

23 March 2011

Director's Report

To the Ordinary Meeting

Corporate Services Department

4.4 Financial Recognition of Local Government in the Australian Constitution

TRIM REFERENCE: F2006/01711 - D02525692

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SUMMARY

The Assembly of Local Government Association (ALGA) is currently campaigning for a referendum on the constitutional recognition of Local Government in order to highlight the importance of Local Government to local communities and the inability of the Federal Government to fund Local Government directly.

The ALGA is seeking support of this referendum from Wyong Shire Council and councils throughout Australia.

RECOMMENDATION

- 1 *That Council strongly endorses ALGA proposals for the financial recognition of Local Government in the Australian Constitution.*
- 2 *That Council requests the Federal Government to have the power to fund local government directly and to include Local Government in any new "Preamble" to the Constitution.*
- 3 *That Council calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.*
- 4 *That Council formally advise the Prime Minister, Leader of the Opposition and Local Federal Members of Parliament, of Council's support for the financial recognition of Local Government in the Australian Constitution.*

ORDINARY MEETING HELD ON 23 MARCH 2011

RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor GRAHAM:

- 1 ***That Council strongly endorse ALGA proposals for the financial recognition of Local Government in the Australian Constitution.***
- 2 ***That Council request the Federal Government to have the power to fund local government directly and to include Local Government in any new "Preamble" to the Constitution.***
- 3 ***That Council call on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.***

4 That Council formally advise the Prime Minister, Leader of the Opposition and Local Federal Members of Parliament, of Council's support for the financial recognition of Local Government in the Australian Constitution.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

BACKGROUND

The ALGA has devoted considerable effort over the past three years to developing a case for constitutional reform of Local Government.

The need for reform was highlighted in start terms in 2009 by the decision of the High Court in *Pape v Federal Commissioner of Taxation* when the Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund Local Government directly.

Prime Minister Gillard has committed to holding a dual referendum on the constitutional recognition on Local Government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election.

THE PROPOSAL

The challenge for Local Government is now three fold:

- to ensure the referendum is held;
- to ensure that the type of recognition sought meets Council's and the Community's needs and
- to ensure a positive result in the referendum itself.

ALGA has requested that all councils pass a resolution endorsing that a referendum be held by 2013 to change the Constitution to allowing direct funding of Local Government Authorities by the Commonwealth Government and also to include Local Government in any new Preamble, should one be proposed.

The ALGA has further requested that national political leaders are left in no doubt about the commitment of Local Government to constitutional recognition by all councils formally advising (in writing) the Prime Minister, the Leader of the Opposition and the Leader and their local members of Parliament, of Council's commitment and support of the changes proposed.

STRATEGIC LINKS

Financial Implications

Currently Financial Assistance Grants are covered by Federal legislation that requires that this money is passed onto the States to be paid as unconditional grants to local government. The recent Federal Cost Shifting Inquiry examined the distribution of financial assistance grants and it was decided to retain the State Grants Commissions as the most efficient method of distributing these monies. It does not appear that constitutional recognition would impact the existing arrangements.

The ALGA's approach will not impact on the existing relationship between Councils and State Governments, however will enable the Federal Government to have the capacity to fund Councils directly to achieve national objectives at a local level.

CONSULTATION

Nil impact.

GOVERNANCE

Nil impact.

CORPORATE RISKS

Nil

CONCLUSION

The ALGA has requested the support of all councils to achieve constitutional reform. It proposes that all councils pass a resolution in support of the proposal and write to the Prime Minister, the Leader of the Opposition and the local Federal Members.

It is recommended that Council support the ALGA's proposal for financial recognition of local government in the Australian Constitution, and also the inclusion of local government in any new Preamble to the Constitution if one is proposed, so that the Federal Government has the power to fund local government directly. Direct federal funding will bring about a more sustainable and secure future for councils and local government communities throughout Australia.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Letter from Australian Local Government Association - Constitutional Recognition of Local Government | D02549631 |
|---|--|-----------|

Policy for Facilities & Expenses for Councillors



POLICY NO: WSC003

POLICY FOR FACILITIES & EXPENSES FOR COUNCILLORS

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Policy for Facilities & Expenses for Councillors



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History of Revisions:

Version	Date	TREM Doc. #
1	23/11/2011	DC2601521
2	03/10/2012	DC1141334

Policy for Facilities & Expenses for Councillors

A. POLICY SUMMARY

A1 This Policy provides for the payment or reimbursement of expenses and the provision of facilities by WSC to the Mayor and Councillors of Wyong Shire.

B. POLICY BACKGROUND

B1 Section 252 of the Local Government Act 1993 requires the Council to adopt a Policy concerning the payment of expenses incurred or to be incurred by the provision of facilities to elected members in relation to discharging the functions of Civic Office.

B2 WSC recognises that elected members and senior management staff often expend considerable personal time and inconvenience in conducting WSC business away from the Shire in the best interests of the community.

B3 The Act's conditions recognise that some personal, additional contribution goes with the position, however where such good-will is provided by individuals materially in excess of reasonable contributions, the transparent reimbursement of expenses is appropriate.

B4 The purpose of the Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

B5 Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act (s.349 the Act).

B6 The WSC Code of Conduct provides that WSC resources must be used ethically, effectively, efficiently and carefully. WSC property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must also avoid any action or situation that could create the appearance that WSC resources are being used inappropriately.

B7 Section 382 of the Act requires that WSC makes arrangements for adequate insurance against public and professional liability.

C. DEFINITIONS

C1 **The Act** means the Local Government Act 1993.

C2 **The Regulation** means the Local Government (General) Regulation 2005.

C3 **Council** means the elected members who form the governing body (Council) of the Wyong Shire Council.

C4 **Wyong Shire Council (WSC)** means the organisation established to administer Council affairs and operations and Council policy and strategies.

C5 **Councillor** means an elected member of the governing body (Council) including the Mayor.

C6 **Council Policy** means policy created and approved by the elected members of the WSC.

Policy for Facilities & Expenses for Councillors

- C7 **Functions of civic office/civic functions** means functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for WSC that should result in a direct benefit for WSC and/or for the Wyong Shire community.
- C8 **Council Business** means WSC and Committee meetings, community meetings within the Shire, attendance at officially sanctioned conferences, functions, seminars and training courses and shall include the attendance at functions/meetings by Councillors on behalf of the Mayor.
- C9 **Expenses** mean payments made by WSC to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Reasonable private use is allowable. Expenses must be outlined in this policy and may be either reimbursed to a Councillor or paid directly by WSC for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.
- C10 **General Expense Allowance** means a sum of money paid by WSC to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe. In accordance with Section 403 of the Regulation this policy does not permit the payment of general expenses.
- C11 **Facilities** means equipment and services that are provided by WSC to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.
- C12 **Greater Significance** means meetings with State or Federal Parliamentarians, networking with other Councillors or special interest groups, inspection of a public works or facility, attendance at urgent Council meetings and/or any other incident of WSC business considered urgent or more important.

D. POLICY STATEMENTS**Jurisdiction**

- D1 This policy covers all elected members of WSC.
- D2 This policy does not confer any delegated authority upon any person.

General Provisions

- D3 No payment or allowance will be made for general expenses.
- D4 Reimbursement will only be paid for expenses incurred by Councillors for the conduct of their civic duties.

Attendance at Conferences, Workshops, Seminars and Training Courses

- D5 WSC will reimburse expenses for attendance at eligible conferences, seminars, workshops and professional development courses for each elected member including attendance at the annual NSW Local Government Association Conference and National General Assembly.
- D6 WSC will reimburse expenses for six (6) attendances per Councillor, per financial year, at conferences, seminars, workshops and professional development courses which consist of sessions conducted over one or more consecutive days.

Policy for Facilities & Expenses for Councillors

- D7 The maximum number of elected members authorised to attend a conference or seminar is three
- D8 The maximum attendance restriction on numbers will not apply to attendance by elected members at the annual conference or a special conference of the NSW Local Government Association or National Congress of the Australian Local Government Association or as resolved by Council
- D9 WSC will meet sustenance and attendance expenses for Councillors' attendance at meals and other non-Council functions which provide briefings to Councillors from key members of the community, politicians and business.
- D10 No expenses will be paid for functions that are
- not relevant to Council business
 - where expenses incurred would be directed towards any political fundraising event
 - for any donation to a political party or candidate's electoral fund
 - for any other private or personal benefit
- D11 Authorisation for attendance at conferences will be by Council resolution or when in compliance with policy or impractical, then by approval of the Mayor (Deputy Mayor when attendee is Mayor) and/or General Manager
- D12 WSC will pay costs in accordance with this policy relating to the attendance by authorised delegates at conferences, workshops and seminars for the following:
- Registration fees
 - Accommodation
 - Traveling to and from the location
 - Out-of-pocket expenses (meals, fares, etc) incurred in attending the various sessions of conference etc
 - Spouse or partner and family accompaniment.
- D13 Where WSC has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by WSC will be charged to the elected member
- D14 Before registration and payment of fees, elected members must satisfy themselves:
- that the program is likely of benefit to WSC, the Community and/or to his/her professional development as an elected member
 - that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy
- D15 Elected members shall attend all conference sessions for which they are registered other than in the following circumstances
- to attend to a family, employment or medical emergency
 - where the session demonstrably has no benefit/interest to both WSC and the particular Councillor
 - to attend to other matters of greater significance to the WSC
- D16 WSC will pay for the attendance at training courses where the total expense for attendance of

Policy for Facilities & Expenses for Councillors

each Councillor is less than \$10,000, subject to Council Resolution or compliance with this policy. The monetary limit does not apply to the AICD Company Director's Course and a maximum of three (3) Councillors may attend a course unless resolved by Council.

- D17 Out-of-pocket or incidental expenses associated with Councillors attending conferences, seminars or training courses will be reimbursed.
- D18 WSC will reimburse Councillors the cost of membership to professional organisations associated with the conduct of Council business up to \$1,500 per annum.

Spouses and Partners

- D19 WSC will pay the following expenses for spouses/partners or family accompanied by a Councillor at events or functions officially sanctioned by the Council or Mayor and General Manager:

- i attendance/ticket cost if in the company of a Councillor
- ii accommodation if in the company of a Councillor
- iii travel if in the company of a Councillor
- iv meals and refreshments excluding room charges.

- D20 Partner tours and incidental costs will not be paid by WSC.

Motor Vehicle Costs

- D21 WSC will pay for the use of a Councillor private motor vehicle for the conduct of business relating to the Council, including attendance at Council, Council Committee and community meetings, inspections and official functions / meetings either:

- i an annual allowance, paid monthly for use up to 5,000 km per annum, at the Local Government State Award rate for WSC staff for under/over 2.5 ct. A statutory declaration for use is required.
- ii by claim for usage, paid monthly for use at the Local Government State Award rate for WSC staff for under/over 2.5 ct.

- D22 Councillors shall comply with WSC's Motor Vehicle Policy.

Travel

- D23 WSC will reimburse Councillors for travel undertaken on WSC business.
- D24 WSC will not reimburse travelling expenses where a Councillor attends a community meeting or undertakes an inspection that has not been formally approved by Council or the Mayor.
- D25 Overseas travel by a Councillor must be approved by resolution which shall include clear and tangible benefits to the community.
- D26 Approval by the Council for overseas travel will be on an individual trip basis.
- D27 Councillors shall ensure travel by the most direct route and use the most practical and economic means of transport.
- D28 WSC will reimburse costs for tolls associated with travel on WSC business.

Policy for Facilities & Expenses for Councillors

- D29 WSC will reimburse parking fees associated with travel on WSC business
- D30 In accordance with WSC Motor Vehicle policy no reimbursement of traffic or parking fines incurred while travelling on WSC business will be given.

Travel outside WSC Local Government Area, Interstate and International

- D31 Air travel shall be at economy rate unless approved by the General Manager and/or the Mayor.
- D32 WSC will pay for air travel insurance
- D33 The General Manager and/or the Mayor may determine any corporate membership arrangements (eg Qantas Club).
- D34 WSC will pay for use of a rental car at locations where air travel is undertaken for WSC business.

Accommodation

- D35 Councillors shall be accommodated in minimum four-star level facilities and higher if practicality determines the need. A higher level than four star is to be approved by the Mayor and/or General Manager
- D36 WSC will pay for accommodation costs commencing from the night before the conference or seminar commences, throughout the conference and the night after it concludes and any other night required by travel arrangements.

Care and other related expenses

- D37 WSC will reimburse registered carer's expenses necessary to enable elected members, General Manager and Directors to attend WSC business up to \$3,000 per annum, including:
- i child care expenses
 - ii care of disabled and/or sick immediate family members
 - iii special requirements of councillors such as disability and access needs to allow performance of normal civic duties and responsibilities

Insurance

- D38 WSC will provide insurance to protect the interest and welfare of all Councillors in carrying out the duties of Civic Officer and to protect equipment issued to Councillors under this policy as follows:
- i Public liability (for matters arising out of Councillors' performance of their civic duties and/or exercise of their functions)
 - ii Professional indemnity (for matters arising out of Councillors' performance of their civic duties and/or exercise of their functions).
 - iii Personal injury while on Council business
 - iv Travel insurance for approved interstate and overseas travel on Council business
 - v Property insurance for WSC facilities issued to Councillors
 - vi Other insurance as required to ensure normal work/family arrangements can continue to be maintained for the Councillors.

Policy for Facilities & Expenses for Councillors

All insurances are to be subject to any limitations or conditions set out in the WSC policy for insurance.

Legal Expenses

- D39 WSC will indemnify or reimburse the reasonable legal expenses of a Councillor in the circumstances described below:
- i a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers), as distinguished from merely something a Councillor has done during his/her term of office
 - ii a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act
 - iii a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act, and the Tribunal or investigative body makes a finding substantially favourable to the Councillor
- D40 WSC will also reimburse legal costs for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:
- Local Government Pecuniary Interest and Disciplinary Tribunal
 - Independent Commission Against Corruption
 - Office of the NSW Ombudsman
 - Division of Local Government, Department of Premier and Cabinet
 - NSW Police Force
 - Director of Public Prosecutions
 - Council's Conduct Review Committee/Reviewer
- provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Council or's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review
- D41 A Councillor/s may be reimbursed up to \$1,500 (including GST) for external legal services only where all of the following circumstances exist:
- (a) the legal advice is not on a matter excluded from being reimbursed by the Local Government Act and/or Regulations, or any other clause in this Policy
 - (b) the matter about which advice has been sought is a serious matter affecting the proper administration of WSC
 - (c) more than four Councillors have requested that Council staff provide legal advice on the subject matter of the advice, and Council staff have been unable to provide those Councillors with legal advice, due to a conflict of interest or similar prohibition that precludes those staff from providing that advice, or where staff are unwilling to obtain independent legal advice
 - (d) the matter had not already been the subject of independent legal advice to Council
 - (e) the legal advice is proven to be valuable towards Council's decision making

Policy for Facilities & Expenses for Councillors

- (f) no more than one payment is to be paid to any one or more of the Councillors in respect to advice provided by Councillors on the subject matter
- (g) the request for reimbursement, under this cause, has been authorised by the Council:
- the written brief, original written legal advice and tax receipt will need to be provided to Council as its record to allow consideration of payment
- D42 A conduct complaint made against a Councillor, resulting in legal costs for a Council or shall only qualify for reimbursement where a matter has been referred by the General Manager to a conduct reviewer/committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct.
- D43 Pecuniary interest or misbehaviour matters, shall qualify for reimbursement of legal costs if a formal investigation has been commenced by the Division of Local Government.
- D44 WSC will only reimburse legal costs where the investigator or review body makes a finding that is not substantially unfavourable to the Council or
- D45 WSC will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.
- D46 WSC will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- D47 WSC will not meet legal costs in the following circumstances:
- An action in defamation taken by a Councillor as plaintiff
 - A Councilor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation

Mayoral Expenses

- D48 The Mayor may provide reasonable hospitality to Councillors, senior staff, politicians, dignitaries, community leaders, accompanied by family and the like at WSC's expense to the same level as approved for the GM.
- D49 WSC will provide, maintain and fuel a fuel efficient motor vehicle appropriate to the Office of the Mayor, for use by the Mayor for WSC business.
- D50 Private Use of the vehicle is paid for by the Mayor by the reduction of the Mayoral allowance of \$1,906.64 per annum (2012/13 base year). Such amount to be varied on 1 October each year in line with movement in the Consumer Price Index for the 12 months ending 30 June previous.

Telecommunications

- D51 WSC will provide initial installation, rental/lease and maintenance costs for approved equipment.
- D52 WSC will provide communications hardware, to use for WSC business
- i. Laptop or Desktop PC

Policy for Facilities & Expenses for Councillors

- i. Tablet computer
- ii. Printer
- iv. Facsimile
- v. Scanner
- vi. USB or WIFI broadband modem
- vii. Digital camera
- viii. Mobile phone or smart phone
- ix. Mobile phone car kit

- D53 The brand/type of equipment will be to WSC standards purchased in accordance with the provisions of WSC Procurement Policy.
- D54 For each Councillor using WSC equipment, WSC will provide for the reasonable cost of calls, internet access and message bank service, including reasonable private use, up to \$3,500 per year.
- D55 Councillors may provide some or all private equipment in lieu of WSC equipment and receive reimbursement for capital costs, cost of calls and internet access up to \$7,200 per year. This will cover:
- Laptop or Desktop PC
 - Tablet computer
 - Printer, Facsimile, Scanner, Digital camera
 - USB or WIFI broadband modem
 - Mobile phone or smart phone and car kit
 - Other related expenses.
- Privately provided equipment must be to WSC standards.
- D56 WSC will provide for WSC equipment, a standard operating environment of software to facilitate Council business (for example email, internet, mapping, MS office suite and other WSC corporate appropriate applications as necessary).
- D57 WSC will not provide for subsequent installation costs (eg as a result of moving house or changing vehicles) unless WSC has initiated a change to the equipment or service.
- D58 Elected members using WSC telecommunications equipment or their own private equipment for Council business must comply with WSC's Communications Media Policy (Internet and Email) and Appropriate Use of Email and the Internet Guidelines.
- D59 At the conclusion of a local government term and where a Councillor does not intend to stand for re-election or is not re-elected, a Councillor may purchase WSC supplied equipment and software at an agreed market price. Leased equipment is not available for purchase.

Postal Expenses

- D60 WSC will reimburse actual postage expenses for WSC business up to \$500 per annum.

Stationery

- D61 WSC will provide stationery to be used for WSC business, upon request. Stationery includes:
- Writing pads, envelopes, box files writing pens / diary / folders up to \$200 per annum
 - i. Business cards 1000 per annum
 - ii. Letterhead 1000 per annum

Policy for Facilities & Expenses for Councillors

- iv. Paper and printer cartridges 1 set of colour and black per month
- v. Current edition of Bluetts' Local Government Handbook, NSW for Councillors (newly elected Councillors only)
- vi. One filing cabinet

Corporate Uniform

D62 WSC will provide a "premium quality" Corporate Uniform on an annual basis except for the issue in the year in which the local government election is held. Corporate Uniform shall consist of:

- Formal clothing – one set including the costs of alterations
- Climate clothing (shirts and jackets) – one set
- Protective clothing – one set

D63 WSC will provide an additional Corporate Dress allocation to the Mayor to facilitate the duties of the office as follows:

- Three shirts
- One pair of trousers or skirt or dress
- One tie
- Such other clothing as is required to perform the duties of a Councillor

Civic Centre Parking

D64 WSC will provide an allocated parking space each Council meeting day

Sustenance

D65 Councilors will be provided with appropriate sustenance on meeting/briefing/function days, including bottled beverages.

E. POLICY IMPLEMENTATION - PROCEDURES**Approval**

- E1 Approval for the payment of expenses and provision of facilities not specified will be by the General Manager and/or the Mayor.
- E2 Disputes in relation to the payment of expenses and provision of facilities shall be resolved by the General Manager

Adoption

- E3 This Policy will be adopted by Council resolution after public notification in accordance with WSC Policy on the Establishment of Policies.
- E4 This policy will be reviewed and re-adopted annually in accordance with WSC Policy on the Establishment of Policies.

Amendment

- E5 Mandatory amendments to this Policy due to an amendment to the Local Government Act or

Policy for Facilities & Expenses for Councillors

Regulations will be made administratively and a report detailing the amendment will be submitted to an Ordinary Meeting of Council.

- E6 Optional amendments to this Policy due to an amendment of the Local Government Act or Regulations will be reported to an Ordinary Meeting of Council for determination.
- E7 This Policy will be amended annually in accordance with the CPI. The amendment will be made administratively and will not be reported to Council.

Reporting

- E8 In accordance with clause 271 of the Regulation and for the purposes of transparency and accountability, WSC is required to include detailed information in its Annual Report about the payment of expenses and facilities to councillors. This will be reported as a total cost for all Councillors.
- E9 Section 253 of the Act requires Council to submit a copy of this policy annually to the Division of Local Government.
- E10 The Policy must be publicly notified in accordance with Section 253 of the Local Government Act.

Reconciliation

- E11 Claims for reimbursement of expenses will include receipts or via a statutory declaration and be made in the financial year in which the expense has been incurred, unless otherwise specified in this Policy.
- E12 Approval, reconciliation and reimbursement for all expenses and facilities must occur in accordance with WSC procedure.
- E13 The processes for claim and reconciliation may be varied by the Manager Corporate Governance.
- E14 Amounts owing by an elected member relating to fees or expenses for reimbursements and/or accompanying partner's expenses are to be deducted from amounts due to the elected member under this Policy.

Conferences

- E15 The Mayor may nominate a replacement if an elected member authorised to attend a conference, seminar, external training session or function outside the area is unable to attend the event due to ill health or family emergency.
- E16 The Mayor and/or the General Manager will determine and subsequently report to Council, attendance at a conference, seminar, external training or functions outside the Central Coast if time does not permit submission to a Council meeting prior to the event.
- E17 Elected members attending conferences must provide a report to the GM detailing the proceedings of the conference. No report is required for the annual conference of the NSW Local Government and Shires Association or conferences approved by Council.
- E18 Authorisation of attendance at conferences for a spouse or partner will be included in the Council resolution for attendance of the Council or unless specified by this policy.

Policy for Facilities & Expenses for Councillors

- E19 Elected members may request advance expense payments for trips and conferences. The costs are required to be reconciled through receipts and excess advances returned to WSC.

Motor Vehicles

- E20 The reimbursement of private motor vehicle expenses above 5,000km per annum will require the submission and reconciliation of a log book.
- E21 WSC will provide a vehicle for use by Councillors in undertaking official duties. Availability of this vehicle will be considered when determining the most direct route and the most practicable and economical mode of transport.

Legal

- E22 The payment of legal costs are required to be approved by the General Manager.

Interview Room

- E23 Elected members will contact WSC reception to reserve an interview room.

Communications

- E24 Each elected member is allowed \$1,500 per year for mobile phone call installation.
- E25 Expenses reimbursed for use of private equipment will be added to Councillors' fees on a monthly basis.
- E26 Upon ceasing to hold Civic Office an elected member may purchase WSC equipment at an amount determined by an independent valuation or return the equipment to Council except in the case where equipment is leased.

E28 Associated documents:

- WSC Policy on the Establishment of Policies
- WSC Code of Conduct
- NSW Local Government Act 1993



POLICY No: WSC069

PROPOSED AMENDMENTS

CODE OF MEETING PRACTICE

Last Adopted November 2011

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TABLE OF CONTENTS

		Page
1	<u>GENERAL</u>	6
	1.1 <u>Making of this Code</u>	6
	1.2 <u>Citation</u>	6
	1.3 <u>Scope and Objectives</u>	6
	1.4 <u>Amendment to the Code</u>	7
	1.5 <u>Definitions</u>	7
	1.6 <u>Other Definitions</u>	9
	1.7 <u>Legislation</u>	9
2	<u>CONVENING, NOTICE AND FREQUENCY OF COUNCIL AND COMMITTEE MEETINGS</u>	9
	2.1 <u>Notice of Meetings</u>	10
	2.2 <u>Convening of Meetings</u>	11
3	<u>AGENDAS AND BUSINESS PAPERS FOR COUNCIL AND COMMITTEE MEETINGS</u>	13
	3.1 <u>Agendas and Business Papers for Council and Committee Meetings</u>	13
	3.2 <u>Staff Reports and Recommendations</u>	14
	3.3 <u>Confidential Matters</u>	14
	3.4 <u>Confidential information not to be disclosed</u>	15
	3.5 <u>Councillor Requests for reports</u>	16
	3.6 <u>Availability of Items on Agenda</u>	16
	3.7 <u>Agendas and Business Papers for Extraordinary Meetings</u>	17
	3.8 <u>Access and Availability of Agendas and Business Papers</u>	17
4	<u>ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS</u>	19
	4.1 <u>Quorum</u>	19
	4.2 <u>Presence and Departure at Council and Committee Meetings</u>	19
	4.3 <u>Seating in the Chamber</u>	20
	4.4 <u>Entitlement to Attend Committee Meetings</u>	20
	4.5 <u>Attendance of the General Manager</u>	20
	4.6 <u>Attendance and Exclusion from Council and Committee Meetings</u>	21
5	<u>CONDUCT OF COUNCIL MEETINGS</u>	26
	5.1 <u>Chair of Meetings of Council and Committees</u>	26
	5.2 <u>Rights and Duties of the Chairperson of Meetings of Council and Committees</u>	27
	5.3 <u>Order of Business at Meetings of Council and Council Committees</u>	28
	5.4 <u>Transaction of Business at Meetings of Council and Committees</u>	29

5.5	Motions and Resolutions of Council	30
5.6	Mayoral Minutes	32
5.7	Notices of Motion and Notices of Motion to Rescind	32
5.8	Rescinding or Altering Resolutions	33
5.9	Rules of Debate	35
5.10	Voting	37
5.11	Disclosure of Pecuniary and Non- Pecuniary Interests	40
5.12	Letters, Submissions or Petitions	42
5.13	Confidential Session of Council or Committee	42
5.14	Questions	42
5.15	Information Reports	44
6	KEEPING ORDER AT MEETINGS	46
6.1	Responsibility and Authority for Keeping Order at Meetings	46
6.2	Points or Questions of Order	46
6.3	Acts of Disorder	47
6.4	Dealing with Disorder	48
6.5	Maintenance of Public Order at Meetings	49
6.6	Power to Remove Persons from Meeting after Expulsion	50
7	MINUTES	51
7.1	Minutes	51
7.2	Business Arising from Minutes	54
8	COMMITTEES	54
8.1	Committees of Council	54
9	MISCELLANEOUS	56
9.1	Matters not covered by this Code	56
9.2	Non – Official Recording of meeting of council or committee	57
9.3	Official Audio Recording of Council and Committee Meetings	57
9.4	Council Seal	58
10	ALPHABETICAL INDEX	60
11	AMENDMENTS	65
11.1	Schedule 1	65
11.2	Schedule 2	67
11.3	Schedule 3	69

1 GENERAL

1.1 Making of this Code

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

1.2 Citation

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

1.3 Scope and Objectives

Scope

- 1.3.1 This Code sets out the standing orders for the conduct of proceedings at Council and Committee meetings.
- 1.3.2 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).
- 1.3.3 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.

Objectives

- 1.3.4 To provide a structure for the orderly and efficient proceedings of meetings in order to earn the respect of the Shire's ratepayers, residents and visitors.
- 1.3.5 To assist Councillors and Staff with their obligations to conduct themselves at meetings to accepted standards of behaviour, make positive contributions to the issues being considered and maintain good working relationships with each other.
- 1.3.6 To enable meetings to be held in an environment that facilitates respect shown for the views of others and regard for the due process of law, reasonableness and fairness.
- 1.3.7 To support 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.

1.4 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 without need for further public notification.

1.5 Definitions

In this Code unless inconsistent with the context:

agenda means a list of items for consideration at a meeting together with reports and other attachments relating to those items.

amendment 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; 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.

charter means a document setting out the purpose, membership, objectives and life of a committee established by Council.

Council means the Council of the Shire of Wyong

Committee means a Committee established by Council in accordance with clause 260 of the Local Government (General) Regulation 2005.

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.

council chamber includes the public gallery, the foyer areas on the ground floor and the first floor immediately adjacent to the meeting room.

Councillor means a councillor of the Shire of Wyong and includes the Mayor.

Deputy Mayor means the Deputy Mayor of the Shire of Wyong.

due notice means:

- (a) a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting;
- (b) delivered to the members of the Council or Committee, 7 days by pre-paid post or 5 days by hand.

EP&A Act means the Environmental Planning and Assessment Act

General Manager is the General Manager of Wyong Shire Council, or in the absence of that person, the employee designated to act for the General Manager.

Mayor means the Mayor of the Shire of Wyong.

meeting room 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.

misbehaviour for the purposes of this Code means, any of the following:

- (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.

planning decision means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979*:

- (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but

(b) not including the making of an order under Division 2A of Part 6 of that Act.

Minutes means the record of the proceedings of any meeting of the council and its committees.

negatived motion means an unsuccessful motion.

quorum means the minimum number of members needing to be present to constitute a valid meeting.

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.

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

the Act or **this Act** means the Local Government Act, 1993 unless specified.

this Code means the Shire of Wyong Code of Meeting Practice.

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.

1.6 Other Definitions

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

1.7 Legislation

References to Act and Regulation

1.7.1 This code is made pursuant to Clause 360(2) of the Act.

The Council and a Committee of which all members are Councillors must conduct its meetings in accordance with this Code in accordance with Clause 360(3) of the Act.

This code incorporates relevant provisions of the Act and Regulation. Words appearing in italics are a direct quote from the Act or Regulation.

2 CONVENING, NOTICE AND FREQUENCY OF COUNCIL AND COMMITTEE MEETINGS

2.1 Notice of Meetings

- | | |
|--|--|
| Notice of meeting to Councillors | <p>2.1.1 A meeting of Council or a Committee cannot be held unless due notice has been given to all members in accordance with the definition in this Code.</p> <p>2.1.2 Section 367 of the Act</p> <p>(2) <i>Notice of less than 3 days may be given of an extraordinary meeting called in an emergency. The General Manager would decide what an emergency is.</i></p> <p>(3) <i>A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and the business papers in that form.</i></p> |
| Notice of Meetings to the Public | <p>2.1.3 Section 232 of the Regulation</p> <p>(1) <i>This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.</i></p> <p>(2) <i>A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.</i></p> <p>(3) <i>The notice must specify the time and place of the meeting.</i></p> <p>(4) <i>Notice of more than one meeting may be given in the same notice.</i></p> <p>(5) <i>This clause does not apply to an extraordinary meeting of a council or committee.</i></p> |
| Frequency of Ordinary Meetings of Council and Committees | <p>2.1.4 Section 365 of the Act</p> <p><i>Council is required to meet at least 10 times each year, each time in a different month.</i></p> <p>2.1.5 Ordinary meetings of Council will be held as follows:</p> <ul style="list-style-type: none"> - on the second and fourth Wednesday of the months February to November inclusive, excepts those Wednesdays that are designated NSW public school holidays; |

- on the second Wednesday of December.
- 2.1.6 Where scheduled meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.
- 2.1.7 Ordinary meetings will commence at 5:00pm.
- 2.1.8 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 Regulation are complied with.
- 2.1.9 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.
- 2.1.10 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.
- 2.1.11 Ordinary Meetings of Council will conclude at 9.00pm.
- 2.1.12 Council can suspend standing orders to allow the meeting to continue.
- 2.1.13 The Chairperson will defer any remaining business to the next ordinary meeting or to an extraordinary meeting if that is the will of Council.

2.2 Convening of Meetings

Convening of Extraordinary Meetings

- 2.2.1 Section 366 of the Act

"If the Mayor receives a request in writing signed by at least 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."
- 2.2.2 The Mayor can be one of the two Councillors making the written request but must firstly receive the written request from another Councillor, with the Councillors' signature attached, prior to signing the request for an extraordinary meeting.
- 2.2.3 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.

2.2.4 Extraordinary meetings may also be held when there is so much business to be dealt with that an additional meeting is required.

2.2.5 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.

Convening of
Extraordinary
Meetings for the
Election of Mayor

2.2.6 Section 290 of the Act

"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."

2.2.7 The Extraordinary Meeting for the election of the Mayor after an ordinary election of the Council will be held on a Wednesday at 5:00 pm within three weeks of the declaration of the poll.

2.2.8 The Extraordinary Meeting for the election of the Mayor (other than after an ordinary election of the Council or to fill a casual vacancy) will be held on the third Wednesday of September commencing at 5:00 pm.

2.2.9 The Extraordinary Meeting for the election of the Mayor to fill a casual vacancy 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.

2.2.10 Due notice for an Extraordinary Meeting for the election of the Mayor is to be given in accordance with this Code.

2.2.11 The election of the Mayor is to be conducted in accordance with Schedule 7 of the Regulation.

Convening of
Extraordinary

2.2.12 The election of Deputy Mayor will take place at the same meeting at which the Mayor is elected and will be

Meetings of the
Election of Deputy
Mayor

conducted immediately after the conclusion of the election of the Mayor.

- 2.2.13 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.
- 2.2.14 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.
- 2.2.15 Where a casual vacancy occurs in the position of Deputy Mayor (other than in the clause above) an election for the position of Deputy Mayor will be held at the next ordinary meeting of the Council subject to due notice being given.

3 AGENDAS AND BUSINESS PAPERS FOR COUNCIL AND COMMITTEE MEETINGS

3.1 Agendas and Business Papers for Council and Committee Meetings

Content

3.1.1 Clause 240 of the Regulation

- (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 240 (2) of the Regulation.*
- (2) *The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.*

- (3) *The General Manager must cause the business paper for a meeting of Council or a Committee to be prepared as soon as practicable before the meeting.*
- (4) *The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.*
- (5) *Nothing in this clause limits the powers of the chairperson under clause 243.*

3.2 Staff Reports and Recommendations

- | | |
|--|--|
| General Manger's authority for staff reports and recommendations | <p>3.2.1 All staff reports are to be made to the General Manager who will exercise discretion on their presentation to Council or Committee.</p> <p>3.2.2 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.</p> <p>3.2.3 To facilitate the choice of an alternative, in those cases when all alternatives comply with existing policies, the alternatives should be clearly defined.</p> <p>3.2.4 Items of correspondence and other issues may be referred to Committees to obtain expressions of opinion or guidelines for subsequent reporting.</p> |
| Recommendations for staff reports | <p>3.2.5 Staff reports should include a single recommendation:</p> <p style="margin-left: 40px;">(a) where clearly defined policy exists; or</p> <p style="margin-left: 40px;">(b) where there are professional grounds to support the recommendation in the absence of, or despite a clearly defined policy.</p> |
| Identification and numbering of staff reports | <p>3.2.6 Each report is identified by the full name of the originating Departmental Director, the Service Unit Manager and the author.</p> <p>3.2.7 Report items Council and Committee meetings are numbered consecutively for each meeting.</p> <p>3.2.8 Questions on Notice will be numbered consecutively for each calendar year.</p> |

3.3 Confidential Matters

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|---------------------------------|--|
| Confidential matters circulated | <p>3.3.1 If, in the opinion of the General Manager, business to be transacted at a meeting of Council or of a Committee is a</p> |
|---------------------------------|--|

separately	kind of business that is likely to take place when the meeting is closed to the public, the business may be included in a confidential business paper, report or attachment marked confidential and circulated separately.
Confidential matters referred to in business paper	3.3.2 If a confidential business paper, report or attachment is prepared the business must be referred to in the ordinary business paper prepared for the same meeting in accordance with Section 9 of the Act.

3.4 Confidential information not to be disclosed

Disclosure and misuse of information	<p>3.4.1 Section 375 of the Act</p> <p>(1) <i>A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:</i></p> <ul style="list-style-type: none"> (a) <i>with the consent of the person from whom the information was obtained, or</i> (b) <i>in connection with the administration or execution of this Act, or</i> (c) <i>for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or</i> (d) <i>in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or</i> (e) <i>with other lawful excuse.</i> <p>(1A) <i>In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.</i></p> <p>(1B) <i>Subsection (1A) does not apply to:</i></p> <ul style="list-style-type: none"> (a) <i>the report of a committee of a council after it has been presented to the council, or</i> (b) <i>disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or</i> (c) <i>disclosure made in circumstances prescribed by the regulations, or</i> (d) <i>any agenda, resolution or recommendation of a meeting that a person is entitled to inspect</i>
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3.5 Councillor Requests for reports

- | | |
|--|---|
| Councillor request for EP&A Act Part 4 Application | 3.5.1 Councillors may request that a Part 4 application under the EP&A Act be brought before Council. Requests shall be in writing to the General Manager, and signed by a minimum of two Councillors. |
| | 3.5.2 A request for a Part 4 application to be brought before Council is a formal request for the General Manager not to exercise his standard delegation to determine a Part 4 application under the EP&A Act. |

3.6 Availability of Items on Agenda

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| Removal of items from the agenda | 3.6.1 Once the agenda for a meeting has been sent to councillors an item of business on the agenda cannot be removed from the agenda prior to the meeting. |
| Items unavailable to certain Councillors | 3.6.2 Where a councillor is, or in the opinion of the General Manager is likely to be, the subject of proceedings by or against the council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings shall, if the matter is a kind of business referred to in section 10a of the Act, be withheld from the business paper of that councillor and shall not be made available to that councillor by any person. |
| Late Reports | 3.6.3 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. |
| | 3.6.4 For matters not listed on the agenda of meetings and where less than (7) days notice has been provided in accordance with 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. |
| | 3.6.5 Minor amendments or additional information relating to matters already being dealt with by Council do not require a motion of urgency however are required where possible to be provided to Council in hard copy no later than midday on the day of the meeting. |

3.7 Agendas and Business Papers for Extraordinary Meetings

3.7.1 Clause 242 of the Regulation

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

(2) *Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:*

(a) *a motion is passed to have the business transacted at the meeting, and*

(b) *the business proposed to be brought forward is ruled by the chairperson to be of great urgency.*

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

(3) *Despite clause 250 (limitation on the number of speeches), only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.*

Notices of Motion
not permitted on
Agendas and
Business Papers
for Extraordinary
Meetings

3.7.2 A notice of motion signed by a Councillor may be dealt with only at an ordinary council meeting or a committee where all members are councillors.

3.8 Access and Availability of Agendas and Business Papers

Access to Agendas
and Business
Papers

3.8.1 Section 9 of the Act

(2) *A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.*

(2A) *In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:*

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

- (b) *the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.*
- (3) *The copies are to be available to the public as nearly as possible to the time they are available to councillors.*
- (4) *The copies are to be available free of charge.*
- (5) *A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.*
- Web Access to Agendas and Business Papers 3.8.2 Agendas and Business Papers will be posted on the WSC website as soon as possible after electronic distribution to the Councillors.
- Media access to Agendas and Business Papers 3.8.3 Accredited members of the media may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors.
- Commercial or other access to Agendas and Business Papers 3.8.4 Other persons or organisations may access copies of business papers of Council and Committee meetings (other than confidential meetings) at Council libraries or Civic Centre, or on the WSC website.
- Community groups access to Agendas and Business Papers 3.8.5 Community groups may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors as follows:
- (a) The community group must formally register its interest in writing on an annual basis.
- (b) Each group being restricted to one copy of the business paper for each meeting.
- (c) 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.
- (d) 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

4 ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

4.1 Quorum

Absence of a quorum

4.1.1 Clause 233 of the Regulation

(1) *A meeting of Council or a Committee must be adjourned if a quorum is not present:*

(a) within half an hour after the time designated for the holding of the meeting;

OR

(b) at any time during the meeting.

(2) *In either case, the meeting must be adjourned to a time, date and place fixed:*

(a) by the Chairperson; or

(b) in his or her absence - by the majority of the Councillors present; or

(c) failing that, by the General Manager.

(3) *The General Manager must record in 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.*

4.2 Presence and Departure at Council and Committee Meetings

Leave of absence

4.2.1 Clause 235A of the Regulation

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

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

Presence at meetings

4.2.2 Clause 235A of the Regulation

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.

- Departure from meetings
- 4.2.3 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.
- 4.2.4 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 and voting on that matter the Councillor will be excluded from being present in the area defined in this Code as the Council Chamber.

4.3 Seating in the Chamber

- Seating in the Chamber
- 4.3.1 In the Council Chamber the Mayor will sit at the front table with the Deputy Mayor immediately opposite with 4 Councillors on each side of the Deputy Mayor. The other 8 Councillors shall mutually agree on their seating positions and, where no agreement can be reached the Mayor will decide the seating positions.

4.4 Entitlement to Attend Committee Meetings

- Mayor member of each Committee
- 4.4.1 The Mayor is a member of each Committee and entitled to attend all meetings of Committees.
- Non member Councillor attendance at Committee meeting
- 4.4.2 Clause 263 of the Regulation
- 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.*

4.5 Attendance of the General Manager

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

the employment of the general manager.

4.6 Attendance and Exclusion from Council and Committee Meetings

Attendance of the
Public

4.6.1 Section 10 of the Act

(1) 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.

(2) 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.

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

Exclusion of the
Public

4.6.2 Section 10A of the Act

(1) 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.

(2) The matters and information are the following:

(a) personnel matters concerning particular individuals (other than Councillors);

(b) the personal hardship of any resident or ratepayer;

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;

- (d) *commercial information of a confidential nature that would, if disclosed:*
 - *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.*

(3) *A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.*

(4) *A Council, or a committee of 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 as to whether that part of the meeting should be closed.*

4.6.3 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.

Representations
by members of the
Public – Closure of
part of meeting

4.6.4 Clause 252 of the Regulation

(1) *A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.*

(2) *That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different*

periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

- 4.6.5 Representations may be made by speakers with a genuine interest and be limited to one speaker. The speaker shall be allotted two minutes.
- Closure of Parts of Meetings – Further Limitations
- 4.6.6 Section 10B of the Act
- (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.*
- (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.*
- (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.*
- (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.*

Note: The matters in 10A and the limitations in 10B are provided side by side in a table to assist clarity. See Schedule 2.

Notice of Closure
of Parts of
Meetings Not
Required in Urgent
Cases

4.6.7 Section 10C of the Act

- (1) *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.*

Specifying
Grounds for
Closing Part of a
Meeting

4.6.8 Section 10D of the Act

- (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.

Public access to
correspondence
and reports

4.6.9 Section 11 of the Act

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

5 CONDUCT OF COUNCIL MEETINGS

5.1 Chair of Meetings of Council and Committees

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|---|--|
| Chair of Meetings of Council | <p>5.1.1 Section 369 of the Act</p> <p>(1) <i>The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.</i></p> <p>(2) <i>If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.</i></p> |
| Chair of Meetings of Committees | <p>5.1.2 The Chairperson of each Committee meeting must be:</p> <p>(a) the Mayor; or</p> <p>(b) if the Mayor does not wish to be the Chairperson of that Committee - a member of the Committee elected by Council; or</p> <p>(c) if Council does not elect such a member - a member of the Committee elected by the Committee.</p> <p>5.1.3 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.</p> <p>5.1.4 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.</p> |
| Election of Temporary Chairperson at Council and Committee Meetings | <p>5.1.5 Clause 236 of the Regulation</p> <p>(1) <i>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.</i></p> <p>(2) <i>The election must be conducted;</i></p> <p>(a) <i>by the General Manager or, in his or her absence, an employee of Council designated by the General Manager to conduct the election, or;</i></p> <p>(b) <i>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</i></p> |

or a person acting on his or her behalf.

- (3) *If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.*
- (4) *For the purposes of subclause (3), the person conducting the election must:*
 - (a) *arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and*
 - (b) *then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.*
- (5) *The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.*

5.2 Rights and Duties of the Chairperson of Meetings of Council and Committees

Chairperson to have precedence

5.2.1 Clause 237 of the Regulation

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.*

Chairperson's Duty With Respect to Motions

5.2.2 Clause 238 of the Regulation

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

5.2.3 The Chairperson may refuse to put motions and amendments which are not stated in clear terms.

5.3 Order of Business at Meetings of Council and Council Committees

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| Requirements for the Order of Business at Ordinary, Extraordinary and Committee Meetings | <p>5.3.1 Clause 239 of the Regulation</p> <p>(1) <i>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).</i></p> <p>(2) <i>The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.</i></p> <p>(3) <i>Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.</i></p> |
| Order of Business for Ordinary Meetings- | <p>5.3.2 The general order of business for Ordinary Meetings of Council will be:</p> <ul style="list-style-type: none"> (a) Opening Prayer (b) Acknowledgement of Country (c) Apologies/Requests for leave of absence (d) Report on Disclosure of Pecuniary and Non-Pecuniary Interests (e) Report on Proposed Inspections (f) Report on Proposed Briefings (g) Report of Address by Invited Speakers (h) Notice of Intention to Deal with Matters in Confidential Session (i) Confirmation of Ordinary Meeting Minutes (j) Confirmation of Extraordinary Meeting Minutes (k) Confirmation of Confidential Meeting Minutes (l) Business Arising out of the Minutes (m) Minutes of the Mayor (n) Committee Reports (o) Reports of Directors and General Manager (p) Reports of Delegates (q) Consideration and Adoption of Information Reports either individually or with nominated exceptions, or in total (r) Question of which due notice has been given (s) Answers to Questions without on Notice (t) Notices of Motion (u) Notices of Rescission (v) Motions of Urgency (w) Questions on Notice (x) Correspondence |

(y) Confidential Items

5.3.3 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.

Order of Business of Extraordinary Meetings - after a Local Government Election - fixed by this Code

5.3.4 The General Order of Business at the Extraordinary meeting of Council held after the ordinary election of Councillors for the election of the Mayor, will be:

- (a) Opening prayer
- (b) Acknowledgement of Country
- (c) Apologies
- (d) Consideration of the Policy relating to payment of fees and expenses and provision of facilities to Councillors
- (e) Determine method of voting to be used for election of the Mayor and Deputy Mayor
- (f) Election of Mayor
- (g) Election of Deputy Mayor
- (h) Determine Committees for the term of the Council
- (i) Election of Committee members for the term of
- (j) Election of Committee Deputy Chairpersons for the term of the Council if the Committees are established.
- (k) Determine delegation of Authorities to Committees for the term of Council
- (l) Election of Delegates and Representatives for the term of the Council.
- (m) Determination of Times and Dates of meetings for the term of the Council.
- (n) Consideration of the Code of Meeting Practice having regard to item (m) above.
- (o) Setting venue and date for the briefing of Councillors.

Order of Business of Extraordinary Meetings – Election of Mayor – other than the year of a Local Government Election

5.3.5 The General Order of Business 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, will be:

- (a) Opening prayer
- (b) Acknowledgement of Country
- (c) Apologies
- (d) Mayoral Report for past term
- (e) Determine the method of voting to be used for the election of Mayor and Deputy Mayor
- (f) Election of Mayor
- (g) Election of Deputy Mayor

5.4 Transaction of Business at Meetings of Council and Committees

Giving notice of business

5.4.1 Clause 241 of the Regulation

- (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 this Code; or*
 - (b) *unless a Councillor has given notice of the business in accordance with 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 this Code.*
- (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 236(1) of this Code;*
 - (c) *is a Mayoral minute;*
 - (d) *is a motion for the adoption of recommendations of a Committee.*
- (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.*
- (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.*

Business not to be transacted for reports on Inspections and Briefings

5.4.2 Business arising from reports on inspections and briefings must not be transacted unless there is a business item addressing a specific item elsewhere in the business paper of the meeting.

5.5 Motions and Resolutions of Council

Motions and Resolutions	5.5.1 A Council must resolve transactions by resolution of a vote by the majority.
	5.5.2 A motion put and seconded by Councillors must be debated and voted upon in accordance with this Code and the Act/Regulations.
	5.5.3 A motion must be seconded by another Councillor before debate can proceed.
	5.5.4 Motions may be made only in respect of an agenda item, by Notice of Motion, Mayoral minute or by Urgency so determined and resolved by the Council.
Motions to be Moved/Seconded	5.5.5 Clause 246 of the Regulation <i>A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5).</i>
	5.5.6 Despite the clause above, the chairperson may allow the mover of a motion to speak briefly before calling the motion to be seconded in order to indicate the general nature of the motion. <i>Note: Schedule 3 is a flowchart representing the progress of motions at a meeting.</i>
Secunder may reserve the right to speak.	5.5.7 The seconder of a motion or an amendment may reserve the right to speak later in the debate.
Debate of motion and amendment	5.5.8 It is permissible to debate the motion and an amendment concurrently.
Content of Amendment	5.5.9 An amendment is not allowed if it amounts to a direct negative which if carried would have the same effect as negating the motion.
	5.5.10 Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.
Withdrawal of Amendment	5.5.11 An amendment may be withdrawn or modified by the mover with the consent of the seconder.
Recording of Motions and Amendments	5.5.12 Motions and Amendments that are proposed but not seconded are not in order and are not entered in the minutes.
Further amendments	5.5.13 Clause 247 of the Regulation <i>If an amendment has been rejected, a further amendment</i>

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.

- 5.5.14 If several amendments are proposed, each should be moved, seconded, debated and voted upon prior to the next. Amendments should be debated in the order in which they were put to the meeting.
- Foreshadowed amendments 5.5.15 Members may notify the Chairperson (foreshadow) of their intention to move further amendments and the tenor of their content.
- 5.5.16 Foreshadowed amendments are not recorded in the minutes.

5.6 Mayoral Minutes

- Mayoral Minute entitlement 5.6.1 Clause 243 of the Regulation
- (1) *If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.*
- (2) *Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.*
- (3) *A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.*
- 5.6.2 It is considered better practice for the Mayoral Minute to be included as part of the Business Paper.
- Content of Mayoral Minutes 5.6.3 Mayoral Minutes should not be used to introduce, without notice, matters that need research or a lot of consideration by the Councillors.
- Mayoral Minute amendment by Councillors 5.6.4 Mayoral Minutes are able to be amended by the Mayor and Councillors. However, Councillors should avoid making changes which do not comply with clause above.

5.7 Notices of Motion and Notices of Motion to Rescind

Form of lodgement and content of notice of motion	5.7.1	Notices of Motion and Notices of Motion to Rescind, shall be lodged in writing with the Corporate Governance Unit by 9.30 am on the second Monday preceding a meeting.
General Manager may amend notice of motion	5.7.2	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 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.
Limitation on number of notices of motion	5.7.3	A Councillor must not have more than 3 notices of motion on the business paper at the same time.
Order of notices of motion	5.7.4	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.
Absence of mover - notice of motion	5.7.5	<p>Clause 245 of the Regulation</p> <p>(1) <i>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:</i></p> <p>(a) <i>any other Councillor may move the motion at the meeting; or</i></p> <p>(b) <i>the Chairperson may defer the motion until the next meeting of Council or Committee at which the motion can be considered.</i></p>
Adoption of unopposed notices of motion	5.7.6	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.
Speakers on Notices of Motion and Notices of Rescission are permitted	5.7.7	A speaker may address Council in relation to the notice of motion or the notice of motion to rescind subject to the prior approval of the Mayor in the first instance and ratified by the full Council.
	5.7.8	The speaker's time for address be limited to 5 minutes (unless Council extends) and question and answer session be limited to 10 minutes with a total limitation of time for the invited speaker to 15 minutes.

5.8 Rescinding or Altering Resolutions

Notice of Motion to Rescind	5.8.1 Section 372 of the Act	(1) <i>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 regulations made under section 360 and, if applicable, the council's code of meeting practice.</i>
Deferral of Actioning resolutions pending consideration of Rescission Motions	5.8.2 Section 372 of the Act	(2) <i>If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.</i>
	5.8.3 If notice of motion to rescind a resolution is given 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.	
Negatived motion not to be considered without due notice	5.8.4 Section 372 of the Act	(3) <i>If a motion has been negatived 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.</i>
Signature of 3 Councillors required if less than 3 months	5.8.5 Section 372 of the Act	(4) <i>A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.</i>
Subsequent negatived motions and subsequent negatived rescission motions not to be considered again within 3 months	5.8.6 Section 372 of the Act	(5) <i>If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as previously negatived motion, is negatived, 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.</i>
Motions to alter or rescind may be moved on reports of Committees	5.8.7 Section 372 of the Act	(6) <i>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.</i>

Not applicable to motions of adjournment	5.8.8	Section 372 of the Act <i>(7) The provisions of this clause concerning negatived motions do not apply to motions of adjournment.</i>
When motions to alter or rescind are considered	5.8.9	All Notices of Motion to rescind a resolution are to be determined at the next scheduled ordinary meeting of the Council. In the event the Mayor is of the opinion that the rescission motion needs to be dealt with more urgently, then the provisions of this code apply.

5.9 Rules of Debate

Irrelevant Speech	5.9.1	In speaking to any motion or amendment Councillors are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the chairperson's ruling is final and not open to challenge.
Debate	5.9.2	Clause 250 of the Regulation
Right of Reply	(1)	<i>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'.</i>
Right to Speak	(2)	<i>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.</i>
	(3)	<i>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.</i>
Putting the amendment and motion	(4)	<i>Despite Subclause (1) a Councillor may move that a motion or an amendment be now put:</i> <i>(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</i>

(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.*

Order of Speech	5.9.3	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.
Explanation of previous speech	5.9.4	With the permission of the Chairperson explanation of some material part of a previous speech in the same debate may be given by a councillor who has already spoken, but no new matter may be introduced.
Interruption of Speaker	5.9.5	A speaker will not be interrupted except on a point of order.
	5.9.6	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.
Mode of Address	5.9.7	A Councillor may, when in a Council or Committee meeting, address or refer to other Councillors by their official designations (ie Mayor, Chairperson or Councillor, as the case may be) or by their first name or surname (ie Mayor Bob or Mayor Graham).
	5.9.8	At Meetings of the Council, Councillors, may choose to: <ul style="list-style-type: none"> (a) sit or stand when speaking. (b) read from notes when speaking

NOTE: When speaking, Councillors should first indicate whether they are asking questions or speaking to a motion or amendment.

- Motions of Dissent
- 5.9.9 Clause 248 of the Regulation
- (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) *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.*
 - (3) *Despite clause 34 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.*
- 5.9.10 If the voting on a motion of dissent is equal the Chairperson may exercise a casting vote.
- 5.9.11 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)".
- Motions on Adjournment
- 5.9.12 A motion for adjournment of a Council or Committee meeting must be seconded.
- 5.9.13 Discussion will not be permitted on any motion for adjournment of the Council or a Committee meeting.
- 5.9.14 If a motion to adjourn is negated the business of the meeting shall proceed and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- 5.9.15 A motion for adjournment may specify the time, date and place of the adjourned meeting. However, if a motion for adjournment does not specify those matters, the Chairperson, in consultation with the general manager, shall make a make a determination those matters.

5.10 Voting

- Voting Entitlements of Councillors
- 5.10.1 Section 370 of the Act
- (1) *Each Councillor is entitled to one vote at a Council meeting.*
- 5.10.2 Each Councillor who is the member of the Committee is entitled to one vote at a Committee meeting.
- Casting Vote
- 5.10.3 Section 370 of the Act
- (2) *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*
- 5.10.4 Before a Chairperson exercises a casting vote, they must have exercised their vote in their own right.
- Voting at Council or Committee meetings
- 5.10.5 A Councillor who is absent from the Meeting room when a vote on a motion is put to the meeting is not counted as having cast a vote. This includes absences due to declaration of interest.
- 5.10.6 Clause 251 of the Regulations
- (1) *A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.*
- (2) *If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.*
- (3) *The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.*
- (4) *When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.*
- (5) *Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.*

Note. Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that **ballot** has its normal meaning of secret ballot.

5.10.7 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.

Voting on
Planning Decisions

5.10.8 Section 375 A of the Act

(2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

(3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

(4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.

(5) This section extends to a meeting that is closed to the public.

Decisions of the
Council

5.10.9 Section 371 of the Act

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.

5.10.10 Section 374 of the Act

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 with section 451, or*

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

Right to demand a division	5.10.11 Clause 251(3) of the Regulation (3) <i>The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.</i>
Motion to Recommit	5.10.12 If prior to the completion of a meeting, a councillor considers that a decision made earlier is lacking in judgement or precision or any relevant consideration has been overlooked, the councillor may at any time seek leave from the chairperson to move a motion to recommit the item. 5.10.13 If the motion to recommit is carried, the item shall be reconsidered.
Actioning the Decisions of Council	5.10.14 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.

5.11 Disclosure of Pecuniary and Non- Pecuniary Interests

Pecuniary Interest	5.11.1 Section 448 of the Act (1) <i>For the purposes of this Chapter, a "pecuniary interest" is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.</i> (2) <i>A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.</i>
Councillor responsibility to disclose Pecuniary Interest	5.11.2 Section 451 of the Act (1) <i>A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.</i> (2) <i>The councillor or member must not be present at, or in sight of, the meeting of the council or committee:</i> <i>(a) at any time during which the matter is being</i>

considered or discussed by the council or committee, or

(b) at any time during which the council or committee is voting on any question in relation to the matter.

(3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.

Note: The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.

Knowledge of
Pecuniary Interest

5.11.3 Section 457 of the Act

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

Disclosure by
Advisor

5.11.4 Section 456 of the Act

(1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.

(2) The person is not required to disclose the person's interest as an adviser.

Non-Pecuniary
Interest

5.11.5 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.

5.11.6 Declaration of interest forms must include reasons for declaring significant and insignificant declarations.

5.11.7 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.

5.11.8 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

5.11.9 Section 453 of the Act

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

5.12 Letters, Submissions or Petitions

Presentation of Letters, Submissions or Petitions

5.12.1 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.

5.12.2 Any petition presented to the council or its committees must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive language or include statements made with malice.

5.12.3 Any Councillor who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and advising the number of signatories attached to it.

5.13 Confidential Session of Council or Committee

Provisions of Code also apply to Confidential session

5.13.1 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.

Making resolution of confidential session public

5.13.2 Clause 253 of the Regulation

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

How confidential session resolutions are reported

5.13.3 It is not necessary to report the proceedings in full but any recommendations of the Confidential Session must be reported.

5.13.4 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.

5.13.5 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.

5.14 Questions

- | | |
|--|---|
| Questions to staff and employees | <p>5.14.1 Clause 249 of the Regulation</p> <p>(1) <i>A councillor:</i></p> <p style="padding-left: 20px;">(a) <i>may, through the chairperson, put a question to another councillor, and</i></p> <p style="padding-left: 20px;">(b) <i>may, through the general manager, put a question to a council employee.</i></p> <p>(2) <i>However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.</i></p> <p>(3) <i>The councillor must put every such question directly, succinctly and without argument.</i></p> <p>(4) <i>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.</i></p> |
| Questions on Notice | <p>5.14.2 A Councillor may ask two Questions On Notice at an ordinary meeting of Council. A written 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.</p> |
| Reasonable notice of Question on Notice | <p>5.14.3 A Councillor or a Council employee to whom a question is put is entitled to be given reasonable notice of the question (i.e. a Question (given) On Notice) and, in particular, sufficient notice to enable reference to be made to other persons or to documents before answering the question.</p> |
| Content of Question on Notice | <p>5.14.4 An individual Councillor may not request a staff report. Staff reports to Council may only be generated by way of a Council resolution.</p> |
| Chairperson authority – Question on Notice | <p>5.14.5 A Councillor must put every such question directly, succinctly and without argument.</p> <p>5.14.6 The Chairperson must not permit discussion (debate) on any reply or refusal to reply to a Question on Notice put to a Councillor or Council employee.</p> <p>5.14.7 A Question On Notice will not be accepted, if in the opinion of the Chairperson, it would:</p> <p style="padding-left: 20px;">(a) normally require the presentation of a report after</p> |

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.

5.14.8 Those questions not accepted, may later be put forward as a Notice of Motion in accordance with this code.

5.14.9 The Chairperson shall determine if a Question is to be accepted by 5.00pm on the day following the meeting at which the Question on Notice was put.

Responses to Questions on Notice

5.14.10 The form of responses to Questions is at the discretion of the person answering the question and may be by way of an answer or a comprehensive report to Council.

5.14.11 Where a comprehensive report is not provided in answer to a Question on Notice, the answer cannot be the subject of debate at that meeting. Any motion concerning this answer must be given due notice in accordance with the provisions of Clause 241(1) of the Regulation 2005.

5.14.12 Where a comprehensive report is provided as an answer to a Question on Notice it may be the subject of debate and a motion may be brought forward as long as it directly relates to the question and the report in response.

5.14.13 Responses to a Question On Notice should be directed to the Councillor at a future ordinary meeting of Council held on the second or fourth Wednesday of the month.

Questions on Notice to be recorded in Minutes

5.14.14 Questions asked at meetings will be recorded in the minutes of that meeting.

5.15 Information Reports

Information Reports Procedure

5.15.1 The recommendations of information reports are, so far as adopted by Council, resolutions of Council.

5.15.2 Information Reports may be considered by Council either:

- Individually
- By nominated exception
- or in total

5.15.3 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 total.
- 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 in total the following resolution will be made:

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

Invited Speakers

5.15.4 Any person may address the Council in accordance with procedures that the Council may determine.

5.15.5 An invited speaker must not, without the consent of Council, speak for longer than five minutes. However,

questions to speakers are allowed to clarify the position of the speaker or statements made. Questions to speakers are to be shared by Councillors in order to ensure equity. Each Councillor is allowed one question until all of the Councillor questions have been exhausted or the time limit expires.

- 5.15.6 The total time allowed for speakers, including extensions of speaking time and Councillor questions, is limited to 30 minutes. The Chairperson has the ultimate discretion to decide on any issues regarding speakers and questions.

6 KEEPING ORDER AT MEETINGS

6.1 Responsibility and Authority for Keeping Order at Meetings

- Chairperson keeps order
- 6.1.1 The Chairperson has both the responsibility and authority to ensure order at meetings.
- 6.1.2 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.
- 6.1.3 Clause 255 of the Regulation
- (1) *The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.*
- (2) *A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.*
- (3) *The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.*
- (4) *The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.*

6.2 Points or Questions of Order

- Examples of Points or Questions of Order
- 6.2.1 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 Council's 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

6.2.2 Examples which are NOT points of order are:

- (a) disagree with the opinion of another Councillor
- (b) disagreeing with a ruling by the Chair

6.3 Acts of Disorder

Examples of Acts of Disorder (the Act)

6.3.1 Clause 256 of the Regulation

(1) *A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:*

- (a) *contravenes the Act or any regulation in force under the Act, or*
- (b) *assaults or threatens to assault another councillor or person present at the meeting, or*

(c) *moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or*

(d) *insults or makes personal reflections on or imputes improper motives to any other councillor, or*

(e) *says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.*

6.3.2 In accordance with Clause 256 (1)(a) of the Regulation a Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee displays conduct as described in Schedule 6A of the Act.

6.3.3 Schedule 6A of the Act

1 *Conduct that contravenes all or specified provisions of this Act or the regulations in all or specified circumstances; or*

- 2 *Conduct that is detrimental to the pursuit of the charter of a Council; or*
- 3 *Improper or unethical conduct; or*
- 4 *Abuse of power and other misconduct; or*
- 5 *Action causing, comprising or involving any of the following:*
 - (a) *intimidation, harassment or verbal abuse*
 - (b) *discrimination, disadvantage or adverse treatment in relation to employment*
 - (c) *prejudice in the provision of a service to the community*
- 6 *Conduct of a Councillor causing, comprising or involving any of the following:*
 - (a) *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*
 - (b) *an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council*

Examples of Acts of Disorder – this Code

6.3.4 Further examples of Acts of Disorder are:

- (a) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee 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.

Acts of Disorder at Committee meetings

6.3.5 The provisions of section apply to meetings of committees of the council in the same way as they apply to meetings of the council, in accordance with 270 of the Regulation.

6.4 Dealing with Disorder

How Chairperson may deal with disorder

6.4.1 Clause 256 of the Regulation

- (2) *The chairperson may require a councillor:*
 - (a) *to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or*
 - (b) *to withdraw a motion or an amendment referred to in subclause (1) (c) and, where*

appropriate, to apologise without reservation, or

- (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).*

Note : Subclause (1) Examples of Acts of Disorder earlier in this Code.

- 6.4.2 The chairperson may also require a councillor to cease the action ruled to be an act of disorder.
- How the Council may deal with disorder
- 6.4.3 Clause 256 of the Regulation
- (3) A councillor may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.*
- 6.4.4 No authority to expel a person is granted to the chairperson and it shall be necessary for the Council or Committee to decide if that person is to be expelled.
- Adjournment as a result of Disorder
- 6.4.5 Clause 257 of the Regulation
- (1) 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.*
- Council may expel a member of the Public for disorderly conduct
- 6.4.6 Clause 257 of the Regulation
- (2) 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.*
- Provisions regarding disorder are also applicable at Committee
- 6.4.7 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they

meetings

apply to meetings of the council.

6.5 Maintenance of Public Order at Meetings

Chairperson authority regarding public disorder

6.5.1 The chairperson presiding at any meeting of the Council or Committee may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.

Examples of public disorder

6.5.2 Behaviour likely to prejudice orderly conduct includes:

- the person being dressed to a standard that is inappropriate for the meeting
- the display any sign at a meeting (including clothing) which, in the opinion of the chairperson, appears to attempt to influence any decision to be made at any meeting or makes comment on any Council matter
- the use of any electronic device including mobile phones, computers and recording devices
- attempting to address the meeting without permission
- verbal or physical action disrupting the conduct of the meeting.

6.6 Power to Remove Persons from Meeting after Expulsion

Power to remove Councillor or other person as a result of Council Resolution

6.6.1 Clause 258 of the Regulation

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.

- 6.6.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.
- 6.6.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

7 MINUTES

7.1 Minutes

Accurate Minutes of Council and Committees are to be taken and signed

7.1.1 Section 375 of the Act

(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.*

7.1.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.

7.1.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Matters to be recorded in Minutes

7.1.4 The General Manager must ensure that the minutes of Council meetings record:

Record	Provision
Details of each motion moved at a council meeting and of any amendments moved to it.	Clause 254 (a) of the Regulation
The names of the mover and seconder of the motion or amendment.	Clause 254 (b) of the Regulation

Whether the motion or amendment is passed or lost.	Clause 254 (c) of the Regulation
A disclosure of interest made at a meeting of a council or council committee.	Section 453 of the Act
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 Regulation
When a division on a motion is demanded, the names of those who vote for the motion.	Clause 251(4) of the Regulation
A councillor's dissenting vote if requested by that Councillor.	Clause 251(2) of the Regulation
Report by the General Manager on the proceedings of the confidential session.	This Code
Planning decisions - Whenever Council approves a development application contrary to the advice of staff, the resolution of approval must include a statement of dissent to place on the public record its reasons for departing from the staff advice.	This Code
Planning Decisions The names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.	375A of the Act
Resolutions to Recommit - the original resolution of the item - the resolution to recommit the item - the final resolution for the item (in the same section of the minutes regardless of where in the meeting they individually occurred.	This Code
The date, time and venue of the meeting. Names of the members present Apologies tendered and accepted Arrival and departure times of members The names and speaking periods of invited speakers.	This Code

Questions on Notice	This Code
Amendments not seconded are out of order and not required to be recorded in the minutes. Foreshadowed amendments are not required to be recorded in the minutes.	This Code

Minutes of Committees

7.1.5 The General Manager must ensure that the minutes of Committee meetings of which all members are Councillors record all of the items in the above Clause as well as:

- (a) the recommendations of the staff.
- (b) recommendations of the Committee that are to be submitted to Council.
- (c) resolutions of the Committee made under delegated authority.

Alteration of Minutes

7.1.6 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.

Format and Signature of Minutes

7.1.7 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.

7.1.8 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"

7.1.9 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 his/her delegate 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).

Inspection of Original Minutes

7.1.10 Clause 272 of the Regulation

(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.

7.1.11 Copies of Minutes of the Council and Committees will be available on the website of the Council as part of the business paper for the subsequent meeting.

7.2 Business Arising from Minutes

Business Arising from minutes

7.2.1 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.

8 COMMITTEES

8.1 Committees of Council

Council May Appoint and Dissolve Committees

8.1.1 Section 375 of the Act

(1) A council may, by resolution, establish such

committees as it considers necessary.

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

Functions of
Committees

8.1.2 Clause 261 of the Regulation

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

8.1.3 A Committee cannot act outside the extent of the functions granted by Council as specified in the adopted Charter for that Committee.

8.1.4 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. (in accordance with Section 49(6) of the NSW Interpretation Act 1987)

Absence from
Committee Meetings

8.1.5

(1) A member (other than the Mayor) ceases to be a member of a committee if the member:

- (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

(2) Subclause (1) does not apply in respect of a committee that consists of all of the members of the council.

Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act

8.1.6 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.

Procedure in
Committees

8.1.7 Clause 265 of the Regulation

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

8.1.8 The provisions of this Code shall apply to all Committees of Council unless otherwise specified in its Charter.

Committees Reporting
to Council

8.1.9

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

9 MISCELLANEOUS

9.1 Matters not covered by this Code

- 9.1.1 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.

9.2 Non – Official Recording of meeting of council or committee

Electronic recording of meetings of council or committee prohibited without permission

9.2.1 Clause 273 of the Regulation

- (1) *A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.*
- (2) *A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.*
- (3) *If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.*

- (3) *In this clause, "tape recorder" includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.*

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

9.3 Official Audio Recording of Council and Committee Meetings

Recording of Meetings by Council secretariat staff

9.3.1 Meetings of Council and Committees, may be audio recorded by the Council.

Purpose of recordings of meetings

9.3.2 The purpose of Audio recording meetings of Council and Committees is to ensure the accurate compilation of Minutes of those meetings and to verify their accuracy upon confirmation of those Minutes.

Participants not protected by privilege

9.3.3 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 defamation. For this reason, access by members of the public to audio recordings of meetings is subject to determination by the Public Officer in accordance with section 12 of the Local Government Act 1993.

Notice to speakers and meeting attendees regarding official recordings of meetings

9.3.4 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 the audio recording is generally available to the public under section 12 of the Local Government Act 1993.

9.3.5 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.

Access to Official Recordings of Council and Committee meetings

9.3.6 Access to audio recordings (or requests for transcripts) by Councillors and members of the Public will be determined by the Public Officer in accordance with section 12 of the Local Government Act 1993 and WSC policy for Access to Audio Recordings of Council and Committee meetings.

Destruction of recordings

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

9.4 Council Seal

Use of Council seal

9.4.1 Clause 400 of the Regulation

(4) *The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.*

(5) *For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.*

10

ALPHABETICAL INDEX

A

Absence from Committee Meetings	57
Absence of a quorum	19
Absence of mover - notice of motion.....	34
Access and Availability of Agendas and Business Papers	17
Access to Agendas and Business Papers	18
Access to Official Recordings of Council and Committee meetings	60
Accurate Minutes of Council and Committees are to be taken and signed.....	53
Actioning the Decisions of Council	42
Acts of Disorder	49
Acts of Disorder at Committee meetings.....	50
Adjournment as a result of Disorder.....	51
Adoption of Minutes.....	57
Adoption of unopposed notices of motion	35
Agendas and Business Papers for Council and Committee Meetings	13
Agendas and Business Papers for Extraordinary Meetings	17
Alteration of Minutes.....	55
Amendment to the Code	7
Attendance and Exclusion from Council and Committee Meetings.....	21
Attendance and Participation of General Manager at Council or Committee Meetings.....	21
Attendance of the General Manager	21
Attendance of the Public	21
Availability of Items on Agenda.....	16

B

Business Arising from minutes.....	57
Business not to be transacted for reports on Inspections and Briefings.....	31

C

Casting Vote	39
Chair of Meetings of Committees.....	27
Chair of Meetings of Council	27
Chair of Meetings of Council and Committees.....	27
Chairperson authority – Question on Notice	45
Chairperson authority regarding public disorder	52
Chairperson keeps order.....	48
Chairperson to have precedence	28
Chairperson's Duty With Respect to Motions.....	28
Citation	6
Closure of Parts of Meetings – Further Limitations.....	23
Commercial or other access to Agendas and Business Papers	18
Committees of Council	57
Committees Reporting to Council	58
Community groups access to Agendas and Business Papers	19
Confidential information not to be disclosed	15
Confidential Matters.....	15
Confidential matters circulated separately	15
Confidential matters referred to in business paper	15
Confidential Session of Council or Committee	44
Content.....	13
Content of Amendment.....	32
Content of Mayoral Minutes.....	34
Content of Question on Notice	45
Convening of Extraordinary Meetings	11

Convening of Extraordinary Meetings for the Election of Mayor.....	12
Convening of Extraordinary Meetings of the Election of Deputy Mayor	12
Convening of Meetings	11
Council May Appoint and Dissolve Committees.....	57
Council may expel a member of the Public for disorderly conduct	51
Council Seal	61
Councillor request for EP&A Act Part 4 Application	16
Councillor Requests for reports	16
Councillor responsibility to disclose Pecuniary Interest	42
D	
Dealing with Disorder	51
Debate	37
Debate of motion and amendment	32
Decisions of the Council	41
Deferral of Actioning resolutions pending consideration of Rescission Motions	35
Definitions	7
Departure from meetings	20
Destruction of recordings	61
Disclosure and misuse of information	15
Disclosure by Advisor	43
Disclosure of Pecuniary and Non- Pecuniary Interests	42
Disclosures to be recorded	43
E	
Election of Temporary Chairperson at Council and Committee Meetings.....	27
Electronic recording of meetings of council or committee prohibited without permission	59
Entitlement to Attend Committee Meetings.....	20
Examples of Acts of Disorder – this Code	50
Examples of Acts of Disorder (the Act)	49
Examples of Points or Questions of Order	49
Examples of public disorder.....	52
Exclusion of the Public	22
Explanation of previous speech	38
F	
Foreshadowed amendments	33
Form of lodgement and content of notice of motion.....	34
Format and Signature of Minutes	55
Frequency of Ordinary Meetings of Council and Committees.....	10
Functions of Committees	57
Further amendments	33
G	
General Manager may amend notice of motion.....	34
General Manger’s authority for staff reports and recommendations	14
Giving notice of business.....	31
H	
How Chairperson may deal with disorder.....	51
How confidential session resolutions are reported.....	44
How the Council may deal with disorder	51
I	
Identification and numbering of staff reports.....	14
Information Reports.....	46
Information Reports Procedure	46

Inspection of Original Minutes	56
Interruption of Speaker.....	38
Invited Speakers.....	48
Irrelevant Speech	37
Items unavailable to certain Councillors	16
K	
Knowledge of Pecuniary Interest	43
L	
Late Reports.....	16
Leave of absence	20
Legislation.....	9
Letters, Submissions or Petitions	44
Limitation on number of notices of motion.....	34
M	
Maintenance of Public Order at Meetings.....	52
Making of this Code	6
Making resolution of confidential session public	44
Matters not covered by this Code	59
Matters to be recorded in Minutes.....	54
Mayor member of each Committee.....	21
Mayoral Minute amendment by Councillors	34
Mayoral Minute entitlement	33
Mayoral Minutes.....	33
Media access to Agendas and Business Papers	18
Minutes.....	53
Minutes of Committees	55
Mode of Address	38
Motion to Recommit	42
Motions and Resolutions	32
Motions of Dissent.....	38
Motions on Adjournment	39
Motions to alter or rescind may be moved on reports of Committees	36
Motions to be Moved/Seconded.....	32
N	
Negatived motion not to be considered without due notice	36
Non – Official Recording of meeting of council or committee	59
Non member Councillor attendance at Committee meeting	21
Non-Pecuniary Interest.....	43
Not applicable to motions of adjournment	36
Notice of Closure of Parts of Meetings Not Required in Urgent Cases	24
Notice of meeting to Councillors.....	10
Notice of Meetings	10
Notice of Meetings to the Public	10
Notice of Motion to Rescind.....	35
Notice to speakers and meeting attendees regarding official recordings of meetings.....	60
Notices of Motion and Notices of Motion to Rescind	34
Notices of Motion not permitted on Agendas and Business Papers for Extraordinary Meetings.....	17
O	
Objectives	6
Official Audio Recording of Council and Committee Meetings	60
Order of Business for Ordinary Meetings Fixed by this Code	29
Order of Business of Extraordinary Meetings - after the Local Government Election - fixed by this Code	

.....	30
Order of Business of Extraordinary Meetings – Election of Mayor – other than the year of a Local Government Election	30
Order of notices of motion	34
Order of Speech.....	38
Other Definitions	9
P	
Participants not protected by privilege.....	60
Pecuniary Interest	42
Points or Questions of Order	49
Power to remove Councillor or other person as a result of Council Resolution	52
Power to Remove Persons from Meeting after Expulsion.....	52
Presence and Departure at Council and Committee Meetings.....	20
Presence at meetings.....	20
Presentation of Letters, Submissions or Petitions	44
Procedure in Committees	58
Provisions of Code also apply to Confidential session.....	44
Provisions regarding disorder are also applicable at Committee meetings.....	52
Public access to correspondence and reports	25
Purpose of recordings of meetings.....	60
Putting the amendment and motion	37
Q	
Questions.....	45
Questions on Notice	45
Questions on Notice to be recorded in Minutes	46
Questions to staff and employees	45
Quorum	19
R	
Reasonable notice of Question on Notice	45
Recommendations for staff reports	14
Recording of Meetings by Council secretariat staff	60
Recording of Motions and Amendments.....	33
References to Act and Regulation	9
Removal of items from the agenda	16
Representations by members of the Public – Closure of part of meeting	23
Requirements for the Order of Business at Ordinary, Extraordinary and Committee Meetings	29
Rescinding or Altering Resolutions.....	35
Responses to Questions on Notice.....	46
Responsibility and Authority for Keeping Order at Meetings.....	48
Right of Reply	37
Right to demand a division.....	41
Right to Speak	37
Rights and Duties of the Chairperson of Meetings of Council and Committees	28
Rules of Debate	37
S	
Scope.....	6
Scope and Objectives	6
Seating in the Chamber	20
Secunder may reserve the right to speak	32
Signature of 3 Councillors required if less than 3 months.....	36
Speakers on Notices of Motion and Notices of Rescission are permitted	35
Specifying Grounds for Closing Part of a Meeting.....	25
Staff Reports and Recommendations	14

Subsequent negatived motions and subsequent negatived rescission motions not to be considered again within 3 months 36

T

Transaction of Business at Meetings of Council and Committees 31

U

Use of Council seal 61

V

Voting 39

Voting at Council or Committee meetings 40

Voting Entitlements of Councillors 39

Voting on Planning Decisions 41

W

Web Access to Agendas and Business Papers 18

When motions to alter or rescind are considered 37

Withdrawal of Amendment 33

AMENDMENTS

11.1 Schedule 1

CODE OF MEETING PRACTICE

Adoption	Pages Amended	Date
Adopted Code	NA	September 2003
Subsequent Amendment		
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
Updated changes as per Council Report 309 25 July 2007 which included: Election of Mayor – Calling of Extraordinary Meeting How Subsequent Amendments May be Moved	14 and 32	1 August 2007
Updated changes as per Rescission Motion 373 12 September 2007 which included: How Subsequent Amendments may be Moved. Election of Mayor – Calling of Extraordinary Meeting Speakers on Notice of Motion and Rescission Motions	14 and 32	12 September 2007
Updated changes as per Council Report 050 resolution of 13 February 2008 under Clause 22 Order of Business for Notices of Motion, Notices of Rescission and Motions of Urgency	26 and 27	12 March 2008
Various Amendments at request of Councillors	All pages	9 March 2011
Entire document review in conjunction with Department of Local Government Meetings Practice Note No 16 August 2009	All Pages	9 March 2011
Updated changes as per Mayoral Minute 2.1 resolution of 23 November 2011 under Clause 2.1 Notice of Meetings	11	23 November 2011
PROPOSED Various amendments including re-ordering of Chapter 5.	All pages	14 November 2012

11.2 Schedule 2

Matter – Section 10A	Restriction – Section 10B
(2)(a) personnel matters concerning particular individuals	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(b) personal hardship of any resident or ratepayer	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of council, or	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(d) commercial information of a confidential nature that would, if disclosed: (iii) reveal a trade secret	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(e) information that would, if disclosed, prejudice the maintenance of law.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*

Matter – Section 10A	Restriction – Section 10B
(2)(f) matters affecting the security of the council, councillors, council staff or council property	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.* and (2) advice must concern legal matters that: (a) are substantial issues relating to a matter in which the council is involved (b) are clearly identified in the advice, and (c) are fully discussed in that advice
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(3) so much of its meeting as comprises a motion to close another part of the meeting.	(3) must not include any consideration of the matter or information to be discussed

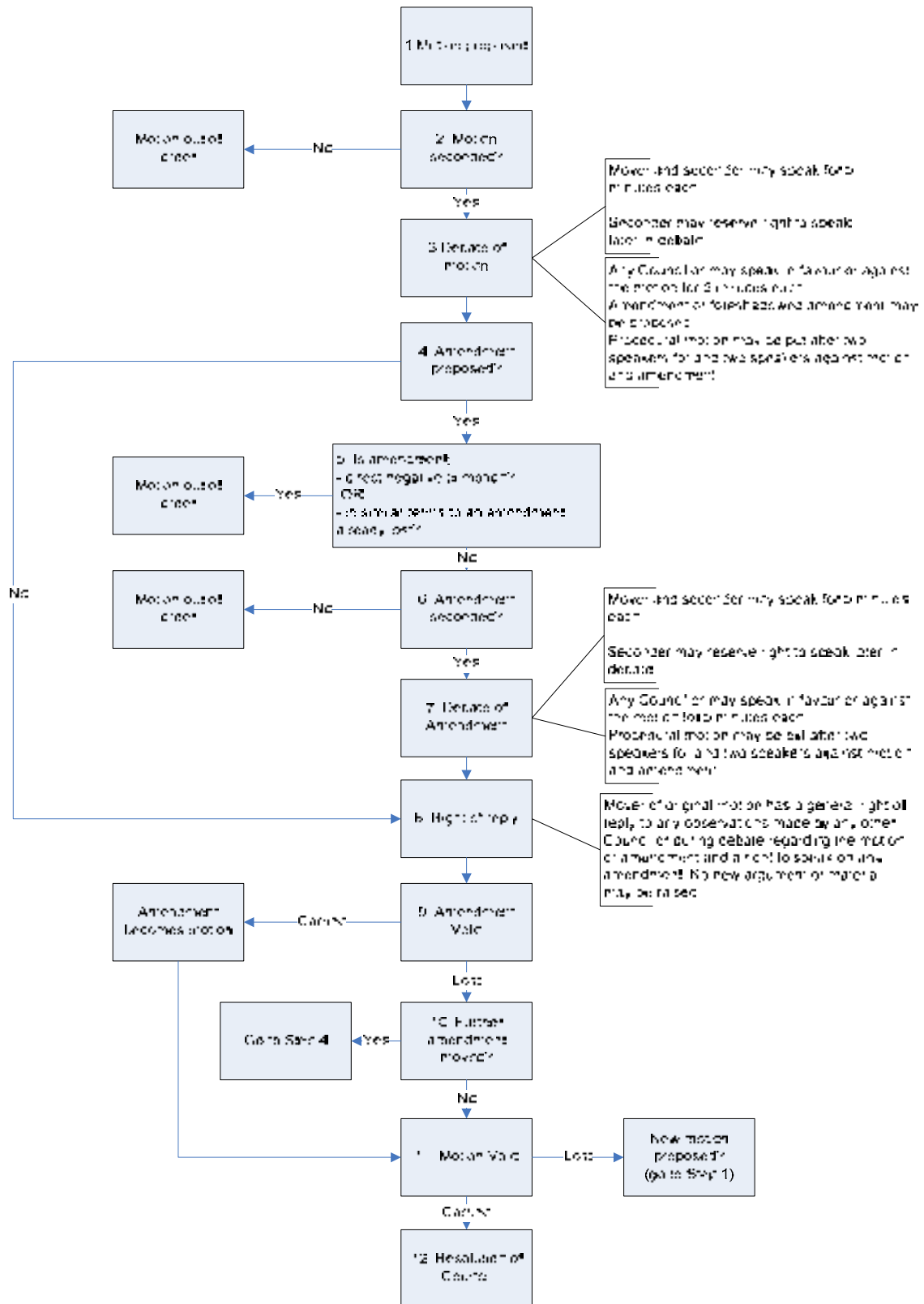
* Determining Public Interest

When determining whether it would be in the public interest to close part of a meeting it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion,
- (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.

11.3 Schedule 3

Motions and Amendments



No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
1.	Development and Building Department	Jamie Loader	7.1 Notice of Motion - Housing Jump Start <i>That Council <u>direct</u> the General Manager to report to Council on the benefits and disbenefits of a short term moratorium on Development Application fees, Construction Certificate fees and Complying Development fees for single detached housing and additions only.</i>	27 June 2012 Crs Eaton/Graham	F2008/02302 Discussed with the Mayor, advised not a priority. Report to be submitted to a meeting in April 2013.
2.	General Manager's Unit	Brian Glendenning	Q29/12 - General Store Compliance <i>"I have received numerous representations with regard to the ongoing issue of compliance of a general store in Norah Head that now seats some 50-60 patrons "The General Store" can be booked online for functions or private gatherings, could you please outline how this activity has been able to be approved in a residential area under the guise of a general store? As this matter has been ongoing for some 6 months your response would be appreciated at your earliest convenience to assist those in question."</i>	25 July 2012 Cr Best	A confidential report to be submitted to the 25 February 2013 Ordinary Council meeting.
3.	Land Management Department	Brett Phillips	8.2 Notice of Motion - Re-evaluation of Strategic Direction in Shire's North 117/12 <i>That Council <u>note</u> the significant contribution our Community Precinct Committees make as a conduit between Council and the local community.</i> 1/12 <i>That Council, as an advocate on behalf of the local community of our Shire's north, <u>request</u> the General Manager to seek timely responses to the key issues contained in the attached joint Precinct Committee submission.</i> 2/12 <i>That Council <u>request</u> the General Manager to call for a meeting of key stake holders, Community, Government, land owners and relevant Departments, to discuss the strategic future of this massive 780</i>	8 August 2012 Cr's Best/Eaton	A meeting has been convened for 2nd April 2013 to discuss this matter. Meeting delayed because of the Christmas Break and the limited time available to Local Members of Parliament due to sitting days early in new year. Local State Members, Mr Webber, Member for Wyong and Mr Edwards, Member for Swansea sent a letter inviting them to attend (D03198990). Discussions held with Councillor Best and he has been advised of direction. Precinct committees advised that environmental issues and Delta land would be addressed at this meeting. Mannering Park Precinct Committee advised of meeting requesting that they consult with the other 5 community

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>hectare site (Delta Electricity power stations and associated lands) that has the potential to profoundly impact Council's developed northern regions strategic plan / LEP.</i></p> <p>3/12 <i>That Council <u>request</u> the General Manager to also seek direction from stakeholders on issues around site contamination and environmental assets with a prospect of rehabilitation such as Lake Colongra and various former natural overland flow paths.</i></p> <p>4/12 <i>That Council <u>request</u> the General Manager to reiterate to the relevant agencies the matters with regard to community elements of the Delta site contained in Item 2.1 Mayoral Minute - Proposed Transfer of Delta Electricity Land to Council for continued operation of the Extreme Sports Park, Koala Park and Camp Breakaway at San Remo adopted by Council on 23 May 2012.</i></p>		<p>groups who were also involved in the submission and that they select a maximum of two representatives to attend the meeting on behalf of the community associations. See letter 26th November 2012 D03198990. Garry McLachlan</p>
4.	Infrastructure and Operations Department	David Witherdin	<p>8.4 Notice of Motion - Wyong Shire Community Purchasing Scheme</p> <p>8/12 <i>That Council <u>note</u> with concern the significant socio-economic disadvantage this community faces, that was highlighted in the recent national census.</i></p> <p>9/12 <i>That Council <u>request</u> the General Manager to seek to assist its community through broadening Council service delivery, with the implementation of a group/collective purchasing of services scheme.</i></p> <p>10/12 <i>That, subject to resolution 4, Council <u>request</u> the General Manager to trial the</i></p>	8 August 2012 Crs Best/Eaton	Investigations will take place and response will be submitted to a future meeting of Council.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Asked/	Status
			<p>scheme in the area of energy purchase in response to the escalating price of power, partially due to the carbon tax and in light of other highly successful energy purchase schemes run by various media outlets.</p> <p>11/12 That Council <u>direct</u> the General Manager to provide an indicative and conceptual report which outlines benefits, structural issues, resources, and possible revenues that may result in the scheme becoming cost neutral.</p> <p>12/12 That Council <u>request</u> the General Manager to consult with its Community Precinct Committees to evaluate the interest of any proposed system.</p>			
5.	Development and Building Department	Rob Fulcher	<p>7.2 Notice of Motion - Sea Level Rise Removal</p> <p>1 That Council <u>acknowledge</u> that the 2009 NSW Sea Level Rise Policy Statement is no longer NSW Government Policy.</p> <p>2 That Council <u>acknowledge</u> the recommendation of the NSW State Government to consider an interim policy arrangement prior to the formal adoption of sea level rise projections.</p> <p>3 That Council <u>resolve</u> that its sea level rise interim policy consist of compliance with the 1% AEP flood level and 500mm freeboard allowance.</p> <p>4 That Council <u>request</u> the State Government to refer back to Council the adopted Wyong Shire Coastal Zone Management Plan for Council's review.</p> <p>5 That the General Manager <u>provide</u> an urgent briefing to Council on the implications of the</p>	10 October 2012 Councillors Nayna & Taylor		<p>Resolutions 3, 7, 8 and 9 now complete.</p> <p>Resolutions 4, 5 & 6 assigned to Martin Johnson in Land Management to complete – currently awaiting response.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Asked/	Status
			<p><i>State Government's recent coastal reforms.</i></p> <p>6 <i>That the General Manager <u>report back</u> to Council on a program, cost estimate and timeframe for the review of current adopted Council policies that incorporate provisions in respect of sea level rise, including the adopted Wyong Shire Coastal Zone Management Plan.</i></p> <p>7 <i>In circumstances where existing Government legislation or policy conflicts with Council's policy in No 3 above, the General Manager ensure that the matter is brought to Council for determination.</i></p> <p>8 <i>That Council <u>write</u> to all holders of existing DA's that have time limited consents due to sea level rise issues and advise of the change in Council policies and invite them to submit Section 96 applications to remove the time limit from their consents.</i></p> <p>9 <i>That Council <u>waive</u> all fees associated with any such Section 96 applications.</i></p>			
6.	General Manager's Unit	Lesley Crawley	<p>7.3 Notice of Motion - Council Review the NSW Electoral Commission's Management of our 2012 Wyong Shire Elections</p> <p>1 <i>That Council <u>note</u> the 2012 Wyong Local Government Election was managed, conducted and audited by the NSW Electoral Commission, costing our ratepayers a total of \$750,000 to our ratepayers.</i></p> <p>2 <i>That Council <u>conduct</u> a review of the conduct of the 2012 Wyong Shire Election by the NSW Electoral Commission (NSWEC).</i></p> <p>3 <i>That Council <u>include</u> in the review the following matters:</i></p> <p>(a) <i>Identification of legislative constraints</i></p>	10 October 2012 Councillors Best & Webster		This matter is scheduled for action in the Corporate Governance work plan for February 2012.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>and processes which are barriers to encouraging local residents to stand for representation on Wyong Council.</i></p> <p>(b) <i>The “contractual” arrangement between Council and the NSWEC which has constrained the ability for Council to make key decisions in regard to pre-poll venues (eg locations, quantity).</i></p> <p>(c) <i>Issues around WHS obligations for booth workers, liabilities and responsibilities.</i></p> <p>(d) <i>Improved provision of disabled and aged access at polling places, particularly pre-poll booths.</i></p> <p>(e) <i>Feedback received from electors.</i></p> <p>(f) <i>Feedback from a selection of those NSW councils which opted to manage their election or used a private contractor.</i></p> <p>(g) <i>Any other matters identified by the General Manager in the course of the election process.</i></p> <p>4 <i>That Council <u>request</u> feedback from those Councils who used the NSW Electoral Commission.</i></p>		
7.	Community and Recreation Services	Maxine Kenyon	<p>7.4 Notice of Motion - Wyong Skills Centre</p> <p>1 <i>That Council <u>advise</u> the Department of Education, Employment and Workplace Relations (DEEWR) that it now wishes to proceed with the Wyong Skills Centre in partnership with Central Coast Group Training at its site at Bounty Close at Tuggerah.</i></p> <p>2 <i>That Council <u>request</u> the Department of</i></p>	10 October 2012 Councillors Nayna & Troy	Council contacted DEEWR in December 2012 and again in January 2013 for an update on the progress of this potential funding, however we have not received any further responses to these requests.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>Education, Employment and Workplace Relations (DEEWR) to confirm that grant funding of some \$2.8 million is still available for this purpose and for DEEWR to advise the process and/or criteria required to access these funds</i></p> <p>3 <i>That Council <u>develop</u> and submit, in partnership with Central Coast Group Training in accordance with DEEWR, guidelines a joint application within one month.</i></p> <p>4 <i>That Council <u>authorise</u> the General Manager to approve the joint application and submission to DEEWR, subject to Council ratification.</i></p> <p>5 <i>That Council <u>determine</u> that this item be actioned immediately due to its urgent nature.</i></p> <p>6 <i>That Council <u>advise</u> DEEWR of this resolution by close of business on Friday 12 October 2012.</i></p> <p>7 <i>That Council <u>develop</u> to its satisfaction a suitable agreement with Central Coast Group Training with regards to this initiative.</i></p> <p>8 <i>That Council <u>authorise</u> appropriate resourcing to undertake this task and the funding of these resources be considered at the September budget review.</i></p>		
8.	Infrastructure and Operations Department	Bob Burch	<p>7.2 Notice of Motion - Daily Traffic Jams Through Wyong Township</p> <p>1 <i>That Council <u>recognise</u> the importance of delivering the Pacific Highway upgrade through Wyong, linking up with the new Tuggerah Straight works as this is an economically vital road corridor providing business and job opportunities.</i></p>	Councillors Best & Webster 24 October 2012	Report currently being prepared.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor Asked/	Status
			<p>2 That Council <u>recognise</u> that having regard to the State Government annual budgetary processes, the need to now facilitate its agreeance/concurrence on this road upgrade to meet the new budgetary cycle.</p> <p>3 That Council <u>give</u> certainty to the hundreds of residents that live with the real prospect of the Pacific Highway upgrade bypass being funnelled through their residential streets, resulting in major loss of amenity, safety and property values/forced resumptions.</p> <p>4 That Council <u>formally give</u> the RMS its support and concurrence for the through town Pacific Highway upgrade favouring the maximum parking option to assist local businesses and finally get this road started.</p> <p>5 That Council <u>request</u> the General Manager to provide a report to Council in support of the RMS's preferred option along the existing Pacific Highway corridor that was exhibited in November 2011.</p> <p>6 That Council <u>note</u> opportunity in the existing Pacific Highway corridor option to provide incremental improvements through the life of the project.</p>		
9.	Land Management Department	David Lemcke	<p>Q34/12 Extension of Draft Pile Burning Policy Exhibition</p> <p>"Mr Mayor, to assist our local rural community on the issue of the Draft Pile Burning Policy now on public display, could Council extend the exhibition period for one month until the 26 November 2012?"</p>	Councillor Best 24 October 2012	Response currently being prepared.
10.	Infrastructure and Operations Department	Daryl Mann	<p>8.1 Notice of Motion – Northern Lakes Rugby League Sport and Recreation</p> <p>445/12 That Council <u>note</u> the existing facilities established by the Northern Lakes</p>	Councillor Vincent and Greenwald 14 November 2012	Investigations will take place and a response will be submitted to a future meeting of Council.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor Asked/	Status
			<p><i>Rugby League Sport and Recreation Club, at Gumbayah oval on Tall Timbers Road Lake Munmorah, are utilised by the broader community, such as local schools, representative and community groups .</i></p> <p>446/12 <i>That Council note the Northern Lakes Rugby League Sport and Recreation Club has received grants in the order of \$80K from the State Government to build the slab and outer shell for a new Clubhouse.</i></p> <p>447/12 <i>That Council defer the outstanding contributions until an occupation certificate is issued.</i></p> <p>448/12 <i>That Council, post construction of the new Clubhouse, authorise the Mayor and General Manager to extend similar arrangements to the Northern Lakes Rugby League Sport and Recreation Club that was offered to the Ourimbah Soccer Club in regard to the water and sewerage developer charges currently levied on the new amenities building.</i></p>		
11.	Infrastructure and Operations Department	David Ryan	<p>8.2 Notice of Motion – Lakes Federal Funding Expenditure Report</p> <p>449/12 <i>That Council note assurances given by staff at the 1 November 2012 Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee that all projects currently being conducted through Caring For Our Country Federal (CFOC) funding are on track.</i></p> <p>450/12 <i>That Council request an urgent confirmation report formally detailing the progress of each project against budget and compliance with funding guidelines and criteria.</i></p> <p>451/12 <i>That Council recognises and appreciates the recent supportive comments by the Member for Dobell in Parliament endorsing Council's outstanding performance and an example of best practice in environmental project management with regards to the current lakes projects.</i></p>	Councillors Troy and Taylor 14 November 2012	Investigations will take place and a response will be submitted to a future meeting of Council.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>452/12 That Council note the \$20m CFCO funding program is now drawing to a close and environmental indicators are still showing decline (WSC SoE report, 2011).</p> <p>453/12 That Council request the General Manager to report on what dialogues and initiatives are in train to secure further funding to continue these vital Lakes restoration works.</p>		
12.	Community and Recreation Services	Julie Vaughan	<p>8.3 Notice of Motion – Council Advocate for End to So-called Scientific Whaling</p> <p>454/12 That Council note the increasing local employment and economic benefits associated with the growing phenomena of whale watching.</p> <p>455/12 That Council note that these animals are currently migrating down our local coastline only to be slaughtered in the Antarctic “whale sanctuary” aboard industrial factory ships.</p> <p>456/12 That Council condemn in the strongest possible terms, as an advocate on behalf of our local community, the continuing abuse of international laws by those insistent on continuing so-called scientific whaling of endangered whales</p> <p>457/12 That Council lend its voice, as a matter of urgency, to peak community and environmental groups in formally condemning this practice via correspondence to the Japanese embassy and our State and Federal Ministers for the Environment.</p> <p>458/12 That Council congratulate the local Whale Dreamers Festival Group that conducts the highly successful community whale awareness campaign known as the “Whale Dreamers Festival.”</p> <p>459/12 That Council direct the General Manager to report on progress to date and Council’s assistance with the 2013 Whale Dreamers Festival.</p>	Councillor Best and Taylor 14 November 2012	<p>Letter of congratulations/commendation signed by Mayor Doug Eaton and posted as per NOM 3, 8/12 - That Council congratulate the local Whale Dreamers Festival Group that conducts the highly successful community whale awareness campaign known as the "Whale Dreamers Festival".</p> <p>Council report to be drafted.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
13.	Community and Recreation Services	Julie Vaughan	<p>8.4 Notice of Motion – Mobility Scooter Recharge Initiative</p> <p>460/12 <i>That Council note the huge growth in mobility scooter usage that assists our ageing and disabled population.</i></p> <p>461/12 <i>That Council investigate the possible provision of conveniently located scooter power – up stations/points at key locations including public buildings in order to further assist these groups to access services and recreational pursuits.</i></p> <p>462/12 <i>That Council seek to identify strategic industry partners to assist and/or sponsor any such mobility assistance program, with a view to it becoming cost neutral.</i></p>	Councillor Best and Nayna 14 November 2012	This action is to be done as part of the Positive Ageing Strategy, which won't be completed until April 2014.
14.	Infrastructure and Operations Department	David Ryan	<p>8.5 Notice of Motion – Erosion of Yallara Island, The Entrance</p> <p>463/12 <i>That Council note with concern the erosion of Yallara Island, adjacent to The Entrance Bridge, which is home to the iconic 80 year old date palm.</i></p> <p>464/12 <i>That Council urgently investigate the permissibility and feasibility of using Council's dredge and geo-bags to repair the erosion and provide support to the date palm.</i></p> <p>465/12 <i>That Council delegate and direct the General Manager to carry out such work subject to permissibility, feasibility and at a reasonable cost (i.e. less than \$50,000).</i></p> <p>466/12 <i>That Council use this initial trial as an opportunity to capture important hydrological data with a view to the future possible use of the technology in the stabilisation of the channel precinct.</i></p> <p>467/12 <i>That Council direct the General Manager to report to Council on the outcomes of this proposal.</i></p>	Councillor Taylor and Troy 14 November 2012	Investigations to take place in early 2013. A response will be submitted to a future meeting of Council.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
15.	General Manager's Unit	Sonia Witt (on behalf of the members of the Save the Tuggerah Lakes Party – Councillors Taylor & Troy)	<p>Q37/12 Eradication of Feral Pests <i>"My question is directed to the members of the Save Tuggerah Lakes Party. One of the promises that you made at the recent Local Government Elections was to "eradicate feral pests – Rabbits, Foxes, Indian Mynas etc." and when were you going to do this? You promised to do it now.</i></p> <p><i>Wyong Shire is inundated with Rabbits in plague proportion, especially around the Chittaway and Shelly Beach areas. Foxes continue to roam the Shire, especially the North Entrance where they swim across to Terilbah Island and kill the Little Tern and their chicks; and as far as the Indian Myna birds are concerned, I counted ten of them in my own back yard this morning.</i></p> <p><i>My question is when are you going to deliver on your promise considering that you said that you would do it NOW?"</i></p>	Councillor Graham 14 November 2012	Response currently being prepared.
16.	Infrastructure and Operations Department	David Ryan	<p>Q38/12 Lakes bogged in Green Tape <i>"Mayor Eaton, I note with great frustration the plethora of government requirements and approvals necessary (1 to 12 listed below) to carry out the most basic lakes restoration works that has cost Council millions in ratepayer funds, while the approval times and costs are often longer and more expensive than the actual works to be carried out.</i></p> <p><i>Mr Mayor could you please update Council on what initiatives and actions you have engaged in, in your first 50 days as Mayor, to address this green tape paralysis?</i></p> <ol style="list-style-type: none"> <i>(1) An approval under Part VII of the Fisheries Management Act (1994) to dredge.</i> <i>(2) An approval under Part VII of the Fisheries Management Act (1994) to destroy vegetation (if seagrasses are involved).</i> <i>(3) An approval under Part VII of the Fisheries Management Act (1994) to reclaim land if the spoil is placed on a nearby bank or within a waterway as fill.</i> <i>(4) An approval from Department of Primary</i> 	Councillor Best 14 November 2012	Response currently being prepared.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>Industries Crown Lands to undertake works on Crown Land as well as other requirements relating to the placement of dredged material.</i></p> <p>(5) <i>A licence under the National Parks and Wildlife Act (1974) to work with Endangered Ecological Communities such as salt marshes.</i></p> <p>(6) <i>A licence to pollute (during construction) from the EPA under the Protection of Environment Operations Act 1997 (POEO).</i></p> <p>(7) <i>Consideration of spoil removal and placement containing acid sulphate soils under the Contaminated Land Management Act 1997 with possible costs involved in moving spoil to the tip.</i></p> <p>(8) <i>Consideration of the activity by officers from the Premier's Department Office of Environment and Heritage.</i></p> <p>(9) <i>Notify Roads and Maritime for changes to navigable waters.</i></p> <p>(10) <i>Produce a Review of Environmental Factors (REF) and a dredging design that considers all of the above. The dredging design would also incorporate a site survey, hydrodynamic considerations and a morphodynamic study to understand sand movements in the dredged channel or for areas of saltmarsh rehabilitation.</i></p> <p>(11) <i>Use the REF and project design to obtain approvals under Part V of the EP&A Act. This approval would require appropriate community consultation. Other aspects for consideration would include the relevant LEP and DCP. any SEPP such as SEPP 71 Coastal Protection that is applicable, as well as relevant management plans such as Council's Estuary Management Plan.</i></p> <p>(12) <i>The Federal Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, may also come into consideration if significant threatened species are involved."</i></p>		
17.	Community and Recreation Services	Sue Ellis	Q41/12 Life Long Learning Department Funding "Can staff please advise what funding has been	Councillor Matthews	The Lifelong Learning Unit was established in October 2010. Information

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>received from the State Government over the past 4 years with respect to the Lifelong Learning department?"</i>	14 November 2012	about grants to the Library Service and Care & Education prior to this date will also be provided. The response is being prepared.
18.	Land Management Department	Martin Johnson	<p>8.1 Notice of Motion – Comprehensive Review of Tree DCP, Chapter 14 539/12 <i>That Council <u>amend</u> its Development Control Plant 2005: Chapter 14 - Tree Management;</i></p> <p>7.1.1 <i>“Plants with undesirable characteristics” due to location. Now to read “trees located within (6) metres of an approved residential structure and (12) metres of a non residential approved structure, will be considered to be undesirable due to their location”.</i></p> <p>540/12 <i>That Council also <u>vary</u> clause;</i></p> <p>7.1.2 <i>“Plants with undesirable characteristics generally” to now read “all trees that are of non native species”</i></p> <p>541/12 <i>That Council staff <u>follow</u> the statutory process with regards to amendments to DCP Chapter 14.</i></p>	Councillors Best & Taylor 28 November 2012	Response currently being prepared.
19.	Community and Recreation Services	Julie Vaughan	<p>Q42/12 Wyong Neighborhood Centre Project <i>“Could staff please provide an update of the status of the men’s shed?”</i></p> <p><i>Can staff/council confirm that there will be no additional costs or liability to council?”</i></p>	Councillor Matthews 28 November 2012	Manager of Community and Cultural Development has contacted the Wyong Neighbourhood Centre to obtain status update - still awaiting a response.
20.	Community and Recreation Services	Tara Mills	<p>10.2 Notice of Motion - Council to Investigate Dog Poo Bag Dispensers for Local Beaches and Shared Pathways</p> <p>689/12 <i>That Council <u>acknowledge</u> the significant amount of dog owners that enjoy walking their pets on shared</i></p>	Councillor Vincent 12 December 2012	Following investigations a report responding to this Notice of Motion will be presented to Council in April 2013.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>pathways and approved dog walking beach areas within the Wyong Shire.</i></p> <p>690/12 <i>That Council receive a report identifying additional and existing sites for the installation of dog poo collection bag dispensers in appropriate high usage locations within the Wyong Shire including costs and benefits.</i></p>		
23.	Community and Recreation Services/ General Manager's Unit	Maxine Kenyon/ Debbie Marks	<p>Q1/13 Pass on Appreciation to On-Call Christmas Staff</p> <p><i>"Mr General Manager, the feedback that I have received in regards to our Christmas on call staff has been very welcomed, in particular our rangers unit, various town centre activities/management and our emergency call out staff. Could you please pass on our appreciation of their efforts over the break while we were enjoying our holiday?"</i></p>	Councillor Best 23 January 2013	Letters currently being prepared.
24.	Infrastructure and Operations	Robert Fulcher	<p>Q2/13 Works Undertaken in 1986 at Karagi Point</p> <p><i>"That staff provide a copy of a report on works undertaken in 1986 whereby a channel was dug by a bull dozer through the sand dunes at Karagi Point."</i></p>	Councillor Taylor 23 January 2013	Response currently being prepared.
25.	Infrastructure and Operations	David Ryan	<p>Q3/13 Tuggerah Lakes Study on Fish and Prawn Larvae in 1986</p> <p><i>"That staff provide a copy of a study undertaken by NSW University on Fish and Prawn Larvae Tuggerah Lakes in 1986"</i></p>	Councillor Taylor 23 January 2013	Response currently being prepared.
26.	Development and Building	Jane Doyle <i>(on Behalf of Brett Ball)</i>	<p>Q4/13 Enforcement of No Smoking Areas</p> <p><i>"Can the General Manager report to Council what efforts are being undertaken by Council Rangers to enforce NO smoking areas throughout Wyong Shire Council's open space areas?"</i></p>	Councillor Nayna 23 January 2013	Report being prepared for the second meeting in March 2013.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
23 JANUARY 2013**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
1	Development and Building Department	<p>8.7 - Notice of Motion - Tree Vandalism Norah Head</p> <p>1 <i>Note with concern acts of environmental vandalism in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.</i></p> <p>2 <i>Direct the General Manager to urgently prepare a report regarding the actions and responses available to Council concerning acts of environmental vandalism in general, and specifically in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.</i></p> <p>3 <i>Direct the General Manager to discuss the possibility and capacity of Council to erect and maintain a "view blocking" barrier in the report.</i></p>	8 February 2012 Cr Symington / Cr Wynn	Resolved at the 23 January 2013 meeting to remove this item from the action log/
2	Land Management Department	<p>Q18/12 - Sea Level Rise Outrage</p> <p><i>"Madam Acting General Manager, as reported in the local media the coast community is outraged at the prospect and impact of proposed sea level rise policy particularly as it will affect in Wyong Shire alone some 20 local suburbs and up to 10,000 individual homes. As this draft policy is having a profound affect on insurance and property value issues, planning, building and site usages, I respectfully request this matter now be reported urgently to Council. Could staff please advise when this would be?"</i></p>	9 May 2012 Cr Best	Resolved at the 23 January 2013 meeting to remove this item from the action log/
3	Infrastructure and Operations Department	<p>8.3 Notice of Motion - RV Friendly Town - Trial in the North of the Wyong Shire</p> <p>5/12 <i>That Council <u>support</u> the Northern Lakes Regional Chamber of Commerce in its endeavours to pilot the "RV Friendly Town" concept in the North of the Wyong Shire.</i></p> <p>6/12 <i>That Council <u>request</u> the General Manager to investigate options for installing two RV dump sites in the North of the Shire in consultation and conjunction with the Northern Lakes Regional Business Chamber and the Northern Lakes Disability Tourism Precinct Committee.</i></p> <p>7/12 <i>That Council <u>request</u> the General Manager to submit a report detailing two feasible RV dump sites in the North of the</i></p>	8 August 2012 Crs Vincent/ Symington	Resolved at the 23 January 2013 meeting to remove this item from the action log/

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
		<i>Shire for piloting and trialling the RV Friendly Town concept, with one dump site being predominantly a "disability friendly" dump site, to Council for consideration.</i>		
4	Land Management Department	<p>7.2 Notice of Motion - Disability Friendly Miniature Railway in the North of the Wyong Shire</p> <p>190/12 <i>That Council <u>support</u> in principle the Northern Lakes Disability Tourism Precinct Committee in its endeavours to establish a disability friendly miniature railway system in the north of the Wyong Shire.</i></p> <p>191/12 <i>That Council <u>request</u> the General Manager to investigate possible locations for installing a disability friendly miniature railway system in the north of the Shire, as identified by and in consultation with, the Northern Lakes Disability Tourism Precinct Committee and the Pioneer Dairy Model Railway Group.</i></p> <p>192/123 <i>That Council <u>request</u> the General Manager to prepare a report in response to the sites identified, outlining the feasibility of each site.</i></p>	22 August 2012 Crs Vincent/Wynn	Resolved at the 23 January 2013 meeting to remove this item from the action log/
5	Land Management Department	<p>Q35/12 Purchase of Sections of Remaining Undeveloped Land at Wadalba Hill</p> <p><i>"Could staff please advise of any State of Federal Funding Schemes that may be available to purchase sections of remaining undeveloped land at Wadalba Hill for conservation purposes?"</i></p>	Councillor Greenwald 24 October 2012	Resolved at the 23 January 2013 meeting to remove this item from the action log/
6	Infrastructure and Operations	<p>Q45/12 Impact of Wrack Harvesting on the White Seahorse</p> <p><i>"Mr General Manager, before deciding to double the rate of the wrack harvesting, can you please inform Council of what the imposition may be on the White Seahorse, which is a threatened species?"</i></p>	Councillor Greenwald 12 December 2012	Council report prepared for Council meeting on 13 February 2013.
7	Development and Building	<p>11.1 Notice of Rescission - Disability Friendly Miniature Railway in the North of the Wyong Shire</p> <p>691/12 <i>That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 22 August 2012:</i></p> <p>190/12 <i>That Council <u>support</u> in</i></p>	Councillor Nayna 12 December 2012	No further action required.

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
		<p><i>principle the Northern Lakes Disability Tourism Precinct Committee in its endeavours to establish a disability friendly miniature railway system in the north of the Wyong Shire.</i></p> <p>191/12 <i>That Council <u>request</u> the General Manager to investigate possible locations for installing a disability friendly miniature railway system in the north of the Shire, as identified by and in consultation with, the Northern Lakes Disability Tourism Precinct Committee and the Pioneer Dairy Model Railway Group.</i></p> <p>192/123 <i>That Council <u>request</u> the General Manager to prepare a report in response to the sites identified, outlining the feasibility of each site.</i></p> <p><i>RESOLVED on the motion of Councillor NAYNA and seconded by Councillor TAYLOR:</i></p> <p>692/12 <i>That Council <u>support</u> in principle the Pioneer Dairy Model Railway Group in its endeavours to establish a disability friendly miniature railway system in the north of Wyong Shire.</i></p>		