



WYONG SHIRE
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DRAFT

CODE OF MEETING PRACTICE

9 May 2007

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AMENDMENTS

CODE OF MEETING PRACTICE

9 May 2007

Previous Amendments	Remove Old Page/s	Insert New Page/s
Major review and inclusion of revised definitions, questions of order, acts of disorder, notices of censure.	Page ALL	ALL
Updated Index and Table Of Contents	Page Index x2 Page TOC x2	Page 3-4 Page 5-6

Amendments	Pages Amended	Date Amended
Updated entire Manual due to new regulations – (Local Government (General) Regulation 2005 – Adopted September 1 2005	All Pages	April 19 2006
Updated changes as per Council Report 529 October 26 2005 which included: Motions of Urgency Reports of Directors and General Manager Notices of Motion Deletion of Clause 22 (3)(c)	All Pages	April 19 2006
Major review with Mandatory Changes and changes recommended by the Department of Local Government	All Pages	9 May 2007

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WYONG SHIRE COUNCIL

CODE OF MEETING PRACTICE

INTRODUCTION

This Code is made under the Local Government Act, 1993 and in accordance with the Local Government (General) Regulation, 2005 and subsequent amendments.

The object of this Code is to provide for the convening and conduct of meetings of Council and of Committees of Council. The provisions of this Code are substantially based on the provisions of the Local Government Act, 1993 and Part 10 (Meetings) of the Local Government (General) Regulation, 2005, subsequent amendments and Council policy decisions.

Council and any Committees of Council of which all members are Councillors MUST conduct their meetings in accordance with this Code (Section 360 of the Local Government Act, 1993).

In adopting this Code of Meeting Practice, Wyong Shire Council will conduct the meetings according to the following principles:

1. Meetings should be orderly, efficient and earn the respect of the Shire's ratepayers, residents and visitors.
2. Councillors and Staff have an obligation to conduct themselves at meetings to accepted standards of behaviour and make positive contributions to the issues being considered.
3. Meetings should be held in an environment which facilitates respect shown for the views of others and regard for the due process of law, reasonableness and fairness.
4. Council Meetings should comply with the basic organisation principle of Councillors not involving themselves in the day-to-day administration of Council matters. Meetings should address matters of policy, direction, resource allocation, statutory decisions and other appropriate Council issues.

MEETING DATES

The regular meeting days and times of meetings of Council are:

Council:

The second and fourth Wednesday of each month commencing at 5.00 pm, with the exception that the last meeting scheduled for December and the first meeting scheduled for January each year will not be held. Where scheduled meetings of Council fall on a Public Holiday that meeting will be held on the day immediately after that Public Holiday:

Extraordinary Meetings of Council and/or Committees:

Such meetings will be held from time to time on days and times as determined by Council.

NOTE:

Regular meeting days and times may be altered from time to time by the procedure set out in this Code.

PART 1 - PRELIMINARY

1 Citation

This Code may be cited as the "**Code of Meeting Practice**".

2 Commencement

This Code was originally adopted by Council on December 8, 1999.

3 Amendment to the Code

This code may only be amended by means of a new code adopted under the procedures contained in Division 1 - Part 2 - Chapter 12 of the Local Government Act 1993 except where an amendment is proposed that reflects a change to the Local Government Act 1993 or the Local Government (General) Regulation 2005 and such change will be made automatically and a report on the changes will be submitted to a meeting of the Council.

4 Definitions

In this Code -

Amendment

In relation to an original motion before the meeting, means a motion moved as an alternative to the original motion;

Chairperson

- (a) in relation to a meeting of a Council - means the person presiding at the meeting as provided by section 369 of the Local Government Act 1993 (See clauses 18 and 19 of this Code); and
- (b) in relation to a meeting of a Committee of a Council - means the person presiding at the meeting as provided by clause 267 of the Local Government (General) Regulation 2005 (see clause 18 of this Code).

Charter

In relation to the functioning of Committees established by Council, means a document setting out the purpose, membership, objectives and life of such a Committee.

Committee

In relation to Council, means a Committee established by Council in accordance with clause 260 of the Local Government (General) Regulation 2005 (see clause 46 of this Code).

Confidential Session

Is a meeting of Council or a Committee from which the media and the public has been excluded by a resolution carried in accordance with section 10(A) of the Local Government Act 1993.

4 Definitions (Continued)

Council Chamber

For the purposes of:

- * A Councillor expelled, in accordance with section 10(2) of the Local Government Act 1993, from a meeting, is the meeting room as defined in this clause, and includes the public gallery, the foyer areas on the ground floor and the first floor immediately adjacent to the meeting room but does not restrict the Councillor from traversing either area to gain access to the Councillor's lounge area or exit from the Administration Building.
- * Another person expelled, in accordance with section 10(2) of the Local Government Act 1993, from a meeting is the meeting room as defined in this clause, and includes the public gallery, the foyer areas on the ground floor and the first floor immediately adjacent to the meeting room and any room adjacent to the foyer areas.
- * For the purpose of sound or vision recording or televising the meeting room as defined in this clause, and includes the public gallery, the foyer areas on the ground floor and the first floor immediately adjacent to the meeting room and any room adjacent to the foyer areas.

Councillor

Is a person elected or appointed to civic office as a member of the governing body of Council and includes the Mayor.

Due Notice

The Local Government Act, 1993 lists Due Notice as at least three (3) full business days prior to a Council or Committee Meeting (including the Council or Committee Meeting Day where the meeting is held after 3 pm).

For the purpose of this Code Due Notice is "by pre-paid post 7 days or by hand not less than 5 days".

General Manager

Is the General Manager of Council.

Meeting Room

For the purposes of Clause 16 of this Code means:

- *Civic Centre* - That area of the ground floor and inside the doors of the area generally referred to as the Meeting Room, but does not include the public gallery.
- *Committee Rooms (Civic Centre) First Floor* - Inside the doors of the Committee Room being used for the meeting.
- *Any Other Location* - Inside the doors of the room being used for the meeting, but does not include any area set aside for the public, media representatives or guests.

4 Definitions (Continued)

Misbehaviour

For the purposes of Clause 25 of this Code means, any of the following:

- 1(a) a contravention by the Councillor of the Local Government Act, 1993 or the Local Government (General) Regulation 2005,
- (b) a failure by the Councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5) of the Local Government Act 1993,
- (c) an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council,

but does not include a contravention of the disclosure requirements.

Original Motion

Means the motion before the meeting at the time.

Quorum

- For a meeting of Council and for any Extraordinary meetings of the Council, shall be a majority of the Councillors of Council who hold office for the time being and who are not suspended from office.
- For a meeting of any Committee established by the Council under Clause 260 of The Local Government (General) Regulation, 2005.

Record

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

Regulation

Means the Local Government (General) Regulation, 2005.

The Act

Means the Local Government Act, 1993 unless specified.

Urgency

In respect of motions, means a matter which calls for immediate action or attention which cannot be dealt with at a subsequent scheduled meeting of the Council.

5 References to Act and Regulation

The sections and clauses referred to in brackets after various paragraphs refer to sections of the Local Government Act, 1993 and clauses of the Local Government (General) Regulation, 2005.

PART 2 - CONVENING OF COUNCIL MEETINGS AND COMMITTEES

6 Ordinary Meetings of Council and Committees

- (1) Council is required to meet at least 10 times each year, each time in a different month. (Section 365 of the Local Government Act, 1993).
- (2) Ordinary meetings of Council will be held on the second and fourth Wednesday of each calendar month, with the exception of the last scheduled meeting in December and the first scheduled meeting in January, commencing at 5:00 pm. Where scheduled meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday. However, Council may alter the time and date of a meeting of Council by resolution at a prior ordinary meeting without notice being given provided the requirements of clause 241 of the Local Government (General) Regulation 2005 are complied with.
- (3) Ordinary meetings of Council and the Committees, of which all Councillors are members, will be held in the Council Chambers, unless the Council or a Committee by resolution decides to meet in another location.
- (4) Rescheduling of Meetings - Where four or more Councillors indicate their intention to attend any seminar or the like which clashes with a Council or Committee meeting, the date of that meeting will be altered by the Mayor to ensure the availability of the maximum number of Councillors possible.

7 Convening a Meeting

A meeting of Council or a Committee cannot be held unless **due notice** has been given to all members in accordance with clause 12 (1) of this code and a quorum is present (See definitions and clause 12 (1) of this Code).

8 Calling of Extraordinary Meetings

Upon request by Councillors

- (1) If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of Council to be held as soon as practicable, but in any event within 14 days after receipt of the request* (Section 366 of the Local Government Act, 1993).

* The extraordinary meeting can be held on the same day as a previously scheduled meeting of Council. However, each meeting must be dealt with separately.

- (2) The Mayor can be one of the two Councillors making the written request but he must firstly receive the written request from another Councillor, with the Councillors' signature attached, prior to signing the request for an extraordinary meeting himself.

Extraordinary meetings are not only held in 'extraordinary' circumstances. These meetings are usually held to deal with special business or where there is so much business to be dealt with that an additional meeting is required.

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. Other business ruled by the Chairperson to be of great urgency may also be dealt with at the meeting but only after the business in the agenda is finished. (Clause 242 of the Local Government (General) Regulation, 2005).

9 Election of Mayor - Calling of Extraordinary Meeting

1 Statutory Provision

The election of the Mayor by Councillors is to be held:

- a if it is the first election after an ordinary election of Councillors - within three weeks after the ordinary election; or
- b if it is not that first election or an election to fill a casual vacancy - during the month of September; or
- c if a casual vacancy occurs in the office of a mayor elected by the councillors, the vacancy is to be filled at a meeting of the Council to be held within 14 days after the occurrence of the vacancy.
(Sections 290(1) (a) and (b) and 295(1) of the Local Government Act, 1993)

2 First Election after an Ordinary Election of Councillors

The extraordinary meeting will be held on a Wednesday, commencing at 5.00 pm, as soon as practicable after the declaration of the poll and complying with Section 290(1)(a) of the Local Government Act, 1993 and the Notice of Meetings required to be given for ordinary meetings of Council as contained in clause 12 of this code.

3 Other than first election after an Ordinary Election of Councillors or to fill a Casual Vacancy

The extraordinary meeting will be held on the third Wednesday of September commencing at 5.00 pm.

4 To Fill a Casual Vacancy

The extraordinary meeting will be held on a Wednesday, commencing at 5.00 pm, not less than 7 days or more than 14 days after the casual vacancy occurs.

5 Returning Officer and Ballot Paper

The General Manager (or a person nominated by the General Manager) is the returning officer.

Where a ballot is required for the election of Mayor the returning officer is responsible for the preparation of the ballot papers.

Names of candidates will be listed on the ballot paper in alphabetical order.

If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot papers.
(Schedule 7 Local Government (General) Regulation 2005)

10 Election of Deputy Mayor

- (1) The election of Deputy Mayor will take place at the same meeting at which the Mayor is elected and will be conducted immediately after the conclusion of the election of the Mayor.
- (2) The appointment of the Returning Officer, calling of nominations, order of candidates on ballot papers, method of voting for the position of Deputy Mayor will be the same as for the election of the Mayor or determined in the same manner where a casual vacancy in the position of Deputy Mayor only is to be filled.
- (3) Where the Deputy Mayor is elected to fill a casual vacancy in the position of Mayor the position of Deputy Mayor will automatically become vacant and an election to fill the vacancy will be held at that same meeting notwithstanding the fact that notice of the election was not given in the notice calling the meeting.
- (4) Where a casual vacancy occurs in the position of Deputy Mayor, other than as covered by '3' above, an election to fill the vacancy will be held at the next ordinary meeting of the Council that permits notice of the election to be included in the notice required to be given in accordance with this code for the calling of ordinary meetings of the Council.

11 Public Notice of Meetings

- (1) With the exception of extraordinary meetings, Council must give notice to the public in a newspaper circulating in the local area of the times and places of its meetings and meetings of those of its Committees of which all the members are Councillors before the meeting takes place.

(Section 9(1) of the Local Government Act, 1993)

- (2) Council and each such Committee must have available for the public at Council's offices and at each meeting a reasonable number of copies (for inspection or taking away by any person) of the business paper for the meeting.

(Section 9(2) of the Local Government Act, 1993)

- (2)(A) 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:

- (i) 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;
- (ii) the requirements of sub-section (2) with respect to the availability of business papers do not apply to the business papers for that item of business.

(Section 9(2B) of the Local Government Act, 1993)

- (3) The copies of the business paper are to be available to the public as nearly as possible to the time they are available to Councillors.

(Section 9(3) of the Local Government Act, 1993)

- (4) The copies are to be available free of charge.

(Section 9(4) of the Local Government Act, 1993)

- (5) A copy of the business paper of Council meetings and those of its Committees of which all the members are Councillors (not being confidential business paper) will be furnished to accredited representatives of the media as soon as reasonably practicable after distribution to members of Council. Other persons or organisations who wish to obtain copies of business papers on a regular basis may do so by collecting a copy at Council's administration building or arrange for the delivery by pre-paid post on payment of the appropriate fee as fixed by Council.

- (6) Copies of Business Papers of Council meetings and those of its Committees of which all members are Councillors, will be made available to community groups free of charge on the following basis:

- i The community group must formally register its interest in writing on an annual basis.
- ii Each group being restricted to one copy of the business paper for each meeting.
- iii The business papers being available through a branch library nominated by the community group with every endeavour being made to have the business paper in that library by 2.00 pm on the Friday prior to the Council or Committee meeting.
- iv Those community groups registering their interest be formally advised that Council reserves the right to deal with any matter properly before it at any meeting irrespective of whether or not that community group received prior advice of that item.

Note: For the purpose of this resolution, community groups are defined as Chambers of Commerce, Community Precinct Committees, Progress Associations, Ratepayer Associations and the like.

- (7) A notice of a meeting to Councillors or a copy of an agenda or business paper may in addition be given or made available in electronic form.

(Section 9(5) of the Local Government Act, 1993)

12 Notice of Meetings

ORDINARY AND EXTRAORDINARY COUNCIL AND COMMITTEE MEETINGS

- (1) Subject to sub-clause (2) of this clause, the General Manager must send to each Councillor or each member of a Committee, by pre-paid post seven days or by hand not less than five days, 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. (Section 367 of the Local Government Act, 1993)
(Clause 232 of the Local Government (General) Regulation, 2005)

- (2) If an extraordinary meeting is called in an emergency, less than the required three (3) days notice can be given to Councillors (Section 367 of the Local Government Act, 1993)

The General Manager would decide what an emergency is. The request for an extraordinary meeting would still need to be at the written request of 2 Councillors (Section 366 of the Local Government Act, 1993).

- (3) A notice under section 367 of the Local Government Act, 1993 and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.

- (4) Proceedings at a meeting of 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 section 451, or

with

(e) a failure to comply with the code of meeting practice.

(Section 374 of the Local Government Act, 1993)

PART 3 - BUSINESS PAPERS

13 Business Papers for Council and Committee Meetings

- (1) The General Manager must ensure that the business paper for a meeting of Council or a Committee states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of Council;
 - (b) if the Mayor is the Chairperson - any business that the Mayor may decide to put before the meeting without notice; and
 - (c) any business of which due notice has been given that has not been excluded under clause 25(2) of this code.
(Clause 240 of the Local Government (General) Regulation 2005)
- (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.
(Clause 240(2) of the Local Government (General) Regulation 2005)
- (3) The General Manager must cause the business paper for a meeting of Council or a Committee to be prepared as soon as practicable before the meeting.
(Clause 240(3) of the Local Government (General) Regulation 2005)
- (4) If, in the opinion of the General Manager, business to be transacted at a meeting of Council or of a Committee is a kind of business referred to in section 9(2A) of the Local Government Act 1993 (see clause 17(8) of this Code), the business may be included in a confidential business paper or in a report marked confidential and circulated separately where that business is of a nature specifically prescribed by Section 10A(2) of the Local Government Act 1993 and is of such a nature to significantly impact upon Council's legal position. All other business to be transacted at the meeting must be included in an ordinary business paper.
- (5) If a confidential business paper or report is prepared for a kind of business referred to in section 9(2A) of the Local Government Act 1993, (see Clause 17 of this Code) the business must be referred to in the ordinary business paper prepared for the same meeting in accordance with Section 9 of the Local Government Act 1993.

(Clause 240(4) of the Local Government (General) Regulation 2005)

14 Business Papers for Extraordinary Meeting

The General Manager must ensure that the business paper for an extraordinary meeting of Council or a Committee deals only with the matters stated in the notice of the meeting.

(Clause 242 of the Local Government (General) Regulation 2005)

PART 4 - ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

15 What Happens When a Quorum is Not Present

- (1) A meeting of Council or a Committee must be adjourned if a quorum (see the definition at clause 4 of this Code) 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 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 the meeting of Council or a Committee, together with the names of the Councillors present.
(Clause 233(3) of the Local Government (General) Regulation 2005)

16 Presence at Council and Committee Meetings.

A Councillor cannot participate in a meeting of Council or a Committee unless personally present at the meeting and is present in the meeting room.
(Clause 235 of the Local Government (General) Regulation, 2005).

There is no requirement that a Councillor remain at a Council Meeting while business is being conducted.

However it is expected that Councillors would attend and remain at Council Meetings (unless prevented by illness or pressing circumstances) in order to responsibly perform their role as a Councillor (Section 232 of the Local Government Act, 1993) and to assist the Council in complying with its Charter (Section 8 of the Local Government Act, 1993).

Councillors must follow the Council's Code of Conduct (Section 440 of the Local Government Act, 1993). The Local Government Act requires Councillors to act reasonably and responsibly in the performance of their duties. In addition, they are required to exercise reasonable care and diligence in carrying out their civic functions, by attending and remaining at meetings. (Section 439 of the Local Government Act, 1993)

17 Who is Entitled to Attend Meetings

- (1) The Mayor is a member of each Committee.
- (2) A Councillor who is not a member of a Committee is entitled to attend and speak at a meeting of a Committee; however the Councillor is not entitled:
 - (a) to give notice of business for inclusion in the business paper for the meeting; or
 - (b) to move or second a motion at the meeting; or
 - (c) to vote at the meeting.(Clause 263 of the Local Government (General) Regulation 2005)
- (3) Where the Council or a Committee of Council resolves that a Councillor with a disclosed pecuniary interest or conflict of interest will retire from the meeting and will not be present during discussion of that matter the Councillor will be excluded from being present in the area defined as Council Chamber in the definitions in this Code. (Section 451 of the Local Government Act 1993)

General Manager

- (4) The General Manager is entitled to attend, but not to vote at, any meeting of Council or any meeting of a Committee of which all the members are Councillors.
- (5) The General Manager is entitled to attend a meeting of any Committee of Council and may, if a member of the Committee, exercise a vote. (Section 376 of the Local Government Act 1993)

General public -

- (6) Except as provided by this clause:
 - (a) Everyone is entitled to attend a meeting of Council and those of its Committees of which all the members are Councillors, except as provided by this clause.
 - (b) A Council must ensure that all meetings of the Council and of such Committees are open to the public.
- (7) 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;
 - (b) by a ruling of the Chairperson if the Council has, by resolution, authorised the Chairperson to exercise the power of expulsion. (See Manual of Standard Procedures clauses 11.003 - 11.004)

The Chairperson's ruling to expel a person from a meeting is subject to a motion of dissent moved and dealt with in accordance with clause 30 of this Code.

Exclusion of the public -**The Local Government Act 1993 provides at Section 10A that:**

- (8) Council, or a Committee 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 sub-clause (10A) (2); or
 - (b) the receipt or discussion of any of the information so listed.
- (9) 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:
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
 - (e) information that would, if disclosed, prejudices the maintenance of law;
 - (f) matters affecting the security of 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.
(Section 10A(2) of the Local Government Act 1993)
- (10) 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.
(Section 10A(3) of the Local Government Act 1993)
- (11) A Council, or a committee of Council of which all members are Councillors, 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, (section 10A(4) of the Local Government Act 1993) as to whether that part of the meeting should be closed. Representations by members of the public at a Council Meeting can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. Representations will be limited to speakers with a genuine interest and be limited to one speaker. The speaker shall be allotted two minutes.
(Clause 264 of the Local Government (General) Regulation 2005)

Section 10B of the Local Government Act 1993 further provides:

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

- (1) A meeting is not to remain closed during the discussion of anything referred to in section 10(A)(2) of the Local Government Act 1993:
 - (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 (other than Councillors), 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 public interest (Section 10B(1) of the Local Government Act 1993).
- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section (10A)(2)(g) of the Local Government Act 1993 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.
(Section 10B(2) of the Local Government Act 1993)
- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public, 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) of the Local Government Act 1993.
(Section 10B(3) of the Local Government Act 1993)
- (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.

**Section 10C of the Local Government Act 1993 provides:
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) of the Local Government Act 1993, and
- (b) the council or committee, after considering any representations made under section 10A(4) of the Local Government Act 1993, 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.

**Section 10D of the Local Government Act 1993 provides:
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) of the Local Government Act 1993,
 - (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 (other than Councillors), 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.

NOTE: It is the policy of Council that matters be considered in confidential session only where the matter before the Council is of a nature to significantly impact upon Council's legal position. Where Council determines to close a meeting to the public, a notice containing the decision taken in confidential session is to be displayed in the Public Foyer the morning following the close of the meeting.

Exclusion of General Manager -

The General Manager may be excluded from a meeting of Council or a Committee while Council or the 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.

(Section 376 of the Local Government Act, 1993)

18 Departure from Council Meetings

Councillors are required to give prior notice of their intended departure, to the Chairperson, before retiring from a meeting of the Council for the remainder of that meeting.

PART 5 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

19 Who Presides at Meetings of Council or Committees

- (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor, presides at meetings of Council. The Mayor is "first among equals" charged with carrying on the meeting so that business before the meeting is conducted in accordance with this Code.
- (2) If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.
(Section 369 of the Local Government Act 1993)
- (3) The Chairperson of each Committee meeting must be:
 - (a) the Mayor; or
 - (b) if the Mayor does not wish to be the Chairperson of that Committee - a member of the Committee elected by Council; or
 - (c) if Council does not elect such a member - a member of the Committee elected by the Committee.
- (4) Council may elect a member of a Committee as Deputy Chairperson of the Committee. If Council does not elect a Deputy Chairperson of such a committee, the Committee may elect a Deputy Chairperson.
- (5) If neither the Mayor nor the Deputy Chairperson of a Committee 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.
- (6) If no Chairperson is present at a meeting of Council or a Committee at the time designated for the holding of the meeting, the first business of the meeting must be election of a Chairperson to preside at the meeting.
(Clause 236(1) and clause 268 of the Local Government (General) Regulation 2005)
- (7) The election must be conducted;
 - (a) by the General Manager or, in his or her absence, an employee of 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. (Clause 236(2) of the Local Government (General) Regulation 2005)
 - (c) When two or more candidates receive an equal highest number of votes at the election of a chairperson, the chairperson is chosen by lot. The candidate whose name is on the drawn slip is the candidate who is to be chairperson.
(Clause 236(3)(4)(5) of the Local Government (General) Regulation 2005)

20 Chairperson to have Precedence

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

- (1) any Councillor then speaking or seeking to speak must immediately resume his or her seat; and
- (2) every Councillor present must be silent to enable the Chairperson to be heard without interruption.
(Clause 237 of the Local Government (General) Regulation 2005)

21 Chairperson's Duty With Respect to Motions

- (1) It is the duty of the Chairperson at a meeting of Council or a Committee 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, irrelevant, or the implementation of which would be unlawful.
- (3) The Chairperson may refuse to put motions and amendments which are not stated in clear terms.
- (4) Subject to clause 31 of this Code, any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.
(Clause 238 of the Local Government (General) Regulation 2005)

22 Order of Business

- (1) At an ordinary meeting of Council (other than an Extraordinary Meeting), the general order of business is (except as provided by the Local Government (General) Regulation 2005) as fixed by the Council's Code of Meeting Practice or if its Code of Meeting Practice does not fix the general order of business as fixed by resolution of the Council (Clause 239(1) of the Local Government (General) Regulation 2005).

The general order of business will be:

- (a) Opening Prayer
- (b) Apologies/Requests for leave of absence
- (c) Report on Disclosure of Pecuniary and Non-Pecuniary Interests
- (d) Report on Proposed Inspections
- (e) Report on Proposed Briefings
- (f) Report of Address by Invited Speakers
- (g) Notice of Intention to Deal with Matters in Confidential Session
- (h) Confirmation of Ordinary Meeting Minutes
- (i) Confirmation of Extraordinary Meeting Minutes
- (j) Confirmation of Confidential Meeting Minutes
- (k) Business Arising out of the Minutes
- (l) Minutes of the Mayor
- (m) Notices of Motion
- (n) Motions of Urgency
- (o) Notices of Rescission
- (p) Committee Reports
- (q) Reports of Directors and General Manager

- (r) Reports of Delegates
 - (s) Consideration and Adoption of Information Reports either individually or with nominated exceptions, or englobo
 - (t) Questions of which due notice has been given
 - (u) Answers to Questions Without Notice
 - (v) Questions Without Notice
 - (w) Correspondence
 - (x) Confidential Items
- (2) At the discretion of the Mayor, Council can meet informally with staff in a non-decision making mode to discuss Shire wide issues of significance for approximately 30 minutes on those occasions where the Ordinary Meeting of Council concludes at a reasonable hour.
- (3) The order of business fixed under sub clause (1) and (5) above and below may be altered if a motion to that effect, which may be moved without notice, is carried. (Clause 239(2) of the Local Government (General) Regulation 2005).
- (4) Despite clause 34 of this Code, only the mover of a motion referred to in sub clause 22(3) above may speak to the motion before it is put. (Clause 239(3) of the Local Government (General) Regulation 2005)
- (5) At the Extraordinary meeting of Council held after the ordinary election of Councillors for the election of the Mayor, the general order of business will be:
- (a) Opening prayer
 - (b) Apologies
 - (c) Consideration of the Policy relating to payment of fees and expenses and provision of facilities to Councillors
 - (d) Determine method of voting to be used for election of the Mayor and Deputy Mayor
 - (e) Election of Mayor
 - (f) Election of Deputy Mayor
 - (g) Determine Committees for the term of the Council
 - (h) Election of Committees for the term of Council in accordance with the procedure contained in the Manual of Standard Procedures if the Committees are established.
 - (i) Election of Committee Deputy Chairpersons for the term of the Council if the Committees are established.
 - (j) Determine delegation of Authorities to Committees for the term of Council
 - (k) Election of Delegates and Representatives for the term of the Council.
 - (l) Determination of Times and Dates of meetings for the term of the Council.
 - (m) Consideration of the Code of Meeting Practice having regard to item (l) above.
 - (n) Setting venue and date for the briefing of Councillors.

- (6) At the Extraordinary Meeting of the Council held annually, other than the year of the Ordinary Election of Councillors, for the election of the Mayor, the general order of business will be:
- (a) Opening prayer
 - (b) Apologies
 - (c) Mayoral Report for past term
 - (d) Determine the method of voting to be used for the election of Mayor and Deputy Mayor
 - (e) Election of Mayor
 - (f) Election of Deputy Mayor

23 Giving Notice of Business (Ordinary, Committee or Extraordinary)

- (1) Council must not transact business at a meeting of Council or a Committee;
- (a) unless a Councillor has given notice of the business in accordance with clause 26 of this Code; or
 - (b) unless a Councillor has given notice of the business in accordance with Clause 27 of this code; and
 - (c) unless contained in a report by the General Manager or a Department Director through the General Manager; and
 - (d) notice of the business has been sent to the Councillors in accordance with clause 12 of this Code; and (Clause 241(1) of the Local Government (General) Regulation 2005).
 - (e) if the business arises from reports on inspections and briefings unless there is a business item addressing a specific item elsewhere in the business paper of the meeting.
- (2) Sub clause (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 19 of this Code;
 - (c) is a Mayoral minute;
 - (d) is a motion for the adoption of recommendations of a Committee. (Clause 241(2) of the Local Government (General) Regulation 2005).
- (3) Despite sub clause (1) business may be transacted at a meeting of Council when due notice of the business has not been given to Councillors, but only if:
- (a) a motion (which may be moved without notice) 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. (Clause 241(3)(b) of the Local Government (General) Regulation 2005)

- (4) Despite clause 34 of this Code, only the mover of a motion referred to in sub clause 3 above can speak to the motion before it is put.
(Clause 241(4) of the Local Government (General) Regulation 2005)
- (5) For extraordinary meetings, the General Manager must ensure that the business paper for an extraordinary meeting of a Council deals only with the matters stated in the notice of meeting.
(Clause 242(1) of the Local Government (General) Regulation 2005)
- (6) Despite sub clause (5), in accordance with sub clause (3) of this clause, business may be transacted at an extraordinary meeting when due notice has not been given to Councillors, but only after the business notified in the business paper has been disposed of.
(Clause 242(2)(b) of the Local Government (General) Regulation 2005)

24 **Disclosure of Pecuniary and Non- Pecuniary Interests**

Pecuniary Interests

- (1) The first item on the agenda for all Council or Committee meetings, other than that held annually for election of the Mayor, (after apologies/requests for leave of absence) shall be the declaring of pecuniary and non-pecuniary interests.
- (2) A Councillor who has a pecuniary interest in any matter with which Council is concerned and who is present at a meeting of Council or a Committee at which the matter is being considered must disclose the interest and the nature of the interest to the meeting as soon as practicable.
- (3) 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.
- (4) Though a conflict of interest is not covered by the provisions of the Act, the Councillor must not be in the meeting room at the time the vote is taken as his presence and not voting is taken to be a vote in the negative.

Non-Pecuniary Interest

- (1) A Councillor who has a non-pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council or a Committee at which the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable.
- (2) Declaration of interest forms must include reasons for declaring significant and insignificant declarations.
- (3) Where insignificant conflict is declared, the Councillor must provide reasons why they choose to remain in the Chamber and participate in discussion and voting i.e. why the conflict has not influenced them in carrying out their public duty.

- (4) Council's Code of Conduct provides guidance to Councillors on how to manage their obligations with regards to Pecuniary and Non-Pecuniary Interests.

Disclosures to be recorded

A disclosure made at a meeting of Council or a Committee must be recorded in the minutes of the meeting.

(Section 453 of the Local Government Act 1993)

25 Mayoral Minutes

- (1) If the Mayor is the chairperson at a meeting of Council, the Mayor (and only the Mayor) is entitled to put to the meeting by way of a Mayoral Minute any matter or topic that is within the jurisdiction of Council or of which Council has official knowledge.
- (2) Such a minute, when put to the meeting, takes precedence over all business on Council's business paper for the meeting. The Mayor may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in an official minute of the Mayor is, so far as adopted by Council, a resolution of Council.

(Clause 243 of the Local Government (General) Regulation 2005)

- (4) Mayoral Minutes should not be used to introduce, without notice, matters that need research or a lot of consideration by the Councillors.
- (5) Mayoral Minutes are able to be amended by the Mayor and Councillors. However, Councillors should avoid making changes which do not comply with Section 25 (4) of the Code of Meeting Practice.
- (6) It is considered Better Practice for the Mayoral Minute to be included as part of the Business Paper. Council's Order of Business (Clause 22) shows the Mayoral Minute as item (l).

26 Notices of Motion and Notices of Rescission

Form of lodgement and content

- (1) All Notices of Motion and Notices of Rescission intended for consideration at any meeting are to be lodged with the Council by 4.00 pm on the second Thursday preceding the meeting, except for notices lodged under clause 39 (2) of the Code of Meeting Practice.
- (2) (a) The General Manager must not include in the business paper for a meeting of Council or Committee of 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 or outside the jurisdiction of Council or Committee of Council. The General Manager may on his or her own initiative make

such alterations, corrections or amendments as will put such notice of motion into appropriate form (without changing its substance). In either such event the General Manager will, as soon as is practicable, inform the author of the notice of motion of the action which the General Manager has taken and the reasons for that action.

- (b) The General Manager must report without giving details of the item of business any such exclusion as per sub-clause 2(a) to the next meeting of Council (without disclosing the details of the item of business).
(Clause 240(2) of the Local Government (General) Regulation 2005)

Order of notices of motion

- (3) All notices of motion will be dated and numbered as received and will be entered by the General Manager upon the business paper in the order in which they are received, except where a notice of motion is deferred pursuant to clause 27(4) of this Code.

Limitation on number of notices of motion

- (4) A Councillor will not have more than 3 notices of motion on the business paper at the same time.

Absence of mover

- (5) In the absence of a Councillor who has placed a notice of motion on the business paper for a meeting of Council or a Committee:
- (a) any other Councillor may move the motion at the meeting; or
- (b) the Chairperson may defer the motion until the next meeting of Council or Committee at which the motion can be considered.
(Clause 245 of the Local Government (General) Regulation 2005)

Deferral of notice of motion

- (6) If a notice of motion is lodged for inclusion in the ordinary meeting business paper, the Mayor may nevertheless determine in the first instance to refer the notice of motion to the General Manager for report and recommendation to Council.

Adoption of unopposed notices of motion

- (7) The Chairperson may call over the notices of motion on the business paper in the order in which they appear thereon and, in the absence of any objection, move a motion that all such motions be adopted.

No Speakers

- (8) There are no speakers on Notices of Rescission. If the rescission motion is successful speakers are allowed on the alternate motion.

27 Motions to be Moved/Seconded

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 26(2) and 34(5) of this Code.
(Clause 246 of the Local Government (General) Regulation 2005)

28 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 Council at any one time.

(Clause 247 of the Local Government (General) Regulation 2005)

An amendment to a motion requires a mover and a seconder to put it forward. The amendment must be dealt with before voting on the main motion takes place. Debate is allowed only in relation to the amendment and not the main motion – which is suspended while the amendment is considered.

Once the amendment has been decided debate resumes.

There should only be one amendment to a motion before the Council at any time (Clause 246 and 247 of the Local Government (General) Regulation, 2005.

If several amendments are proposed, each should be moved, seconded, debated and voted upon prior to the next. The amendments should be put forward and debated in the order in which they affect the original motion, not in the order in which they were put to the meeting. The Chairperson will decide the order in which the amendments affect the original motion.

29 Letters, Submissions or Petitions

Must not be presented or read by Councillors at a meeting of the Council or a Committee of the Council if they relate to items on that meetings business paper which require a decision to be made.

30 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, and the motion is seconded, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) The wording for a motion of dissent will be in the form:-

"I move dissent from the Chairperson's ruling in respect of "(insert matter of dissent and item number and heading or other detail as appropriate)".
- (3) If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the business paper and proceed with it in due course.
- (4) Despite clause 33 of this Code, 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.
(Clause 248 of the Local Government (General) Regulation 2005)
- (5) If the voting on a motion of dissent is equal the Chairperson may exercise a casting vote.

31 Motions on Adjournment

A motion for adjournment of a Council or Committee meeting must be seconded.

Discussion will not be permitted on any motion for adjournment of the Council or a Committee meeting. If upon the question being put on any such motion the same is defeated, the subject then under consideration, or next on the business paper, will be discussed; and it will not be competent for any member again to move a motion for adjournment of the Council or the Committee until half an hour has elapsed from the time of moving the motion that had been defeated.

32 Questions May Be Put To Councillors and Council Employees

- (1) A Councillor may:
 - (a) through the Chairperson, put a question without notice to another Councillor; and
 - (b) through the Chairperson to the General Manager, put a question without notice to a Council employee.

However, it is considered better practice for the information to be sought from the appropriate employee prior to the meeting.

- (2) A Councillor or a Council employee to whom a question without notice 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 before answering the question.
- (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.
(Clause 249 of the Local Government (General) Regulation 2005)
- (5) A Councillor may ask two Questions Without Notice at an ordinary meeting of Council. A copy of each question asked must be handed by the Councillor to the General Manager, or in his or her absence to the most senior member of staff present at the meeting.
- (6) A Question Without Notice need not be answered unless endorsed by resolution of Council where, in the opinion of the Chairperson, it would:
 - (a) normally require the presentation of a report after consideration by a Committee or by the General Manager;
 - (b) be regarded as a sensitive issue or be one not likely to have the total support of Council; or
 - (c) require the commitment or redirection of significant resources.
- (7) Reply to a Question Without Notice should be directed to the Councillor at a future ordinary meeting of Council held on the second or fourth Wednesday of the month or as otherwise directed by the Mayor.
- (8) Questions to be listed on the business paper as a question of which due notice has been given must be delivered or posted to the General Manager so as to be received not less than 14 days prior to the Ordinary Meeting of Council at which a reply is requested or expected.

33 Limitation as to number of speeches

- (1) A Councillor who, during a debate at a meeting of 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. No new arguments or material should be raised during the 'right of reply'.
- (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.

The seconder of a motion speaks after the mover and may choose to hold over their speaking rights until later in the debate. However a procedural motion could be passed putting an end to debate before the seconder has spoken.

Councillors are asked to speak for and against the motion, usually in the

order of one speaker for the motion and one speaker against the motion. Debate may end by completing the list of speakers who want to speak for or against the motion; the time allowed for the debate finishing; the (limited) number of speakers allowed to speak on the motion having been reached; or where a procedural motion 'that the question be put to the vote' has been successful.

- (3) A Councillor must not, without the consent of 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 sub clauses (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 sub clause (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 sub clause (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.
(Clause 251 of the Local Government (General) Regulation 2005)

34 Mode of Addressing Council or Committee

A Councillor will, on all occasions when in a Council or Committee meeting:

- (a) Address and refer to other Councillors by their official designations (i.e. Mayor, Chairperson or Councillor, as the case may be).
- (b) At Ordinary Meetings of the Council, Councillors, with the exception of the Chairperson, and those Councillors who are prevented by physical infirmity, shall stand when speaking.

35 Interruption of Speaker

- (1) Subject to clause 21 of this Code, a speaker will not be interrupted except on a point of order.
- (2) A speaker interrupted by a point of order shall resume their seat until the Chairperson has ruled on the point of order whereupon the speaker shall proceed with the debate.

36 What are the Voting Entitlements of Councillors

- (1) Each Councillor is entitled to one vote at a Council meeting.
- (2) Each Councillor who is the member of the Committee is entitled to one vote at a Committee meeting.
- (3) The person presiding at a meeting of Council or a Committee has, in the event of an equality of votes, a second or casting vote.
(Section 370 of the Local Government Act 1993)

37 Voting at Council or Committee meetings

- (1) Voting at a Council Meeting, including voting in an election at such a meeting, is to be by open means (such as voices or by show of hands). The Mayor or Chairperson will nominate the names of Councillors voting in favour of a motion and those Councillors who voted in the negative. However, Council may resolve that the voting by Councillors for Mayor or Deputy Mayor is to be by secret ballot.
(Clause 251(5) of the Local Government (General) Regulation 2005)
- (2) Voting at a Committee meeting is to be by open means (such as the voices or by show of hands). The Mayor or Chairperson will nominate the names of Councillors voting in favour of a motion and those Councillors who voted in the negative.
- (3) Nothing in this Code would stop the use of other open means for voting, such as a display of voting on an electronic board, at a Council or a Committee meeting.
- (4) A Councillor who is present at a meeting of Council or a Committee member present at a meeting of a Committee but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This sub clause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.
(Clause 251(1) of the Local Government (General) Regulation 2005)
- (5) If a Councillor who has voted against a motion put at a Council or a Committee meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in Council's minutes.
(Clause 251(2) of the Local Government (General) Regulation 2005)
- (6) The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Councillors rise and demand a division.
(Clause 251 (3) of the Local Government (General) Regulation 2005)

- (7) 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 Council's minutes.
(Clause 251(4) of the Local Government (General) Regulation 2005)

38 What Constitutes a Decision of Council

- (1) A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of Council.
- (2) Except where otherwise required by the terms or clear intention of a resolution, effect will not be given to any resolution of Council until 9.30 am on the fifth calendar day after the date of the meeting at which the resolution was passed.

39 Rescinding or Altering Resolutions

- (1) A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code - clause 40(2).
(Section 372(1) of the Local Government Act 1993)
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried or by 9:30 am on the fifth calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with.
(Section 372(2) of the Local Government Act 1993)
- (3) If a motion has been negated by Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.
(Section 372(3) of the Local Government Act 1993)
- (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 Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
(Section 372(4) of the Local Government Act 1993)
- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as previously negated motion, is negated, no similar motion may be brought forward within three months. This sub clause may not be evaded by substituting a motion differently worded, but in principle the same.
(Section 372(5) of the Local Government Act 1993)
- (6) A motion to which this clause applies may be moved on the report of a Committee of Council and any such report must be recorded in the minutes.
(Section 372(6) of the Local Government Act 1993)
- (7) The provisions of this clause concerning negated motions do not apply to motions of adjournment.
(Section 372(7) of the Local Government Act 1993)

- (8) All Notices of Motion to rescind a resolution are to be determined at the next scheduled ordinary meeting of the Council, except where they come within clause 39(9) of this Code of Meeting Practice. In the event the Mayor is of the opinion that the rescission motion needs to be dealt with more urgently, then clause 8(1) of Council's Code of Meeting Practice is to apply, unless the rescission motion relates to a resolution passed at the same meeting. Clause 39(9) of this Code of Meeting Practice would then apply.
- (9) A resolution passed by Council during a Council Meeting is able to be altered or rescinded during that Council Meeting. Section 372 (1) of the Local Government Act 1993 requires notice of a rescission motion to be given in accordance with Council's Code of Meeting Practice.

Council will allow **XX** minutes as the required notice to consider a rescission motion for a resolution passed by Council at the same Council Meeting.

A motion to rescind or alter a resolution is the usual means of changing a Council Resolution. These motions are required to be notified in accordance with section 372 of the Local Government Act, 1993. Section 372(4) of the Local Government Act, 1993 requires notice of a rescission motion to have the signatures of (3) Councillors, if less than three months has passed since the original resolution was made.

There are a number of ways to alter or rescind a motion. Examples are :

- (a) Notice of Rescission
- (b) Notice of Motion
- (c) Staff Report

In order to make sure that Council's intention is clear, it is considered best practice to expressly state that a later resolution is to replace an earlier one. In this way the public, Council staff and subsequent Councillors can understand and act with certainty on Council decisions.

40 Certain Circumstances do not Invalidate Council's Decision

Proceedings at a meeting of Council or a Committee are not invalidated because of:

- (1) a vacancy in a civic office; or
- (2) a failure to give notice of the meeting to any Councillor or a Committee member, or
- (3) any defect in the election or appointment of a Councillor or Committee member; or
- (4) a failure of a Councillor or a Committee member to disclose a pecuniary interest at a Council or Committee meeting in accordance with Section 451 of the Local Government Act 1993; or
- (5) a failure to comply with this Code.
(Section 374 of the Local Government Act 1993)

PART 6 - KEEPING ORDER AT MEETINGS

41 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.
(Clause 255(1) of the Local Government (General) Regulation 2005)
- (2) The Chairperson, without the intervention of any other Councillor, shall ensure Councillors during debate relevantly keep to the matter before the meeting whether it be a motion, an amendment, a point of order or a personal explanation.
- (3) 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 that matter only immediately a breach is evident. Neither an explanation nor a contradiction are points of order.
(Clause 255(2) of the Local Government (General) Regulation 2005)
- (4) Some examples of points of order are:
 - (a) personal remarks about other Councillors
 - (b) departing from procedures contained within Council's Code of Meeting Practice
 - (c) breaching Councils Code of Conduct
 - (d) referring to irrelevant subject matter during the course of debate
 - (e) improper decorum such as offensive language or behaviour
 - (f) discussing matters not before the Council
 - (g) factual errors

Examples which are NOT points of order are:

- (h) disagree with the opinion of another Councillor
 - (i) disagreeing with a ruling by the Chair
- (5) 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.
(Clause 255(3) of the Local Government (General) Regulation 2005)
 - (6) The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.
(Clause 255(4) of the Local Government (General) Regulation 2005)

Councillors have a responsibility to behave professionally in and out of Council Meetings. Councillors should maintain good working relationships with each other and staff and act in a manner appropriate to their civic status. This would include orderly behaviour and complying with rulings from the Chairperson at Council Meetings.

The Chairperson has both the responsibility and authority to ensure order at meetings.

42 Acts of Disorder

- (1) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee displays:
 - (a) Conduct that contravenes all or specified provisions of this

- Act or the regulations in all or specified circumstances; or
- (b) Conduct that is detrimental to the pursuit of the charter of a Council; or
 - (c) Improper or unethical conduct; or
 - (d) Abuse of power and other misconduct; or
 - (e) Action causing, comprising or involving any of the following:
 - (i) intimidation, harassment or verbal abuse
 - (ii) discrimination, disadvantage or adverse treatment in relation to employment
 - (iii) prejudice in the provision of a service to the community
 - (f) Conduct of a Councillor causing, comprising or involving any of the following:
 - (i) directing or influencing, or attempting to direct or influence, a member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate
 - (ii) an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council

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- (g) assaults or threatens to assault another Councillor or person present at the meeting; or
- (h) 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 Council or the Committee, or addresses or attempts to address Council or the Committee on such a motion, amendment or matter; or
- (i) insults or makes personal reflections on or imputes improper motives to any other Councillor; or
- (j) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council into contempt.
(Clause 256(1) and Clause 270 of the Local Government (General) Regulation 2005)
- (k) fails to turn off a mobile telephone, or other electronic device, or attempts to use a mobile telephone when entering or in the Council Chambers or a Committee Room or any other location where a meeting of Council or a Committee of Council is being held.

NOTE: The power to expel by the Chairperson, under Section 10(2)(a) or (b) of the Local Government Act 1993, applies to this clause.

43 How Disorder at a Meeting may be Dealt With

- (1) The Chairperson may require a Councillor:
 - (a) to apologise without reservation for an act of disorder referred to in sub clauses 43(1)(a) or (g) of this Code; or
 - (b) to withdraw a motion or an amendment referred to in sub clause 43(1)(h) of this Code; and, where appropriate, to apologise without reservation; or
 - (c) to retract and apologise without reservation for an act of disorder referred to in sub clause 43(1)(i) or (j) of this Code.
 - (d) to cease the action ruled to be an act of disorder.
- (2) Council or the Committee may, as provided by Section 10(2)(a) or (b) of the Local Government Act 1993, expel from a meeting a Councillor who fails to comply with a requirement made under sub clause 43(1). The expulsion of a Councillor under sub clause 43(1) does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- (3) If disorder occurs at a meeting of Council or a Committee, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. Council or the Committee, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This sub clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
(Clause 257(1) of the Local Government (General) Regulation 2005)
- (4) Council or a Committee may, as provided by Section 10(2)(a) or (b) of the Local Government Act 1993, expel a member of the public from a Council or Committee meeting on the ground that the member is engaging in or has, at the meeting, engaged in disorderly conduct.
(Clause 257(2) of the Local Government (General) Regulation 2005)
- (5) Members of the public are required to turn off mobile telephones, or other electronic devices, when entering the Council Chambers or a Committee Room or any other location where a meeting of Council or a Committee of Council is being held and failure to do so or an attempt to use a mobile telephone or electronic device in the Council Chambers or Committee Room or other location will be deemed to be an act of disorder and render the offender liable for expulsion from the room.

Electronic devices do not include equipment supplied by or approved by Council and used during an approved presentation to Council or a Council Committee or a briefing of Councillors.

- (6) Where authority has been delegated to the Chairperson by Council or a Committee of Council the Chairperson may expel a person (whether a Councillor or another person) from a meeting of Council or a Committee of Council for disorder or misconduct.

NOTE: The power to expel by the Chairperson, under Section 10(2)(a) or (b) of the Local Government Act 1993, applies to this clause.

44 Power to Remove Persons from Meeting After Expulsion

If a Councillor or a member of the public fails to leave the place where a meeting of Council or Committee is being held:

- (a) immediately after the Council has passed a resolution expelling the Councillor or member from the meeting, or
- (b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion - immediately after being directed by the person presiding to leave the meeting,

a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

(Clauses 258 and 271 of the Local Government (General) Regulation 2005)

- NOTE:**
- (1) The power to expel by the Chairperson, under Section 10(2)(a) or (b) of the Local Government Act 1993, applies to this clause.
 - (2) See clause 17 of this Code for other powers to exclude persons from meetings other than by way of expulsion.

45 Confidential Session

- (1) All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council or a Committee of which all members are Councillors when in Confidential Session.
- (2) If Council or a Committee passes a resolution during a meeting or 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. It is not necessary to report the proceedings in full but any recommendations of the Confidential Session must be reported.
(Clause 253 of the Local Government (General) Regulation 2005)
- (3) Council must ensure that a report of the proceedings is recorded in the Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.
- (4) The decision of Council taken in a closed session of Council will be placed on public display the morning following the meeting including the names of Councillors who voted in favour or against closing the meeting.

46 Late Items

As circumstances necessitate, reports not listed for consideration on the Business Paper may be tabled at an Ordinary Meeting. The General Manager is authorised to submit late agenda items. Late reports should only be forwarded in the case of necessity and are to be forwarded to Councillors via email as well as in hard copy no later than midday on the day prior to the meeting at which the item is to be considered.

For matters not listed on the agenda of meetings and where less than (3) days notice has been provided in accordance with Clause 12 of this Code, a motion of urgency will need to be passed by the Council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent.

This section does not cover minor amendments or additional information relating to matters already being dealt with by Council.

PART 7 - COUNCIL COMMITTEES

47 Council May Appoint and Dissolve Committees

- (1) Council may appoint or elect such Committees as it considers necessary and may dissolve such Committees.
- (2) Such a Committee is to include such number of Councillors as Council decides.
(Clause 260 of the Local Government (General) Regulation 2005)

For temporary absences, such as illness an alternate Councillor can be appointed to act in the place of the committee member. An alternate or acting member has the authority and role of the committee member. Alternate members would be elected or appointed under Clause 260 of the Local Government (General) Regulation, 2005, from among the Councillors. When acting as a committee member, an alternative member would form part of the committee's quorum.

48 Functions of Committees

- (1) Council must specify the functions of each of its Committees when the Committee is appointed or elected, but may from time to time amend those functions.

(Clause 261 of the Local Government (General) Regulation 2005)

- (2) A Committee cannot act outside the extent of the functions granted by Council as specified in the adopted Charter for that Committee.
- (3) If Council, by resolution, delegates authority to the Committee to make decisions, then any decisions made by the Committee under such authority will be decisions of Council.

(Section 49(6), Interpretation Act 1987)

49 Absence from Committee Meetings

- (1) A member ceases to be a member of a Committee if the member (other than the Mayor):
 - (a) has been absent from three 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 (being the period beginning July 1 and ending the following June 30) without having given to the Committee acceptable reasons for the member's absences.
- (2) Sub clause (1) does not apply if all the members of Council are members of the Committee.

(Clause 268 of the Local Government (General) Regulation 2005)

50 Procedure in Committees

Each Committee of Council may regulate its own procedure where such are not covered under this Code or by a resolution of Council adopting a Charter for a Committee.

(Clause 265 of the Local Government (General) Regulation 2005)

51 Reports of Committees

(1) If in a report of a Committee distinct recommendations are made, the decision of Council may be made separately on each recommendation.

(2) The recommendations of a Committee are, so far as adopted by Council, resolutions of Council.

(Clause 269 of the Local Government (General) Regulation 2005)

52 Information Reports

(1) If in an Information report recommendations are made, the decision of Council may be separately made on each recommendation.

(2) The recommendations of information reports are, so far as adopted by Council, resolutions of Council.

(3) Information Reports may be considered by Council either:

- Individually
- By nominated exception
- or englobo

(4) The method of adoption of Information Reports will be:

(a) The Chairperson will call for a motion that indicates the manner in which the Information Reports will be considered.

(b) Should Council resolve to consider the Information Reports individually the reports will be considered in the same manner as Director's Reports.

(c) Should Council resolve to consider the Information Reports by nominated exception the Chairperson will:

- invite Councillors to call the report and page number of any report they may require to be excluded from the general resolution adopting the remainder of the information report and recommendations "in toto".

- Seek a mover and seconder for the following motion:

"That the Information reports and recommendations with the exception of reports numbered,, (etc), be adopted.

- Following adoption of the motion referred to above, the Chairperson will then call the excluded numbers "seriatim" calling in turn on the Councillor who requested the exclusion to move a motion in respect of that matter. The Councillor may either:

- (i) Move a motion in conflict with the recommendation; or
 - (ii) Move adoption of the recommendation and seek further information from the Chairperson or Officers for the purpose of clarification.
- (d) Should the Council resolve to adopt the Information Reports englob the following resolution will be made:

“That the Information Reports of the Ordinary Meeting of Council be received and the information noted”.

PART 8 - MINUTES

53 Minutes

- (1) Council and each Committee must ensure that full and accurate minutes are kept of the proceedings of each meeting of Council and of each Committee.
- (2) The minutes must, when they have been confirmed at a subsequent meeting of Council or a Committee of which all its members are Councillors, be signed by the Chairperson of that subsequent meeting. (Section 375 of the Local Government Act 1993)
- (3) The General Manager must ensure that the minutes of Council meetings record:
 - (a) all successful and unsuccessful motions and resolutions (including the grounds on which a meeting is closed to the public); (Clause 254 of the Local Government (General) Regulation 2005).
 - (b) successful and unsuccessful amendments; (Clause 254 of the Local Government (General) Regulation 2005).
 - (c) attendance of Councillors;
 - (d) declarations of pecuniary interest and conflicts of interest by Councillors;
 - (e) votes on divisions, and dissenting votes when requested by a Councillor; and
 - (f) circumstances relating to the absence of a quorum at or arising during a meeting, together with the names of the Councillors present.
 - (g) the names of the mover and the seconder of a motion and/or amendment. (Clause 254 of the Local Government (General) Regulation 2005)
 - (h) the names of all Councillors who voted in favour or against a motion or an amendment.
- (4) The reports of Committee Meetings of which all its members are Councillors, will record:
 - (a) all successful and unsuccessful motions and resolutions (including the grounds on which a meeting was closed to the public) relating to adjournments of the meeting; (Clause 266 of the Local Government (General) Regulation 2005)
 - (b) staff recommendations;
 - (c) recommendations that are to be submitted to the Council;
 - (d) resolutions of the Committee made under delegated authority;
 - (e) attendance of members of the Committee;
 - (f) declarations of pecuniary interests and conflict of interests by Councillors and Committee members appointed;

- (g) votes on divisions, and dissenting votes when requested by a Councillor or Committee member appointed;
- (h) circumstances relating to the absence of a quorum at or arising during a meeting, together with the names of the Councillors and appointed Committee members present; and
- (i) the names of the mover and seconder of a motion or amendment. (clause 266 of the Local Government (General) Regulation 2005)
- (j) the names of Councillors and appointed Committee members who voted in favour of/or against the motion or amendment.
- (5) Any entries in the minute book found to be incorrect, must not be altered or erased. Any mistake or omission will be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.
- (6) Any business arising from consideration of the Minutes of a previous meeting does not permit a matter to be the subject of further resolutions at that meeting.
- (7) On each sheet of the Council or Committee minute book there will be placed a heading setting out:
- (a) the nature of the meeting;
- (b) the date of the meeting; and
- (c) the page number.
- (8) Immediately after the conclusion of the last minute of a meeting of Council there will be placed a certificate to be signed by the Chairperson of the meeting at which the minutes are confirmed in or to the following effect:
- "This is the final page of the Minutes comprising pages numbered to of the meeting of the (insert Council/.....Committee as appropriate) held on and confirmed on
-
 (This signature must be an original signature). Chairperson"
- (9) At the bottom of each page of the minutes of a meeting of the council or a Committee there will be placed a certificate signed by the Chairperson of the meeting when the minutes are confirmed or by the General Manager or Public Officer if they are in attendance at the meeting when the minutes are confirmed, in/or to the following effect:
- "This is page number of the Minutes of the Meeting of the (insert Council/.....Committee as appropriate) held on
-
 Chairperson"
- This certificate must be signed (personally or by rubber stamp facsimile of the person's signature affixed personally).

54 Inspection of the Minutes of Council or a Committee Meeting

- (1) An inspection of the minutes of Council or a Committee Meeting of which all its members are Councillors, is to be carried out under the supervision of the General Manager or an employee of Council designated by the General Manager to supervise inspections of those minutes.
- (2) The General Manager must ensure that the minutes of Council and any minutes of a Committee Meeting are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.
(Clause 272 of the Local Government (General) Regulation 2005 and Section 12 of the Local Government Act 1993)

PART 9 - MISCELLANEOUS

55 Matters Not Covered By Code

Where at a Council meeting matters arise which are not provided for in this code, resort will be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to the proceedings of the Council.

56 Information Relating to Proceedings at Closed Meetings Not to be Disclosed

- (1) If a meeting or part of a meeting of Council or a Committee is closed to the public in accordance with section 10(2) of the Local Government Act 1993 (see clause 17(8) of this Code), a person must not, without the authority of Council or the Committee, disclose, otherwise than to Council or to a Councillor, information with respect to the discussion at, or the business of, the meeting.
- (2) This clause does not apply:
 - (a) to the report of a Committee when presented to Council; or
 - (b) for the purposes of section 664(1B)(c) of the Local Government Act 1993, 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 Local Government Act 1993.
(Clause 412 of the Local Government (General) Regulation 2005)
- (3) A person must not disclose any information outlined in connection with the administration or execution of the Local Government Act 1993 unless the 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 the Act; or
 - (c) for the purposes of any legal proceedings arising out the Act or of any report of any such proceedings; or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989; or
 - (e) with other lawful excuse.

57 Public Access to Correspondence and Reports

- (1) 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.
(Section 11 of the Local Government Act, 1993)

58 Departmental Report

When the report of a departmental representative has been presented to a meeting of a Council in accordance with Section 433 of the Local Government Act 1993, the Council must ensure that the report:

- (a) is laid on the table of that meeting; and
- (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.
(Clause 244 of the Local Government (General) Regulation 2005)

59 Sound Recording/Vision Recording of Meetings of Council or a Committee Prohibited Without Permission

- (1) A person may use a sound recorder to record the proceedings of a meeting of Council or a Committee only with the authority of Council or Committee.
- (2) Council or a Committee may, as provided by Section 10(2)(a) or (b) of the Local Government Act 1993, expel from the place where it is holding a meeting any person who uses a sound recorder in contravention of this clause.
- (3) If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a Police Officer, or any person authorised by Council for the purpose, may, by using only such force as is necessary, remove the person from, and, if necessary, restrain the person from re-entering, that place.
- (4) In this clause, sound recorder includes a video camera and any electronic device capable of recording speech and vision, whether a magnetic tape or digital device is used to record or not. (Clause 273 of the Local Government (General) Regulation 2005)

NOTE: The power to expel by the Chairperson, under Section 10(2)(b) of the Local Government Act 1993, applies to this clause.

60 Audio Recording of Council and Committee Meetings by Council

Meetings of Council and Committees, may be audio recorded by the Council, except for those portions which the Committee or the Council has resolved to close in accordance with Section 10A (2) of the Local Government Act, 1993.

The purpose of audio recording meetings of Council and Committees is to:

- (1) Ensure the accurate compilation of Minutes of those Meetings and to verify their accuracy upon confirmation of those Minutes.
- (2) Serve as a source of public information and education
- (3) Serve as an information resource for Councillors and staff
- (4) Ensure that there is a full and complete record of what transpires at Meetings which is available to Councillors, Staff and Members of the Public who have an interest in knowing what took place at particular meetings in order to facilitate follow up action; such being relevant to the proper performance of Council functions.

Appropriate signs shall be displayed in the Council Chamber (or any rooms utilised for audio recording of Council/Committee Meetings) alerting attendees to the fact that the proceedings are being recorded for the purposes of Clause 58 of Council's Code of Meeting Practice.

At the commencement of each recorded meeting, the Chairperson is to make a statement to the effect that the meeting is being recorded. Prior to any address to a meeting by a member of the public, the Chairperson is to specifically counsel the speaker advising them to speak to the business before the meeting and to refrain from making personal imputations. The speaker is to be made aware that access to the audio recording might be obtained by subpoena or be sought and granted under the Freedom of Information Act.

Access to audio recordings (or requests for transcripts) by Councillors will be determined by the General Manager or the Director of Corporate Services in accordance with sections 12(6) and 12A of the Local Government Act.

Proceedings of meetings of Council or its Committees are not protected by "privilege". This exposes any participant to the possibility that they may defame another person. Were Council to reproduce any such defamatory statement it would leave itself open to a charge of libel. For this reason, access by members of the public to audio recordings of meetings is to be by application under section 16 of the Freedom of Information Act. Access will be determined in accordance with the provisions of the Act.

An audio recording will be destroyed at the expiration of seven years. The seven years will commence from day the original recording was made.

61 Format of Staff Reports and Recommendations

- (1) All staff reports are to be made to the General Manager who will exercise discretion on their presentation to Council or Committee.

Where two or more feasible alternatives arise from a staff report, the General Manager may decide the alternative to be recommended to Council or a Committee for consideration.

- (2) To facilitate the choice of an alternative, in those cases when all alternatives comply with existing policies, the alternatives should be clearly defined.
- (3) Staff reports should include a single recommendation:
 - (a) where clearly defined policy exists; or
 - (b) where there are professional grounds to support the recommendation in the absence of, or despite a clearly defined policy.
- (4) Items of correspondence and other issues may be referred to Committees to obtain expressions of opinion or guidelines for subsequent reporting.
- (5) Each report is identified by the position of the originating Senior Officer.

Report items and minute numbers for each Committee and for Council meetings (Ordinary and Extraordinary are considered as one) are numbered consecutively on the calendar year basis.

62 Use of Council Seal

- (1) The Council Seal can be affixed to a document only after a resolution has been carried at a Council meeting authorising that the seal be affixed. The resolution must specifically refer to the document and the document must relate to Council business.
- (2) The Council Seal may NOT be affixed to references or certificates of service to employees or congratulatory letters to organisations or members of the community.
- (3) References or certificates of service to employees or congratulatory letters to organisations or members of the public may be provided on letterhead or enhanced format without the Council Seal.
(Clause 400 of the Local Government (General) Regulation 2005)