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**HELD ON MONDAY 11 MAY 2015**

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<b>Policy Title</b>	Code of Meeting Practice
<b>Document/File No</b>	C15-5
<b>Officer Responsible</b>	Director Corporate Services
<b>Last Review Date</b>	30/04/2015

**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**

<b>Meeting Date</b>	<b>Minute Number</b>
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
11 May 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.

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

## 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 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.
- (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.

***LGA Sec 9(1)***

- (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](http://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, 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 negated 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 negated 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 negated, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, 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 negated 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

C11-4	
<b>DECLARATION OF CONFLICT OF INTEREST FORM</b>	
To General Manager,	
Surname:	
Given Names:	
Nature of Meeting: (Please tick)	<input type="checkbox"/> Ordinary <input type="checkbox"/> Extraordinary <input type="checkbox"/> Other (Please Specify).....
Date of Meeting:	.../.../.....
<u>Report Item</u>	
Item No:	
Page No:	
Reason for the Interest:	
This conflict of interest has been identified as an: (Please tick appropriate boxes)	
<b>Actual</b> conflict of interest <b>Perceived</b> conflict of interest <b>Potential</b> conflict of interest	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<i>having a</i>	
<b>Pecuniary</b> Interest <b>Non-pecuniary</b> Interest	
<input type="checkbox"/> <input type="checkbox"/>	
I hereby declare that the above details are correct to the best of my knowledge and I make this conflict declaration in good faith.	I hereby declare that I have received and appropriately noted this conflict of interest declaration.
Signature (Councillor)	Signature (General Manager)
Date: .../.../.....	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](mailto: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**

<b>Adopted:</b>	<b>11/10/1999</b>	<b>681</b>
<b>Lasted Reviewed:</b>	<b>12/11/2012</b>	<b>1211/014</b>
<b>Next Reviewed:</b>	<b>11/05/2015</b>	