

Code of Meeting Practice



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Introduction

This Code of Meeting Practice has been prepared in accordance with the provisions of the Local Government Act, 1993. All Council and standing committee meetings are required to be conducted in accordance with the Code of Meeting Practice.

The Code includes all of the provisions of the Local Government Act 1993, Local Government (General) Regulation 2005 and Code of Conduct that relate to Council and Committee Meeting procedures. It also incorporates the Policies and Safeguards of Council which relate to meeting procedures.

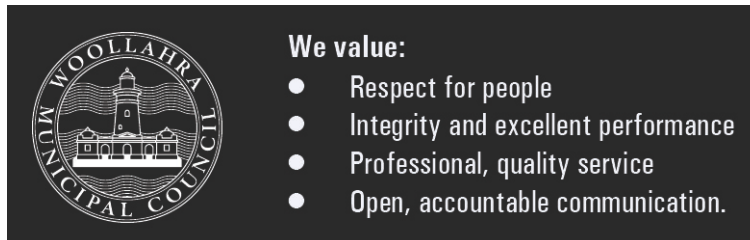
The Code should be read in conjunction with the Committee Policy and Procedures.

Further information on meeting procedures at Woollahra Municipal Council can be obtained by contacting Council's Governance Department on 9391 7012.

Notes in the Code of Meeting Practice

Notes in the Code of Meeting Practice are explanatory notes only and do not form part of the Code of Meeting Practice. The notes are provided to assist with the understanding of the Code of Meeting Practice.

This Code of Meeting Practice was adopted by Council on 10 November 2014.



1. Calling of council meetings

1.1 Public notice of meetings

- 1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.
- 2) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business paper (such as correspondence and reports) for the meeting.
- 2A) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:
 - a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
 - b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
- 3) The copies are to be available to the public as nearly as possible to the time they are available to councillors.
- 4) The copies are to be available free of charge.
- 5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form. **[Act, Section 9]**

1.2 Notice of meetings (advertising)

- 1) This clause prescribes the manner in which the requirements outlined in Section 9(1) of the Act are to be complied with.
- 2) A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- 3) The notice must specify the time and place of the meeting.
- 4) Notice of more than one meeting may be given in the same notice.
- 5) This clause does not apply to an extraordinary meeting of a council or committee. **[Regulation, Clause 232]**

1.3 How often does the council meet?

The council is required to meet at least 10 times each year, each time in a different month. [Act Section 365]

Note: Council's current meetings' cycle is:

COUNCIL

Meets each 2nd and 4th Monday in the month at 8.00pm, in the Council Chamber.

COMMITTEES

Development Control and Corporate and Works Committees

Each 1st and 3rd Monday in the month at 6.00pm (unless changed to an earlier time by the individual Committee Chairperson because of weight of business) with the Development Control Committee in the Thornton Room and the Corporate and Works Committee in the Council Chamber.

DCC Site Inspections

Each Wednesday immediately after the Development Control Committee meeting commencing at 8.00am (NB: Councillors meet on site to consider applications referred from the Development Control Committee and submit a recommendation to the next Development Control Committee meeting. All Councillors can attend and vote on forming recommendations to the Development Control Committee at DCC Site Inspections. As DCC Site Inspections are not committee meetings, a quorum is not required).

Urban Planning and Community and Environment Committees

Each 2nd and 4th Monday in the month at 6.00pm (unless changed to an earlier time by the individual Committee Chairperson because of the weight of business) with the Urban Planning Committee in the Thornton Room and the Community and Environment Committee in the Council Chamber.

5TH MONDAY IN THE MONTH

Is usually a "free" evening. Unless the Council has a major and pressing issue before it, no meetings are scheduled for the evening.

MONDAY PUBLIC HOLIDAYS

Require re-scheduling of meetings to the immediately following Tuesday evening with the DCC Site Inspections being held on Thursday. Prior advice is always given to Councillors.

CHRISTMAS/NEW YEAR BREAK

Is traditionally taken from mid-December to mid-January.

1.4 Calling of extraordinary meetings on request by councillors

If the mayor receives a request in writing signed by at least 2 councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request. [Act, Section 366]

1.5 Notice of meetings to councillors

- 1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- 2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.
- 3) A notice under this section and the agenda for, and the business paper relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form. [Act, Section 367]

1.6 Agenda and business papers for council meetings

- 1) The general manager must ensure that the agenda for a meeting of the council states:
 - a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
 - b) if the mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - c) subject to subclause (2), any business of which due notice has been given.
- 2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.
- 3) The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 4) The general manager must ensure that the details of any item of business to which section 9(2A) of the Act applies are included in a business paper for the meeting concerned.
- 5) Nothing in this clause limits the powers of the chairperson under Clause 243 (of the Regulation). [Regulation, Clause 240]

Note:

Business papers for Ordinary Council and Standing Committee Meetings except the Development Control Committee are generally prepared on the Thursday preceding the Monday meeting. The agenda for the Development Control Committee is prepared on the Tuesday preceding the Monday meeting.

1.7 Confidential agendas, business papers and annexures for council meetings

- 1) Confidential agendas, business papers and associated annexures for council meetings remain confidential until such time as council has resolved to release any or all of the information to the public.
- 2) Each confidential matter submitted to council will include an “open” recommendation in the open business paper in accordance with section 9(2A) of the Act and a “confidential” recommendation in a confidential business paper.
- 3) The open recommendation will include a recommendation:
 - (i) for the council to move into closed session to consider the confidential recommendation making specific reference to the particular provision of section 10A(2) of the Act upon which the decision to move into closed session is based, and
 - (ii) for the council to adopt the confidential recommendation, and
 - (iii) for the confidential report and/or confidential supporting annexures to remain confidential for a particular period of time or following the conclusion of a particular event, ie finalisation of a Land and Environment Court matter or signing of a contract.
- 4) Before a matter is recommended to a council meeting to be confidential, staff must have regard to and perform the public interest test required by section 10B(1)(b) of the Act and determine that on balance, the public interest in preserving the confidentiality of the information outweighs the public interest in maintaining openness and transparency in the decision making process for the matter before the council. **[Policy]**

1.8 Agenda for extraordinary meetings

- 1) The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.
- 2) Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - a) a motion is passed to have the business transacted at the meeting, and
 - b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

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

- 3) Despite clause 250 (of the Regulation), only the mover of a motion referred to in subclause (2) can speak to the motion before it is put. [**Regulation, Clause 242**]

1.9 Minister to convene meetings in certain cases

- 1) Whenever an area is constituted or reconstituted, the Minister is required:
 - a) to convene the first meeting of the council of the area, and
 - b) to nominate the business to be transacted at the meeting, and
 - c) to give the councillors notice of the meeting.
- 2) If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
- 3) The council must transact the business nominated by the Minister for a meeting convened under this clause. [**Regulation, Clause 234**]

1.10 When does a vacancy occur in a civic office?

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

Note: See Section 275 of the Local Government Act for the circumstances in which a person is disqualified from holding civic office.

- 2) For the purpose of subsection (1)(d) a councillor applying for leave of absence from a meeting of a council does not need to make application in person and the council may grant such leave in the absence of that councillor.
- 3) If the holder of a civic office attends a council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meetings.
- 4) Subsection (3) does not prevent the council from granting future leave of absence in respect of any future council meeting. [**Act, Section 234**]

2. Conduct of council meetings

2.1 Presence at council meetings

A councillor cannot participate in a meeting of the council unless personally present at the meeting. [**Regulation, Clause 235**]

2.2 Leave of absence

- 1) A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.
- 2) A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend. [**Regulation, Clause 235A**]

Note:

As Council has a pre-determined 2 weekly meeting schedule, the inclusion of the meetings (by date) that a councillor will be absent during a period of leave of absence is not necessary as those meetings can easily be identified through the pre-determined meeting schedule.

It is also not operationally necessary for Councillors to advise the general manager if they intend to return to meetings prior to the conclusion of their leave.

2.3 What is the quorum for a meeting?

- 1) 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.
- 2) This section does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council. [**Act, Section 368**]

2.4 What happens when a quorum is not present?

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

relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present. **[Regulation, Clause 233]**

2.5 Who presides at meetings of the council?

- 1) The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.
- 3) If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council. **[Act, Section 369]**

2.6 Councillor to be elected to preside at certain meetings

- 1) If no chairperson is present at a meeting of a council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 2) The election must be conducted:
 - a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election, or
 - b) if neither of them is present at the meeting or there is no general manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- 3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 4) For the purposes of sub-clause (3), the person conducting the election must:
 - a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson. **[Regulation, Clause 236]**

2.7 Chairperson to have precedence

When the chairperson rises during a meeting of the council:

- a) any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and
- b) every councillor present must be silent to enable the chairperson to be heard without interruption. **[Regulation, Clause 237]**

2.8 Chairperson's duty with respect to motions

- 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.

- 2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected. [**Regulation, Clause 238**]

2.9 Order of business

- 1) At a meeting of a council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.
- 2) The order of business fixed under sub clause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- 3) Despite clause 250 (of the Regulation), only the mover of a motion referred to in sub clause (2) may speak to the motion before it is put. [**Regulation, Clause 239**]

Note:

At a meeting of Woollahra Council (other than an extraordinary meeting), the general order of business is (except as provided by the Regulation) as follows:

1. *Confirmation of Minutes of previous meeting(s)*
2. *Leave of Absence and Apologies*
3. *Declarations of Interest*
4. *Late Correspondence*
5. *Petitions Tabled*
6. *Mayoral Minute(s)*
7. *Public Forum*
8. *General Manager & Officers' Report*
9. *Reports of the Committees (9.1 - DCC, 9.2 - C&W, 9.3 - UP, 9.4 - C&E)*
10. *Rescission Motion(s)*
11. *Notices of Motion*
12. *Questions*

2.10 Who is entitled to attend meetings?

- 1) Except as provided by this Part (Chapter 4 Part 1 Local Government Act)
 - a) everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and
 - b) a council must ensure that all meetings of the council and of such committees are open to the public.

- 2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:
 - a) by a resolution of the meeting, or
 - b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- 4) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations. [**Act, Section 10**]

2.11 Which parts of a meeting can be closed to the public?

- 1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - a) the discussion of any of the matters listed in subclause (2), or
 - b) the receipt or discussion of any of the information so listed.
- 2) The matters and information are the following:
 - a) personnel matters concerning particular individuals (other than councillors),
 - b) the personal hardship of any resident or ratepayer,
 - c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - d) commercial information of a confidential nature that would, if disclosed:
 - i) prejudice the commercial position of the person who supplied it, or
 - ii) confer a commercial advantage on a competitor of the council, or
 - iii) reveal a trade secret,
 - e) information that would, if disclosed, prejudice the maintenance of law,
 - f) matters affecting the security of the council, councillors, council staff or council property,
 - g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
 - i) alleged contravention of any code of conduct requirements applicable under section 440.
- 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.
- 4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. [**Act, Section 10A**]

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

- 1) A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):

- a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (g) unless the advice concerns legal matters that:
- a) are substantial issues relating to a matter in which the council or committee is involved, and
 - b) are clearly identified in the advice, and
 - c) are fully discussed in that advice.
- 3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A (2)).
- 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
- 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. **[Act, Section 10B]**

2.13 Notice of likelihood of closure not required in urgent cases

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

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

2.14 Grounds for closing part of meeting to be specified

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

2.15 Giving notice of business

- 1) A council must not transact business at a meeting of the council:
 - a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and
 - b) unless notice of the business has been sent to the councillors in accordance with Section 367 of the Act.
- 2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - a) is already before, or directly relates to a matter that is already before, the council, or
 - b) is the election of a chairperson to preside at the meeting as provided by clause 236(1) (of the Regulation), or
 - c) is a matter or topic to be put to the meeting by the chairperson in accordance with clause 243 (of the Regulation), or
 - d) is a motion for the adoption of recommendations of a committee of the council.
- 3) Despite subclause (1), business may be transacted at a meeting of the council even though due notice of the business has not been given to the councillors. However, this can happen only if:-
 - a) a motion is passed to have the business transacted at the meeting, and
 - b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.Such a motion can be moved without notice.
- 4) Despite clause 250 (of the Regulation), only the mover of a motion referred to in subclause (3) can speak to the motion before it is put. **[Regulation, Clause 241]**

2.16 Notices of motion

- 1) Notices of motion must be submitted to Council's Governance Department by 5.00pm on the Wednesday preceding the council meeting.
- 2) Amendments to notices of motion that are consistent with the intent of the terms of the motion are permitted, provided such amendments have the agreement of the mover and seconder.
- 3) Those councillors that have submitted a notice of motion that are present at a council meeting may withdraw the notice of motion from consideration at the council meeting.
- 4) If any councillor whose name is included as a councillor submitting the notice of motion is present at the council meeting and does not agree to withdrawing the notice of motion, the notice of motion is to be considered at the meeting. **[Policy]**

2.17 Official minutes – mayoral minutes

- 1) If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.
- 2) Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.
- 3) A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council. **[Regulation, Clause 243]**
- 4) Amendments to mayoral minutes that are consistent with the intent of the terms of the minute are permitted, provided such amendments have the agreement of the mayor. **[Policy]**

2.18 Report of director-general to be tabled at council meeting

When a report of the Director-General or a person to whom the Director-General's functions under section 430 of the Act have been delegated or sub delegated under section 745 has been presented to a meeting of a council in accordance with section 433 of the Act, the council must ensure that the report:

- a) is laid on the table at that meeting; and
- b) is subsequently available for the information of councillors and members of the public at all reasonable times. **[Regulation, Clause 244]**

2.19 Notice of motion – absence of mover

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

- a) any other councillor may move the motion at the meeting, or
- b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered. **[Regulation, Clause 245]**

2.20 Motions to be seconded

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5) (of the Regulation). **[Regulation, Clause 246]**

2.21 Unopposed notices of motion

The chairperson may call over the notices of motion on the business paper, in the order in which they appear thereon, and if objection be not taken to a motion being taken as a formal motion may, without discussion, put the motion to the vote. **[Policy]**

2.22 How subsequent amendments may be moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the council at any one time. **[Regulation, Clause 247]**

2.23 Points of order

Any councillor may at any time rise and address the chair on a point of order, but must at once:

- 1) state the point of order, and
- 2) the reason for the point of order.

A point of order can be taken for any irregularity in procedure, for example:

- 1) a quorum is not present, or
- 2) the motion before the meeting lies outside the scope of the subject of debate, or
- 3) there is a failure to comply with Council's "Code of Meeting Practice", or
- 4) the speaker's remarks are irrelevant to the motion, or
- 5) the speaker's remarks involve tedious repetition, or
- 6) insulting or abusive language has been used.

Contradictions, personal explanations and statements of fact and/or opinion dealing with the subject are NOT valid points of order.

The point of order must be taken immediately the breach occurs and cannot be taken at any other time. A point of order takes precedence of all other business including procedural motions except for a call for a quorum.

The expression “to move a point of order” is not correct. The appropriate expression is “to take a point of order.”

The chairperson should rule immediately on the point of order but may, before giving a ruling, give an opportunity to the speaker to explain.

The chairperson’s decision on a point of order should be treated by the meeting as final and should not be discussed. **[Policy]**

2.24 Motions of dissent

- 1) A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 3) Despite clause 250 (of the Regulation), 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. **[Regulation, Clause 248]**

2.25 Questions may be put to councillors and council employees

- 1) A councillor:
 - a) may, through the chairperson, put a question to another councillor, and
 - b) may, through the general manager, put a question to a council employee.
- 2) However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 3) The councillor must put every such question directly, succinctly and without argument.
- 4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause. **[Regulation, Clause 249]**

2.26 Limitation as to number of speeches

- 1) A councillor who, during a 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.
- 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) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 4) Despite subclauses (1) and (2), a councillor may move that a motion or an amendment be now put:
 - a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - b) if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.
- 5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- 6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- 7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed. [**Regulation, Clause 250**]

Note:

A warning bell is rung once after four (4) minutes of any councillor's address to the council and rung twice after (5) minutes. This is to assist councillors in complying with the time limit requirements.

Note:

In order to expedite the business of this council, the following Rules of Debate shall be adopted as Standing Orders, viz:

- a) *No more than two councillors should speak in succession on one side, either for or against the motion or amendment before the Council, and if, at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be put to the meeting after the mover of the motion has replied.*
- b) *Any councillor proposing or seconding a motion shall have the right to speak once at any time during the debate without having to specifically reserve the right to speak later in the debate in preference to when moving or seconding the motion or amendment.*
- c) *No discussion shall be permitted on any matter before the council (other than a question or personal explanation) except in the proposing, seconding, supporting or opposing a motion.*

2.27 What are the voting entitlements of councillors?

- 1) Each councillor is entitled to one vote.
- 2) However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote. [**Act, Section 370**]

2.28 Voting at council meetings

- 1) 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.
- 2) If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.
- 4) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.
- 5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Note: Part 11 of the Regulation 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 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that ballot has its normal meaning of secret ballot. [**Regulation, Clause 251**]

2.29 Representations by members of the public – closure of part of meeting

- 1) A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- 2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings. [**Regulation, Clause 252**]

2.30 Procedure for the public to address council on whether part of a meeting should be closed

Members of the public may make representation at council meetings before a part of the meeting is closed to the public, as to whether that part of the meeting should be closed to the press and public.

Subject to council formally resolving to close part of a meeting, the procedure to consider representations shall be:

- 1) After a motion to close part of a meeting to the public has been moved and seconded, the chairperson will ask the general manager or staff representative clerk if there are any written submissions from the public on the proposed closure of the meeting,
- 2) The general manager or staff representative will read out any written representations,
- 3) The chairperson will ask if any persons wish to make verbal representations in relation to why the meeting should not be closed to the public,
- 4) An opportunity to speak will be given to up to 2 speakers for and 2 speakers against the motion of confidentially with the provision for extra speakers to be at the discretion of the council.

The council should consider all views including those received before the meeting, when deciding whether to close part of the meeting to the public.

- 5) Council to vote on the motion to close the meeting. **[Policy]**

2.31 Resolutions passed at closed meetings to be made public

If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended. **[Regulation, Clause 253]**

2.32 What constitutes a decision of the council?

A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council. **[Act, Section 371]**

2.33 Rescinding or altering resolutions

- 1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.
- 2) If notice of motion to rescind a resolution is given at the meeting at which the

resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

- 3) If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.
- 4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- 5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- 6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the council.
- 7) The provisions of this section concerning negated motions do not apply to motions of adjournment. **[Act, Section 372]**
- 8) If a notice of motion to rescind a resolution, other than a resolution relating to a development application, is given within 15 minutes after the close of a meeting at which the resolution is carried, the resolution will not be carried into effect until the motion of rescission has been dealt with. **[Policy]**

2.34 Re-committing matters for further discussion during the course of a meeting

Notwithstanding the provisions of subclause (1) of section 2.33 of the Code (Rescinding or altering resolutions), council may, by resolution, provided all councillors who voted on the original motion are present and the majority of councillors agree, re-commit a matter for further discussion. However re-committal will not be allowed if the meeting has closed. **[Policy]**

2.35 Committee of council

A council may resolve itself into a committee to consider any matter before the Council. **[Act, Section 373]**

2.36 Attendance of general manager at meetings

- 1) The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.

- 2) The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- 3) However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager. [**Act, Section 376**]

2.37 Reports of committees

- 1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.
- 2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.
- 3) If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
 - a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - b) report the resolution or recommendation to the next meeting of the council. [**Regulation, Clause 269**]

Note:

The council in considering the reports of committees has adopted the practice of receiving the report and then reviewing it. The mayor invites the chairperson of each committee to "call" each recommendation individually by referring to its number in the committee report on the council agenda. Any councillor who wishes to debate an item, or requires information on it, advises the mayor when the number is called. The report of the committee is then adopted with the exception of certain specified items. The items "called" are then considered separately.

A decision of the council can only be taken by way of a motion, which must be seconded. The recommendation of the committee is merely a suggestion and does not constitute a motion. The carrying of a motion that a report be received (and dealt with) is merely an acknowledgment by the council that the report is a proper one for the council to consider.

2.38 Certain circumstances do not invalidate council decisions

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

- a) a vacancy in a civic office; or
 - b) a failure to give notice of the meeting to any councillor or committee member; or
 - c) any defect in the election or appointment of a councillor or committee member;
- or

- d) a failure of a councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of or vote on, the relevant matter, at a council or committee meeting in accordance with section 451; or
- e) a failure to comply with the code of meeting practice. [**Act, Section 374**]

2.39 Submission of late correspondence

That the deadline be 12noon on the day of the council meeting for acceptance of late correspondence. This will give staff time to digest and comment, if appropriate, on the contents of the late correspondence. [**Policy**]

2.40 Reading late correspondence at council meetings

That late correspondence be read in conjunction with the relevant Agenda item. [**Policy**]

2.41 Public access to correspondence and reports

- 1) A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 2) This section does not apply if the correspondence or reports:
 - a) relate to a matter that was received or discussed; or
 - b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- 5) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2), are to be treated as confidential. [**Act, Section 11**]

2.42 Adjournment of council meetings

That ordinary meetings of council shall adjourn at 11.00pm unless a motion is moved beforehand to extend the meeting. [**Policy**]

2.43 Public forum

Council will allow members of the public to address a council meeting on any local government related matter excluding matters that are:

- on the council meeting agenda, or
- any application already lodged with the council for decision, or
- that criticises or complains about councillors or council staff.

The council meeting business paper will include a section called “Public Forum” immediately following consideration of mayoral minutes.

The procedure for the conduct of the public forum will be as follows:

- 1 Each person wishing to address a council meeting is required to complete a “Public Forum Registration Form” and submit it to council prior to 5.00pm on the Wednesday preceding the council meeting. This will give staff time to review the forum topic and be able to comment, if requested by councillors, on the contents of the public forum.

Any request received after 5.00pm on the Wednesday preceding the council meeting will be carried forward to the next council meeting.

- 2 A maximum time limit of 3 minutes for each address will be allowed at the council meeting.
- 3 The maximum number of addresses at each council meeting will be 3. **[Policy]**

3. Questions

3.1 Questions

- 1) As a standard practice, a report on “Questions for Next Meeting” shall be listed in all agendas of ordinary meetings of council. The agenda item shall contain a report of the questions asked at the last council meeting and the responses to those questions and provide an opportunity for the councillors to ask questions for the next council meeting. Councillors may also submit Questions on Notice for inclusion in the council meeting business paper. Questions on Notice are to be submitted to the Council’s Governance Department by no later than 10.00am on the Thursday preceding the council meeting.
- 2) Questions asked at a council meeting shall also be submitted in writing.
- 3) The councillor must put every question directly, succinctly and without argument.
- 4) The mayor shall refer the question to the general manager or responsible division head, or if the question is directed to another councillor, the councillor concerned. There shall be no requirement to answer the question immediately.
- 5) If the answer to a question can be given immediately, and it makes sense to do so, then such shall be done and a record made in the minutes of the meeting. If an answer can be given, but not immediately, then the mayor shall indicate to whom the question is to be directed.
- 6) In the spirit of achieving the expeditious discharge of council business the agenda item “Questions for Next Meeting” shall generally be limited to not more than 30 minutes duration unless the council determines otherwise, on the evening in question and by way of specific resolution. **[Policy]**

Questions on notice (see part 1)

Questions on notice must be submitted to Council’s Governance Department no later than 10.00am on the Thursday preceding the council meeting.

Questions on notice will be included and clearly identified in the Questions for next meeting report to Council.

The provisions of parts 3, 4 & 5 of Questions for next meeting will apply to Questions on notice.

Questions asked by councillors should relate to matters of an urgent nature only, routine or non-urgent information, service requests or maintenance requests should be forwarded to the appropriate senior staff member through direct telephone contact, e-mail or submission of a customer service request through Council’s web site.

4. Order and disorder at council meetings

4.1 Questions of order

- 1) The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 2) A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 3) The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed. [**Regulation, Clause 255**]

4.2 Acts of disorder

- 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 or any regulation in force under the Act, or
 - b) assaults or threatens to assault another councillor or person present at the meeting, or
 - c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or
 - d) insults or makes personal reflections on or imputes improper motives to any other councillor, or
 - e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.
- 2) The chairperson may require a councillor:
 - a) to apologise without reservation for an act of disorder referred to in subclause (1)(a) or (b), or
 - b) to withdraw a motion or an amendment referred to in subclause (1)(c) and, where appropriate, to apologise without reservation, or
 - c) to retract and apologise without reservation for an act of disorder referred to in subclause (1)(d) or (e).
- 3) A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned. [**Regulation, Clause 256**]

4.3 How disorder at a meeting may be dealt with

- 1) If disorder occurs at a meeting of a council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.
- 2) A member of the public may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of council for engaging in or having engaged in disorderly conduct at the meeting. [**Regulation, Clause 257**]

4.4 Power to remove persons from meeting after expulsion

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

- 1) immediately after the council has passed a resolution expelling the councillor or member from the meeting, or
- 2) where the council has 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. [**Regulation, Clause 258**]

4.5 Mayor authorised to exercise power of expulsion

The mayor be authorised to exercise the power of expulsion as it applies to acts of disorder arising from the conduct of members of the public or acts of disorder arising from the conduct of councillors. [**Policy**]

5. Minutes of council meetings

5.1 Minutes

- 1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.
- 2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at the subsequent meeting.
[Act, Section 375]

5.2 Matters to be included in minutes of council meeting

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

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

Note: Section 375 (1) of the Act requires a council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the council (other provisions of this Regulation and of the Act require particular matters to be recorded in a council's minutes). [Regulation, Clause 254]

5.3 Inspection of the minutes of a council or committee meeting

- 1) An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.
- 2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.
[Regulation, Clause 272]

5.4 Recording of voting on planning matters

- 1) In this section, *planning decision* means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979*:
 - a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - b) not including the making of an order under Division 2A of Part 6 of that Act.
- 2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of

the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

- 3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- 5) This section extends to a meeting that is closed to the public.
[Act, Section 375A]
- 6) Where a determinative decision on a planning matter is recommended by a committee to the council for adoption (R item) a record of the names of the councillors who supported the recommendation and the names of councillors who opposed (or are taken to have opposed) the recommendation, are to be recorded in the minutes of the committee meeting. **[Policy]**

6. Calling of committee meetings

6.1 Committee of the whole

- 1) All the provisions of this Regulation relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches.
- 2) The general manager or, in the absence of the general manager, an employee of the council designated by the general manager is responsible for reporting to the council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 3) The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed. [**Regulation, Clause 259**]

6.2 Extension and restriction on number and duration of speeches in committee of the whole meetings

The council may, by resolution, extend or restrict the number and duration of speeches in committee of the whole meetings. [**Policy**]

6.3 Council may establish committees

- 1) A council may, by resolution, establish such committees as it considers necessary.
- 2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 3) The quorum for a meeting of a committee is to be:
 - a) such number of members as the council decides, or
 - b) if the council has not decided a number – a majority of the members of the committee. [**Regulation, Clause 260**]

6.4 Sunset committees

The operation of task forces, sunset committees and working parties be:

- 1) Membership shall not be limited in size but shall, generally, be kept to a small number for purposes of effectiveness.
- 2) a) Membership shall be appropriate to the task(s) to be performed, and may consist of:
 - councillors alone,
 - councillors and staff,
 - council and community representatives.

- b) membership of councillors, once a number is agreed, shall be by appointment by the mayor.
- 3) The appointed group, as its first duty, shall determine its preferred terms of reference unless this has already been done by the council or appropriate council committee. In the event of the group being assigned the particular duty it shall make a recommendation as to the terms of reference forthwith to the appropriate council committee. The terms of reference will address the particular task, a program for completion of the task and the means of reporting progress.
- 4) The group shall, if requested, submit written reports on progress and at nominated times.
- 5) Preferably, the group should be subject to a “sunset” provision; and this shall be a consideration of the council at the time of appointment. **[Policy]**

6.5 Functions of committees

A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.
[Regulation, Clause 261]

6.6 General power of the council to delegate

- 1) A Council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
 - a) the appointment of a general manager
 - b) the making of a rate
 - c) a determination under section 549 as to the levying of a rate
 - d) the making of a charge
 - e) the fixing of a fee
 - f) the borrowing of money
 - g) the voting of money for expenditure on its works, services or operations
 - h) the compulsory acquisition, purchase, sale exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)
 - i) the acceptance of tenders which are required under this Act to be invited by the council
 - j) the adoption of an operational plan under section 405
 - k) the adoption of a financial statement included in an annual financial report
 - l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6
 - m) the fixing of an amount or rate for the carrying out by the council of work on private land
 - n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work
 - o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be

- reviewed under section 82A of the Environmental Planning & Assessment Act 1979
- p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194
 - q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons
 - r) a decision under section 234 to grant leave of absence to the holder of a civic office
 - s) the making of an application, or the giving of a notice, to the Governor or Minister
 - t) this power of delegation
 - u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- 2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council. [Act, Section 377]

6.7 Delegated authority of committees

The Corporate & Works Committee, Development Control Committee, Urban Planning Committee and Community & Environment Committee have delegated authority to deal with matters which relate to their functions, subject to the restrictions of section 377 of the Local Government Act and Council's Policies and Safeguards. For specific delegations see Council's Committees, Policies and Procedures Policy. [Policy]

6.8 Notice of committee meetings to be given

- 1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:
 - a) the time and place at which and the date on which the meeting is to be held, and
 - b) the business proposed to be transacted at the meeting.
- 2) However, notice of less than 3 days may be given of a committee meeting called in an emergency. [Regulation, Clause 262]

6.9 Confidential agendas, business papers and report annexures for committee meetings

- 1) Confidential agendas, business papers and associated annexures for committee meetings remain confidential until such time as the committee (for matters considered under delegated authority) or council (for matters referred to council for determination) has resolved to release any or all of the information to the public.
- 2) Each confidential matter submitted to a committee will include an "open" report in the open business paper in accordance with section 9(2A) of the Act and a "confidential" report in a confidential business paper.

- 3) The open report will include a recommendation:
 - (i) for the committee to move into closed session to consider the confidential report making specific reference to the particular provision of section 10A(2) of the Act upon which the decision to move into closed session is based, and
 - (ii) for the confidential report and/or supporting confidential annexures to remain confidential for a particular period of time or following the conclusion of a particular event, ie finalisation of a Land and Environment Court matter or signing of a contract.
- 4) Where an open report includes a confidential annexure, the open report will include a recommendation making specific reference to the particular provision of section 10A(2) of the Act for the confidential annexure to remain confidential for a particular period of time or relative to the conclusion of a particular event, ie conclusion of a Land and Environment Court matter or signing of a contract.
- 5) Before a matter is recommended to a committee meeting to be confidential, staff must have had regard to and perform the public interest test required by section 10B(1)(b) of the Act and determine that on balance, the public interest in preserving the confidentiality of the information outweighs the public interest in maintaining openness and transparency in the decision making process for the matter before the committee. **[Policy]**

6.10 Absence from committee meetings

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

Note: *The expression "year" means the period beginning 1 July and ending the following 30 June. See the dictionary to the Act. [Regulation, Clause 268]*

6.11 Alteration of meeting times

A committee chairperson may, in consultation with the mayor and general manager, alter the commencement times of meetings where the amount of business or such other special circumstances may prevail. **[Policy]**

7. Conduct of committee meetings

7.1 Procedure in committees

- 1) Subject to subclause 3, each committee of the council may regulate its own procedure.
- 2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- 3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands). [**Regulation, Clause 265**]

7.2 Committee chairperson to have casting vote in limited circumstances

The chairperson of a committee is the councillor appointed by the Council or should the Council not appoint a chairperson, the councillor elected by the committee to be the chairperson.

The chairperson of a committee can use, at his or her discretion, a casting vote for individual circumstances provided that the casting vote is used only to progress consideration of the matter and does not finally determine the matter. Under no circumstances can a casting vote be used to finalise the matter and in circumstances where the use of a casting vote would (if exercised) finalise the matter, the recommendation or alternate recommendations receiving equal votes must be referred to the council for its decision.

The chairperson may use a casting vote for an R Item where, through council's delegations, policies and safeguards, the matter is referred to full council for determination.

The chairperson may also decline to use a casting vote and refer the matter to full council for determination. [**Policy**]

Guidelines for the use of a casting vote by committee chairpersons

The chairperson may use a casting vote where the vote is equal on matters similar to the following circumstances:

- *where there is a motion or amendment to defer a matter to obtain additional information,*
- *where there is a motion or amendment to defer the matter for an additional report,*
- *where there is a motion or amendment to defer and confer on a matter,*
- *where there is a motion or amendment to attend a site inspection,*
- *where part of a motion or amendment is to require a further report,*
- *where a motion or amendment would progress the matter in some other way but not finally determine the matter.*
- *at any time for an R Item where, through council's delegations, policies and safeguards, the matter is referred to full council for determination.*

The chairperson may not use a casting vote where the vote is equal on a matter where the casting vote would (if exercised) finally determine a matter by approving or refusing an application or adopting a specific course of action on a matter.

Where a vote is equal and a casting vote would (if exercised) finalise a matter, the recommendation or alternate recommendations receiving equal votes must be referred to the council for its decision.”

7.3 Non-members entitled to attend committee meetings

- 1) A councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.
- 2) However, the councillor is not entitled:
 - a) to give notice of business for inclusion in the agenda for the meeting, or
 - b) to move or second a motion at the meeting, or
 - c) to vote at the meeting. [**Regulation, Clause 263**]

7.4 Which parts of a meeting can be closed to the public?

- 1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - a) the discussion of any of the matters listed in subclause (2), or
 - b) the receipt or discussion of any of the information so listed.
- 2) The matters and information are the following:
 - a) personnel matters concerning particular individuals (other than councillors),
 - b) the personal hardship of any resident or ratepayer,
 - c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - d) commercial information of a confidential nature that would, if disclosed:
 - i) prejudice the commercial position of the person who supplied it, or
 - ii) confer a commercial advantage on a competitor of the council, or
 - iii) reveal a trade secret,
 - e) information that would, if disclosed, prejudice the maintenance of law,
 - f) matters affecting the security of the council, councillors, council staff or council property,
 - g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
 - i) alleged contraventions of any code of conduct requirements applicable under section 440.
- 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.

- 4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. [Act, Section 10A]

7.5 Further limitations relating to closure of parts of meetings

- 1) A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):
 - a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (g) unless the advice concerns legal matters that:
 - a) are substantial issues relating to a matter in which the council or committee is involved, and
 - b) are clearly identified in the advice, and
 - c) are fully discussed in that advice.
- 3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A (2)).
- 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
- 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. [Act, Section 10B]

7.6 Notice of likelihood of closure not required in urgent cases

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

- a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A (2), and

- b) the council or committee, after considering any representations made under section 10A (4), resolves that further discussion of the matter:
 - i) should not be deferred (because of the urgency of the matter), and
 - ii) should take place in a part of the meeting that is closed to the public.
[Act, Section 10C]

7.7 Grounds for closing part of meeting to be specified

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

7.8 Representations by members of the public - closure of part of meeting

- 1) A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- 2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings. [Regulation, Clause 264]

7.9 Procedure for the public to address council on whether part of a meeting should be closed

Members of the public may make representation at committee meetings, before a part of the meeting is closed to the public, as to whether that part of the meeting should be closed to the press and public.

Subject to the committee formally resolving to close part of a meeting, the procedure to consider representations shall be:

- 1) After a motion to close part of a meeting to the public has been moved and seconded, the chairperson will ask the general manager or staff representative if there are any written submissions from the public on the proposed closure of the meeting;

- 2) The general manager or staff representative will read out any written representations;
- 3) The chairperson will ask if any persons wish to make verbal representations in relation to why the meeting should not be closed to the public;
- 4) An opportunity to speak will be given to up to 2 speakers for and 2 speakers against the motion of confidentially with the provision for extra speakers to be at the discretion of the committee.

The committee should consider all views including those received before the meeting, when deciding whether to close part of the meeting to the public.

- 5) The committee to vote on the motion to close the meeting. **[Policy]**

7.10 Chairperson and deputy chairperson of committees

- 1) The chairperson of each committee of the council must be:
 - a) the mayor; or
 - b) if the mayor does not wish to be the chairperson of a committee - a member of the committee elected by the council, or
 - c) if the council does not elect such a member - a member of the committee elected by the committee.
- 2) A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 3) If neither the chairperson nor the deputy chairperson of a committee of a council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 4) The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting. **[Regulation, Clause 267]**

7.11 Referrals on request of councillors to full council

A matter may be called from a Committee Meeting to Full Council by a Councillor in accordance with the Committee Policy and Procedures. **[Policy and Safeguards]**

7.12 Matters called from application assessment panel

A matter may be called from the Application Assessment Panel to the Development Control Committee by a Councillor in accordance with the Application Assessment Panel Policy and Procedures. **[Policy and Safeguards]**

7.13 When a committee substantially changes a staff recommendation

Where, at a committee meeting there is a reversal or substantive change to a staff recommendation, the matter is automatically referred to the council.

[Policy and safeguards]

7.14 Attendance of general manager at meetings

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

7.15 A committee can refer a matter to full council

A committee can resolve to refer a matter to the council for any reason. This usually occurs where the committee is divided in its view or is seeking clarification of a particular issue prior to determining the matter. This process allows a decision to be achieved without the need for a deferral to the following meeting of that committee.

[Policy and Safeguards]

7.16 Submission of late correspondence

That the deadline be 12noon on the day of the committee meeting for acceptance of late correspondence. This will give staff time to digest and comment, if appropriate, on the contents of the late correspondence. **[Policy]**

7.17 Reading late correspondence at committee meetings

That late correspondence be read in conjunction with the relevant Agenda item. **[Policy]**

7.18 Certain circumstances do not invalidate council decisions

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

- a) a vacancy in a civic office; or
- b) a failure to give notice of the meeting to any councillor or committee member; or
- c) any defect in the election or appointment of a councillor or committee member; or
- d) a failure of a councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of or vote on the relevant matter at a council or committee meeting in accordance with section 451, or
- e) a failure to comply with the code of meeting practice. **[Act, Section 374]**

7.19 Representations to committee meetings by the public

Any person wishing to address a committee meeting in relation to a matter on the agenda will be allowed 4 minutes to make their presentation.

If a large number of persons wish to address a committee meeting on a particular matter, it will be at the discretion of the chairperson of the respective committee to determine, with a view to fairness of representation, how many persons may address the meeting.

A committee may at any time, invite staff to comment on any matter raised at a committee meeting. If matters raised are substantial, the committee may defer the matter to another meeting in order to obtain clarification of the matters raised.

[Policy and safeguards]

7.20 Public access to correspondence and reports

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

[Act, Section 11]

7.21 Adjournment of committee meetings to allow council meetings to commence on time

A standing committee may be adjourned at the discretion of the mayor or chairperson, without debate, no later than 7-40 pm on scheduled council meeting nights and be reconvened at the close of the council meeting, this to recognise the status and importance of council meetings and to ensure the public and other councillors are not inconvenienced by delays resulting from earlier meetings running overtime. **[Policy]**

7.22 Re-committing matters for further discussion during the course of a meeting

Notwithstanding the provisions of subclause (1) of section 2.33 of the Code (Rescinding or altering resolutions), a committee may, by resolution, provided all councillors who voted on the original motion are present and the majority of councillors agree, re-commit a matter for further discussion. However re-committal will not be allowed if the meeting has closed. **[Policy]**

8. Disorder in committee meetings

8.1 Disorder in committee meetings

The provisions of the Act and of the Regulation relating to the maintenance of order in council meetings apply to meetings of committees of a council in the same way as they apply to meetings of a council. [**Regulation, Clause 270**]

8.2 Certain persons may be expelled from council committee meetings

- 1) If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10A of the Act, any person who is not a councillor may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 2) If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place. [**Regulation, Clause 271**]

8.3 Chairperson authorised to exercise power of expulsion

The chairperson of a committee be authorised to exercise the power of expulsion as it applies to acts of disorder arising from the conduct of members of the public or acts of disorder arising from the conduct of councillors. [**Policy**]

9. Minutes of committee meetings

9.1 Committees to keep minutes

- 1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
 - a) details of each motion moved at a meeting and of any amendments moved to it,
 - b) the names of the mover and seconder of the motion or amendment,
 - c) whether the motion or amendment is passed or lost.
- 2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.
[Regulation, Clause 266]

9.2 Inspection of the minutes of a council or committee meeting

- 1) An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes
- 2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.
[Regulation, Clause 272]

9.3 Recording of voting on planning matters

- 1) In this section, *planning decision* means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979*:
 - a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - b) not including the making of an order under Division 2A of Part 6 of that Act.
- 2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

- 4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- 5) This section extends to a meeting that is closed to the public.
[Act, Section 375A]
- 6) Where a determinative decision on a planning matter is recommended by a committee to the council for adoption (R item) a record of the names of the councillors who supported the recommendation and the names of councillors who opposed the recommendation are to be recorded in the minutes of the committee meeting. **[Policy]**

10. Declarations of interest

10.1 Disclosure and presence in meetings in relation to pecuniary interests

- 1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- 2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:
 - a) at any time during which the matter is being considered or discussed by the council or committee, or
 - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448. (see Annexure 1)
- 4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
 - (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - (b) the councillor made a special disclosure under this section in relation to the interest before commencement of the meeting.
- 5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:
 - (a) be in the form prescribed by the regulations, and
 - (b) contain the information required by the regulations.

[Act, Section 451]

10.2 Disclosure and presence in meetings in relation to non-pecuniary interests

- 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 nature of the interest to the meeting as soon as possible.
- 2) A councillor or member of a council committee who has a significant non-pecuniary interest in any matter must have no involvement in the matter, by absenting themselves from and not taking part in any debate or voting on the

matter as if the provisions of section 451(2) of the Act, relating to pecuniary interests, apply.

- 3) If a councillor or member of a council committee determines that a non-pecuniary interest is less than significant and does not require further action, the councillor or the member of the council committee must provide an explanation of why they consider that the conflict does not require further action in the circumstances.
- 4) Despite part (2) above, a councillor who has disclosed that a significant non-pecuniary interest exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with part (2) above. **[Code of Conduct]**

10.3 Disclosures to be recorded

A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting. **[Act, Section 453]**

10.4 General disclosure

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

- (a) a member, or in the employment, of a specified company or other body; or
- (b) a partner, or in the employment, of a specified person, is, unless and until the notice is withdrawn, sufficient disclosure of the councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice. **[Act, Section 454]**

10.5 Disclosure by adviser

- 1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- 2) The person is not required to disclose the person's interest as an adviser. **[Act, Section 456]**

10.6 Circumstances in which sections 451 and 456 are not breached

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest. **[Act, Section 457]**

10.7 Powers of minister in relation to meetings

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

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so. [**Act, Section 458**]

11. Miscellaneous matters

11.1 Disclosure and misuse of information

- 1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purpose of any legal proceedings arising out of this Act or 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.

- 1A) In particular, if part of a meeting of a council or a committee of council is closed to the public in accordance with section 10A(1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.

- 1B) Subsection (1A) does not apply to:
 - a) the report of a committee of a council after it has been presented to the council, or
 - b) disclosure made in any of the circumstances referred to in subsection (1)(a)-e), or
 - c) disclosure made in circumstances prescribed by the regulations, or
 - d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.

- 2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.

- 3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - a) the determination of an application for an approval; or
 - b) the giving of an order. [**Act, Section 664**]

11.2 Disclosure and misuse of information – prescribed circumstances

For the purposes of section 664 (1B)(c) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance. [**Regulation, Clause 412**]

11.3 Tape recording of meetings of council or committee prohibited without permission

- 1) A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.
- 2) A person may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council or committee of a council for using or having used a tape recorder in contravention of this clause.
- 3) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
- 4) In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not. **[Regulation, Clause 273]**

11.4 Recording meetings by council

- 1) Council may record council and/or committee meetings.
- 2) The purpose of council recording council and/or committee meetings is solely for the purpose of preparing and/or verifying the accuracy of meeting minutes.
- 3) Recordings of council and/or committee meetings will not be made available to the public or disclosed to any other party other than council staff for the purpose of preparing and/or verifying meeting minutes.
- 4) Recordings of council and committee meetings will be destroyed as soon as the original purpose of preparing and/or verifying minutes is served, except where retention for a longer period is otherwise required or recommended under the State Records Act 1998.
- 5) Notices will be displayed at all meetings which are being recorded by council for the purpose of minute preparation and/or verification. **[Policy]**

11.5 Petitions

- 1) That Council affirm its belief in, and support for the right:

“It is the privilege of any individual or body of individuals in the community to petition (council) to obtain redress of grievances, or to ask it not to do something that is contemplated.”

- 2) That for the purposes of reviewing and dealing with petitions, such documents be formally drawn up, and be directed to matters which are within the powers of authorities of the council.
- 3) That petitions presented by councillors to duly convened council meetings be subject to consideration of motions in terms “That the petition lie on the table for a period of fourteen (14) days and
- 4) That petitions lodged with the council by post or means other than by presentation by a councillor at a duly convened meeting of the council shall be dealt with as ordinary correspondence. [**Policy**]

Annexures

- Annexure 1 What interests do not have to be disclosed? (Section 448 Local Government Act)

Annexure 1**Local Government Act 1993 No 30****448 What interests do not have to be disclosed?**

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

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

- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

End of Code of Meeting Practice