

Code of Meeting Practice

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Code of Meeting Practice

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Part 1 – Preliminary

Title

This Code of Meeting Practice (**Code**) has been developed in accordance with the Local Government Act 1993 (**Act**), Local Government (General) Regulation 2005 (**Regulation**), Office of Local Government's Meetings Practice Note No.-16, dated August 2009.

Objectives

This Code has the following objectives:

- 1 To ensure that Council and Committee Meetings are conducted expeditiously in an orderly, efficient and equitable manner.
- 2 To ensure that Council and Committee Meetings promote open government and maximise community access and participation.
- 3 To ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process.
- 4 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.
- 5 To ensure that proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.
- 6 To ensure that Council Meetings restrict themselves to matters of policy, direction, resource allocation and statutory decisions.

Interpretation

This Code may be cited as the Council Code of Meeting Practice.

The Code shall be interpreted in a manner which is consistent with the Act, Regulations, and objectives of this Code. [Should there be any inconsistencies the Act or Regulations will prevail.](#)

Definitions

In this Code:

Advisory Committee, in relation to Council, means a Committee established under Clause 6.2 of the Code.

amendment, in relation to an original motion, means a motion moving an amendment to that motion. Amendments may be in the form of additional words to a motion and/or the removal of words from a motion. Any amendment to a motion must not alter the motion to the extent that it effectively reverses the motion. If more than one amendment has been

moved against the motion subsequent amendments are Foreshadowed Amendments and are only considered after the original amendment is defeated. Each amendment is separately considered and voted on.

Chairperson,

- a in relation to a meeting of the Council - means the person presiding at the meeting as provided by Clause 3.1 of this Code; and
- b in relation to a meeting of a Committee of a Council - means the person presiding at the meeting as provided by Clause 5.9 of this Code;

Committee in relation to a Council means a Committee established under Clause 5.2 or the Council when it has resolved itself into a Committee of the Whole;

Office of Local Government means the Office of Local Government, Department of Premier and Cabinet and its successors;

late Report means a report which is not listed on the published agenda for the meeting but is considered by the General Manager, in view of the importance or urgency of the issue, to be a report which must be submitted to the meeting of the Council, provided the statutory notice is given;

motion is a proposal put forwarded by a Councillor or Committee member calling for action to be taken or a decision to be made on a particular matter under consideration. A motion should be specific. If possible, it should be qualified by referring to a timetable, amounts of money involved, who is to take the necessary action and so on. It should be simple, clearly expressed and easy to understand so that there is no doubt as to its meaning. It should be well structured and if it involves a number of different aspects then there should be different parts to the motion or a series of separate motions. A motion needs to be seconded to become a motion for consideration at the meeting. Any amendments to a motion put forward by a Councillor need to be seconded but it cannot be accepted if it is a direct rebuttal of the motion it seeks to amend (see definition of amendment);

record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council;

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;
- b the spouse or the de facto partner of the person or of a person referred to in paragraph (a).

supplementary report means a report which adds to or amends a report which is included on the agenda for a meeting of Council;

task group means a group established under Clause 6.1 of the Code;

the Act means the Local Government Act 1993;

the Code means Council's Code of Meeting Practice; and

the Regulation means the Local Government (General) Regulation 2005.

Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.

Act and Regulation

- a This Code is made pursuant to Section 360(2) of the Act.
- b It incorporates relevant provisions of the Act and the Regulation.
- c In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

Notes to text

Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding.

General

1.1 Application of the Code - Conduct of Meetings of Council and Committees (Section 360 of the Act)

- 1.1.1 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.
- 1.1.2 A Council may adopt a Code that incorporates the regulations made for the purposes of this section and supplement those regulations with provisions that are not inconsistent with them.
- 1.1.3 A Council and a Committee of Council of which all the members are Councillors must conduct its meetings in accordance with the Code adopted.

1.2 Preparation of the Code of Meeting Practice - Preparation, public notice and exhibition of draft Code (Section 361 of the Act)

- 1.2.1 Before adopting the Code, Council must prepare a draft.
- 1.2.2 The Council must give public notice of the Draft Code after it is prepared.
- 1.2.3 The period of public exhibition must be not less than 28 days.
- 1.2.4 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 Council.
- 1.2.5 The Council must publicly exhibit the draft Code in accordance with this notice.

1.3 Adoption and Amendment of the Code - Adoption of Draft Code (Section 362 and Section 363 of the Act)

- 1.3.1 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 regulations made for the purposes of Section 360 of the Act; or
 - b Adopt the draft Code as its Code.
- 1.3.2 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.
- 1.3.3 A Council may amend a Code adopted under this Part by means only of a Code so adopted (Section 363 of the Act).

1.4 Revision of the Code

- 1.4.1 Changes to the Local Government Act and Regulations automatically change the Code. Automatic amendment of the Code by the Act and/or Regulation does not require public notification under Sections 361 to 363 of the Local Government Act 1993.
- 1.4.2 The Council authorises the General Manager to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advices from the Office of Local Government. The General Manager shall cause Councillors to be informed of such amendments to the Code.

1.5 Availability of the Code (Section 364 of the Act) - Public Availability of the Code

- 1.5.1 The Code under this Division adopted by a Council must be available for public inspection free of charge at the office of the Council during ordinary working hours.
- 1.5.2 Copies of the Code must be available free of charge or, if the Council determines, on payment of the approved fee.
- 1.5.3 A copy of the Code will also be available on Council's website.

Part 2 – Before Council Meetings

2.1 Frequency of Meetings of the Council (Section 365 of the Act)

- 2.1.1 The Council is required to meet at least 10 times each year, each time in a different month.
- 2.1.2 The Council meets ordinarily, on the second Wednesday of each month (except January) commencing at 7:00 pm in either Rockdale Town Hall, Princes Highway, Rockdale or the Botany Town Hall, corner Botany Road and Edward Street, Botany as determined by the Council and indicated in the Notices of Meeting.

2.2 Extraordinary Meetings of Council (Section 366 of the Act)

- 2.2.1 Notwithstanding Sub Clause 2.1.2, the Mayor may call Extraordinary Meetings of the Council on any matter or matters considered necessary.
- 2.2.2 If the Mayor receives a request in writing signed by at least two (2) Councillors [\(one of which may be the Mayor\)](#), the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable but in any event within 7 days after the receipt of the request.
- 2.2.3 If the Mayor refuses or delays to call an Extraordinary Meeting after receiving a request, signed by at least two (2) Councillors, those Councillors, may, in writing, request the General Manager to call the Extraordinary Meeting. The General Manager shall call the meeting as soon as practicable.

2.3 Notice of Meetings to Councillors (Section 367 of the Act)

- 2.3.1 The General Manager of the Council must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held and the business proposed to be transacted at the meeting.
- 2.3.2 Notice of less than three (3) days may be given of an Extraordinary Meeting called in an emergency, but in no case shall notice of less than one day be given. [Note: Notice of meetings can be delivered by courier, ~~or~~ by facsimile transmission [or by electronic means used by the Council](#)].
- 2.3.3 A notice under this section and the agenda for, and the business paper relating to, the meeting will be given in either:
 - a Electronic form if all Councillors have such access, or
 - b Hard copy but allowing Councillors the option to be notified electronically.

2.4 Order of Business (Clause 239 of the Regulation)

- 2.4.1 At a meeting of the Council (other than an Extraordinary Meeting), the general order of business is (except as provided by the Regulations) as fixed by Council's Code of Meeting Practice or (if the Council does not have a Code of

Meeting Practice or its Code does not fix the general order of business) as fixed by resolution of Council.

2.4.2 The order of business for Ordinary Meetings is as follows:

- a Acknowledgement of traditional owners
- b Opening Prayer
- c Apologies
- d Disclosures of Interests
- ~~e Confirmation of Minutes of Previous Meetings (Council and Committees)~~
- ~~e Notification of Interests~~
- f Mayoral Minutes
- g Public Forum (and associated business paper items)
- ~~h Rescission Motions~~
- ~~i Notices of Motion~~
- ~~h~~ Officer Reports
- ~~k Receipt of Minutes of Committees~~
- ~~i Notices of Motion – including rescission motions~~
- ~~l~~ Questions With Notice
- ~~km Confidential items~~~~Consideration of Business in Closed Session~~
- ~~l Consideration of recommendations from Closed Session~~
- m Call for Rescission Motions

2.4.3 Apart from those items on the business paper that members of the public have registered to speak on, the Mayor may bring forward an item of business from the business paper where it is established there is a strong community interest or that a member of the public with an interest in that item is present in the public gallery.

2.4.4 The order of business fixed under Sub-Clause 2.4.2 may be altered if a motion to that effect is carried. Such a motion can be moved without notice.

2.4.5 Despite Clause 3.23, only the mover of a motion referred to in Sub-Clause 2.4.4 may speak to the motion before it is put.

2.5 Giving Notice of Business (Clause 241 of the Regulation)

2.5.1 A Council must not transact business at a meeting of the Council:

2.5.1.1 unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the business paper is prepared and delivered to Councillors; and

2.5.1.2 unless notice of the business has been sent to the Councillors in accordance with Section 367 of the Act, that being 3 clear working days notice. ~~[Note: This is ordinarily the Wednesday prior to the meeting.]~~

2.5.2 Sub-Clause 2.5.1 does not apply to the consideration of business at a meeting if the business:

2.5.2.1 is already before, or directly relates to a matter that is already before, the Council; or

2.5.2.2 is the election of a Chairperson to preside at the meeting as provided by Clause 3.9; or

2.5.2.3 is a matter or topic put to the meeting by the Chairperson in accordance with Clause 2.6; or

2.5.2.4 is a motion for the adoption of recommendations of a Committee of the Council; or.

2.5.2.5 are reports from officers listed on the business paper which require additional information pursuant to a decision of a Committee or for other circumstances.

2.5.3 Despite Sub-Clause 2.5.1, 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:

2.5.3.1 a motion is passed to have the business transacted at the meeting; and

2.5.3.2 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.

2.5.4 Despite Clause 3.23, only the mover of a motion referred to in Sub Clause (3) can speak to the motion before it is put.

2.6 Mayoral Minutes (Clause 243 of the Regulation)

2.6.1 If the Mayor (or the Deputy Mayor, if acting for 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 any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

2.6.2 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, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded.

2.6.3 A recommendation made in a minute of the Chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

2.7 Agenda for Extraordinary Meeting (Clause 242 of the Regulation)

2.7.1 The General Manager must ensure that the business paper for an Extraordinary Meeting of the Council deals only with the matters stated in the notice of the meeting.

2.7.2 Despite Sub-Clause 2.7.1, business may be transacted at an Extraordinary Meeting of a Council even though due notice of the business has not be given to the Councillors. However, this can happen only if:

2.7.2.1 a motion is passed to have the business transacted at the meeting;
and

2.7.2.2 the business proposed to be brought forward is ruled by the
Chairperson to be of great urgency.

2.7.3 Such a motion can be moved without notice but only after the business
notified in the agenda for the meeting has been disposed of.

2.7.4 Despite Clause 3.23, only the mover of a motion referred to in Sub-Clause
2.7.3 can speak to the motion before it is put.

2.7.5 The order of business for Extraordinary Council Meetings is as follows:

- a Acknowledgement of traditional owners
- b Opening Prayer
- c Apologies
- d Disclosures of Interests
- e Reports as listed on notice

2.8 Notice of Motion - Lodgement

2.8.1 Notice of Motion serves two purposes:

2.8.1.1 It enables a Councillor to bring to the attention of the Council, matters
particularly of a policy nature, which may not otherwise be included in
the business of a Council Meeting.

2.8.1.2 It also provides opportunity for other Councillors to consider the form
and content of the motion before a matter is presented at the meeting.

2.8.2 A Notice of Motion must be submitted in writing to the General Manager or
their delegate no later than 12 noon on the Tuesday before the day on which
the business paper is delivered to the Councillors.

2.9 Public Notice of Meetings (Section 9(1) of the Act) (Clause 232 of the Regulation)

[**Note:** This clause prescribes the manner in which the requirements outlined in
Section 9(1) of the Act are to be complied with.]

2.9.1 A Council must give notice to the public of the times and places of its
meetings –and meetings of those of its Committees of which all the members
are Councillors

2.9.2 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.

2.9.3 Notice of more than one meeting may be given in the same notice.

2.9.4 The Council and each Committee (of which all Councillors are members)
must have available to the public at its offices and each meeting, copies (for
inspection or take away by any person) of the agenda and the associated
business papers for the meeting.

2.9.5 In the case of a meeting where the 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:

2.9.5.1 the agenda for the meeting must indicate that the relevant item of business is of such a nature (but not give details of that item): and

2.9.5.2 the requirements of Clause 2.9.4 with respect to the availability of business papers do not apply for that item of business.

2.9.6 The copies of the agenda and associated business paper are to be available to the public as soon as possible to the time they are available to Councillors.

2.9.7 The copies of the agenda and associated business paper are to be available free of charge.

2.9.8 A notice given under this clause or a copy of an agenda or of a business paper made available under this clause may in addition be given or made available in electronic form.

2.9.9 Public Notices of meetings will also be displayed on the website.

2.10 Application for Leave of Absence (Section 234 of the Act)

2.10.1 A Councillor applying for a leave of absence from the 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.

2.10.2 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 (Clause 235A (1) of the Regulation).

[Note: If a Councillor is on leave of absence he/she may not sit in the public gallery of a meeting as they will be recognised as being in attendance even though they may not vote on an item/s.](#)

2.10.3 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 to any future Council Meeting.

2.10.4 This section does not prevent the Council from granting further leave of absence in respect of any future Council Meeting.

2.10.5 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, (Clause 235A(2) of the Regulation).

2.11 Agendas and Business Papers for Council Meetings (Clause 240 of the Regulation)

2.11.1 The General Manager must ensure that the business paper for a meeting of the Council states:

- 2.11.1.1 all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - 2.11.1.2 (if the Mayor is the Chairperson) - any business that the Chairperson may decide to put before the meeting without notice or the Deputy Mayor if acting for the Mayor; and
 - 2.11.1.3 subject to Sub-Clause 2.11.2 any business of which due notice has been given.
- 2.11.2 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.
- 2.11.3 The General Manager must cause the agenda for a meeting of the Council or a Committee of Council to be prepared as soon as practicable before the meeting. [Note: The agenda is ordinarily delivered to Councillors on the Wednesday evening preceding the Wednesday meeting. The papers are available to the public on the Friday preceding the meeting.]
- 2.11.4 If, in the opinion of the General Manager, business to be transacted at a meeting of the Council is a kind of business referred to in Clause 3.7, the business may be included in a confidential business paper. All other business to be transacted at the meeting must be included in an ordinary business paper.
- 2.11.5 If a confidential business paper is prepared for a kind of business referred to in Clause 3.7, the business must be referred to in the ordinary business paper prepared for the same meeting.
- 2.11.6 Nothing in this clause limits the powers of the Chairperson under Clause 243 of the Regulation.

2.12 Supplementary or Late Reports

- 2.12.1 As circumstances necessitate, supplementary or late reports may be tabled at an Ordinary Meeting.
- 2.12.2 In the case of a supplementary report, where the report is distributed at or just prior to the Meeting, a period of time (to be determined by the Chairperson) shall be allowed for Councillors to read the report.
- 2.12.3 Supplementary and/or late reports are to be [electronically provided](#)~~forwarded~~ to Councillors ~~as far as possible~~ prior to the Meeting, ~~and via email as well as facsimile.~~
- 2.12.4 Notwithstanding this clause, the requirements of Clause 2.3 concerning notice of meetings to Councillors must be met for late reports except minutes by the Mayor.

Part 3 – Procedure for the conduct of council meetings

3.1 Quorum and Attendance

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.

3.2 Councillor Presence at Council Meetings (Clause 235 of the Regulation)

- 3.2.1 A Councillor cannot participate in a meeting of Council unless personally present at the meeting.
- 3.2.2 A Councillor shall not be deemed to be present at any meeting of the Council, unless they are within the Council Chamber. For the purposes of this requirement, the Council Chamber foyer is not regarded as being in the Council Chamber.
- 3.2.3 However, for the sake of clarity, a Councillor declaring an interest in a matter and leaving the Chamber shall not remain in either the public gallery or any part of the foyer within view of the meeting.

3.3 What Happens When a Quorum is Not Present (Clause 233 of the Regulation)

- 3.3.1 A meeting of the 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.
- 3.3.2 In the case of 3.3.1, 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
- 3.3.3 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.

3.4 Councillor Attendance at Council Meetings (Section 234 of the Act)

A civic office becomes vacant if the holder (Councillor) 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 of the Act) without:

- a prior leave of the Council, or

- b leave granted by the Council at any of the meetings concerned.

3.5 Councillor Departure from Meeting

Councillors are required, on proposing to retire from a meeting of Council for the remainder of that meeting, to give prior notice of intended departure to the Chairperson.

3.6 Who is entitled to attend Council Meetings (Section 10 of the Act)

3.6.1 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.

3.6.2 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 Council;
- b by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

3.6.3 A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

3.7 Attendance of General Manager (Section 376 of the Act)

3.7.1 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.

3.7.2 The General Manager is entitled to attend a meeting of any other Committee of the Council, and may if a member of the Committee exercises a vote.

3.7.3 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.

3.8 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.

3.9 Chairperson of Council Meetings (Section 369 of the Act) (Clause 236 of the Regulation)

- 3.9.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor, presides at meetings of the Council.
- 3.9.2 If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.
- 3.9.3 If no Chairperson is present at a meeting of the 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.
- 3.9.4 The election must be conducted:
 - 3.9.4.1 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
 - 3.9.4.2 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.
- 3.9.5 If, at an election of a Chairperson, two (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.
- 3.9.6 For the purposes of Clause 3.9.5, the person conducting the election must:-
 - 3.9.6.1 arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - 3.9.6.2 then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 3.9.7 The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

3.10 Chairperson to Have Precedence (Clause 237 of the Regulation)

When the Chairperson rises or speaks during a meeting of the Council:

- a any Councillor then speaking or seeking to speak must immediately resume his or her seat; and
- b every Councillor present must be silent to enable the Chairperson to be heard without interruption.

3.11 Chairperson's Duty with Respect to Motions (Clause 238 of the Regulation)

- 3.11.1 It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 3.11.2 The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

- 3.11.3 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

3.12 Recognition of Chairperson

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

3.13 Mode of Address

Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be; and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking.

3.14 Report of an Office of Local Government's Representative to be Tabled at Council Meeting (Clause 244 of the Regulation)

When a report of a Departmental representative has been presented to a meeting of 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, General Manager and members of the public at all reasonable times.

3.15 Notice of Motion - Absence of Mover (Clause 245 of the Regulation)

In the absence of a Councillor who has placed a Notice of Motion on the agenda for a meeting of the 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.

3.16 Motions to be Seconded (Clause 246 of the Regulation)

- 3.16.1 A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the Chairperson to speak for five (5) minutes to the motion before calling for the motion to be seconded. (Note: seconder is not required to speak).
- 3.16.2 The seconder of a motion or of an amendment may reserve the right to speak for five (5) minutes later in the debate.

3.17 How Subsequent Amendments May be Moved (Clause 247 of the Regulation)

- 3.17.1 A Councillor who does not agree with the motion, or agrees in part, may move an amendment after the motion has been seconded. (Note: Amendments cannot be accepted if they are a direct rebuttal of the motion they seek to amend).
- 3.17.2 If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
- 3.17.3 It is permissible to debate the motion and an amendment concurrently.
- 3.17.4 It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such Foreshadowed Amendment shall not be moved and debated until the amendment is dealt with.
- 3.17.5 If a Councillor who moves a motion thinks that an amendment moved later is an improvement on the motion, the Councillor may withdraw the motion in favour of the amendment, provided the seconder agrees. Alternatively, the mover and seconder of the original motion may agree to incorporate in the motion, points raised in the amendment. On this basis the amendment would be withdrawn.

3.18 Procedural Motions

- 3.18.1 Procedural Motions are used for dealing with the Order of Business of the meetings. A Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson. A Procedural Motion requires a seconder and cannot be moved by the Chairperson.
- 3.18.2 Procedural Motions can seek to:
 - a Bring forward an item of business
 - b Withdraw an item
 - c Defer an item of business to later in the meeting
 - d Adjourn the meeting
 - e Reconvene the meeting

3.19 Motions of Dissent (Clause 248 of the Regulation)

- 3.19.1 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. A Motion of Dissent does not require a seconder.
- 3.19.2 If a Motion of Dissent is carried, 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.

- 3.19.3 Despite Clause 3.23, 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.

3.20 Petitions May be Presented to the Council

- 3.20.1 A Councillor may present a petition to the Council.
- 3.20.2 The Chairperson must not permit discussion on the petition, unless it relates to an item on the business paper. Petitions shall be referred to the General Manager for report, reply or other appropriate action.

3.21 Tabled Documents

- 3.21.1 Other than those documents referred to in Clause 3.20, documents (including correspondence) are not to be tabled during a meeting, either by a Councillor or a member of the public, in relation to a matter before that meeting except in exceptional circumstances and then only with the leave of the Chairperson whose decision will be final on the matter.
- 3.21.2 In the event that a Councillor or member of the public wishes to table a document during a meeting, that document must be given to the General Manager or nominee by 4.00 pm on the day of the meeting.
- 3.21.3 Any other documents that a Councillor or a member of the public wishes to submit to Council should be forwarded to the General Manager in the normal manner.

3.22 Questions May be Put to Councillors and Council Employees concerning matters on the Council Business Paper (Clause 249 of the Regulation)

[Note: For questions about matters not on the Business Paper Councillors should lodge a Question With Notice]

- 3.22.1 A Councillor:
- a may, through the Chairperson, put a question to another Councillor; and
 - b may, through the Chairperson and the General Manager, put a question to a Council employee.
- 3.22.2 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.
- 3.22.3 Any such question must be put directly, succinctly, and without argument. Councillors may draw the Mayor's attention to the relevance of the questions.
- 3.22.4 The General Manager may exercise the option to take on notice a question under this clause.
- 3.22.5 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.

- 3.22.6 Nothing in this clause prevents a Councillor putting a question which is similar or related to a question put earlier at the same meeting.

3.23 Limitation as to Number of Speeches (Clause 250 of the Regulation)

- 3.23.1 A Councillor who, during debate at a meeting of the 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.
- 3.23.2 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.
- 3.23.3 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (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 five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 3.23.4 Despite Clauses 3.23.1 and 3.23.2, if at least two (2) Councillors have spoken in favour of a motion or an amendment and at least two (2) Councillors have spoken against the motion or amendment, any Councillor may move that the matter be now put. A Councillor may also move that the matter be now put if the mover of a motion or amendment has spoken in favour of the motion or amendment and no Councillor indicates to speak against it.
- 3.23.5 The Chairperson must immediately put to the vote a motion that the matter be now put and without debate.
- 3.23.6 If a motion that the matter be now put is passed, the Chairperson must, after the mover of the motion has exercised his or her right of reply under Clause 3.23.1, immediately put the question to the vote without further debate.
- 3.23.7 If a motion that the matter be now put is rejected, the Chairperson must resume the debate on the original motion or amendment.

3.24 Motions Put Without Debate

Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

3.25 Voting at Council Meetings (Section 370 of the Act)

- 3.25.1 Each Councillor is entitled to one vote.
- 3.25.2 The Chairperson has, in the event of an equality of votes, a second or casting vote and that vote shall be used at the absolute discretion of the Chairperson. Should the Chairperson fail to exercise a casting vote the motion will be lost.
- 3.25.3 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

This sub clause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.

- 3.25.4 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 minutes.
- 3.25.5 The decision of the Chairperson as to the result of a vote is final, unless:
- a in the case where a vote has been declared on the voices, a Councillor immediately requests a show of hands; or
 - b the decision is immediately challenged and not fewer than two (2) Councillors rise and demand a division.
- 3.25.6 When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately.
- 3.25.7 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 minutes. Divisions can be taken on both amendments and motions.
- 3.25.8 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.

Note: The Local Government (General) Regulation 2005 provides that a Council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (Clause 394 of the Regulation and Clause 3 of Schedule 7 of the Regulation). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

3.26 Recording of Voting on Planning Matters (Section 375A of the Act)

- 3.26.1 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 under that Act; but
 - b not including the making of an order under Division 2A of Part 6 of that Act.
- 3.26.2 The General Manager is required to keep a register containing, for each planning decision made at a meeting of Council or a Council Committee, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or who are taken to have opposed) the decision.
- 3.26.3 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.

3.26.4 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.

3.26.5 This section extends to a meeting that is closed to the public.

3.27 Which Parts of a Meeting Can Be Closed to the Public?

3.27.1 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 Clause 3.27.2; or
- b the receipt or discussion of any of the information so listed.

3.27.2 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; and
- h information concerning the nature and location of a place or an item of Aboriginal significance on community land.

3.27.3 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.

- 3.27.4 A Council, or a Committee of 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 (see clause 3.31).

3.28 Further Limitations Relating to Closure of Parts of Meetings to Public (Section 10B of the Act)

- 3.28.1 A meeting is not to remain closed during the discussion of anything referred to in Section 10A(2) of the Act (see Sub Clause 3.27.2):
- 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 personal 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.
- 3.28.2 A meeting is not to be closed during the receipt and consideration of information or advice referred to in Section 10(2)(g) of the Act (see Sub Clause 3.27.2g) 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.
- 3.28.3 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) of the Act (see Clause 3.27), the consideration of the motion must not include any consideration of the matter or information to be discussed in that part of the meeting (other than consideration of whether the matter concerned is a matter referred to in Section 10A(2) of the Act (see Clause 3.27).
- 3.28.4 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.
- 3.28.5 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.

3.29 Notice of Likelihood of Closure Not Required in Urgent Cases (Section 10C of the Act)

Part of a meeting of Council, or of a Committee of 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) of the Act (see Clause 3.27); and
- b the Council or Committee, after considering any representations made under Section 10A(4) of the Act (see Clause 3.31), 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.

3.30 Grounds for Closing Part of Meeting to be Specified (Section 10D of the Act)

3.30.1 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.

3.30.2 The grounds must specify the following:

- a the relevant provision of Section 10A(2) of the Act (see Sub Clause 3.27.2);
- b the matter that is to be discussed during the closed part of the meeting; and
- 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.

3.31 Representation by Members of the Public - Closure of Part of Meeting (Clause 252 and 264 of the Regulation)

[Note: For public participation in the Public Forum see Section 8].

3.31.1 To ensure adherence with Council's objective that proceedings should be transparent and understandable to all persons participating in and observing meetings of Council the following process will occur:

- 3.31.1.1 After a motion to close part of the Council Meeting to the public has been moved or seconded, the Chairperson will ask the General Manager (or his/her representative) if there are any written representations from the public on the proposed closure.

- 3.31.1.2 The General Manager (or his/her representative) will read out any written representation.
- 3.31.1.3 The Chairperson will ask if any persons present wish to make verbal representations.
- 3.31.1.4 The opportunity to speak will be given to each person present to make verbal representations.
- 3.31.1.5 The opportunity to speak will be given to each person or representative person chosen by the public gallery on a “for” or “against” basis.
- 3.31.1.6 Each person addressing the Council will be allowed a maximum time of five (5) minutes.
- 3.31.1.7 After receiving all presentations on this matter and on a motion moved, seconded and carried that the meeting be closed under Section 10A(3) of the Act, the meeting should be closed to consider the matter in closed session.
- 3.31.1.8 The determination of the resolution in Sub Clause 3.31.7.7 will be announced by the Chairperson.
- 3.31.1.9 The grounds on which a meeting is closed must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
- 3.31.1.10 A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.
- 3.31.1.11 Nothing in this clause prevents any limitation being placed on the number of members of the public admitted to a meeting of the Council or a Committee of the Council, provided such limitation is for reason of safety or security.

3.32 Resolutions Passed at Closed Meetings to be Made Public (Clause 253 of the Regulation)

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

3.33 What constitutes a decision of the Council (Section 371 of the Act)

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.

3.34 Rescinding or Altering Resolutions (Section 372 of the Act)

- 3.34.1 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the regulations made under Section 360 and, if applicable, this Code of Meeting Practice.

- 3.34.2 If notice of motion to alter or 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 has been dealt with, except that, in the case of a motion of alteration, this sub section only applies to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- 3.34.3 If notice of motion to alter or rescind a resolution is given prior to the resolution having been carried into effect, then the resolution must not be carried into effect until after the motion has been dealt with, except that, in the case of a motion of alteration, this sub section only applies to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- 3.34.4 If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with Council's Code of Meeting Practice.
- 3.34.5 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 a least three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- 3.34.6 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 three (3) months. This sub clause may not be evaded by substituting a motion differently worded, but in principle the same.
- 3.34.7 A motion to which this clause applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes.
- 3.34.8 The provisions of this clause concerning negated motions do not apply to motions of adjournment.
- 3.34.9 All motions to rescind or alter a resolution received in accordance with this clause will be included in the agenda of the next available meeting of Council.
- 3.34.10 If it is proposed to move a further motion in the event that a motion to rescind a resolution is carried, the required notice must be given of the proposed further motion.
- [3.34.11](#) A proforma for a Notice of Motion to alter or rescind a resolution is included in the Appendix.
- [3.34.11](#)[3.34.12](#) Notwithstanding the provisions of subclause (3.34.1) Council may, by resolution, provided that the majority of Councillors present agree, re-commit a matter for further consideration at the same meeting at which the matter has been resolved, to avoid the necessity to rescind the resolution. However re-committal will not be allowed if the meeting lapses for want of a quorum or is adjourned to another day.

Note: The purpose of this sub-clause is to permit the Council to re-visit a decision taken, where it is realised after the vote on the matter, which because there may have been confusion or misunderstandings during debate, the decision may be inconsistent with the wishes of a majority of Councillors.

3.35 Motions of Adjournment

- 3.35.1 Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- 3.35.2 If a motion for adjournment is negated, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- 3.35.3 A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified.

3.36 Adjournment of Council Meetings

Notwithstanding Clause 3.35 no meeting shall be permitted to continue beyond 11.00 pm without approval of a majority of the Councillors who are present and eligible to vote. A new time limit must be established before taking a vote to extend the meeting. Any further extension must also be approved by the majority of the Councillors who are present and eligible to vote.

Any extension of time should not go beyond midnight unless the business of Council remaining can be completed in a reasonable time.

Part 4 – Keeping order at meetings

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

4.1 Questions of Order (Clause 255 of the Regulation)

- 4.1.1 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.
- 4.1.2 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 by raising a “point of order” regarding the matter. A point of order does not require a seconder.
- 4.1.3 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.
- 4.1.4 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

4.2 Acts of Disorder (Clause 256 of the Regulation)

- 4.2.1 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:-
 - a contravenes the Act, any regulation in force under the Act or this Code; 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; or
 - f reads at length from any correspondence, report or other document without the leave of the Council.
- 4.2.2 The Chairperson may require a Councillor:-
 - a to apologise for an act of disorder referred to in Clause 4.2.1(a) or (b); or

- b to withdraw a motion or an amendment referred to in Clause 4.2.1(c) and, where appropriate, to apologise without reservation; or
- c to retract and apologise for an act of disorder referred to in Clause 4.2.1(d) or (e); or
- d to refrain from any further reading and apologise for the act of disorder in Clause 4.2.1(f).

4.2.3 The Council or Committee of the Council may, by resolution, expel from a meeting a Councillor who fails to comply with a requirement made under Clause 4.2.2. The expulsion of a Councillor under this sub clause does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

4.3 How Disorder at a Meeting may be Dealt With (Clause 257 of the Regulation)

4.3.1 If disorder occurs at a meeting of the Council or Committee of the 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 sub clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

4.3.2 The Council or Committee may, as provided by Section 10(2)(a) or (b) of the Act, by resolution, expel a member of the public from a Council or Committee meeting on the ground that the member is engaging in or has, at the meeting, engaged in disorderly conduct.

4.4 Power to Remove Persons from Meeting after Expulsion Resolution (Clause 258 of the Regulation)

If a Councillor or a member of the public fails to leave the place where a meeting of a Council or Committee 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.

4.5 Relevance in Debate

4.5.1 Councillors, in the course of debate, should not introduce material that is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he or she shall immediately cease speaking and resume his or her seat.

- 4.5.2 Members of the public who address Council also have an obligation to ensure relevance to the item under discussion. The Chairperson has the discretion, including action similar to Sub Clause 4.5.1, to deal with members of the public who introduce irrelevant material.

Part 5 – Council Committees

5.1 Committee of the Whole (Section 373 of the Act and Clause 259 of the Regulation)

- 5.1.1 The Council may resolve itself into a Committee of the Whole to consider any matter before the Council.
- 5.1.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of a Committee of the Whole, except the provisions:
 - a limiting the number and duration of speeches; and
 - b requiring Councillors to stand when speaking .
- 5.1.3 The General Manager is responsible for reporting to the Council proceedings in a Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 5.1.4 The Council must ensure that a report of the proceedings 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.

5.2 Council may establish Committees (Clause 260 of the Regulation)

- 5.2.1 The Council may, by resolution, establish such Committees as it considers necessary.
- 5.2.2 A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 5.2.3 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.
- 5.2.4 if a Committee lacks a quorum, another Councillor may be seconded to the Committee to achieve a quorum and that seconded member will have full voting rights.

5.3 Functions of Committees (Clause 261 of the Regulation)

The Council must specify the functions of each of its Committees when the Committee is established but may from time to time amend those functions.

5.4 Notice of Committee Meetings to be Given (Clause 262 of the Regulation)

- 5.4.1 The General Manager of the Council must send to each Councillor, at least three (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.
- 5.4.2 However, notice of less than three (3) days may be given of a Committee meeting called in an emergency.
- 5.4.3 The provisions of Sub Clause 2.3.3 apply to the agenda of Committee Meetings in the same manner as they apply to the agenda of Meetings of the Council

5.5 Non-members Entitled to Attend Committee Meetings (Clause 263 of the Regulation)

- 5.5.1 A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at, a meeting of the Committee.
- 5.5.2 Except as provided by Clause 5.2.4, a Councillor is not entitled:
- a to give notice of business for inclusion in the business paper for the meeting, or
 - b to move or second a motion at the meeting, or
 - c to vote at the meeting.

5.6 Representations by the Members of the Public - Closure of Part of Meeting (Clauses 252 and 264 of the Regulation)

The same process will be undertaken for Committees as detailed under Clause 3.27 for Council Meetings.

5.7 Procedure in Committees (Clause 265)

- 5.7.1 Subject to Sub Clause 5.7.3 each Committee of the Council may regulate its own procedure.
- 5.7.2 Without limiting Sub Clause 5.7.1, a Committee of the 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. (Note: the Council's current adopted policy on Committee functions does not provide for a casting vote in Council Committees.)
- 5.7.3 Voting at a Committee Meeting is to be by open means (such as on the voices or by show of hands).

5.8 Committee to Keep Minutes (Clause 266 of the Regulation)

5.8.1 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.
- d All Committee Minutes are to be submitted to the next available meeting of Council.

5.8.2 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.

5.9 Chairperson and Deputy Chairperson of Committee (Clause 267 of the Regulation)

5.9.1 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.

5.9.2 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.

5.9.3 If neither the Chairperson nor the Deputy Chairperson of a Committee of a Council is unable or unwilling to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be Acting Chairperson of the Committee.

5.9.4 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 either the Chairperson or the Deputy Chairperson is unable or unwilling to preside, the Acting Chairperson is to preside at the meeting.

5.9.5 The Mayor is, by virtue of holding that office, a member of each Committee of the Council. (Clause 260 of the Regulation).

5.10 Absence from Committee Meetings (Clause 268 of the Regulation)

5.10.1 A member ceases to be a member of a Committee if the member (other than the Mayor):-

- a has been absent from three (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.

5.10.2 Sub Clause 5.10.1 does not apply if all of the members of the Council are members of the Committee. [Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the dictionary to the Act.]

5.11 Reports of Committees (Clause 269 of the Regulation)

5.11.1 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.

5.11.2 The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.

5.11.3 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 available meeting of the Council.

5.12 Disorder in Committee Meetings (Clause 270 of the Regulation)

The provisions of the Act, the Regulation and this Code 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.

5.13 Committee May Expel Certain Persons from its Meetings (Clause 271 of the Regulation)

5.13.1 If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with section 10A of the Act, the Committee may, by resolution, expel from the place where the meeting is being held any person who is not a Councillor.

5.13.2 If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re-entering, that place.

Part 6 – Task Groups and Advisory Committees

6.1 Task Groups

- 6.1.1 The Council may appoint a group of Councillors and staff members to investigate a specific proposal and to report to the Council or appropriate Committee.
- 6.1.2 The Council shall determine the terms of reference for the Task Group, such to clearly state:
 - a the specific issues to be addressed
 - b the time available to the Task Group to complete its investigation
- 6.1.3 The Task Group shall have the power to regulate its own procedures and need only report to the Council or Committee when a decision on policy or resources is required.
- 6.1.4 Notwithstanding 6.1.3-3 the minutes of Task Groups shall be reported to Council for notation.
- 6.1.5 The Task Group shall be disbanded after the terms of reference have been completed. [Note: The General Manager appoints staff member representatives on Task Groups.]

6.2 Advisory Committees

- 6.2.1 The Council may appoint a group of Councillors, staff and on occasions, community representatives to undertake a particular administrative responsibility.
- 6.2.2 Where possible, community representatives on Advisory Committees shall be nominated by community organisations.
- 6.2.3 The Council shall determine the terms of reference for the Advisory Committee.
- 6.2.4 The Advisory Committee shall have power to regulate its own procedures, subject to:-
 - a the Chairperson of the Advisory Committee being the Mayor of the Council or a Councillor/Officer, nominated as Chair by the Council or Advisory Committee;
 - b minutes of meetings being submitted to the next available meeting of the Council.
- 6.2.5 The Advisory Committees term of reference shall not be time limited but the Council can disband the Advisory Committee or alter its terms of reference and membership composition at any time.

Part 7 – Dealing with conflicts of interests

Note: The General Manager cannot give a ruling on whether a Councillor has a pecuniary or non-pecuniary interest in a particular matter. If Councillors are in doubt they should seek their own legal advice.

Pecuniary Interests

7.1 Pecuniary interest (Section 442 of the Act)

- 7.1.1 For the purposes of this Part, 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 or another person with whom the person is associated.
- 7.1.2 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 a matter or if the interest is of a kind specified in Section 448 of the Act.

7.2 Persons who have a Pecuniary Interest

- 7.2.1 For the purposes of the Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - a the person; or
 - b another person with whom the person is associated.
- 7.2.2 A person is taken to have a pecuniary interest in a matter if:
 - a the person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter; or
 - b the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.
- 7.2.3 However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2):
 - a if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body; or
 - b just because the person is a member of, or 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.

7.3 Interests that Need Not be Declared (Section 443 of the Act)

- 7.3.1 The following interests do not need to be disclosed for the purposes of this Part:
- 7.3.1.1 An interest as an elector.
 - 7.3.1.2 An interest as a ratepayer or a person liable to pay a charge.
 - 7.3.1.3 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 or a section of the public that includes persons who are not subject to this Part.
 - 7.3.1.4 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.
 - 7.3.1.5 An interest as a member of a club or other organisation or association, unless the interest is as a holder of an office in the club or organisation (whether remunerated or not).
 - 7.3.1.6 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.
 - 7.3.1.7 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 permissible uses of:
 - a 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 other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise); or
 - b land adjoining, or adjacent to, or in proximity to land referred to in paragraph (a);if the person or the other person with whom the person is associated would by reason of the proprietary interest have a pecuniary interest in the proposal.
 - 7.3.1.8 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 of the company.

- 7.3.1.9 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.
- 7.3.1.10 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 of 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:
- a the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation;
 - b security for damage to footpaths or roads;
 - c 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.
- 7.3.1.11 An interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor).
- 7.3.1.12 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 of the Act.
- 7.3.1.13 An interest relating to the 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.
- 7.3.1.14 An interest of a person arising from the passing of payment of a regular account for wages and salary of an employee who is a relative of the person.
- 7.3.1.15 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.
- 7.3.1.16 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.

7.4 Disclosure and Participation in Meetings (Section 451 of the Act)

- 7.4.1 A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and is present at a meeting of the Council or Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable. [Note: One

of the first items on each Council and Committee Meeting Agenda is Notification of Interests].

- 7.4.2 The disclosure ideally should be in writing and describe the nature and extent of the pecuniary interest. [Note: A proforma declaration is provided in Attachment 1 in order to facilitate declarations.]
- 7.4.3 The Councillor or member must not take part in the consideration or discussion of the matter.
- 7.4.4 The Councillor or member must not be present at, or in sight of, or within earshot 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.
- 7.4.5 The exclusion is from all discussions on the matter, not just discussions on a formulation motion or a resolution of the matter.
- 7.4.6 Councillors barred from taking part in a discussion because of a pecuniary interest cannot escape this by addressing the meeting as a “resident” or “ratepayer”.

7.5 Disclosure by Advisers (Section 456 of the Act).

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 any pecuniary interest the person has in the matter to the meeting at the time the advice is given.

7.6 Circumstances where Disclosure Rules are not breached (Section 457 of the Act)

A person does not breach this clause 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.

7.7 Disclosures to be Recorded (Section 453 of the Act)

A disclosure made at a meeting of the Council or Council Committee must be recorded in the minutes of the meeting. [Note: A register of declared interests is held by the Council's Public Officer]

7.8 Powers of the Council in Relation to Meetings (Section 10 of the Act)

A Councillor or member of a Council Committee must not, if the Council or Committee so resolves, attend a meeting of the Council or Committee while it has under consideration a matter in which the Councillor or member has an interest required to be disclosed under this Part.

7.9 Office of Local Government - Power of Minister in relation to meetings (Section 458 of the Act)

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 and who is present at the meeting of the Council 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 numbers 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.

Non-Pecuniary Interests

7.10 Special duty of a Councillor, member of staff and delegate

A Councillor, member of staff or delegate must avoid and appropriately resolve any conflict or incompatibility between his or her private or personal interests and the impartial performance of his or public or professional duties.

7.11 Non-Pecuniary Interest

For the purposes of this Part, non-pecuniary private or personal interests that the Council official has, that do not amount to a pecuniary interest as defined in the Act, commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

7.12 Conflict of Interest

7.12.1 A conflict of interest arises if it is likely that the person with the private or personal interest could be prejudicially influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced.

7.12.2 A non-pecuniary conflict of interest need not mean automatic or complete exclusion from participation in discussion or decision making and a determination of how the non-pecuniary conflict of interest is to be dealt with is to be made in accordance with Council's Policy on Conflicts of Interest.

7.13 Disclosures and Participation in Meetings – Non-Pecuniary (Section 454 of the Act)

7.13.1 A Councillor or a member of a Council Committee who has a non-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 interest to the meeting as soon as is practicable.

7.13.2 The disclosure ideally should be in writing and describe the nature and extent of the pecuniary interest. [Note: A proforma declaration is provided in Attachment 1 in order to facilitate declarations.]

- 7.13.3 Non-pecuniary conflicts of interest must be managed in accordance with Council's Code of Conduct.
- 7.13.4 Where a non-pecuniary conflict of interest has been declared by a Councillor in a matter at a Council or Committee Meeting and that non-pecuniary conflict of interest is considered by the Councillors to be significant, the Council must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter.
- 7.13.5 Where a non-pecuniary conflict of interest has been declared by a Councillor in a matter at a Council or Committee Meeting and that non-pecuniary interest is considered by the Councillor to be less than significant and not requiring further action, the Councillor should provide an explanation of why he/she believes the conflict requires no further action in the circumstances.

Part 8 – Press and public

8.1 Public Forum

- 8.1.1 The Council shall make provision for members of the public to address the Council meeting on matters that are raised in the Business Paper.
- 8.1.2 Applications to address the Council:-
- a must be made no later than ~~noon~~~~4.00pm~~ on the day of the Council Meeting to the ~~Director – Corporate and Community~~General Manager or nominee who receives applications;
 - b must state the name and address of the applicant, a contact telephone number, and general details of the nature of the address;
 - c will be listed with a copy given to the Mayor immediately prior to the commencement of the meeting. The Mayor shall give first speaking preference to those persons who have an interest in a matter before the Council that evening.
- 8.1.3 The Council shall give consideration to allowing opposing points of view to be presented prior to determining a matter.
- 8.1.4 Subject to 8.1.5, fifteen (15) minutes will be allocated for discussion on any one item, with preference given to the arrangement where one person speaks for the motion and one speaks against the motion. Groups are encouraged to nominate a representative to make the presentation to the Council on behalf of the group.
- 8.1.5 Where two speakers have registered on the one subject, five (5) minutes will be given to each speaker. Where more than two speakers have registered to speak on the same item, the Chairperson will determine the equal allocation of time between speakers.
- 8.1.6 When making a presentation:-
- a Subject to 8.1.5, each presentation shall be limited to five (5) minutes, and the Council may extend the presentation by a further three (3) minutes if considered appropriate. The maximum time for all presentations on each subject will be limited to fifteen (15) minutes.
 - b Where it is considered that a particular matter requires further discussion, the Council may wish to resolve itself into a Committee of the Whole in accordance with clause 5.1.
 - c Speakers shall conduct themselves with due respect to the Council and observe the rules of order and meeting procedure as contained in the Code of Meeting Practice.
- 8.1.7 Councillors may, through the Chairperson, ask questions of the speakers at the conclusion of their address.

8.2 Committee Interviews – Public Forum

- 8.2.1 Any person with an interest in a matter before a Committee will be given the opportunity to make a presentation to the Committee.
- 8.2.2 All requests should be referred to the ~~Committee Secretary~~General Manager or nominee who will liaise with the Chairperson and the applicant and make the necessary arrangements prior to the meeting.
- 8.2.3 The Chairperson will allow opposing views on the same issue to be put to the Committee without interruption.
- 8.2.4 As far as possible individuals with the same view should be encouraged to appoint a spokesperson to speak on their behalf.
- 8.2.5 All presenters are expected to answer questions put to them by Committee members and the Chairperson will not permit parties with opposing views to question each other.

8.3 Public Access to Correspondence and Reports (Section 11 of the Act)

- 8.3.1 The 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. [Note: Clause 2.9 allows public access to agendas and associated business papers issued prior to the Council Meeting.]
- 8.3.2 This clause 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.
- 8.3.3 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) of the Act (see Sub Clause 3.27.2), are to be treated as confidential.

Part 9 – Record of meetings

9.1 Minutes of Meetings (Section 375 of the Act)

- 9.1.1 The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
- 9.1.2 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.
- 9.1.3 A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of proceedings.
- 9.1.4 The temporary absences from a meeting of Council or any Committee shall not be recorded in the Minutes unless the temporary absence is during a vote on a decision.

9.2 Minutes – Matters required to be recorded

- 9.2.1 Details of each motion and of any amendments moved to it (Clause 254(a) of the Regulation).
- 9.2.2 The names of the mover and seconder of any motion or amendment (Clause 254(b) of the Regulation).
- 9.2.3 Whether each motion and amendment is passed or lost (Clause 254(c) of the Regulation).
- 9.2.4 The circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present (Clause 233(3) of the Regulation).
- 9.2.5 The dissenting vote of a Councillor when requested (Clause 251(2) of the Regulation).
- 9.2.6 When a valid division is called, a table of the names of each Councillor and the way their vote was cast, either For or Against, is recorded in the Minutes. (Clause 251(4) of the Regulation). Note that a division is always required when a motion for a planning decision is put to a meeting of the Council (Section 375A of the Act).
- 9.2.7 A report of the proceedings of the Committee of the Whole, including any recommendations of the Committee (Clause 259(3) of the Regulation).
- 9.2.8 The grounds for closing part of the meeting to the public (Section 10D of the Act).
- 9.2.9 The report of a Council Committee leading to a rescission or alteration motion (Section 372(6) of the Act).
- 9.2.10 The disclosure to a meeting by a Councillor of a pecuniary interest (Section 453 of the Act).

Part 10 – Miscellaneous

10.1 Disclosure and Misuse of Information

- 10.1.1 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 *Government Information (Public Access) Act 2009*; or
 - e with other lawful excuse.
- 10.1.2 In particular, should part of a meeting of a Council or a Committee of a Council is closed to the public in accordance with Section 10A(1) of the Act, 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.
- 10.1.3 Clause 10.1.2 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 Clause 10.1.1; 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 Schedule 1 of the *Government Information (Public Access) Regulation 2009*.
- 10.1.4 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.
- 10.1.5 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.

10.2 Inspection of the Minutes of the Council or a Committee

- 10.2.1 Schedule 1 of the Government Information (Public Access) Regulation 2009 requires that the Minutes of the Council or a Committee are to be made publicly available for inspection. The public is entitled to inspect these documents either on Council's website or at the offices of the Council during ordinary working hours or at any other place determined by Council. Any current or previous Minutes may be inspected free of charge.
- 10.2.2 An inspection of the minutes of the Council or Committee of the 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. [Note: The person so designated ~~is the~~ ~~are the~~ ~~Director–Corporate and Community Manager Governance & Risk~~ and in ~~their~~ ~~his~~ absence another employee as designated by the General Manager.]
- 10.2.3 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. [Note: Schedule 1 of the Government Information (Public Access) Regulation 2009 confers a right to inspect the minutes of a Council or Committee of a Council.]

10.3 Access to Records

- 10.3.1 Councillors have access to Council records under the Government Information (Public Access) Act and Regulation 2009.
- 10.3.2 Nothing in this clause derogates from the common law right of a Councillor to inspect any record of the Council which is necessary for the Councillor to exercise the office of Councillor.

10.4 Recording of Meeting of the Council or a Committee Prohibited Without Permission (Clause 273 of the Regulation)

- 10.4.1 A person may use a recorder to record the proceedings of a meeting of the Council or a Committee of a Council only with the authority of the Chairperson, who will advise all other Councillors in attendance of the situation.
- 10.4.2 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 recorder in contravention of this clause.
- 10.4.3 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 the place and, if necessary, restrain that person from re-entering that place.

10.4.4 In this clause, recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

10.4.5 All mobile phones in the Chamber and Public Gallery are not to be used and are to be turned off or switched to silent/vibrate. Failure to do so or use of a mobile phone may be treated as an act of disorder.

10.5 Audio Recording / [Web casting](#) of Meetings by Council Staff

10.5.1 Audio recordings of a meeting of the Council or a Committee of Council may be made by Council staff for the purpose of:

- Assisting in the preparation of the Minutes;
- Ensuring decisions are accurately recorded;
- Verifying the accuracy of Minutes prior to their confirmation.

10.5.2 Audio recordings will be erased or otherwise destroyed as soon as the minutes of the meeting to which they relate has been officially confirmed or within three (3) months, whichever is the greater.

[10.5.3](#) The tapes will be subject to the provisions of the Government Information (Public Access) Act 2009.

[10.5.4 The chairperson or general manager will, at the commencement of meetings, inform those in attendance that the proceedings are being recorded for the purpose of this clause of the Code of Meeting Practice and remind them that any comments should only include personal information that is relevant or necessary to the matters under consideration by the Council/Committee.](#)

~~10.5.3~~ [10.5.5 Web casting of a meeting of the Council or a Committee may be made at council's discretion to provide the community an option of being involved with and to view decisions of council without the need to be physically present. This provides the community another avenue of being involved in matters before the council and of interest to the Bayside community if they are unable to attend the meeting due to work commitments, time, weather or physical limitations.](#)

[10.5.6 A notice informing members of the public that live web casting is being undertaken will be displayed when this occurs and the chairperson or general manager will also read a statement to this effect. Recordings of web streaming will be erased or otherwise destroyed after a period of three \(3\) months or as permitted by the State Records Act.](#)

10.6 Certain Circumstances do not invalidate Council Decisions (Section 374 of the Act)

Proceedings at a meeting of the 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 a Committee member; or
- c any defect in the election or appointment of a Councillor or a Committee member; or
- d a failure of a Councillor or a Committee member to disclose a pecuniary interest at a Council or a Committee Meeting; or
- e a failure to comply with this Code.

10.7 Council Seal (Clause 400 of the Regulation)

10.7.1 The Seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.

10.7.2 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 (1) Councillor (other than the Mayor) and the General Manager; or
- c the Mayor and at least one (1) other Councillor; or
- d at least two (2) Councillors other than the Mayor.

10.7.3 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 Clause 10.7.2) attest by their signatures that the Seal was affixed in their presence.

10.7.4 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. (The power to authorise the fixing of the Seal of Council can only be exercised by the Council. It cannot be delegated to a Committee or employee (Section 377 of the Act)).

10.7.5 For the purposes of Clause 10.8.4, 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.

Version history

Version	Release Date	Author	Reason for Change
1.0	14/09/2016	Bruce Cooke	New document
<u>2.0</u>	<u>TBA</u>	<u>Warren Park</u>	<u>Review of document</u>

Disclosure of Interest – Pecuniary and Non-pecuniary

In accordance with the Council's Code of Meeting Practice, Council's Code of Conduct, and the *Local Government Act 1993* and *Regulations*, I hereby disclose the following Pecuniary Interest/Non-Pecuniary Interest at the meeting and in respect of the item indicated:

Date of Meeting:		Item No:	
Subject:			

☐

Pecuniary Interest – You must comply with Section 451 of the Local Government Act and state the nature of the interest at the meeting, leave the Chamber and be out of sight of the meeting, take no part on the discussion or consideration of the matter, and not vote on the matter.

☐

Significant Non-Pecuniary Interest – You must comply with Council's Code of Conduct (Section 7) and state the nature of the interest at the meeting, leave the Chamber and be out of sight of the meeting, take no part on the discussion or consideration of the matter, and not vote on the matter.

☐

Less than Significant Non-Pecuniary Interest – In accordance with Council's Code of Conduct (Section 7), you must state the nature of the interest at the meeting and where you decide that the interest does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

Nature of Interest:	

Reason for no further action:	<u>Only where Less than Significant Non-Pecuniary Interest</u>

Councillor: _____
(Please print name)

(Signature)

Date: _____

Notice of Motion to alter or rescind a resolution

Original Resolution

Date of Meeting:	
Report title:	
Decision:	

Notice of Motion to rescind / alter

In accordance with the Council's Code of Meeting Practice, we hereby give notice that at the next available meeting of Council we intend to put the motion outlined below.

That Council rescinds the above decision. ☐

In the event that this motion to rescind is adopted,
we put the following further motion: ☐

OR

That the Council alters the above decision as outlined below. ☐

New Motion

Further motion (if rescission adopted)	That ...
OR	
Re-worded altered motion	

Councillors	Name	Signature	Date
	Name	Signature	Date
	Name	Signature	Date