and transparency in the payment of expenses incurred, or to be incurred by Councillors (including Administrators). The overriding principle to be addressed in the development of this policy is that the provisions of the policy meet the expectations of the local community.

This policy does not deal with matters associated with the setting and payment of annual fees to the Mayor and Councillors, which are determined by the Local Government Remuneration Tribunal.

Any reference hereon in this policy to Councillors will encompass Administrators.

2. STATUS OF THE POLICY

This policy has been prepared in accordance with the "Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW" as issued by the Office of Local Government, Department of Premier and Cabinet dated 7 October 2009 (Circular 09-36).

3. PAYMENT OF EXPENSES

3.1. CONFERENCES AND SEMINARS

Requests for attending conferences shall be in writing outlining the benefits for Council. A written report shall be furnished to Council from the Councillor or staff accompanying the Councillor on the aspects of the conference relevant to council business and / or the community. No written report shall be required for the Local Government NSW Annual Conference.

Council will meet the following expenses for Councillors attending conferences and seminars which have been authorised by Council resolution or by the Mayor under delegated authority.

3.1.1.

Registration Fees

- i) Payment of registration fees for attendance at conference / seminar sessions.
- ii) Payment of official conference / seminar lunches and dinners, and associated tours where they are relevant to the business and interests of Council, if not covered by the registration cost.

3.1.2. Accommodation

Payment of accommodation costs on the following basis:

- i) Accommodation selected by the Council or General Manager on the basis of cost and convenience of location to the conference. A Councillor may choose accommodation at a different location but which is the same cost or less.
- ii) The number of accommodation days provided under this policy shall be limited to:
 - a. Registration day;
 - b. Each day on which official sessions of the conference / seminar are held, as well as the night preceding the conference / seminar where travelling schedules reasonably require such accommodation; and
 - c. Each day on which a Councillor is required to be accommodated en route to and from the conference / seminar.
- iii) Any additional accommodation costs incurred as a result of the attendance of partners and/or children shall be borne by the Councillor.

3.1.3. Car Parking Fees

Council shall meet the cost of the following car parking fees.

- i) Hotel / Motel parking – additional car parking fees not included in accommodation costs.
- ii) Airport parking – costs incurred in the parking of a Councillor's private vehicle at an airport for the duration of a conference / seminar, subject to the vehicle being parked in the most economical airport car park.

Reimbursement for parking expenses shall be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim form. Claim for such expenses shall be made within two (2) months of the date of return from the conference / seminar.

The driver is personally liable for all traffic infringements and parking fines incurred while travelling in private or Council vehicles. Claims for reimbursement or payment of expenses shall be refused.

3.2. TRAINING AND PROFESSIONAL DEVELOPMENT

Council shall meet the expenses for Councillors attending training and professional development which have been authorised by Council resolution or by the Mayor under delegated authority, where the training or educational course is directly related to Councillors civic functions and responsibilities.

The specific expense items met by Council are the same as those applicable to "Conferences and Seminars", as listed at clause 3.1.

3.3. REIMBURSEMENT AND RECONCILIATION OF EXPENSES

Councillors seeking reimbursement of costs and expenses, incurred in accordance with the requirements of this Policy, shall only be approved upon the production of appropriate receipts and tax invoices, and the completion of the required claim form.

Claims for reimbursement of costs and expenses shall be made within two (2) months of the costs and/or expenses being incurred, unless otherwise specified within this policy.

3.4. CLAIM FORM

Provided as an attachment (Attachment A) to this Policy, is the prescribed Claim Form which shall be completed by any Councillor seeking reimbursement of their costs and expenses.

It is the responsibility of the Councillor to ensure that the Claim Form is submitted accurately and complete, and within the prescribed timeframe as required by this Policy.

Incomplete claim forms may result in costs and expenses not being reimbursed.

3.5. PAYMENTS IN ADVANCE

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by this Policy. However, Councillors shall fully reconcile all expenses against the cost of the advance within fourteen (14) days of their return.

Note: No general allowance type payment shall be made under any circumstances.

3.6. PAYMENT OF EXPENSES FOR SPOUSES, PARTNERS AND ACCOMPANYING PERSONS

Where the business of Council includes an invitation to a Councillor's spouse, partner or accompanying person, Council shall meet all reasonable costs associated with the spouse, partner or accompanying person attending that function.

In circumstances where an invitation is not extended to a Councillor's spouse, partner or accompanying person, that spouse, partner or accompanying person may accompany the Councillor on the business of Council, at the expense of the Councillor.

Attendance at the ~~Annual Shires~~ Local Government NSW Annual Conference shall be regarded as business of the Council and, as permitted by the Office of Local Government Guidelines, registration and official conference dinner costs be met by Council.

An accompanying person is a person who has a close personal relationship with the councillor and/or provides carer support to the councillor.

3.7. INCIDENTAL EXPENSES

Claims for reimbursement of reasonable out-of-pocket or incidental expenses incurred by a Councillor whilst attending conferences, seminars or training courses shall only be approved upon presentation of receipts and the completion of the prescribed claim form. Payments of general expense allowances shall not be permitted under this policy.

Incidental expenses will be paid in accordance with the annual Taxation Determination issued by the Australian Taxation Office titled: *Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the xxxx-xx income year?* Amounts claimed shall not exceed amounts specified in the Taxation Determination.

3.8. INSURANCE

Council shall effect an appropriate level of insurance for Councillors in the following areas:

- i) Public Liability – for matters arising out of a Councillor's performance of their civic duties and/or exercise of their Council functions.
- ii) Professional Indemnity – for matters arising out of a Councillor's performance of their civic duties and/or exercise of their Council functions.
- iii) Personal Accident – coverage of Councillor and/or spouse while on Council business.

- iv) Defamation – excluding Councillor to Councillor, Councillor to Staff and Staff to Councillor.
 - v) Travel – for approved travel on Council business.
- Council shall meet any excess applicable under a policy for:
- Councillor and Officers – in relation to a Councillor performing their civic duties or Council functions;
 - Other Insurances – in specific instances when considered necessary by the General Manager (e.g. travel insurance).

3.9. LEGAL EXPENSES

Council may indemnify or reimburse the reasonable legal expenses of:-

- i) A Councillor defending an action arising from the performance in good faith of a function under the Local Government Act 1993 (refer Section 731), provided that the outcome of the legal proceedings is favourable to the Councillor.
- ii) A Councillor defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.
- iii) A Councillor involved in the event of:
 - An inquiry, investigation or hearing into a Councillor's conduct by any of the following:
 - o Independent Commission Against Corruption
 - o Office of the NSW Ombudsman
 - o Office of Local Government, Department of Premier and Cabinet
 - o NSW Police Force
 - o Director of Public Prosecutions
 - o Local Government Pecuniary Interest Tribunal
 - o Council's Conduct Review Committee / Reviewer

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a councillor's functions under the Local Government Act 1993 and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a councillor, legal costs shall only be made available where a matter has been referred by the General Manager to the conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs shall only be made available where a formal investigation has been commenced by the Office of Local Government.

In addition, legal costs shall only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

Council shall not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

Council shall not meet the legal costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs shall not be met for legal proceedings that do not involve a councillor performing their role as a councillor.

Council may lawfully obtain insurance cover against the risk of having to meet the reasonable legal costs of a councillor, or to reimburse those costs, provided that the costs or reimbursements are ones that it is authorised to meet.

Council may reimburse such Councillor, after the conclusion of the inquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonable incurred, given the nature of the inquiry, investigation, hearing or proceeding, on a solicitor / client basis. Such determination shall be by resolution of Council.

3.10. CARER'S PROVISIONS

3.10.1. Carer's Expenses

Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member shall be entitled to reimbursement of carer's expenses up to a maximum of \$1,000 per annum for attendance at Council and Committee meetings and other official civic functions noted below, plus reasonable travel from their principal place of residence. Child care expenses may be claimed for children up to and including the age of 16 years. Reimbursement of carer's expenses shall be made after submission of receipts and tax invoices and completion of the prescribed claim form. Claims for such expenses shall be made within one (1) month of the expense being incurred. Official civic functions may include:

- Attendance at Ordinary and Extraordinary meetings of Council.
- Attendance at Council Committee meetings of which the Councillor is a member.

- Attendance at Ordinary, Committee and Sub-Committee meetings of an organisation where the Councillor has, by Council resolution, been duly elected as a Council delegate.
- Attendance at inspections, within or outside the area as authorised by Council resolution or by the Mayor under delegated authority.
- Attendance at official Council functions as authorised as Council business by a resolution of Council.
- Attendance at conferences or seminars approved by Council resolution or by the Mayor under delegated authority.
- Attendance at training or professional development approved by Council resolution or by the Mayor under delegated authority.
- Attendance at functions to which the Mayor has been invited, which are attended at the request of the Mayor.

Councillors shall provide suitable evidence to the General Manager that reimbursement is applicable, such as advice from a medical practitioner in the event of caring for an adult person.

3.10.2. Expenses and Facilities for Councillors with Disabilities

In addition to the provisions of 3.10.1, for any councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their civic duties.

4. CONSIDERATION OF SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

4.1. GENERAL TRAVEL ARRANGEMENTS

All travel by Councillors shall be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Note: The driver is personally responsible for all traffic infringements and parking fines incurred while travelling in private or council vehicles on Council business.

4.2. LOCAL TRAVEL ARRANGEMENTS AND EXPENSES

For the purposes of this Policy, Local Travel will include travel conducted within the following Local Government Areas:-

- Blayney
- Cowra
- Bathurst
- Orange
- Cabonne
- Wellington

For the purposes of this Policy, where Council Delegates attend meetings of the Lachlan Regional Transport Committee Inc, Local Travel will include travel conducted within, and transiting to, the Local Government Areas of the members to this Committee.

Travelling expenses within these Local Government Areas shall be paid to Councillors upon submission of the completed claim form for:

- Attendance at Council or Committee meetings;
- Undertaking approved business of the Council.

Councillors are encouraged to pool vehicles where practicable.

4.3. NON-LOCAL AND OTHER TRAVEL ARRANGEMENTS AND EXPENSES

Payment of travelling expenses for all other travel outside of the “local area” as defined above shall be submitted to Council for consideration, and shall only be paid if approved.

All non-local and other travel should be advised to the General Manager in advance for coordination of accommodation and travel arrangements (if required). Such advice shall be on a travel authority and submitted in time for approval by Council as attached to this policy. For risk minimisation Councillors are to pool vehicles where practicable. All travel by vehicle shall be by the following priority:

- a. Council vehicle (if available)
- b. Councillor vehicle
- c. Hire vehicle

Claims for expenses incurred shall be submitted on the approved claim form as attached to this Policy, and each claim shall clearly state the purpose of the travel.

4.4. TRAVELLING EXPENSES PER KILOMETRE RATE

Approved claims for payment of travelling expenses shall be fixed at the rate per kilometre for vehicles in excess of 3 litre capacity, as determined by the Australian Taxation Office, effective from the 1st July of that financial year.

4.5. OTHER EXPENSES

Councillor claims for payment of “Other Expenses” not specifically covered by this Policy shall be presented in a report to Council for consideration, and shall only be paid if approved.

5. PROVISION OF FACILITIES

5.1. GENERAL PRINCIPLES

The provision of facilities, equipment and services to the Mayor and Councillors shall be used by the Mayor and Councillors only for the purposes of fulfilling their civic duties and functions. However, Council acknowledges that infrequent private use of the facilities and equipment may occur.

Council facilities, equipment and services shall not be used to produce and disseminate election material, personalised pamphlets or newsletters (and the like) or material for any other political purpose.

5.2. TELEPHONE LINE

At Council's expense a separate telephone direct line shall be connected to all Councillors' residences for Council business upon receipt of a written request from each respective Councillor. All costs associated with the operation of this line shall be paid by Council.

In circumstances where a Councillor elects not to have a separate telephone line connected, and instead utilises their own private telephone line, Council shall reimburse only the call costs identified by the Councillor as relating to council business. Claims for this reimbursement shall be accompanied by a copy of the telephone account for this line with each council business call highlighted.

5.3. TECHNOLOGY EQUIPMENT

At the expense of Council, each Councillor shall be provided with Technology equipment, the provision of tablet technology (i.e., iPad or similar). Such equipment will be provided with required applications for Councillors to undertake their duties. Any additional applications at Council expense must be made in writing with substantiation of need.

Council will not be responsible for purchase, update or replacement of applications not purchased through Council in the event of equipment failure.

5.4. APPAREL

At the expense of Council, each Councillor shall be provided with the following apparel each term:

- One (1) corporate blazer or jacket of Council;
- Two (2) ties or scarves;
- Two Corporate Polo shirts; and
- Protective clothing as deemed required by the General Manager.

Any apparel purchased under this section shall carry the Council logo.

5.5. OTHER FACILITIES

Councillors are to receive the benefit of:

- Provision and use of business cards and name badges;
- Postage of official correspondence - all mail is to be directed through the Council's own mailing systems;
- Meals/refreshments at Council, Committee, Sub-Committee Meetings and Working Parties, or at any other time deemed appropriate by the Mayor or General Manager whilst on Council business;

5.6. RETURN OF FACILITIES

Councillors shall return any equipment or other facilities to Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

Where a separate sim card / telephone had been established, this line shall be disconnected at Council's expense. However, should the Councillor wish to retain the use of this line, then at Council's expense, the line shall be transferred into the name of the Councillor.

Councillors will also have the option of purchasing the equipment previously allocated at an agreed fair market price or written down price value.

5.7. SECRETARIAL SUPPORT

Secretarial support facilities are available to the mayor during normal office hours, through the General Manager.

ATTACHMENT A – CLAIM FORM

**BLAYNEY SHIRE COUNCIL
COUNCILLOR'S EXPENSES CLAIM FORM**

Council has adopted a Policy for payment of expenses and provision of facilities to the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office.

Name of Councillor: _____

TRAVEL

Date	Council Meeting/Committee/Other	Kilometres

ACCOMMODATION/ SUSTENANCE/ OUT OF POCKET EXPENSES

Please provide details and attach receipts

\$

SIGNATURE: _____ **DATE:** _____

Office Use Only

TRAVEL (Kilometres) _____ @ \$ _____

PAYMENT

OTHER _____

TOTAL

\$

=====

ATTACHMENT B – TRAVEL AUTHORITY

**BLAYNEY SHIRE COUNCIL
COUNCILLOR TRAVEL AUTHORITY
FOR NON-LOCAL AND OTHER TRAVEL**

Pursuant to the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy the following application is submitted:

Name of Councillor: _____

Purpose of Travel: _____

Date(s): _____ Time from / to: _____

Location: _____

Venue: _____

Mode of Transport: (please circle)

Air Council Vehicle Councillor Vehicle Hire Vehicle

Accommodation (if required):

Single Room: _____ Double Room: _____ Other: _____

Motel preference: _____

Please provide other relevant details (e.g. special requirements):

SIGNATURE: _____ **DATE:** _____

(Authority should be lodged with sufficient time for Council report for approval to be submitted.)

Office Use Only

Council meeting date: _____ Minute No.: _____

Transport: _____ Order No.: _____

Motel: _____ Order No.: _____

**ATTACHMENT NO: 1 - PAYMENT OF EXPENSES AND
THE PROVISION OF FACILITIES TO THE MAYOR AND
COUNCILLORS POLICY**

ITEM NO: 06

	Date	Minute No.
First Adopted:	20/9/1999	592
Last Reviewed:	13/08/2001	388
	12/02/2007	7
	14/05/2007	07/094
	12/05/2008	08/105
	29/09/2008	08/231
	08/02/2010	1002/010
	09/05/2011	1105/007
	12/09/2011	1109/022
	10/12/2012	1212/005
	09/09/2013	1309/009
	16/09/2014	1409/010
Next Review:	11/07/2016	

BLAYNEY SHIRE COUNCIL



AGENCY INFORMATION GUIDE (*previously Publication Guide*)

Prepared in accordance with the provisions of Section 20 of the
Government Information (Public Access) Act 2009.

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STRUCTURE AND FUNCTIONS OF COUNCIL

INTRODUCTION

Blayney Shire Council is constituted under the Local Government Act 1993 and was proclaimed in August 1978.

The Council is an undivided area, with seven (7) Councillors. The Mayor is elected each year by the Councillors from among their numbers.

The roles of the Councillors, as members of the body corporate are:

- to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- to participate in the optimum allocation of the Council's resources for the benefit of the area;
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council;
- The role of a Councillor is, as an elected person:
- to represent the interests of the residents and ratepayers;
- to provide leadership and guidance to the community;
- to facilitate communication between the community and the Council.

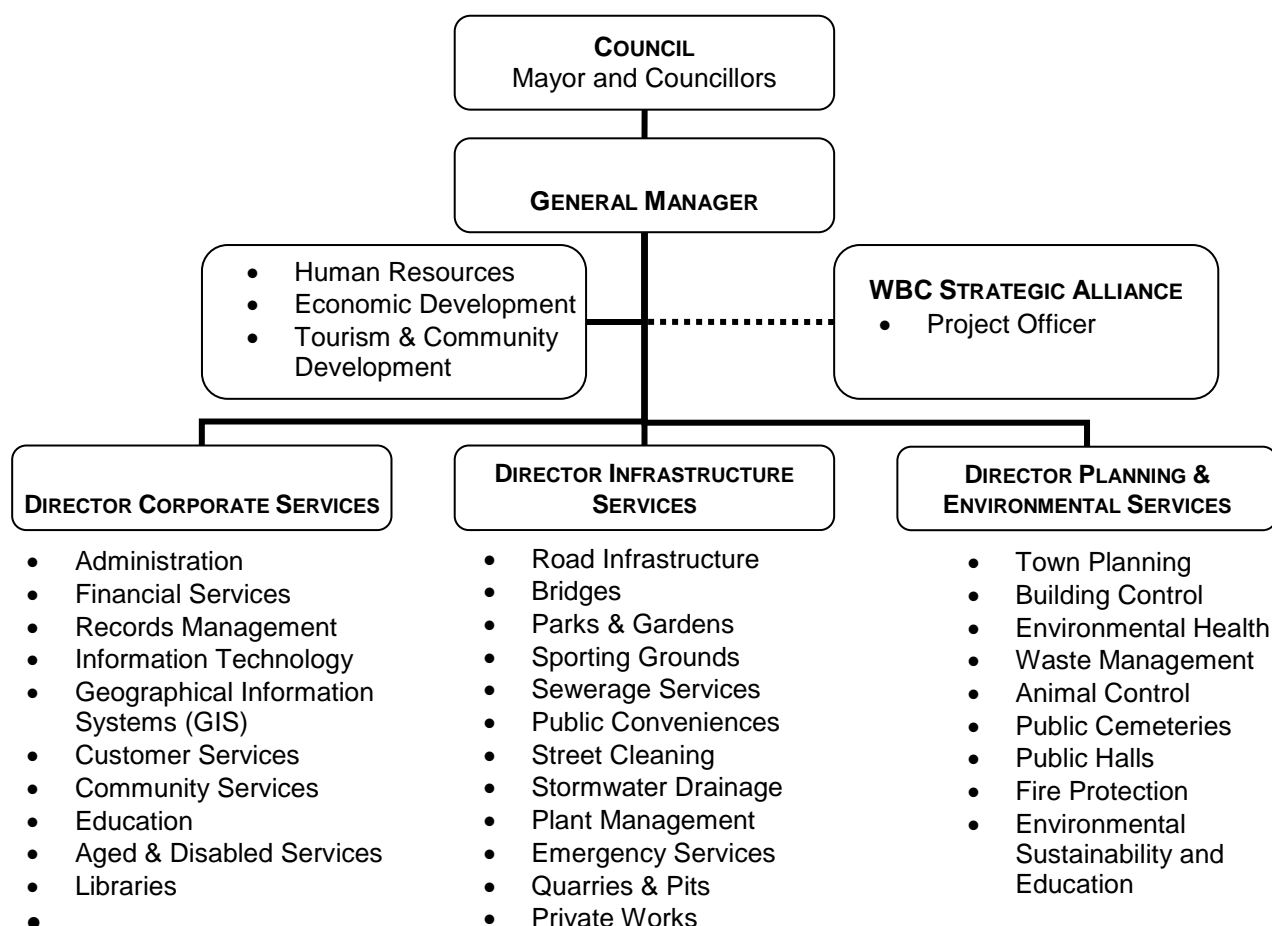
The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the General Manager in the exercise of these functions, there are three (3) Directorates of Council. These Directorates are Corporate Services, Planning and Environmental Services and Infrastructure Services. Each of these Directorates is headed by a Director.

ORGANISATIONAL STRUCTURE

The functional structure of the organisation is set out in the below diagram:

MANAGEMENT STRUCTURE – BLAYNEY SHIRE COUNCIL

COUNCIL FUNCTIONS

Council has functions conferred or imposed on it by the Local Government Act, 1993. These functions are:

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTRATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS
Including: * Provision of community health, recreation, education & information services * Environmental protection * Waste removal & disposal * Land & property, industry & tourism development & assistance * Civil Infrastructure Planning * Civil Infrastructure Maintenance & Construction	Including: * Approvals * Orders * Building Certificates	Including: * Resumption of land. * Powers of entry and inspection	Including: * Rates * Charges * Fees * Borrowings * Investments	Including: * Employment of staff * Management plans * Financial reporting * Annual reports	Including: * Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations * Prosecution of offences * Recovery of rates and charges.

As well as the Local Government Act, Council has powers under a number of other Acts including:

Coastal Protection Act 1979

Community Land Development Act 1989

Companion Animals Act 1998

Contaminated Land Management Act 1997

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Fire Brigades Act 1989

Fluoridation of Public Water Supplies Act 1957

Food Act 1989

Government Information (Public Access) Act 2009

Heritage Act 1977

Impounding Act 1993

Library Act 1939

Noxious Weeds Act 1993

Privacy & Personal Information Protection Act 1998

Protection of the Environment Operations Act 1997

Public Health Act 2010

Recreation Vehicles Act 1983

Roads Act 1993

State Emergency & Rescue Management Act 1989

State Emergency Service Act 1989

Strata Schemes (Freehold Development) Act 1973

Strata Schemes (Leasehold Development) Act 1986

Strata Schemes Management Act 1996

Swimming Pools Act 1992

Unclaimed Money Act 1995

HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

As a service organisation, the majority of the activities of Blayney Shire Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non payment of rates and charges and unregistered dogs.

Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Australia Day Awards and Youth Week, as well as promoting events of others.

HOW THE MEMBERS OF THE PUBLIC CAN PARTICIPATE IN COUNCIL'S POLICY DEVELOPMENT AND THE EXERCISE OF FUNCTIONS

Councils in New South Wales are elected every four years. The next elections are to be held in September 2016.

At each election, voters elect seven Councillors for a four year term. The Mayor is elected each year by the Councillors from among their numbers. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

Members of the public are able to attend Council meetings (second Monday of each month – except January) in the Council Chamber, 41 Church Street, Blayney.

The opportunity is offered to interested persons to address Council prior to meetings on any matters that are within its jurisdiction. A Public Forum Speaker Request Form must be completed and lodged on or before the 1st Monday of the month. Forms are available from Council's website link:

<http://www.blayney.nsw.gov.au/Your-Council/Council-Meetings-and-Committees/Public-Participation/Public-Participation>

Council also has the following Community Committees comprising and including members of the public:

- Blayney Shire Access Advisory Committee
- Blayney Shire Audit Committee
- Blayney Shire Council Australia Day Committee
- Blayney Shire Economic Development Committee
- Blayney Shire Financial Assistance Committee
- Blayney Shire Sports Council
- Blayney Shire Towns & Villages Committee
- Cemetery Forum

Community Committee meeting times are promoted on Council's website. Invitations for membership of committees are called after Council elections every four (4) years and as committee vacancies arise. Notification of vacancies are publicised on Council's website and in the local newspaper. Members of the public interested in being involved with any community committee should contact Council in the first instance to enquire of any vacancies.

INFORMATION HELD BY BLAYNEY SHIRE COUNCIL

Council holds a wide range of information, in both hard copy and electronic form in respect of the wide range of functions undertaken by it. That information is contained in:

1. Records – either Physical or electronic
2. Policy documents
3. General Information

1. RECORDS

Prior to 1996 Council had a “hard copy” records system, with material being held as physical records. Since then, Council’s records have been maintained in electronic format, physical records being dispensed with, except for development/building/construction applications.

Council’s records are not available on the website however this information may be made available either by informal release or via an access application, unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of GIPA.

Members of the public who require an informal release or an access application can do so by contacting the Right to Information Officer at Council on telephone (02) 6368 2104.

2. POLICY DOCUMENTS

Council’s policies are maintained in a policy register – access to which is available from Council’s website using the following link:

<http://www.blayney.nsw.gov.au/Your-Council/Council-Policies>

3. GENERAL INFORMATION

The following list of general information held by Council has been divided into four sections as outlined by the Government Information (Public Access) Regulation 2009:-

1. Information about Council;
2. Plans and Policies;
3. Information about Development Applications;
4. Approvals, Orders and other Documents.

The Government Information (Public Access) Regulation 2009 requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council’s website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

These documents are:

1. Information about Council

- The model code of conduct prescribed under section 440 (1) of the LGA
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy
- Annual Reports of Bodies Exercising Functions Delegated by Council
- Any Codes referred to in the Local Government Act
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

2. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

3. Information about Development Applications

Development Applications and any associated documents received in relations to a proposed development:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports

- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

4. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

As far as practicable, Council documents will be accessible by members of the public during office hours.

Persons interested in obtaining access to documents or who wish to seek an amendment to the Council's records concerning their personal affairs, should contact a Customer Service Officer. If you experience difficulty in obtaining documents or information you should contact Council's Public Officer.

ACCESS TO INFORMATION HELD BY THE COUNCIL

Blayney Shire Council is dedicated to good public decision making, transparency and accountability, and will provide access to information in accordance with the provisions of the GIPA Act.

Council has adopted a policy on access to information (Policy 2G: Access to Information), to facilitate public access to the information held by Council. This policy is publicly available from Council's policy register on Council's website using the following link:

<http://www.blayney.nsw.gov.au/Your-Council/Council-Policies>

In accordance with the GIPA Act, Council will make information available to the public in the following ways, unless there is an overriding public interest against disclosure of information:

OPEN ACCESS INFORMATION

Through the mandatory disclosure of open access information (see above, Information Held by Council) – where practicable, this information will be made available free of charge on Council's website. Where it is not practicable for Council to provide open access information on the website, the information will be made available free of charge in at least one other format.

To access information that is not currently available on Council's website, please contact Council's Right to Information Officer on (02) 6368 2104.

PROACTIVE RELEASE OF INFORMATION

Through the proactive release of as much information as possible – this information will be made available free of charge, or at the lowest reasonable cost.

INFORMAL ACCESS REQUESTS

In response to an informal request (without the need for a formal application, unless there are good reasons to require one) – this information will be made available free of charge, subject to any reasonable conditions that may be imposed by Council. Council may require a written record of an informal request to access information.

FORMAL ACCESS APPLICATIONS

In response to a formal access application (for information that Council does not provide proactively or informally) – application fees and processing charges apply as per the GIPA Act.

The GIPA Act sets out the procedure for making and dealing with formal access applications. An application for information that is not already available by other means must be made on the "Formal Access Application" form, which is available at the Council Chamber or on Council's website using the following link:

<http://www.blayney.nsw.gov.au/Your-Council/Access-to-Information> <http://www.blayney.local-e.nsw.gov.au/images/documents/blayney/mig/13104-FormalAccessApplicationform.pdf>

A formal application is not a valid application unless it is accompanied by an application fee of \$30. The application fee counts as payment of the first hour of any processing charge that may be payable by the applicant. Processing charges for dealing with formal access applications are charged at a rate of \$30 per hour for each hour of processing time.

Enquiries regarding formal access applications should be made to Council's Right to Information Officer on (02) 6368 2104.

PUBLIC OFFICER – RIGHT TO INFORMATION OFFICER

The Director Corporate Services has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Director Corporate Services is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer (Right to Information Officer) in the first instance.

Enquiries should be addressed as follows:

General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Email: council@blayney.nsw.gov.au

INFORMATION AND PRIVACY COMMISSION

If you require any other advice or assistance about access to information you may contact the Information and Privacy Commission by telephone on 1800 472 679 (free call), in person at Level 11, 1 Castlereagh Street, Sydney 2000, in writing to GPO Box 7011 Sydney NSW 2001 or by email at ipcinfo@ipc.nsw.gov.au. Further information may also be obtained from website: www.ipc.nsw.gov.au

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	13/07/2015	
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Blayney Shire Council**Policy Register****Policy No 1C**

Policy Title	Code of Meeting Practice
Document/File No	C15-5
Officer Responsible	Director Corporate Services
Last Review Date	13/07/2015

Objectives

The objective of the Code of Meeting Practice is to provide a model for the convening and conduct of Council and Committee meetings. It establishes policy and guidelines for Council and promotes accountability to the community.

Policy Statement**Blayney Shire Council****Code of Meeting Practice Policy**

Schedule of Amendments

Meeting Date	Minute Number
11 October 1999	681
11 September 2000	525
11 December 2000	722
09 April 2001	182
09 July 2001	340
13 August 2001	371
15 April 2004	104
08 August 2005	05/225
10 October 2005	05/280
14 May 2007	07/094
8 December 2008	08/333
14 December 2009	0912/006
14 March 2011	1103/006
12 November 2012	1211/014
13 July 2015	

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1. INTRODUCTION

1.1. Objectives

This Code of Meeting Practice (the Code) has the following objectives:

- (1) to ensure that all meetings of Council and its Committees are conducted in an orderly, consistent and efficient manner;
- (2) to ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
- (3) to ensure that all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
- (4) to ensure that all Councillors fully understand their rights and obligations as participants in meetings of Council; and
- (5) to ensure that proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.

1.2. Guide to References in this Code

The Code consolidates provisions in relevant Acts and Regulations which are specific meeting provisions for Blayney Shire Council. References to relevant sections in the Local Government Act and regulations are included in the Code.

Clause	refers to Clauses within this Code
LGA Sec	refers to the Local Government Act 1993 - Section Number
Reg	refers to the Local Government (General) Regulation 2005 – Regulation Number
Blue Text	Clauses introduced by Blayney Shire Council.

2. THE CODE OF MEETING PRACTICE

2.1. Application of the Code

Conduct of meetings of council and committees

- (1) The regulations may make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors.
- (2) A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.
- (3) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

LGA Sec 360

2.2. Preparation of the Code of Meeting Practice***Preparation, public notice and exhibition of draft code***

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.
- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.
- (5) The council must publicly exhibit the draft code in accordance with its notice.

LGA Sec 361**2.3. Adoption and Amendment of the Code*****Adoption of draft code***

- (1) After considering all submissions received by it concerning the draft code, the council may decide:
 - (a) to amend those provisions of its draft code that supplement the regulations made for the purposes of section 360, or
 - (b) to adopt the draft code as its code of meeting practice.
- (2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

LGA Sec 362***Amendment of the Code***

A council may amend a code adopted under this Part by means only of a code so adopted.

LGA Sec 363***Revision of the Code***

The Council authorises the General Manager to reissue the Code without public exhibition to incorporate any amendments to the Act or Regulation.

2.4. Availability of the Code***Public availability of the code***

- (1) The code of meeting practice adopted under this Division by a council must be available for public inspection free of charge at the office of the council during ordinary office hours.
- (2) Copies of the code must be available free of charge or, if the council determines, on payment of the approved fee.

LGA Sec 364

3. BEFORE COUNCIL MEETINGS

3.1. Frequency of Meetings

How often does the council meet?

The council is required to meet at least 10 times each year, each time in a different month.

LGA Sec 365

Dates

- (1) Council meets at 6:00pm on the ~~second~~ third Monday of each month.
- (2) Where a Council meeting falls on a Monday that is a public holiday, the Council meeting shall be held on the Monday of the following week.
- (3) Council adopts an annual schedule of dates for Council and Council Committee meetings **at the September meeting.**
- (4) Any change from the date or commencement time of a Council meeting shall be by resolution of the Council or, in emergency circumstances, by the authorisation of the Mayor.
- (5) Extraordinary meetings of Council will be held as and when required.

3.2. Notice of Meetings to Councillors

Notice of meetings

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

LGA Sec 367(1)

Days of Notice

The day of issue and the day of the meeting are not to be counted as days of notice (*Sec 36 Interpretations Act 1987*).

Form of Notice

- (3) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.

LGA Sec 367(3)

3.3. Notice for Extraordinary Meeting

Calling of extraordinary meeting on request by councillors

If the mayor receives a request in writing signed by at least 2 councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request.

LGA Sec 366

The Mayor can be one of the two Councillors, but the Mayor cannot call extraordinary meetings by himself or herself without having a written request with another Councillor's signature.

Notice of meetings

- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.

LGA Sec 367(2)

3.4. Public Notice of Meetings

Public notice of meetings

- (1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.
- (2) A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause does not apply to an extraordinary meeting of a council or committee.

Reg 232(2)-(5)

A notice will be published in a locally circulated newspaper prior to each meeting.

Public notices of meetings will also be displayed on the Council's website.

4. QUORUM AND ATTENDANCE

4.1. Quorum for a Meeting

What is the quorum for a meeting?

The quorum for a meeting of the council is a majority of the councillors of the council who hold office for the time being and are not suspended from office.

LGA Sec 368

Councillors, or committee members, who have declared an interest and have left the meeting during the consideration of an item, are still to be counted for the purposes of calculating a quorum for the meeting.

4.2. Councillor Presence at Council Meetings

Presence at council meetings

A councillor cannot participate in a meeting of a council unless personally present at the meeting.

Reg 235

4.3. Quorum not Present

What happens when a quorum is not present

- (1) A meeting of a council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting, or
 - (b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson, or
 - (b) in his or her absence—by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- (3) The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

Reg 233

4.4. Councillor Attendance at Meetings

When does a vacancy occur in a civic office?

- (1) A civic office becomes vacant if the holder:
 - (a) dies, or
 - (b) resigns the office by writing addressed to the general manager, or
 - (c) is disqualified from holding civic office, or
 - (d) is absent from 3 consecutive ordinary meetings of the council (unless the holder is absent because he or she has been suspended from office under section 482) without:
 - (i) prior leave of the council, or
 - (ii) leave granted by the council at any of the meetings concerned, or
 - (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or

- (f) becomes a mentally incapacitated person, or
- (g) is dismissed from civic office, or
- (h) ceases to hold the office for any other reason.

LGA Sec 234(1)

4.5. Application for Leave of Absence

- (1) For the purposes of subsection (1) (d) (LGA Sec 234(1)), a councillor applying for a leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that councillor.

LGA Sec 234(2)

- (1) A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.

Reg 235A(1)

4.6. Meeting Attendance while on Leave of Absence

- (3) If the holder of a civic office attends a council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meeting.
- (4) Subsection (3) does not prevent the council from granting further leave of absence in respect of any future council meeting.

LGA Sec 234(3)-(4)

- (2) A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.

Reg 235A(2)

4.7. Who is entitled to Attend Council Meetings

- (1) Except as provided by this Part:
 - (a) everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and
 - (b) a council must ensure that all meetings of the council and of such committees are open to the public.
- (2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.
LGA Sec 10

4.8. Attendance of General Manager

- (1) The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.
- (2) The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- (3) However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.
LGA Sec 376

4.9. Attendance of Council Employees

The General Manager shall arrange for the attendance of such Council employees as are considered necessary by the General Manager for the transaction of the notified Council business.

5. PRESIDING OVER MEETINGS OF COUNCIL

5.1. Chairperson and Deputy Chairperson of Council

Who presides at meetings of the Council?

- (1) The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.
- (2) If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

LGA Sec 369

5.2. Councillor to be elected to preside at certain meetings

- (1) If no chairperson is present at a meeting of a council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- (2) The election must be conducted:
- (a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election, or

- (b) if neither of them is present at the meeting or there is no general manager or designated employee—by the person who called the meeting or a person acting on his or her behalf.
- (3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- (4) For the purposes of subclause (3), the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

Reg 236

5.3. Chairperson to have Precedence

When the chairperson rises during a meeting of a council:

- (a) any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

Reg 237

5.4. Chairperson's Duty with Respect to Motions

- (1) It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

Reg 238

The Chairperson may rule that a proposed motion is out of order if the proposed motion:

- (a) is vague and equivocal in its language;
- (b) is the direct negative of a resolution just passed by the meeting;
- (c) proposes an action that is unlawful;
- (d) is ultra vires in that it is outside the scope of the meeting;
- (e) contains defamatory statements;
- (f) is inconsistent with a resolution just adopted;
- (g) is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting;

- (h) is vexatious and proposed only as a way to impede the orderly transaction of business.

5.5. Recognition of Chairperson

- (1) In addressing Council, Councillors and other persons addressing the Council shall at all times speak through the Chairperson.
- (2) Councillors and other persons addressing the Council shall at all times show appropriate respect and observe the ruling of the Chairperson.
- (3) A Councillor, despite the clauses immediately above, may, through a motion of dissent, challenge a ruling from the Chairperson.

5.6. Mode of Address

- (1) To facilitate debate Councillors, with the exception of the Chairperson, are to stand in their place when speaking at a meeting of Council (except when prevented by disability or injury). This procedure does not need to be followed at meetings of committees, or in circumstances where the Chairperson rules that standing is not required.
- (2) In addressing Council, Councillors and other persons addressing the Council will use the appropriate mode of address to the Mayor, Deputy Mayor, fellow Councillors, employees of Council and members of the public in attendance.
- (3) Councillors shall refrain from the use of offensive or inappropriate words in reference to any Councillors, employees of Council and members of the public, consistent with Council's Code of Conduct.
- (4) Councillors shall not make imputations of improper motives or personal reflections on Councillors, employees of Council and members of the public, consistent with Council's Code of Conduct.

6. MEETING AGENDA AND BUSINESS

6.1. Order of Business

- (1) At a meeting of a council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.

- (3) Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

Reg 239

Order of Business

Currently the order of business followed by Council is:

- (1) Acknowledgment of Country
- (2) **Recording of Meeting Statement**
- (3) Apologies for non-attendance
- (4) Confirmation of Minutes of previous meeting(s)
- (5) Matters arising from Minutes
- (6) Disclosure(s) of Interests
- (7) Public Forum
- (8) Mayoral Minute
- (9) Notice(s) of Motion and Rescission Motion(s)
- (10) Reports of Staff
 - I. **Executive Services**
 - II. **Corporate Services**
 - III. **Infrastructure Services**
 - IV. **Planning and Environmental Services**
- (11) **Committee Delegate Reports**
- (12) Questions from Councillors
- (13) Closed Meeting

At the Ordinary Meeting of Council, which includes the election of the Mayor and Deputy Mayor, the following items shall precede item 3 of the above general order of business:

- (1) Prayer
- (2) Election of Mayor
- (3) Election of Deputy Mayor
- (4) Fixation of Dates and Times of Ordinary Meetings of Council for the following twelve months.

6.2. Business Paper for Council Meetings

Agenda and business papers for council meetings

- (1) The general manager must ensure that the agenda for a meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
 - (b) if the mayor is the chairperson—any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) subject to subclause (2), any business of which due notice has been given.

- (2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.
- (3) The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- (4) The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
- (5) Nothing in this clause limits the powers of the chairperson under clause 243.

Reg 240**Close of Business Paper Agenda**

- (1) Receipt of business paper reports and notices of business by a Councillor closes eight (8) working days before the meeting at 4:00pm, or as otherwise determined by the General Manager.
- (2) Councillor's notice(s) of business shall be submitted in writing to the General Manager.

6.3. Availability of Business Papers**Public notice of meetings**

- (2) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (2A) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:
 - (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
 - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.

LGA Sec 9(2)-(5)

Business Papers (Councillor Access)

The business paper for Council meetings shall be delivered to Councillors on the ~~Wednesday~~ **Tuesday** prior to the meeting ~~in sealed envelopes via email. Hard copies shall be provided in sealed envelopes by the Thursday prior to the meeting.~~

Business Papers (Public Access)

Council business papers shall be available to the press and public on Council's website: www.blayney.local-e.nsw.gov.au and from the Council Offices on the ~~Friday~~ **Thursday** prior to the meeting free of charge.

Council business papers shall also be able to be viewed at Blayney Library, Tourism Information Centre and Village Post Offices from the Friday prior to the meeting.

6.4. Availability of Other Materials***Public access to correspondence and reports***

- (1) A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- (2) This section does not apply if the correspondence or reports:
 - (a) relate to a matter that was received or discussed, or
 - (b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- (3) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.

LGA Sec 11**6.5. Giving Notice of Business**

- (1) A council must not transact business at a meeting of the council:
 - (a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and
 - (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before, the council, or
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236 (1), or

- (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or
- (d) is a motion for the adoption of recommendations of a committee of the council.

Reg 241(1)-(2)

6.6. Dealing with matters Without Notice

Giving notice of business

- (3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.Such a motion can be moved without notice.
- (4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

Reg 241(3)-(4)

6.7. Mayoral Minute

Official minutes

- (1) If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.

Reg 243

6.8. Agenda for Extraordinary Meetings

- (1) The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.

Reg 242(1)

6.9. Dealing with matters without notice at an Extraordinary Meeting

Agenda for extraordinary meetings

- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
- Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.
- (3) Despite clause 250, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

Reg 242(2)-(3)

6.10. Members of the Public Addressing Council

Public Forum

Members of the public wishing to address Council are permitted to do so provided that the following guidelines are adhered to:

- (1) A person may address Council for a maximum period of five (5) minutes.
- (2) Members of the public may address Council on any issue, however, should there be an agenda item, there must be a direct link between the member of the public wishing to address Council and the substance of the agenda item.
- (3) The Public Forum shall not be used to request reports from the Mayor, Councillors or Staff, nor used to address matters in the Minutes of an earlier meeting or other matters already dealt with at the meeting.
- (4) Persons speaking in Public Forum may, with the permission of the Chairperson, use appropriate materials or documents to support their position, but may not table documents to be actioned.
- (5) Any person making use of the Public Forum shall observe the same standards required of a Councillor. Specifically the person shall:
 - (a) obey the directions of the Chairperson, and
 - (b) not use any behaviour or language inconsistent with good order and decorum, and
 - (c) not make personal reflections or impute improper motives to Councillors and/or Staff.
- (6) The Chairperson may ask staff to comment on an issue, or if an investigation is required, request a report to a subsequent meeting.
- (7) No motions or resolutions may be moved during Public Forum.
- (8) The duration of the Public Forum shall not exceed fifteen (15) minutes in total.

- (9) Should there be more than one person wishing to address Council on an issue, then those persons shall nominate one person to represent the group. (Note: This clause only applies to those occasions where the total group time would exceed fifteen (15) minutes).
- (10) **At the discretion of the Chair, more time may be provided for an individual speaker and / or the public forum**

Members of the public wishing to address Council shall complete the prescribed request form (Appendix C) and present it to the General Manager's Office **prior to the closure of the business paper agenda for the meeting by 4.30pm on the day of the Council Meeting.**

6.11. Public Recording of Meetings prohibited without Council authority

- (1) A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.
- (2) A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
- (4) In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

Reg 273

7. DECLARATIONS OF INTERESTS

7.1. What is a Pecuniary Interest?

What is a "pecuniary interest"?

- (1) For the purposes of this Chapter, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.

LGA Sec 442

7.2. Interests that do not require disclosure***What interests do not have to be disclosed?***

The following interests do not have to be disclosed for the purposes of this Chapter:

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i),
 if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,

- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
 - (ii) security for damage to footpaths or roads,
 - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

LGA Sec 448

7.3. Who has a Pecuniary Interest?

- (1) For the purposes of this Chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - (a) the person, or
 - (b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
 - (c) a company or other body of which the person, or a nominee, partner or employer of the person, is a member.
- (2) (Repealed)
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1) (b) or (c):
 - (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or

- (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

LGA Sec 443

7.4. Disclosure of Pecuniary Interests and Presence in Meetings

- (1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.

LGA Sec 451

Declarations of Pecuniary Interest

- (1) A Councillor or a member of a Council committee who has a pecuniary interest in a matter being considered at a Council or committee meeting shall disclose the existence of the interest and also the nature of that interest.
- (2) Such a disclosure shall be made in writing on the prescribed "Declaration of Conflict of Interest" form (Appendix B) **or in writing with this same detailed information and signed by the Councillor.** Each completed form shall be handed to the Mayor, General Manager or Chairperson prior to the commencement of the meeting.
- (3) A Councillor with a pecuniary interest in a matter is not counted for the purposes of quorum on that matter.

7.5. Sufficient General Disclosure

A general notice given to the general manager in writing by a councillor or a member of a council committee to the effect that the councillor or member, or the councillor's or member's spouse, de facto partner or relative, is:

- (a) a member, or in the employment, of a specified company or other body, or
 - (b) a partner, or in the employment, of a specified person,
- is, unless and until the notice is withdrawn, sufficient disclosure of the councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

LGA Sec 454

7.6. Disclosure of Non-Pecuniary Interests

- (1) A Councillor or member of a Council committee who has a non-pecuniary interest in a matter being considered at a Council or committee meeting shall disclose the existence of the interest and also the nature of that interest.
- (2) Such a disclosure shall be made in writing on the prescribed "Declaration of Conflict of Interest" form (Appendix B). Each completed form shall be handed to the Mayor, General Manager or Chairperson prior to the commencement of the meeting.
- (3) A Councillor or member of a Council committee having disclosed a non-pecuniary interest in a matter shall manage their non-pecuniary interest in accordance with Council's adopted Code of Conduct.
- (4) A Councillor with a non-pecuniary interest in a matter who leaves the meeting during the consideration and/or voting of that matter is not counted for the purposes of a quorum on that matter.

7.7. Disclosure by Adviser

- (1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- (2) The person is not required to disclose the person's interest as an adviser.

LGA Sec 456

7.8. Circumstances Where Disclosure Rules are not Breached

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

LGA Sec 457

7.9. Disclosure to be Recorded in Minutes

A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

LGA Sec 453

The minutes shall record the disclosure, the nature of the interest and the actions taken by the Councillor or the member of the Council committee.

7.10. Powers of Minister in relation to meetings

The Minister may, conditionally or unconditionally, allow a councillor or a member of a council committee who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.

LGA Sec 458

7.11. Disclosure of pecuniary interests when dealing with council matters

- (1) A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing.
- (1A) However, subsection (1) does not require a designated person who is a member of staff of the council to disclose such a pecuniary interest if the interest relates only to the person's salary as such a member of staff or to his or her other conditions of employment or the like.
- (2) The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- (3) A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

LGA Sec 459

8. QUESTIONS AND TABLING OF MATTERS**8.1. Questions to Councillors and Employees**

Questions may be put to councillors and council employees

- (1) A councillor:

- (a) may, through the chairperson, put a question to another councillor, and
 - (b) may, through the general manager, put a question to a council employee.
- (2) However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) The councillor must put every such question directly, succinctly and without argument.
- (4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.

Reg 249

8.2. Questions to General Manager

- (1) The General Manager may exercise the option to take on notice a question raised under Clause 8.1.
- (2) A question raised under Clause 8.1 and taken on notice may be answered in writing directly to all Councillors or by way of inclusion in a General Manager's report at subsequent meetings.

8.3. Questions on Notice

- (1) Questions on Notice shall be lodged in writing with the General Manager or specified delegate prior to the closure of the business paper agenda for the meeting of Council at which the Questions on Notice are to be considered.
- (2) Questions on Notice shall directly relate to the business of Council and shall comply with the Local Government (General) Regulation 2005 which provides at Clause 249 that a "councillor must put every such question directly, succinctly and without argument".
- (3) Questions shall not contain:
 - (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;
 - (b) argument;
 - (c) inference;
 - (d) imputation.
- (4) Questions shall not ask for legal opinion to be provided at the Council meeting.

- (5) Questions shall not refer to confidential matters that have been previously, or are yet to be, discussed by Council in closed meeting, nor refer to confidential matters as listed in Section 10A(2) of the Local Government Act 1993.
- (6) Where an answer has been provided to a Question on Notice and a Councillor seeks to have a matter arising from that question, notice shall be given to the General Manager in accordance with Clause 8.3(1).
- (7) The General Manager or specified delegate may exclude from the agenda any Question on Notice which may have the effect of exposing a Councillor, the Council, or an employee of Council, to an action for defamation.
- (8) The General Manager or specified delegate may return to a Councillor any Question on Notice that does not comply with the Code of Meeting Practice and provide a written reason. The question may be rewritten and resubmitted in accordance with Clause 8.3(1).
- (9) A Councillor may appeal to the Mayor against a decision of the General Manager or specified delegate made under Clause 8.3(7). The Mayor will decide in those circumstances if the Question on Notice complies with the Code of Meeting Practice.
- (10) The Mayor may rule that a Question on Notice does not comply with the Code of Meeting Practice, notwithstanding a decision made under Clause 8.3(7) - and in such cases the Mayor is to provide a written reason for such a decision.
- (11) Should a Question on Notice have any resource implications, financial or otherwise, the General Manager will advise Council. This advice will be included in the business paper.

8.4. Tabling a Report of Departmental Representative

Report of a Departmental representative to be tabled at council meeting

When a report of a Departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act, the council must ensure that the report:

- (a) is laid on the table at that meeting, and
- (b) is subsequently available for the information of councillors and members of the public at all reasonable times.

Reg 244

8.5. Tabling of Correspondence

Letters submitted to Council requesting that they be tabled at a Council or committee meeting shall be tabled and a copy included in the business paper for that meeting.

8.6. Petitions

- (1) A Councillor may table a petition to the Council.
- (2) The subject matter of a petition tabled to the Council shall not be discussed at the meeting at which the petition has been tabled unless the provisions of Clause 6.5 are followed.
- (3) The publication of petitions in Council's business papers shall occur only after due consideration has been given to:
 - (a) Section 10 of the Privacy and Personal Information Protection Act 1998 (PPIPA) – Requirements when collecting personal information;
 - (b) Section 18 of the PPIPA – Limits on disclosure of personal information; and
 - (c) the subject matter and the wording of the petition.

9. MOTIONS**9.1. Notice of Motion*****Notices of Motion***

- (1) Notices of Motions shall be lodged in writing with the General Manager or their delegate prior to the closure of the business paper agenda for the meeting of Council at which the Notices of Motion are to be considered.
- (2) The rules applying to the content of Questions on Notice (Clause 8.3) also apply to the content of Notices of Motion.
- (3) Councillors shall ensure, where it is intended that employees of the Council be asked to carry out some specific defined action, that a Notice of Motion is written in such a way that, if carried, the motion carries clear and unambiguous direction.

Other motions

- (1) The rules applying to the content of Questions on Notice (Clause 8.3) and Notices of Motion (Clause 9.1) apply to the content of any other motion or amendment moved at a Council or committee meeting.

9.2. Notice of Motion - Absence of Mover

In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of a council:

- (a) any other councillor may move the motion at the meeting, or

- (b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.

Reg 245

9.3. Motions to be Seconded

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243 (2) and 250 (5).

Reg 246

9.4. Dealing with (Debating) Motions

Mover

- (1) A Councillor or a member of a Council committee proposing a motion is to be provided with a right to speak to introduce the proposition.
- (2) In the absence of the proposition being seconded, the mover may exercise their right to speak to obtain the support of a seconder for the proposition.
- (3) ~~The mover's right to speak shall only be exercised at the time the proposition is made. The mover cannot reserve this right to be exercised at a later stage of the debate.~~
- (4) The mover of a motion shall be permitted no more than five (5) minutes to introduce their motion.
- (5) If the motion is accepted and debated, the mover is to be provided with a right of reply.

Debate

- (1) Upon the mover exercising, waiving, or deferring, their right of address, ~~and their motion being seconded~~, the Chairperson shall invite Councillors or committee members to debate the motion, in the order of one speaker against the motion and one speaker for the motion.
- (2) Speakers "For" or "Against" a motion shall be permitted no more than three (3) minutes to address the meeting.
- (3) The sequence of against and for is followed until debate is closed. The close of debate is reached should one of the following conditions emerge:
 - (a) only speakers for one particular side of the debate are now emerging so that the previous consecutive speakers were on the same side of the debate;
 - (b) the time allotted has expired;
 - (c) the limit of number of speakers allowed to speak on the motion has been reached;

- (d) a procedural motion that “the motion now be put” has been successful.

9.5. Speaking to Motions

- (1) A councillor who, during a debate at a meeting of a council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

Reg 250 (1)-(2)

9.6. Right of Reply – Mover

- (1) The mover of a motion shall be permitted no more than three (3) minutes to provide their “right of reply”.
- (2) Once the mover has exercised their Right of Reply all further debate on the substantive motion ceases.
- (3) In exercising their Right of Reply the following conventions shall be observed by the mover:
 - (a) the mover can waive their Right of Reply and the meeting can go straight to the vote;
 - (b) the purpose of the Right of Reply is to respond to any points raised in the debate and to present a final brief summary of the case for the motion;
 - (c) not to introduce any new material or arguments.

9.7. Speaking to a Misrepresentation or Misunderstanding

- (3) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

Reg 250 (3)

Note: *Nothing in clauses 9.5 or 9.7 affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.*

9.8. Variations to Motions

- (1) A Councillor may seek to vary a motion by:
 - (a) obtaining the unanimous consent of Council; or
 - (b) proposing an amendment to the motion.
- (2) If the meeting is considering a motion which is difficult to comprehend and of a complex structure, the Chairperson has the discretion to separate the constituent parts of the substantive motion. The meeting may agree to deal with them in their separate parts as if they were separate motions.

9.9. Variations by Consent

- (1) If a Councillor, including the seconder to the original motion, proposes a variation to a motion, the Chairperson shall ask whether any Councillor objects to the variation.
- (2) If there is no objection, the proposed variation is adopted into the motion by consent of the Council.
- (3) If there is an objection, the proposed variation must be dealt with as an amendment and seconded and voted on accordingly.
- (4) If the variation is proposed by the seconder to the original motion, but not accepted by Councillors, then a new seconder should be sought for the original motion.

Note: *The intention of a variation by consent is to enable a change to a motion that is non-contentious, improves clarity or effects a correction. This is also consistent with the common law rule that a seconder to a motion cannot move an amendment but enables a seconder to move a variation.*

9.10. Amendments to Motions

- (1) An amendment is a proposition to alter a motion that is under consideration by the meeting and is not subject to the Notice of Motion requirements set out at clause 9.1.
- (2) An amendment must be moved and seconded.
- (3) To be accepted as an amendment, it must relate and be relevant to the motion.
- (4) The amendment must also be moved before the debate on the motion has been concluded and the right of reply of the mover of the motion has been exercised.
- (5) An amendment cannot be accepted if it is a direct rebuttal of the motion it seeks to amend.

- (6) An amendment should not be moved that is substantially the same as an earlier rejected amendment on the motion.
- (7) An amendment that is in opposition to an amendment already accepted should not be moved or accepted for debate.
- (8) In the situation where a number of amendments have been foreshadowed, it is important that they should be considered in due succession ensuring the practicality of the motion.
- (9) Each amendment is separately considered and voted on.
- (10) Only one amendment may be considered by the meeting at any one time. Debate is confined to the amendment under consideration although during debate a Councillor may foreshadow a motion or amendment.
- (11) Once an amendment has been moved and seconded, it cannot be withdrawn without the consent of the mover and seconder.

9.11. How Subsequent Amendments may be Moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the council at any one time.

Reg 247

9.12. Foreshadowed Motions or Amendments

- (1) Foreshadowed motions and amendments will be considered in the order they were notified to the meeting.
- (2) The Chairperson may exercise discretion and recommend to the meeting a change of order for foreshadowed motions or amendments.
- (3) Foreshadowed motions or amendments are subject to clause 9.3.

9.13. Motions without Notice

Giving notice of business

- (3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

- (4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

Reg 241(3)-(4)

9.14. Defeated Motions

If a motion at a Council meeting has been lost, a motion having the same effect may not be brought forward within 3 months, unless by a Mayoral Minute or by a report from a committee of Council.

10. PROCEDURAL MOTIONS

10.1. General Procedural Motions

- (1) A procedural motion is a motion that refers to the conduct of a meeting.
- (2) Procedural motions are not subject to the Notice of Motion requirements in clause 9.1.
- (3) In general, a procedural motion requires a seconder, unless stated to the contrary in the Code of Meeting Practice.
- (4) Unless stated to the contrary in this Code of Meeting Practice, there is no debate on a procedural motion.
- (5) A procedural motion has precedence over substantive motions and must be put to the meeting for a decision.

10.2. Point of Order

- (1) A Councillor may draw the attention of the Chairperson to an alleged breach of the Code of Meeting Practice.
- (2) The Councillor shall draw the attention of the Chairperson by raising a "point of order". A point of order does not require a seconder.
- (3) A point of order must be taken immediately it is raised.
- (4) The Chairperson must suspend business before the meeting and permit the Councillor raising the point of order to state the meeting procedure(s) he/she believes has been infringed.
- (5) Immediately this has been done, the Chairperson should rule either upholding the point of order or overruling it.

10.3. Motions of Dissent

- (1) A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite clause 250, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Reg 248

A motion of dissent does not require a seconder.

10.4. Putting the Motion or Amendment***Limitation as to number of speeches***

- (4) Despite subclauses (1) and (2), a councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.
- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

Reg 250(4)-(7)**11. ORDER AT MEETINGS****11.1. Observe the Code of Conduct and Code of Meeting Practice**

- (1) Councillors, employees of Council and other persons at the meeting are required to observe the Code of Meeting Practice at all meetings of Council.

- (2) Failure on the part of a Councillor or an employee to observe the Code of Meeting Practice may be subject to a complaint under the Code of Conduct (Clause 9.5 of Council's Code of Conduct).
- (3) The Chairperson of the meeting, a Councillor, employee or any other person in attendance may report in writing to the General Manager a complaint alleging a breach of the Code of Meeting Practice.

11.2. Questions of Order

- (1) The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- (2) A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- (3) The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- (4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Reg 255

11.3. Act of Disorder

- (1) A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:
 - (a) contravenes the Act or any regulation in force under the Act, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other councillor, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.
- (2) The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).

- (3) A councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Reg 256

11.4. Disorder at Meetings - Adjournment

How disorder at a meeting may be dealt with

- (1) If disorder occurs at a meeting of a council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.
- (2) A member of the public may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for engaging in or having engaged in disorderly conduct at the meeting.

Reg 257

11.5. Effect of Expulsion

Who is entitled to attend meetings?

- (2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

LGA Sec 10 (2)

11.6. Warning to Councillors

- (1) If the Chairperson of the meeting is of the view that the ongoing behaviour of a Councillor is disruptive to the good order of the meeting, the Chairperson:
- (a) shall warn the Councillor that he/she could face a motion to authorise removal from the meeting if he/she continues to breach the Code of Meeting Practice, and
 - (b) if a further breach occurs, seek the views of the meeting as to the removal of the Councillor.

11.7. Power to Remove Persons from Council Meeting

The power to expel a person or persons from a meeting is delegated to the mayor or to another chairperson of the meeting in respect of a council meeting and to the chairperson of each council committee of which all members are councillors in respect of a meeting of that committee.

If a councillor or a member of the public fails to leave the place where a meeting of a council is being held:

- (a) immediately after the council has passed a resolution expelling the councillor or member from the meeting, or
 - (b) where the council has authorised the person presiding at the meeting to exercise the power of expulsion—immediately after being directed by the person presiding to leave the meeting,
- a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

Reg 258

12. ADJOURNMENT OF MEETINGS**12.1. Motion to Adjourn Meeting**

- (1) A Councillor may move the procedural motion “that the meeting be adjourned”.
- (2) The motion before being put to the vote must be seconded by a Councillor.
- (3) The mover of the motion may address the meeting on the motion.
- (4) No further debate on the motion is permitted.

12.2. Amendment to Adjourn Meeting Motion

- (1) Amendments to the motion are permitted, but only to the extent that they relate to the timing and place of reconvening the meeting.
- (2) Amendments to the motion to adjourn a meeting are to be moved and seconded.
- (3) The mover of the amendment may address the meeting as to the content of the proposed amendment.
- (4) Any address to the motion of adjournment or amendment is limited to three (3) minutes.

12.3. Re-convening an Adjourned Meeting

- (1) The Notice of Meeting provisions do not apply to a re-convened meeting.
- (2) A re-convened meeting will commence in accordance with any motion or amendment and will continue as if there had been no break in the proceedings of the meeting.
- (3) To the extent that it is practical, public notice of the re-convened meeting is to be given.
- (4) In the circumstances of an adjourned meeting for which there was no specified time and place for the meeting to be re-convened, Council will deal with any unfinished business for which notice was given at the next ordinary meeting of Council.

13. CLOSED MEETINGS**13.1. Motion to Close Part of the Meeting*****Which parts of a meeting can be closed to the public?***

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.

LGA Sec 10A(1)

Refer Appendix A for the announcements to go into, or out of, a closed meeting.

13.2. Grounds to close meetings

- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

LGA Sec10A(2)-(3)

13.3. Limitations to Closing Meetings

Further limitations relating to closure of parts of meetings to the public

- (1) A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret—unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

LGA Sec 10B(1)

13.4. Discussion of Legal Matters

Further limitations relating to closure of parts of meetings to the public

- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

LGA Sec 10B(2)

13.5. Motions to Close other Parts of a Meeting

Further limitations relating to closure of parts of meetings to the public

- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A (3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A (2)).

LGA Sec 10B(3)**13.6. Matters of Public Interest*****Further limitations relating to closure of parts of meetings to the public***

- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

LGA Sec 10B(4)**13.7. Department Guidelines for Meeting Closure*****Further limitations relating to closure of parts of meetings to the public***

- (5) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the Director-General.

LGA Sec 10B(5)**13.8. Representation by Public Before a Council Meeting is Closed**

- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

LGA Sec 10A(4)

- (1) A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

Reg 252

A member of the public who wishes to address a Council meeting on a motion that the meeting be closed to the public for discussion on a confidential item may address the Council for up to five (5) minutes, **or at the discretion of the Chair who may provide more time.**

13.9. Specifying Grounds for Closing Meetings

Grounds for closing part of meeting to be specified

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A (2),
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

LGA Sec 10D

13.10. Notice of Closure not required in Urgent Cases

Part of a meeting of a council, or of a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A (2), and
- (b) the council or committee, after considering any representations made under section 10A (4), resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

LGA Sec 10C

13.11. Resolutions to be Made Public

If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

Reg 253

14. VOTING AND DECISIONS OF COUNCIL

14.1. What Constitutes a Decision of the Council?

A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

LGA Sec 371

14.2. Voting Entitlements of Councillors and Chairperson's Casting Vote

What are the voting entitlements of councillors?

- (1) Each councillor is entitled to one vote.
- (2) However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

LGA Sec 370

14.3. Abstentions to be Counted

Voting at council meetings

- (1) A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- (2) If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

Reg 251(1)-(2)

14.4. Divisions

Conducting a Division

- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.
- (4) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.

Reg 251(3)-(4)

Recording of Voting on Planning Matters

- (1) In this section, planning decision means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.

- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

LGA Sec 375A

When a planning matter is presented to a Council or Committee meeting for consideration, a Division be automatically called to facilitate the recording of the names of the Councillors who voted "for", and the names of the Councillors who voted "against", the decision.

14.5. Open Voting at Council excepting Elections

- (5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Reg 251(5)

14.6. Voting at Committees

Procedure in committees

- (1) Subject to subclause (3), each committee of a council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

Reg 265

14.7. Invalidation of Council or Committee Proceedings

Certain circumstances do not invalidate council decisions

Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or

- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with section 451, or
- (e) a failure to comply with the code of meeting practice.

LGA Sec 374

14.8. Rescinding or Altering Resolutions of the Council

- (1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (3) If a motion has been negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
- (7) The provisions of this section concerning negatived motions do not apply to motions of adjournment.

LGA Sec 372

The closing date and time for receipt of Rescission Motions is 5:00pm on the following day after the meeting.

15. COMMITTEES OF COUNCIL

15.1. Committee of Council

Committee of council

A council may resolve itself into a committee to consider any matter before the council.

LGA Sec 373

15.2. Committee of the Whole

- (1) All the provisions of this Regulation relating to meetings of a council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches.
- (2) The general manager or, in the absence of the general manager, an employee of the council designated by the general manager is responsible for reporting to the council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (3) The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

Reg 259**15.3. Council may establish committees**

- (1) A council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- (3) The quorum for a meeting of a committee is to be:
 - (a) such number of members as the council decides, or
 - (b) if the council has not decided a number—a majority of the members of the committee.

Reg 260**15.4. Function of Committees**

A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Reg 261

Meetings of Council committees are to be conducted in accordance with this Code of Meeting Practice.

15.5. Notice of Committee meetings to be given

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:
 - (a) the time and place at which and the date on which the meeting is to be held, and
 - (b) the business proposed to be transacted at the meeting.

- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.

Reg 262

15.6. Councillors Entitled to Attend Committee Meetings

Non-members entitled to attend committee meetings

- (1) A councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.
- (2) However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Reg 263

15.7. Chairperson and Deputy Chairperson of Committees

- (1) The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee—a member of the committee elected by the council, or
 - (c) if the council does not elect such a member—a member of the committee elected by the committee.
- (2) A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- (3) If neither the chairperson nor the deputy chairperson of a committee of a council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- (4) The chairperson is to preside at a meeting of a committee of a council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Reg 267

15.8. Addressing Committees

- (1) Members of the public may address meetings of committees on items that are on the committee agendas, subject to the approval of the relevant committee.
- (2) The committee Chairperson may ask members of the public to restrict their addresses to no more than five (5) minutes.

- (3) The committee Chairperson may suggest that, if a satisfactory resolution to the matter on the agenda is being considered, there may be no need for members of the public to address the committee.
- (4) Committees, and employees of Council on behalf of committees, may invite applicants, consultants, Government authorities and other groups or individuals to provide a presentation to a committee on a matter that is on the committee agenda. Time limits for such presentations may be set by the committee.

15.9. Representations by Members of the Public before closure of Committee meeting

- (1) A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

Reg 264

15.10. Voting Procedure in Committees

- (1) Subject to subclause (3), each committee of a council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

Reg 265

A Councillor, or committee member, who is present at a meeting of a committee but who fails to vote on a motion put to the meeting is taken to have voted against the motion. (This subclause does not apply to a Councillor or committee member who does not vote because he or she has a pecuniary interest in the subject matter of the motion.)

If a Councillor or committee member who has voted against a motion put at a committee meeting so requests, the minutes of the meeting must ensure that the Councillor's or committee member's dissenting vote is recorded.

15.11. Absence from Committee Meetings

- (1) A member (other than the mayor) ceases to be a member of a committee if the member:
 - (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply in respect of a committee that consists of all of the members of the council.

Reg 268**15.12. Disorder in Committee meetings**

The provisions of the Act and of this Regulation relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Reg 270**15.13. Certain persons may be expelled from Council Committee meetings**

- (1) If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10A of the Act, any person who is not a councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.
- (2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

Reg 271**15.14. Committees to keep Minutes**

- (1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.

- (2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

Reg 266

15.15. Reports of Committees

- (1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.
- (2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.
- (3) If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
- (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - (b) report the resolution or recommendation to the next meeting of the council.

Reg 269

16. MINUTES AND ACCESS TO INFORMATION

16.1. Minutes of Meeting

- (1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.
- (2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.

LGA Sec 375

16.2. Matters to be included in minutes of Council meeting

The general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment is passed or lost.

Reg 254

In the event that Council makes a decision against the recommendations of their officers or Council engaged experts, the minutes may include the reasons for Council's decision.

16.3. Inspection of the minutes of a Council or Committee Meeting

- (1) An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.
- (2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

Reg 272

16.4. Disclosure and misuse of information

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.
- (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
- (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)–(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.

- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
- (a) the determination of an application for an approval, or
 - (b) the giving of an order.

LGA Sec 664

17. MISCELLANEOUS

17.1. Council Seal

- (1) The seal of a council must be kept by the mayor or the general manager, as the council determines.
- (2) The seal of a council may be affixed to a document only in the presence of:
 - (a) the mayor and the general manager, or
 - (b) at least one councillor (other than the mayor) and the general manager, or
 - (c) the mayor and at least one other councillor, or
 - (d) at least 2 councillors other than the mayor.
- (3) The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.
- (4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- (5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.

Reg 400

17.2. Minister to convene meetings in certain cases

- (1) Whenever an area is constituted or reconstituted, the Minister is required:
 - (a) to convene the first meeting of the council of the area, and
 - (b) to nominate the business to be transacted at the meeting, and
 - (c) to give the councillors notice of the meeting.
- (2) If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
- (3) The council must transact the business nominated by the Minister for a meeting convened under this clause.

Reg 234

17.3. Citizenship Ceremonies

That, by arrangement with the recipient(s), citizenship ceremonies shall be held at 5:45pm on the day of any ordinary meeting of Council, or as otherwise determined by the General Manager.

18. DEFINITIONS

amendment, in relation to an original motion, means a motion moving an amendment to that motion.

chairperson:

- (a) in relation to a meeting of a council – means the person presiding at the meeting as provided by section 369 of the Act, and
- (b) in relation to a meeting of a committee of a council – means the person presiding at the meeting as provided by clause 267.

committee, in relation to a council, means a committee established under clause 260 or the council when it has resolved itself into a committee of the whole.

councillor includes a member of the governing body of a county council.

Reg 231

relative, in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse or de facto partner,
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a).

LGA Sec 1650

APPENDICES

Appendix A – Closed Council Announcements

For Going Into Closed Meeting

Resolved that the meeting now be closed to the public in accordance with Section 10A(2) of the Local Government Act (1993) for consideration of the following matters:

- Details of the matter (Agenda Heading)
- Relevant provision of Section 10A(2)
- Reason why discussion in open Council would be contrary to the public interest.

For Going Out of Closed Meeting

Resolved that as consideration of the matters referred to in the closed meeting have been concluded, the meeting now be opened to the public.

*(The **Mayor or** General Manager then reports the recommendations of the closed meeting for consideration.)*

~~Resolved that the recommendations of the closed meeting, being Minute Numbers XX to YY be received and adopted as resolutions of Council.~~

Appendix B – Declaration of Conflict of Interest form

File Ref: GO.CO.4



DECLARATION OF CONFLICT OF INTEREST FORM

To General Manager,

Surname: _____

Given Names: _____

Nature of Meeting: ☐ Ordinary
 (Please tick) ☐ Extraordinary
☐ Other (Please Specify).....

Date of Meeting: / /

Report Item

Item No: _____

Page No: _____

Reason for the Interest: _____

This conflict of interest has been identified as an:
 (Please tick appropriate boxes)

Actual conflict of interest ☐
Perceived conflict of interest ☐
Potential conflict of interest ☐

having a **Pecuniary** Interest ☐
Non-pecuniary Interest ☐

I hereby declare that the above details are correct to the best of my knowledge and I make this conflict declaration in good faith.

Signature _____
 Date: / /

I hereby declare that I have received and appropriately noted this conflict of interest declaration.

Signature (*General Manager*) _____
 Date: / /

Appendix C – Public Forum Speaker's Request form

BLAYNEY SHIRE COUNCIL
PUBLIC FORUM

SPEAKERS REGISTRATION FORM

Present this form to Council no later than 4.30pm on the day of the Council Meeting

Enquiries: phone 6368 2104

Lodge Form by: email council@blayney.nsw.gov.au / fax 6368 3290 / over the counter

NAME:

PHONE:

ADDRESS:

.....

REPRESENTING:

(Self / Name of Organisation / Other Party)

DATE OF MEETING:

SUBJECT OF DISCUSSION:

MEETING AGENDA ITEM REFERENCE (if applicable):

.....

Agreement

I have read and understand the Conditions, Conduct and Unacceptable Behaviour at the Public Forum details as set out over leaf

Signature: **Date:**

The information supplied by you is private information for the purposes of the Privacy and Personal Information Protection Act. Your information is being collected by Council and may be used in the future to provide feedback on any issue raised. The information will not be used for any other purpose, and you can elect not to provide particular details, however your name and the topic for discussion must be supplied.

Code of Meeting Practice



Conditions

The maximum speaking time is five minutes per speaker. The Public Forum will run for 15 minutes.

At the discretion of the chair, more time may be provided for a speaker.

Any issue may be addressed; however should there be an agenda item, there must be a direct link between the member of the public wishing to address Council and the substance of the agenda item.

Should there be more than one person wishing to address Council on an issue, those persons are to nominate one person to represent the group (applicable only if the 15 minutes are exceeded).

The Public Forum cannot be used to request reports, nor used to address matters in the minutes of an earlier meeting or other matters already dealt with at the meeting.

Persons speaking in the Public Forum may, with the permission of the Chair, use appropriate materials or documents to support their position, but may not table documents to be actioned or use electronic presentations.

Please be advised that this is a public forum, and speakers need to be aware that they have no protection from action in response to any comments they may make.

Code of Conduct

Speakers will abide by Council's Code of Conduct when addressing the Council, Committee or Forum.

The Code of Conduct incorporates integrity, objectivity, accountability, openness, honesty and respect.

The Public Forum does not provide private parliamentary privilege to speakers, Councillors or staff.

Speakers are expected to

- behave in a manner that does not cause any reasonable person unwarranted offence or embarrassment
- act lawfully honestly and to exercise a degree of care and diligence in the comments made
- observe the highest standards of honesty and integrity, and to avoid conduct (verbal/actions) that might suggest any departure from the key principles of conduct
- avoid any behaviour that could be deemed to be an act of disorder or misbehaviour such as insults or personal reflections on or imputes improper motives when discussing others
- not behave in a manner that might be considered to be threatening to or harassment of Councillors or Council staff

Unacceptable behaviour at the Public Forum

Persons who conduct themselves in a manner considered by any reasonable person, to be disorderly, will be expelled from the forum in a similar manner as that provided under the Meetings Regulations for Council and Committee meetings (Section 258) Local Government (General) Regulation 2005.

Should the behaviour of a speaker and/or audience be such that the Mayor/Chairperson of the forum deems if necessary to discontinue a particular section of the forum, then the following will apply:

- speaker and/or persons will be asked to discontinue the offensive behaviour;

- speaker and/or persons may be asked to leave the building where the meeting is being held;
- a Police Officer or any person authorised for the purpose by Council, or the person presiding may, by using only such force as is necessary, remove the person/persons from the building and if necessary restrain that person from re-entering the building;
- the person may be advised to correspond in future with Council via mail or email and/or Council's appointed legal representative

Code of Meeting Practice

End of Policy

Adopted:	11/10/1999	681
Lasted Reviewed:	12/11/2012	1211/014
	13/07/2015	
Next Reviewed:	14/11/2016	