



YOUNG SHIRE COUNCIL

CODE OF MEETING PRACTICE POLICY

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YOUNG SHIRE COUNCIL - CODE OF MEETING PRACTICE

PART 1 - PRELIMINARY

1 CITATION

This Code may be cited as the Young Shire Council Code of Meeting Practice

2 DEFINITIONS

2.1 In this Code:

amendment, in relation to an original motion, means a motion moving an amendment to that motion; (Meeting Regulations -Definitions)

chairperson,

- a) in relation to a meeting of the Council - means the person presiding at the meeting as provided by clause 12 of this Code; and
- b) in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 46 of this Code; (Meeting Regulations - Definitions)

committee means a committee appointed or elected by the Council in accordance with clause 33 or the Council when it has resolved itself into a committee of the whole;

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

relative, in relation to a person, means any of the following:

- a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;
- b) the spouse or the de facto partner of the person or of a person referred to in paragraph (a). (Refer LGA Dictionary)

The Act means the Local Government Act 1993; (As Amended)

The Code means the Young Shire Council Code of Meeting Practice; and the Regulation means the Local Government (Meetings) Regulation 1993.

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

2.3 Act and Regulation

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

2.4 Notes to text

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

PART 2 - CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS

2.5 Frequency of meetings of the Council

- 2.5.1 The Council is required to meet at least 10 times each year, each time in a different month. (LGA - S 365)
- 2.5.2 The General Manager shall report to Council in September of each year, recommending a calendar for meeting times of ordinary Standing Committee Meetings and ordinary Council Meetings. The Council shall thereupon adopt a calendar (schedule) for meeting dates for the ensuing twelve months and the times at which those meetings are to be held.
- 2.5.3 The Council may in special circumstances by Resolution vary the times and dates of ordinary Standing Committees and ordinary Council Meetings from the adopted calendar.
- 2.5.4 Council has resolved that the following times and frequency of Council and regularly held Committee Meetings shall apply:
 - Council Meetings – 3rd Wednesday of each month at 5:00 pm
 - Finance – Performance Review Committee – 3rd Wednesday of each month at 4:30 pm
 - Environmental Initiatives Committee – 1st Monday bi monthly at 4:00 pm
 - Other Committee Meetings to be held as required

2.6 Leave of Absence from Council Meetings

- 2.6.1 Any Councillor who is absent without prior leave of the Council from 3 consecutive ordinary meetings of the Council shall be disqualified from holding civic office. (Act S 234)
- 2.6.2 For the purpose of the clause a Councillor applying for leave of absence from a meeting of Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor
- 2.6.3 Where ever possible a Councillor shall submit and apology for non-attendance at any Council or Committee Meeting
- 2.6.4 Apologies may be communicated verbally to the Mayor, meeting Chairperson, General Manager or Council staff convening/servicing the meeting.

2.7 Extraordinary meetings

- 2.7.1 The Mayor may call extraordinary meetings of the Council where in the opinion of the Mayor, such meeting is deemed necessary and expedient for the conduct of Council Business.
- 2.7.2 If the Mayor receives a request in writing signed by at least 2 councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after the receipt of the request. (LGA -S 366)

2.8 Notice of meetings

- 2.8.1 The General Manager of the Council must send to each councillor, at least 3 days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting. (LGA - S 367(1))
- 2.8.2 Notice of less than 3 days may be given of an extraordinary meeting called in an emergency. (LGA - S 367(2))

2.9 Quorum

The quorum for a meeting of the Council is a majority of the councillors of the Council who hold office for the time being and are not suspended from office. (LGA - S 368)

2.10 What happens when a quorum is not present

- 2.10.1 A meeting of the Council must be adjourned if a quorum is not present:
- a) within half an hour after the time designated for the holding of the meeting; or
 - at any time during the meeting.
- 2.10.2 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.
- 2.10.3 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the councillors present.

2.11 Presence at Council meetings

A councillor cannot participate in a meeting of the Council unless personally present at the meeting.

PART 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

3 CHAIRPERSON OF COUNCIL MEETINGS

- 3.1 The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of the Council. (LGA - S 369(1))
- 3.2 If the Mayor and the Deputy Mayor are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the Council. (LGA - S 369(2))
- 3.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 3.4 The election referred to in (3.3) above must be conducted:
 - 3.4.1 by the General Manager or, in his or her absence, an worker of the Council designated by the General Manager to conduct the election; or
 - 3.4.2 if neither of them is present at the meeting or there is no General Manager or designated worker - by the person who called the meeting or a person acting on his or her behalf.

4 CHAIRPERSON TO HAVE PRECEDENCE

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

- 4.1 any councillor then speaking or seeking to speak must immediately resume his or her seat; and
- 4.2 every councillor present must be silent to enable the chairperson to be heard without interruption.

5 CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS

- 5.1 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 5.2 The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 5.3 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

6 CONFIRMATION OF MINUTES

- 6.1 The Council must ensure that full and accurate minutes are kept of proceedings of the Council. (LGA - S 375(1))
- 6.2 The correctness of the minutes of every preceding meeting, including extraordinary meeting, not previously confirmed must be dealt with at every ordinary meeting of the Council, in order that such minutes may be confirmed.
- 6.3 A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- 6.4 Minutes may be confirmed at an extraordinary meeting of the Council.
- 6.5 The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting. (LGA -S375(2))
- 6.6 The General Manager must ensure that the following matters are recorded in the Council Minutes:
 - 6.6.1 Details of each motion move at Council Meeting and of any amendments moved to it,
 - 6.6.2 The names of the mover and the seconded of a motion or amendment
 - 6.6.3 Whether the motion or amendment is passed or lost.

7 ORDER OF BUSINESS

- 7.1 At a meeting of the Council (other than an extraordinary meeting), the general order of business is (except as provided by this Code) such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, in accordance with Schedule A.
- 7.2 The order of business fixed under subclause (7.1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.
- 7.3 Despite clause 14, only the mover of a motion referred to in subclause (7.2) may speak to the motion before it is put.

8 BUSINESS PAPERS FOR COUNCIL MEETINGS

- 8.1 The General Manager must ensure that the business paper for a meeting of the Council states:
 - 8.1.1 all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - 8.1.2 if the Mayor (or the Deputy Mayor if acting for the Mayor) is the chairperson - any matter or topic that the chairperson proposes, at the time when the business paper is prepared, to put to the meeting; and
 - 8.1.3 any business of which due notice has been given.
- 8.2 The General Manager must cause the business paper for a meeting of the Council prepared as soon as practicable before the meeting.
- 8.3 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.

- 8.4 Nothing in this clause limits the powers of the chairperson under clause 11 of this Code.
- 8.5 A copy of the business paper is available for perusal at the Library and the Council Chambers.

9 GIVING NOTICE OF BUSINESS

- 9.1 The Council must not transact business at a meeting of the Council:
- 9.1.1 unless a councillor has given notice of the business in writing by noon the Monday of the week immediately preceding the meeting; and
 - 9.1.2 unless notice of business has been sent to the councillors at least 3 days before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one day.
- 9.2 Subclause (9.1) does not apply to the consideration of business at a meeting if the business:
- 9.2.1 is already before, or directly relates to a matter that is already before, the Council; or
 - 9.2.2 is the election of a chairperson to preside at the meeting as provided by clause 3.3 of this Code; or
 - 9.2.3 is a matter or topic put to the meeting by the chairperson in accordance with clause 11 of this Code; or
 - 9.2.4 is a motion for the adoption of recommendations of a committee of the Council.
- 9.3 Despite subclause (9.1), business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- 9.3.1 a motion is passed to have the business transacted at the meeting; and
 - 9.3.2 either:
 - I. all the Councillors (disregarding any casual vacancies) are present at the meeting; or
 - II. 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.
- 9.4 Despite clause 20 of this Code, only the mover of a motion referred to in subclause (9.3) can speak to the motion before it is put.

10 BUSINESS PAPER FOR EXTRAORDINARY MEETING

- 10.1 The General Manager must ensure that the business paper for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 10.2 Despite subclause (10.1), business may be transacted at an extraordinary meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
 - 10.2.1 a motion is passed to have the business transacted at the meeting; and
 - 10.2.2 either:
 - a) all the Councillors (disregarding any casual vacancies) are present at the meeting; or
 - 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 business paper for the meeting has been disposed of.

- 10.2.3 Despite clause 20 of this Code, only the mover of a motion referred to in subclause (19.2) can speak to the motion before it is put

11 OFFICIAL MINUTES

- 11.1 If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- 11.2 Such a minute, when put to the meeting, takes precedence over all business on the council's business paper for the meeting. The chairperson (but only if the chairperson is the Mayor, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded.
- 11.3 A recommendation made in a minute of the chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council worker is, so far as adopted by the Council, a resolution of the Council.

12 REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING

- 12.1 When a report of a NSW Department of Local Government representative has been presented to a meeting of a council in accordance with section 433 of the Act, the Council must ensure that the report:
 - 12.1.1 is laid on the table at that meeting; and
 - 12.1.2 is subsequently available for the information of councillors at all reasonable times.

13 NOTICE OF MOTION - ABSENCE OF MOVER

- 13.1 In the absence of a councillor who has placed a notice of motion on the business paper for a meeting of the Council any other councillor may move the motion at the meeting.
- 13.2 in the event of no other Councillor wishing to move the Motion, the chairperson may defer the motion until the next meeting of the Council at which the motion can be considered, but only if the Chairperson has deferred the matter from the previous meeting.

14 MOTIONS TO BE SECONDED

- 14.1 A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 11.2 and 20.5 of the Code.
- 14.2 The seconder of a motion or of an amendment may reserve the right to speak later in the debate, subject to clause
- 14.3 It is permissible to debate the motion and an amendment concurrently.

15 HOW SUBSEQUENT AMENDMENTS MAY BE MOVED

- 15.1 If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), subject to the further amendment being foreshadowed and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
- 15.2 During the debate on an amendment, if a further amendment is foreshadowed, the subject and the detail of the foreshadowed amendment shall not be indicated, and any such foreshadowed amendment shall not be moved and debated until the amendment being debated is dealt with.

16 MOTIONS OF DISSENT

- 16.1 A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. Such motion of dissent requires seconding and the chairperson must then suspend the business before the meeting until a decision is made on the motion of dissent.
- 16.2 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.
- 16.3 Despite clause 20, 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.

17 CORRESPONDENCE

- 17.1 Correspondence with the council shall be addressed to the Mayor or General Manager;
- 17.2 Letters shall not be presented or read by members at meetings of the Council.
- 17.3 The Council may decide whether or not correspondence shall be read - provided that the report of the Auditor or of a Local Government Inspector, whether read or not, shall be laid on the table and be made available at any reasonable time for the information of members.
- 17.4 Outward correspondence shall be signed by -
 - (a) the Mayor;
 - (b) the General Manager, or;
 - (c) any worker of the Council authorised by the General Manager.

18 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL WORKERS

- 18.1 A councillor:
 - 18.1.1 may, through the chairperson, put a question to another councillor; and
 - 18.1.2 may, through the chairperson and the General Manager, put a question to a Council worker.
- 18.2 However, a councillor or Council worker 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.
- 18.3 Any such question must be put directly, succinctly, and without argument.
- 18.4 The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or Council worker under this clause.
- 18.5 Nothing in this clause affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting.

19 MODE OF ADDRESS

- 19.1 Councillors shall at all times address other councillors by their official designation, as Mayor or Councillor, as the case may be.

20 LIMITATION AS TO NUMBER OF SPEECHES

- 20.1 A councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by councillors 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.
- 20.2 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 20.3 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion of 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.

20.4 Despite subclauses (20.1) and (20.2), a Councillor may move that a motion or an amendment be now put:

20.4.1 if the mover of the motion or an amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or

20.4.2 if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.

20.5 The chairperson must immediately put to the vote, without debate, a motion moved under subclause (20.4). A seconder is not required for such a motion.

20.6 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (20.1).

20.7 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.

21 QUESTIONS AND STATEMENTS

21.1 During the time provided at the Council meeting, every councillor has the right to ask questions or make statements on any issue.

21.2 During Questions and Statements, councillors must not speak for longer than 5 minutes, except if an extension of time is granted as provided in Clause 20.3 of the Code.

22 MOTIONS PUT WITHOUT DEBATE

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

23 VOTING AT COUNCIL MEETINGS

23.1 Each councillor is entitled to one vote. (Act - S 370 (1))

23.2 However, the chairperson has, in the event of an equality of votes, a second or casting vote. (Act - S 370 (2))

23.3 A councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

23.4 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

23.5 The decision of the chairperson as to the result of a vote is final, unless:

a) in the case where a vote has been declared on the voices, a councillor immediately requests a show of hands; or

b) the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.

23.6 When a division on a motion is demanded by two Councillors, 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.

23.7 Voting at a meeting of the Council, including voting in an election at such a meeting, is to be by open means (such as on the voices or by a 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.

24 REPRESENTATIONS BY MEMBERS OF THE PUBLIC – CLOSURE OF PART OF MEETING.

24.1 A representation at a meeting of the Council 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.

24.2 The period mentioned in (24.1) shall be 5 minutes.

25 RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC.

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

26 DECISIONS OF THE COUNCIL

26.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council. (Act - S 371)

27 RESCINDING OR ALTERING RESOLUTIONS

- 27.1 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with clause 17 of the Code. (Act - S 372 (1))
- 27.2 If a notice of motion to rescind or alter a resolution is given: (Act - 372 (2))
- 27.3 at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission or alteration has been dealt with; or (Act - 372 (2))
- 27.4 If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with clause 2.8 of the Code. (Act - S 372 (3))
- 27.5 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by at least 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be. (Act - S 372 (4))
- 27.6 If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same. (Act - S 372 (5))
- 27.7 A motion to which this clause applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes. (Act - S 372 (6))
- 27.8 The provisions of this clause concerning negated motions do not apply to motions of adjournment. (Act - S 372 (7))

28 MOTIONS OF ADJOURNMENT (COUNCIL POLICY)

- 28.1 The Council or a Committee of Council may at any time adjourn a meeting to a time and date and place to be fixed if the Council or a Committee of the Council is of the opinion that it is necessary to do.
- 28.2 Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- 28.3 If a motion for adjournment is negated, the business of the meeting shall proceed, and it shall not be in order for any councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- 28.4 A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the chairperson shall make a determination with respect to whichever of these has not been specified.

PART 4 - KEEPING ORDER AT MEETINGS

29 QUESTIONS OF ORDER

- 29.1 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.
- 29.2 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.
- 29.3 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.
- 29.4 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

(Motion ruled out of order before moved. The Mayor has power to rule a motion out of order before it is moved or seconded.)

30 ACTS OF DISORDER

- 30.1 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
 - 30.1.1 contravenes the Act, any regulation in force under the Act or this Code; or
 - 30.1.2 assaults or threatens to assault another councillor or person present at the meeting; or
 - 30.1.3 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
 - 30.1.4 insults or makes personal reflections on or imputes improper motives to any other councillor; or
 - 30.1.5 says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt.
- 30.2 The chairperson may require a councillor:
 - 30.2.1 to apologise for an act of disorder referred to in subclause (30.1.1) or (30.1.2); or
 - 30.2.2 to withdraw a motion or an amendment referred to in subclause (30.1.3) and, where appropriate, to apologise without reservation; or
 - 30.2.3 to retract and apologise for an act of disorder referred to in subclause (30.1.4) or (30.1.5).
 - 30.2.4 A Councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of Council for having failed to comply with a requirement under subclause (30.2.2). 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.

31 HOW DISORDER AT A MEETING MAY BE DEALT WITH

- 31.1 If disorder occurs at a meeting of the Council or committee of the Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well a disorder arising from the conduct of councillors.
- 31.2 A member of the public may, as provided by section 2.10.2 a) or b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.

32 POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION RESOLUTION

- 32.1 If a Councillor or a member of the public fails to leave the place where a meeting of Council is being held:
- 32.1.1 immediately after the Council has passed a resolution expelling the Councillor or member from the meeting; or
- 32.1.2 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 Council or the 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.

PART 5 - COUNCIL COMMITTEES

33 COMMITTEE OF THE WHOLE

- 33.1 The Council may resolve itself into a committee of the whole to consider any matter before the Council, subject to Clause 54.3 of this Code.
- 33.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of a committee of the whole, except the provision limiting the number and duration of speeches.
- 33.3 The General Manager or, in the absence of the General Manager, an worker of Council designated by the General Manager, is responsible for reporting to the Council proceedings in a committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 33.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

34 COUNCIL MAY APPOINT COMMITTEES

- 34.1 The Council may, by resolution, establish such committees as it considers necessary.
- 34.2 Such a committee is to consist of the Mayor and such other Councillors and/or other persons as the Council decides.
- 34.3 The quorum for a meeting of such a committee is to be:
 - 34.3.1 such number of members as the Council decides; or
 - 34.3.2 if the Council has not decided a number - a majority of the members of the committee.

35 FUNCTIONS OF COMMITTEES

The Council must specify the functions of each of its committees when the committee is appointed or elected, but may from time to time amend those functions.

36 NOTICE OF COMMITTEE MEETINGS TO BE GIVEN

- 36.1 The General Manager of the Council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:
 - 36.2 the time and place at which and the date on which the meeting is to be held; and
 - 36.3 the business proposed to be transacted at the meeting.
- 36.4 However, notice of less than 3 days may be given of a committee meeting called in an emergency.
- 36.5 The provisions of clause 7.2-7.5 apply to the business papers of committee meetings in the same manner as they apply to the business papers of meetings of the Council.

37 NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS

- 37.1 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at, a meeting of the committee.
- 37.2 However, a Councillor is not entitled to:
 - 37.2.1 to give notice of business for inclusion in the agenda for the meeting, or
 - 37.2.2 to move or second a motion at the meeting, or
 - 37.2.3 to vote at the meeting.

38 PROCEDURE IN COMMITTEES

- 38.1 Each committee of the Council may regulate its own order of business.
- 38.2 Without limiting subclause (38.1), and 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.
- 38.3 Voting at a Committee meeting is to be by open means (such as on the voices or by show of hands).

39 COMMITTEES TO KEEP MINUTES

- 39.1 Each Committee of Council must ensure that full and accurate minutes of the proceedings of its meetings are kept.
- 39.2 As soon as the minutes of an earlier meeting of a Committee of Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

40 CHAIRPERSON AND VICE CHAIRPERSON OF COMMITTEES

- 40.1 The chairperson of each committee of the Council must be:
 - 40.1.1 the Mayor; or
 - 40.1.2 if the Mayor does not wish to be the chairperson of a committee - a member of the committee elected by the Council; or
 - 40.1.3 if the Council does not elect such a member - a member of the committee elected by the committee.
- 40.2 The Council may elect a member of a committee of the Council as vice chairperson of the committee. If the Council does not elect a vice chairperson of such a committee, the committee may elect a vice chairperson.
- 40.3 If neither the chairperson nor the vice chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must, prior to the consideration of any business, elect a member of the committee to be acting chairperson of the committee.
- 40.4 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the vice chairperson is to preside at the meeting, but if neither the chairperson nor the vice chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

41 ABSENCE FROM COMMITTEE MEETINGS

- 41.1 A member ceases to be a member of a committee if the member (other than the Mayor):
- 41.2 has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
- 41.3 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.
- 41.4 Subclause (41.1) does not apply if all of the members of the Council are members of the committee.

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

42 REPORTS OF COMMITTEES

- 42.1 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.
- 42.2 The recommendations of a committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- 42.3 If a Committee of 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:
 - 42.3.1 make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - 42.3.2 report the resolution or recommendation to the next meeting of the Council.

43 DISORDER IN COMMITTEE MEETINGS

- 43.1 The provisions of the Act, the Regulation and this Code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

44 COMMITTEE MAY EXPEL CERTAIN PERSONS FROM ITS MEETINGS

- 44.1 If a meeting or part of a meeting of a committee of the Council is closed to the public in accordance with clause 54.3 of the Code, any person who is not a Councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.
- 44.2 If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, Committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain the person from re-entering, that place.

45 COMMITTEE SHALL NOT HAVE POWER TO INCUR EXPENDITURE

45.1 A Committee of the Council shall not have power to incur expenditure or to bind the Council, unless such Committee has been specifically delegated with that power by Council for a specific purpose. Recommendations or reports of Committees shall not have effect unless and until adopted by the Council. Provided that the Council may delegate to Committees functions of inspection and supervision, and any orders which a Committee may find it necessary to give in pursuance of any such delegation shall be given to or through the General Manager.

PART 6 - PECUNIARY INTERESTS (SEE ATTACHMENT)

46 PECUNIARY INTEREST

- 46.1 For the purposes of this Part, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in clause 47 of the Code. (Act - S 442 (1))
- 46.2 A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in clause 48 of the Code. (Act - S 442 (2))

47 PERSONS WHO HAVE A PECUNIARY INTEREST

- 47.1 For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
- 47.1.1 the person; or
 - 47.1.2 another person with whom the person is associated as determined under S 443 of the Local Government Act 1993. (Act - S 443 (1))
- 47.2 A person is taken to have a pecuniary interest in a matter if:
- 47.2.1 the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, has a pecuniary interest in the matter; or
 - 47.2.2 the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter. (Act - S 443 (2))
- 47.3 However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2):
- 47.3.1 if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or
 - 47.3.2 just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body. (Act - S 443 (3))

48 INTERESTS THAT NEED NOT BE DECLARED

- 48.1 The following interests do not need to be disclosed for the purposes of this Part:
- 48.1.1 an interest as an elector
 - 48.1.2 an interest as a ratepayer or a person liable to pay a charge
 - 48.1.3 an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public or a section of the public that includes persons who are not subject to this Part
 - 48.1.4 an interest as a member of a club or other organisation or association, unless the interest is as a holder of an office in the club or organisation (whether remunerated or not)
 - 48.1.5 an interest of a member of a Council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee
 - a) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument, other than an instrument that effects a change of the permissible uses of:
 - b) land in which the person has a pecuniary interest; or
 - c) land adjoining, or adjacent to, land referred to in paragraph (a); or
 - d) other land in proximity to land referred to in paragraph a), if the change would affect the value of the land referred to in paragraph a).
- (Act – S448)

49 DISCLOSURE AND PARTICIPATION IN MEETINGS

- 49.1 A councillor, a member of a Council committee or a member of staff 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 interest to the meeting as soon as practicable. (Act -S 451)

49.2 General disclosure

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

- 49.2.1 a member, or in the employment, of a specified company or other body;
or
- 49.2.2 a partner, or in the employment, of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice. (Act Sec 454)

- 49.3 The councillor or member or staff member must not take part in the consideration or discussion of the matter. (Act - S 451)

- 49.4 The councillor or member must not vote on any question relating to the matter. (Act - S 451)
- 49.5 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 Councillor committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given. (Act - S 456)
- 49.6 A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest. (Act - S 457)

50 PARTICIPATION IN MEETINGS DESPITE PECUNIARY INTERESTS

- 50.1 Clause 53 does not prevent a person from taking part in the consideration or discussion of, or from voting on, any of the following questions:
- 50.1.1 a question relating to a contract, proposed contract or other matter if the person or the spouse, de facto partner or relative of the person has a pecuniary interest only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company; (Act - S 452)
- 50.1.2 a question arising on a motion for a resolution to fill the office of mayor, if the reason for which abstention from voting would otherwise be required is that a fee for the following 12 months had been determined for the office; (Act - S 452)
- 50.1.3 a question relating to the making of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the only reason for which abstention from voting would otherwise be required is that a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership; (Act - S 452)
- 50.1.4 a question relating to the making of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts, and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
- a) the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation
 - b) security for damage to footpaths or roads
 - c) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council; (Act - S 452)
- 50.1.5 a question relating to:
- the making or levying of a rate or charge; or
 - the fixing or charging of a fee for the supply to a relative of the person by the Council of any commodity or service provided by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part; or
 - the payment of fees and expenses and the provision of facilities to councillors (including the mayor); (Act - S 452)

- 50.1.6 a question relating to the passing for payment of a regular account for wages or salary of an worker who is a relative of the person; (Act - S 452)
- 50.1.7 a question relating to the indemnity insurance of councillors or members of Council committees. (Act - S 452)
- 50.1.8 a question relating to the appointment of a councillor to a body as the representative or delegate of the Council, even though a fee or other recompense is payable to the representative or delegate. (Act – S 452)

Note: Section 458 of the Act provides that the Minister may in certain circumstances allow a councillor or a member of a committee of a council who has a pecuniary interest to take part in the consideration or discussion of a matter or vote on a matter.

51 DISCLOSURES TO BE RECORDED

- 51.1 A disclosure made at a meeting of the Council or Council committee must be recorded in the minutes of the meeting. (Act - S 453)

52 POWERS OF THE COUNCIL IN RELATION TO MEETINGS

- 52.1 A Councillor or member of a Council committee or member of staff must not, if the Council or committee so resolves, attend a meeting of the Council or committee while it has under consideration a matter in which the Councillor or member or member of staff has an interest required to be disclosed under this Part. (Act - S 455)
- 52.2 Upon declaring a pecuniary interest in a matter before Council or a Council committee, the Councillor or member or staff member is to leave the place of the meeting during discussion and voting on the matter by Council, or the Council committee as the case may be. (Policy)

PART 7 - PRESS AND PUBLIC

53 PUBLIC NOTICE OF MEETINGS

- 53.1 The Council must give notice to the press and public of the times, dates and places of its meetings and meetings of those of its committees of which all the members are Councillors. (Act - S 9 (1))
- 53.2 The Council and each such committee must have available for the press and public at its offices and at each meeting copies (for inspection and taking away by persons) of the agenda and associated business papers (such as correspondence and reports) for the meeting. (Act - S 9 (2))
- 53.3 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:
- 53.3.1 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
 - 53.3.2 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.
- 53.4 The copies are to be available to the press and public as nearly as possible to the time they are available to Councillors. (Act - S 9 (3))
- 53.5 The copies are to be available free of charge. (Act - S 9 (4))
- 53.6 A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form. (Act – S 9 (5))
- 53.7 The advertisements referred to in this part shall be placed in the Young Witness, on a monthly basis, notifying the public as to the place, dates and times the ordinary meetings of Council, and its Standing Committees, are scheduled to meet, and in addition, advertisements shall likewise be placed giving notice of special meetings of the Council and its Standing Committees.

54 ATTENDANCE AT MEETINGS OF THE COUNCIL

- 54.1 The press and public are entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors, except as provided by this clause. (Act - S 10 (1)) The Council will permit television cameras or audio tapes, operated by recognised media, to record proceedings of open Council and open Committee meetings.
- 54.2 The Council must ensure that all meetings of the Council and such committees are open to the public
- 54.3 The Council, or a committee of the Council of which all the members are Councillors, may close to the press and public so much of its meeting as comprises the receipt or discussion of any of the following:
- 54.3.1 personnel matters concerning particular individuals;
 - 54.3.2 the personal hardship of any resident or ratepayer;
 - 54.3.3 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - 54.3.4 commercial information of a confidential nature that would, if disclosed:
 - a) prejudice the commercial position of the person who supplied it, or
 - b) confer a commercial advantage on a competitor of the Council, or
 - c) reveal a trade secret,
 - 54.3.5 information that would, if disclosed, prejudice the maintenance of law,
 - 54.3.6 matters affecting the security of the Council, Councillors, Council staff or Council property;
 - 54.3.7 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. (Act – S 10A (2))
- 54.4 Council, or a committee of 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. (Act – S 10A (3))
- 54.5 Council or a committee of Council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. (Act – S 10A (4))
- 54.6 A person (whether a councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting. (Act - S 10 (2))
- 54.7 A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations. (Act – S 10 (3))

55 FURTHER LIMITATIONS RELATING TO CLOSURE OF PARTS OF MEETINGS TO PUBLIC

- 55.1 A meeting of Council is not to remain closed during the discussion of anything referred to in clause 54.3 of this Code:
- 55.1.1 except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - 55.1.2 if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless Council, or the committee concerned, is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest. (Act – S 10B (1))
- 55.2 A meeting of Council, or one of its committees, is not to be closed during the receipt and consideration of information or advice referred to in clause 54.3.7 of this Code unless the advice concerns legal matters that:
- 55.2.1 are substantial issues relating to a matter in which the Council or committee is involved, and
 - 55.2.2 are clearly identified in the advice, and
 - 55.2.3 are fully discussed in that advice. (Act – S 10B (2))
- 55.3 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 54.4 of this Code, 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 clause 54.3 of this Code). (Act – S 10B (3))
- 55.4 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:
- 55.4.1 a person may misinterpret or misunderstand the discussion, or
 - 55.4.2 the discussion of the matter may:
 - a) cause embarrassment to the Council, or committee concerned, or to Councillors or to workers of the Council, or
 - b) cause a loss of confidence in the Council or committee. (Act – S 10B (4))
 - 55.4.3 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must have regard to any relevant guidelines issued by the Director-General. (Act – S 10B (5))

56 NOTICE OF LIKELIHOOD OF CLOSURE NOT REQUIRED IN URGENT CASES

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

56.1.1 it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 54.3 of this Code, and

56.1.2 Council, or the committee, after considering any representations made under clause 60(4) of this Code, resolves that further discussion of the matter:

- a) should not be deferred (because of the urgency of the matter), and
- b) should take place in a part of the meeting that is closed to the public.
(Act – S 10C)

57 GROUNDS FOR CLOSING PART OF MEETING TO BE SPECIFIED

57.1 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.

57.2 The grounds must specify the following:

57.2.1 the relevant provision of clause 54.3 of this Code,

57.2.2 the matter that is to be discussed during the closed part of the meeting,

57.2.3 the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest. (Act – A 10D)

58 PUBLIC ACCESS TO CORRESPONDENCE AND REPORTS

58.1 The Council and a committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting. (Act - S 11 (1))

58.2 This clause does not apply if the correspondence or reports:

58.2.1 relate to a matter that was received or discussed; or

58.2.2 were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public. (Act - S 11 (2))

58.3 This clause 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 clause 54.3 of this Code, are to be treated as confidential.

PART 8 - MISCELLANEOUS

59 DISCLOSER AND MISUSE OF INFORMATION – PRESCRIBED CIRCUMSTANCES

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

60 INSPECTION OF THE MINUTES OF THE COUNCIL OR A COMMITTEE

- 60.1 An inspection of the minutes of the Council or committee of the Council is to be carried out under the supervision of the General Manager or an worker of the council designated by the General Manager to supervise inspections of those minutes.
- 60.2 A copy of the minutes of the open Ordinary Meetings of the Council shall be made available for display in the Young Library.
- 60.3 The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

Note: Section 12 of the Act confers a right to inspect the minutes of a council or committee of a council.

61 TAPE RECORDING OF MEETING OF THE COUNCIL OR A COMMITTEE PROHIBITED WITHOUT PERMISSION

- 61.1 A person may use a tape recorder to record the proceedings of a meeting of the Council or a committee of a Council only with the authority of the Council or committee.
- 61.2 A person may, as provided by clause 54.6 of the Code, be expelled from a meeting of the Council or a Committee of the Council for using or having used a tape recorder in contravention of this clause.
- 61.3 If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain the person from re-entering, that place.
- 61.4 In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magneticord or not.

62 CERTAIN CIRCUMSTANCES DO NOT INVALIDATE COUNCIL DECISIONS

- 62.1 Proceedings at a meeting of the Council or a Council committee are not invalidated because of:
- 62.1.1 a vacancy in a civic office; or
 - 62.1.2 a failure to give notice of the meeting to any councillor or a committee member; or
 - 62.1.3 any defect in the election or appointment of a councillor or a committee member; or
 - 62.1.4 a failure of a councillor or a committee member to disclose a pecuniary interest at a Council or a committee meeting; or
 - 62.1.5 a failure to comply with this Code. (Act - S 374)

63 MATTERS NOT IN THE CODE OF MEETING PRACTICE

- 63.1 Where at a Council meeting, meeting practice matters arise which are in all cases not provided for in this Code resort shall 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 proceedings of the Council.

64 SMOKING ON COUNCIL'S PREMISES

- 64.1 Smoking will not be permitted at any Council meeting or any committee meeting held on Council premises or attended by Council staff. This is in accordance with Council's no smoking policy, and will remain in force despite any change which may occur in that policy in the future.

65 OPEN FORUM DURING COUNCIL MEETINGS

- 65.1 Members of the public are invited to address Council on any local government issue, at the commencement of the Council Meeting;
- 65.2 Persons interested in addressing Council are to be in the Meeting room fifteen (15) minutes prior to the commencement of the Council Meeting, and must convey to the General manager their desire to address Council, and on what particular issue they wish to address;
- 65.3 Addresses are to be a maximum of five (5) minutes in length, with the total time allowed for this agenda item being thirty minutes;
- 65.4 Should there be more than one (1) person wishing to address Council on an issue, then those persons are to nominate one (1) person to represent the group;
- 65.5 Councillors may ask questions of the person addressing Council, for a period of time which shall be at the discretion of the Mayor;
- 65.6 Members of staff may be asked to comment on an issue, or if investigation is required, a report to a subsequent meeting may be required;
- 65.7 No motions or resolutions are to be moved during Open Forum;
- 65.8 Chairperson only responds, or members of staff if requested;
- 65.9 If no person is in the gallery at the commencement of the Meeting, who wishes to address the Meeting, the next item on the agenda is to be proceeded with;
- 65.10 No written material is to be submitted during the Open Forum session. (Council Policy)

66 SUBMISSIONS TO COMMITTEE AND COUNCIL DEFERRING DECISION

- 66.1 When any matter is before Council for consideration, and an address or submission is made at a Council or Committee meeting by a developer, objector, or a member of the public, a decision on that matter will be deferred, pending referral to the General Manager, or appropriate Director for report to the next meeting as appropriate.

(Reasons for this are such that the person making the presentation to the respective meeting, may present new information which has not been taken into consideration by the Council or the officer concerned)

67 ATTENDANCE OF GENERAL MANAGER AT MEETINGS

- 67.1 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.
- 67.2 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.
- 67.3 However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager. (Act - S 376)
- 67.4 The General Manager (or his substitute) will attend each Council and Committee meeting.

68 COMMON SEAL

- 68.1 The General Manager shall have the custody of the Common Seal, and the same shall be kept in such place as the Council directs. The Common Seal and the press to which the same is attached except when such seal and press are in use, shall be kept locked; or shall be otherwise secured.

[When and how Common Seal may be used]

- 68.2 Subject to this Code the Common Seal shall not be attached to any document without an express order of the Council. The seal of Council may be affixed to a document only in the presence of:
- 68.2.1 the Mayor and the General Manager; or
- 68.2.2 at least one (1) Councillor (other than the Mayor) and the General Manager; or
- 68.2.3 the Mayor and at least one (1) other Councillor; or
- 68.2.4 at least two (2) Councillors other than the Mayor.
- 68.3 The affixing of the Council Seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.
- 68.4 The Common Seal of 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.
- 68.5 For the purposes of subclause (68.4), a document in the nature of a reference or certificate of service for an worker of the Council does not relate to the business of the Council.

[Impression of seal not to be taken without leave of Council]

- 68.6 Subject to this Code an impression of the Common Seal shall not be taken by any person without the leave of the Council. Any person who contravenes this provision shall be guilty of an offence.

69 AMENDMENT OF CODE

69.1 This Code may be amended only in accordance with the provisions of Division 1 of Part 2 of Chapter 12 of the Act.

SCHEDULE A

Order of Business

Ordinary Council Meetings

1. Receipt of Apologies.
2. Confirmation of Minutes.
3. Business arising out of Minutes.
4. Obituaries.
5. Recognition of Community Achievement
6. Open Forum.
7. Mayoral Minutes.
8. The reception of reports of Council Delegates to various Committee's and organisations.
9. The reception of reports of Committee and Sub-Committee Meetings of Council.
10. The reception of the General Manager's report.
11. The reception of correspondence.
12. Questions of which due notice has been given.
13. Notices of Motion.
14. Notices of Rescission.
15. Questions without Notice.
16. Motions without Notice.
17. The reception of Reports of the Committee-of-the-Whole and provided that Council may after confirmation of the Minutes of the previous meeting make a variation of the order of the business to accord precedence to any matter set down on the business paper for consideration.

Date Amended: 16.02.05
Date Amended: 16.09.09
Date Amended: 17.07.13

Resolution No. 78/05
Resolution No. 283/09
Resolution No. 267/13