

# ***DRAFT* CODE OF MEETING PRACTICE**

## **For Councillors, Staff & Delegates**

Adopted on 24 April 1995

*Revised March 1999*

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*Revised 23 March 2009 to accurately reflect the Local Government Act 1993*

*Revised Draft to Finance & Administration Committee Meeting – Monday 21 September 2009,  
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## **PART 1 – PRELIMINARY**

### **1. Citation**

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

### **2. Definitions**

In this Code:

- (a) Amendment, in relation to an original motion, means a motion moving an amendment to that motion;
- (b) Chairperson,
  - (i) in relation to a meeting of the Council – means the person presiding at the meeting as provided by Clause 11 of this Code; and
  - (ii) in relation to a meeting of a committee – means the person presiding at the meeting as provided by Clause 48 of this Code;
- (c) Committee, means a committee appointed or elected by the Council in accordance with Clause 42(a) or the Council when it has resolved itself into a committee of the whole;
- (d) 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 employee of the Council and, in particular, includes the minutes of meetings of the Council or of a committee of the Council;
- (e) Relative, in relation to a person, means any of the following:
  - (i) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;
  - (ii) the spouse or the de facto partner of the person or of a person referred to in paragraph (e) (i).
- (f) The Act means the Local Government Act 1993;
- (g) The Code means the AlburyCity Council Code of Meeting Practice; and the Regulation means the Local Government (General) Regulation 2005.
- (h) 'Negatived' – A motion 'negatived' is a motion lost.
- (i) 'Standing Orders' – The permanent rules and proceedings of meetings.

**3. Act and Regulation**

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

**4. Notes to Text**

- (a) 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.
- (b) 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

### 5. Frequency of Meetings of the Council

- (a) The Council is required to meet at least 10 times each year, each time in a different month.
- (b) The Council's meeting cycle is as follows:
- (i) *The Planning & Development Committee, Engineering & Works Committee, Community & Cultural Committee and Finance & Administration Committee will consider matters and make recommendations to Council.*
- (ii) ***The Planning & Development Committee*** to consider matters associated with:
- Building regulations,
  - Development Applications,
  - Economic development,
  - Enforcement and compliance policy,
  - Strategic land use planning,
  - Regional development, and
  - Tourism.
- (iii) ***The Engineering & Works Committee*** to consider matters associated with:
- Airport, landfill and cemetery/crematorium;
  - Asset management;
  - Emergency services;
  - Major construction projects;
  - Roads, bridges, buildings, footpaths and drainage;
  - Traffic management and parking;
  - Fleet management;
  - Floodplain management;
  - Waste management; and
  - Water and sewerage.
- (iv) ***The Community & Cultural Committee*** to consider matters associated with:
- Community, cultural and youth services;
  - Community development;
  - Community health;
  - Community safety;
  - Events;
  - Natural resources management; and
  - Parks, sport and recreation.

- (v) **The Finance & Administration Committee** to consider matters associated with:
- Council Plan, Finance Plan and budgets;
  - Organisational performance and audit;
  - Policy development and review including communications and branding, governance, human resources, information management, risk management, procurement and sustainability; and
  - Strategic corporate planning.

**The Mayor is an ex officio member of each Committee, and there are no limits on the number of Councillors on each Committee.**

- (vi) *All provisions of Council's Code of Meeting Practice apply to these Committees.*
- (vii) *The Chairperson of each Committee and the Committee Members shall be resolved by the Council at the annual meeting when Councillor Representation on Committees is determined.*
- (viii) *Committee Meetings and Meetings of the Council are held in the AlburyCity Council Chambers, 553 Kiewa Street, Albury, at 6.00pm.*
- (ix) *1st Monday will be, if required, a Community Forum and/or Councillor Workshop.*
- (x) *2nd Monday of the month shall be the Planning & Development Committee Meeting followed by the Engineering & Works Committee Meeting.*
- (xi) *3rd Monday of the month shall be the Community & Cultural Committee Meeting followed by the Finance & Administration Committee Meeting.*
- (xii) *Community Forums will have an Agenda. In accordance with the Agenda, members of the public may address the Councillors and the Chairperson may invite questions. In accordance with Clause 38, order is to be maintained at the meeting.*
- (xiii) *Councillor Workshops will have an Agenda. The public and media do not have attendance entitlements at workshops. There is no obligation on councillors to attend workshops.*
- (xiv) *Council decisions are not made at workshops. Workshop reports contain information but no recommendations.*
- (xv) *4th Monday will be an Ordinary Council Meeting.*
- (xvi) *Council meetings shall conclude at 11.00pm and extensions of time (in fifteen minute periods) shall only be granted by resolution.*

- (c) The Council may, by resolution, vary the time, date and place of Ordinary Meetings should circumstances exist which would prevent the Ordinary Meetings of the Council being held in accordance with clause 5(b).

*Amended 14 September 1998*

*Amended 1 July 2001 and also November 2001*

*Amended 2005*

*Amended June 2006*

*Amended September 2007*

*Amended October 2008*

## **6. Extraordinary Meetings**

- (a) The Mayor may call Extraordinary Meetings of the Council.
- (b) If the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable but in any event within eight working days after the receipt of the requests made. (The Mayor can be one of the two Councillors who submit the written request.)
- (c) If the Mayor fails, within four working days of receipt of a request pursuant to subsection 6(b), to give a direction to the General Manager for the sending of Notices to Councillors for an Extraordinary Meeting to be held within the period specified in subsection 6(b), the General Manager must send a notice to each Councillor specifying that the Meeting will be held on the eighth working day following the date of receipt of the request.
- (d) For the purpose of subsections 6(b) and 6(c), a working day is a day that is not a Saturday, Sunday or public holiday.

*Amended June 2006*

## **7. Notice of Council and Committee Meetings**

- (a) The General Manager of the Council must send to each Councillor, at least three 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.
- (b) The notice must be published in the local newspaper indicating the time and place of the meeting.
- (c) Notice of less than three days may be given of an Extraordinary Meeting called in an emergency, but in no case shall notice of less than one day be given.
- (d) Public notice must be given on the time and place of Extra Ordinary Council and Committee Meetings but this does not have to be by publication in a local newspaper.

- (e) Subclauses 7(a) and 7(b) do not apply to the consideration of business at a meeting if the business:
- (i) is already before, or directly relates to a matter that is already before, the Council; or
  - (ii) is the election of a Chairperson to preside at the meeting as provided by clause 11 (iii); or
  - (iii) is a matter or topic put to the meeting by the Chairperson in accordance with clause 15; or
  - (iv) is a motion for the adoption of recommendations of a committee of the Council.
- (f) Despite subclauses 7(a) and 7(b), 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:
- (i) a motion is passed to have the business transacted at the meeting; and
  - (ii) either:
    - all the Councillors (disregarding any casual vacancies) are present at the meeting; or
    - the business proposed to be brought forward is ruled by the Chairperson to be of sufficient urgency to warrant consideration at that meeting.
- Such a motion can be moved without notice.*
- (g) Despite clause 28 relating to the limitation as to the number of speeches, only the mover referred to in subclause 7(f) can speak to the motion before it is put.

*Amended June 2006*

## **8. 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.

## **9. What happens when a quorum is not present**

- (a) A meeting of the Council must be adjourned if a quorum is not present:
- (i) within half an hour after the time designated for the holding of the meeting; or
  - (ii) at any time during the meeting.

- (b) In either case, the meeting must be adjourned to a time, date and place fixed:
  - (i) by the Chairperson; or
  - (ii) in his or her absence - by the majority of the Councillors present; or
  - (iii) failing that, by the General Manager.
- (c) 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.

#### **10. Presence at Council meetings**

- a. A Councillor cannot participate in a meeting of the Council unless personally present at the meeting.
- b. A Councillor requesting leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that councillor.
- c. Leave of absence for three or more consecutive meetings may only be granted by a Council resolution.
- d. Leave of absence will not unreasonably be withheld.
- e. Acceptance of an apology by the council is taken as granting leave of absence.
- f. If a councillor is absent, with or without leave of the council, from ordinary meetings of the council for any period of more than three months, the council must not pay any annual fee, or part of an annual fee, to that councillor that relates to the period of absence that is in excess of three months.
- g. A member (other than the mayor) ceases to be a member of a committee if the member:
  - (i) has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (ii) 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.
  - (iii) Subclause (g) does not apply in respect of a committee that consists of all of the members of the council.

*Amended June 2006*

*Clause 10b, d, e, f and g amended September 2009*

## **PART 3 – PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS**

### **11. Chairperson of Council meetings**

- (a) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of the Council.
- (b) 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.
- (c) 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.
- (d) The election must be conducted by a show of hands.
  - (i) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
  - (ii) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- (e) If, at an election of a Chairperson, two 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 drawn by the General Manager or his nominee.
- (f) For the purpose of subclause 11(e), the person conducting the election must:
  - (i) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
  - (ii) then fold the slips so as to prevent the names being seen, mix the slips and draw one of the slips at random.
- (g) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

### **12. Chairperson to have precedence**

- (a) When the Chairperson rises or speaks during a meeting of the Council:
  - (i) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
  - (ii) every Councillor present must be silent to enable the Chairperson to be heard without interruption.

**13. Chairperson's duty with respect to motions**

- (a) 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.
- (b) The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (c) Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

**14. Minutes**

- (a) The Council must ensure that full and accurate minutes are kept of proceedings of the Council.
- (b) The General Manager must ensure that the following matters are recorded in the Council minutes:
  - (i) Details of each motion moved at a Council meeting and any of the amendments moved to it,
  - (ii) The NAMES of the MOVER and the SECONDER of the motion or amendment,
  - (iii) Whether the motion or amendment is CARRIED or LOST.
- (c) 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.
- (d) 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
- (e) Minutes may be confirmed at an extraordinary meeting of the Council.
- (f) 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.

**15. Order of Business**

- (a) 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 this Code and the Schedule.
- (b) The order of business fixed under subclause 15(a) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.
- (c) Despite clause 28, only the mover of a motion referred to in subclause 15(b) may speak to the motion before it is put.

**16. Agenda for Council Meetings**

- (a) The General Manager must ensure that the agenda paper for a meeting of the Council states:
  - (i) all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
  - (ii) 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 agenda is prepared, to put to the meeting; and
  - (iii) the business proposed to be transacted at the meeting.
  - (iv) any business of which due notice has been given.
- (b) 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.
- (c) The General Manager must cause the agenda for a meeting of the Council to be prepared as soon as practicable before the meeting.
- (d) If, in the opinion of the General Manager, business to be transacted at a meeting of the Council is a kind of business referred to in clause 16(b), the business may be included in a confidential business paper. All other business to be transacted at the meeting must be included in an ordinary agenda.
- (e) If a confidential agenda paper is prepared for a kind of business referred to in clause 16(b), the General Manager must ensure that details of such items of business are included in the ordinary agenda prepared for the same meeting.
- (f) Nothing in this clause limits the powers of the Chairperson under clause 19.

*Clause 16 (i) amended 7 September 1998*

*Clause 16 (i) (b) amended 7 September 1998*

*Clause 16 (ii) amended 7 September 1998*

*Clause 16 (iii) amended 7 September 1998*

*Clause 16 (iv) amended 7 September 1998*

*Additional Clause 16 ( ii) subsequent clauses renumbered*

*Amended 7 February 2000*

**17. Giving notice of business**

- (a) The Council must not transact business at a meeting of the Council:
  - (i) unless a Councillor has given notice of the business in writing by noon of the Thursday immediately preceding the meeting; and
  - (ii) unless notice of business has been sent to the Councillors at least three days before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one day.
- (b) Subclause 17(a) does not apply to the consideration of business at a meeting if the business:
  - (i) is already before, or directly relates to a matter that is already before, the Council; or
  - (ii) is the election of a Chairperson to preside at the meeting as provided by clause 11(c); or
  - (iii) is a matter or topic put to the meeting by the Chairperson in accordance with clause 19; or
  - (iv) is a motion for the adoption of recommendations of a committee of the Council.
- (c) Despite subclause 17(a), business may be transacted at a meeting of the Council even though due notice of the business has not been given to councillors. However, this can happen only if:
  - (i) a motion is passed to have the business transacted at the meeting; and
  - (ii) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency or the business proposed to be brought forward is considered to be of great urgency by a majority of Councillors present at the meeting.

Such a motion can be moved without notice.

*Clause 17 (iii) b amended 7 February 2000*

- (d) Despite clause 28, only the mover of a motion referred to in subclause 17(c) can speak to the motion before it is put.

**18. Agenda for extraordinary meeting**

- (a) The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- (b) Despite subclause (a), 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:

- (i) a motion is passed to have the business transacted at the meeting; and
  - (ii) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency or the business proposed to be brought forward is considered to be of great urgency by a majority of Councillors present at the meeting.
  - (iii) Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of:
- (c) Despite clause 28 relating to limitations as to number of speeches, only the mover of a motion referred to in subclause 18(b) can speak to the motion before it is put.

*Clause 18 (i) amended 7 September 1998*

*Clause 18 (ii) amended 7 September 1998*

*Clause 18 (ii) b amended 7 February 2000*

## **19. Mayoral Minutes**

- (a) 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 without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- (b) 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.
- (c) A recommendation made in a minute of the Chairperson (being the Mayor, Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, in so far as adopted by the Council, a resolution of the Council.

## **20. Report of a Department of Local Government representative to be tabled at Council meeting**

- (a) When a report of a Department of Local Government representative has been presented to a meeting of the Council in accordance with section 433 of the Act, the Council must ensure that the report:
  - (i) is laid on the table at that meeting; and
  - (ii) is subsequently available for the information of Councillors and members of the public at all reasonable times.

**21. Notice of motion - absence of mover**

- (a) In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
  - (i) any other Councillor may move the motion at the meeting; or
  - (ii) the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

*Clause 21 amended 7 September 1998*

**22. Motions to be seconded**

- (a) A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the Chairperson to speak to the motion before calling for the motion to be seconded. This clause is subject to clauses 19(b) and 28(e).

**23. How subsequent amendments may be moved**

- (a) If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
- (b) It is permissible to debate the motion and an amendment concurrently.
- (c) It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.

**24. Motions of dissent**

- (a) A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (b) 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.
- (c) Despite clause 28, 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.

**25. Petitions may be presented to the Council**

- (a) A Councillor may present a petition to the Council.
- (b) The Chairperson must not permit discussion on the petition.
- (c) The petition will be referred to the General Manager for appropriate action or referral to a future meeting of the Council.

**26. Questions may be put to Councillors and Council employees**

- (a) A Councillor:
  - (i) may, through the Chairperson, put a question to another Councillor; and
  - (ii) may, through the Chairperson and the General Manager, put a question to a Council employee.
- (b) 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.
- (c) Any such question shall be put directly, succinctly, and without argument. The Chairperson shall at all times reserve the right to require the Councillor to submit the question in writing. The Chairperson shall also reserve the right to direct that the response in relation to such question be reported in writing to a future meeting of the Council.
- (d) 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.
- (e) Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.

**27. Mode of address**

Councillors shall at all times address other Councillors by their official designation, for example, "Mr. Mayor", "Madam Mayor" or "Councillor Brown", as the case may be.

*Amended June 2006*

**28. Limitation as to number of speeches**

- (a) A Councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (b) 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 the motion.

- (c) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (d) Despite subclauses 28(a) and 28(b), a Councillor may move that a motion or an amendment be now put:
  - (i) 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
  - (ii) if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- (e) The Chairperson must immediately put to the vote, without debate, a motion moved under subclause 28(d). A seconder is not required for such a motion.
- (f) 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 28(a).
- (g) 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 amendment to be resumed.

#### **29. Motions put with no or limited debate**

- (a) When a motion has been moved and seconded, the Chairperson shall ask if the motion is to be opposed. If no opposition is indicated, then the Chairperson may put the motion, provided no Councillor exercises his or her right to speak under Clause 28(b).
- (b) If a motion is opposed, then the Mover shall speak first. Other speakers shall follow, and shall alternate for and against the motion. When that cycle of debate cannot proceed, the Chairperson may put the motion, provided no Councillor exercises his or her right to speak under Clause 28(b).

#### **30. Voting at Council meetings**

- (a) Each Councillor is entitled to one vote.
- (b) However, the Chairperson has, in the event of an equality of votes, a second or casting vote.
- (c) A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.

- (d) 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.
- (e) The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Councillors rise and demand a division.
- (f) 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.
- (g) 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. Other elections shall be determined by an exhaustive open ballot procedure.

*Clause 30 (v) amended 24 March 1997*

*Clause 30 (vii) inserted 24 March 1997*

### **31. Representations by members of the public - closure of part of meeting**

- (a) A representation at a Council Meeting by a member of the public as to whether part of a meeting should be closed to the public can only be made for a fixed period immediately after the motion to close part of the meeting is moved and seconded.
- (b) The period allowed in clause (i) shall be fixed by Council resolution when the matter is under consideration, having due regard to the different types of matters to be discussed or received and discussed at the closed part of the meeting.

*Clause 31 inserted 7 September 1998 and subsequent clauses renumbered.*

*Clause 31 (ii) amended 7 February 2000.*

### **32. Resolutions passed at closed meetings to be made public**

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

### **33. Decisions of the Council**

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

**34. Rescinding or altering resolutions**

- (a) 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.
- (b) If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.
- (c) If a notice of motion to rescind or alter a resolution is given:
  - (i) 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
  - (ii) at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.
- (d) In the case of a motion of alteration, subclause 34(c) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- (e) If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has been given in accordance with clause 17.
- (f) 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.
- (g) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.
- (h) 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.
- (i) The provisions of this clause concerning negated motions do not apply to motions of adjournment.

**35. Motions of adjournment**

- (a) Debate shall not be permitted on any motion for adjournment of a Council meeting.
- (b) 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.

- (c) 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. An adjourned meeting is a continuation of the same meeting, not a new meeting.

*Amended June 2006*

### **36. Variation of Meeting Procedures**

- (a) Practices and procedures outlined in this Code may be suspended in part or in whole in order to deal with a particular matter or item of business.
- (b) Procedures shall be suspended by the council carrying a resolution to “suspend standing order” (ie. procedures) to deal with a particular matter following which Standing Orders shall resume.
- (c) Suspension of Standing Orders requires a motion to be moved and seconded to move into Committee of the Whole, if not already, at an Ordinary Council Meeting; and a subsequent motion to be moved and seconded to resume the Standing Orders. The motion shall be recorded in the Minutes of the meeting.

*Clause 36 amended September 2009*

## **PART 4 – KEEPING ORDER AT MEETINGS**

### **37. Questions of order**

- (a) 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.
- (b) 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.
- (c) 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.
- (d) The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### **38. Acts of disorder**

- (a) Councillor
  - (i) A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
    - (1) contravenes the Act, any regulation in force under the Act, Council's Code of Conduct or this Code; or
    - (2) assaults or threatens to assault another Councillor or person present at the meeting; or
    - (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
    - (4) insults or makes personal reflections on or imputes improper motives to any other Councillor or person; or
    - (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; or
    - (6) reads at length from any correspondence, report or other document, without the leave of the Council.
  - (ii) The Chairperson may require a Councillor:
    - to apologise without reservation for an act of disorder referred to in subclause (i) (1) or (2); or
    - to withdraw a motion or an amendment referred to in subclause (i) (3) and, where appropriate, to apologise without reservation; or

- to retract and apologise without reservation for an act of disorder referred to in subclause (i) (4) or (5).
  - to cease immediately in the case of a breach of clause 38(i)(6).
- (iii) A Councillor may, as provided by clause 61(d), be expelled from a meeting of the Council or Committee of the Council for having failed to comply with a requirement under Subclause (ii). The expulsion of a Councillor from the meeting by reason of Subclause (ii) does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

*Amended June 2006*

(b) Members of the Public

- (i) A member of the public commits an act of disorder if that person, at a meeting of the Council or a committee of the Council:
- contravenes the Act, any regulation in force under the Act or this Code; or
  - assaults or threatens to assault another person or Councillor present at the meeting; or
  - Addresses or attempts to address the Council or committee on any matter, without the leave of Council; or
  - insults or makes personal reflections on or imputes improper motives to any Councillor or person; or
  - says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt; or
  - reads at length from any correspondence, report or other document, without the leave of the Council or committee.

**39. How disorder at a meeting may be dealt with**

- (a) 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, or committee of 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.
- (b) A member of the public may, as provided by clause 61(d) be expelled from a meeting of the Council or committee of the Council for engaging in or having engaged in disorderly conduct at the meeting.

- (c) A Councillor may, as provided by subclause 39(b), be expelled from a meeting of the Council or committee of the Council for engaging in or having engaged in disorderly conduct at the meeting.

**40. Power to remove persons from meeting after expulsion resolution**

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

- (a) Immediately after the Council or committee of the Council has passed a resolution expelling the Councillor or member from the meeting; or
- (b) where the Council or committee of 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.

## **PART 5 – COUNCIL COMMITTEES**

### **41. Committee of the Whole**

- (a) The Council may resolve itself into a Committee of the Whole to consider any matter before the Council.
- (b) All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of a Committee of the Whole, except the provisions:
  - (i) limiting the number and duration of speeches; and
  - (ii) requiring Councillors to stand when speaking.
- (c) 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.
- (d) 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.

### **42. Council may appoint committees under Clause 260 of the Regulation**

- (a) The Council may appoint or elect such committees by resolution as it considers necessary.
- (b) Such a committee is to consist of the Mayor and such number of Councillors of the Council as the Council decides.
- (c) The quorum for a meeting of such a committee is to be:
  - (i) such number of members as the Council decides; or
  - (ii) if the Council has not decided a number - a majority of the members of the committee.

*Amended June 2006*

### **43. 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.

**44. Notice of committee meetings to be given**

- (a) The General Manager of the Council must send to each Councillor, at least three days before each meeting of the committee, a notice specifying:
  - (i) the time and place at which and the date on which the meeting is to be held; and
  - (ii) the business proposed to be transacted at the meeting.
- (b) However, notice of less than three days may be given of a committee meeting called in an emergency.
- (c) The provisions of clause 16 (b)-(d) apply to the agendas of committee meetings in the same manner as they apply to the agendas of meetings of the Council.

*Clause 44 (iii) amended 7 September 1998*

**45. Non-members entitled to attend committee meetings**

A councillor who is not a member of a committee of the Council is entitled to attend and speak at, but is not entitled to put business on the Committee's Agenda, move or second a motion at the meeting or vote at, a meeting of the committee.

*Amended June 2006*

**46. Procedure in committees**

- (a) Each committee of the Council may regulate its own procedure.
- (b) Without limiting subclause 46(a), a committee of the Council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the Chairperson of the committee is to have a casting vote as well as an original vote.

**47. Committees to keep minutes**

- (a) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept.
- (b) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

**48. Chairperson of committees**

- (a) The Chairperson of each committee of the Council, must be:
  - (i) the Mayor; or
  - (ii) if the Mayor does not wish to be the Chairperson of a committee - a member of the committee elected by the Council; or

- (iii) if the Council does not elect such a member - a member of the committee elected by the committee.
- (b) The Council may elect a member of a committee of the Council as deputy Chairperson of the committee. If the Council does not elect a deputy Chairperson of such a committee, the committee may elect a deputy Chairperson.
- (c) If neither the Chairperson nor the deputy Chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting Chairperson of the committee.
- (d) The Chairperson is to preside at a meeting of a committee of the Council. If the Chairperson is unable or unwilling to preside, the deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.
- (e) The procedure for the election of Chairperson is in accordance with clause 11, (c-g).
- (f) The Mayor is, by virtue of holding that office, a member of each committee of the Council.

#### **49. Absence from committee meetings**

- (a) A member ceases to be a member of a committee if the member (other than the Mayor);
  - (i) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
  - (ii) 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.
- (b) Subclause 49(a) 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.

#### **50. Reports of committees**

- (a) 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.
- (b) The recommendations of a committee of the Council are, in so far as adopted by the Council, resolutions of the Council.

- (c) If a committee of a Council makes a recommendation to Council, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:
  - (i) make the recommendation to Council public as soon as practicable after the meeting or part of the meeting has ended; and
  - (ii) report the recommendation to Council to the next meeting of the council.

*Amended June 2006*

#### **51. Disorder in committee meetings**

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.

#### **52. Committee may expel certain persons from its meetings**

- (a) If a meeting or part of a meeting of a committee of the Council is closed to the public in accordance with clause 61 (b), any person who is not a councillor may be expelled from the meeting as provided by clause 61(d) of this Code.
- (b) 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, committee, or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place, and, if necessary, restrain that person from re-entering that place.

#### **53. Council may appoint Committees under Section 355(b) and 376(2) of the Act**

- (a) The Council may appoint or elect such Committees as it considers necessary. These Committees can contain persons who are not Councillors.
- (b) The Council must specify the functions of each of these Committees when the Committee is appointed or elected, but may from time to time amend these functions.
- (c) A Committee can exercise a Council's Regulatory function under Chapter 7 of the Act only if all its members are either Councillors or Council Employees.
- (d) These Committee meeting procedures will follow the principles outlined in this Code of Meeting Practice with one exception, ie. The meetings are closed to the public and media unless public access is resolved by Council.

*Clause 53 Included June 2006*

## **PART 6 – PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS**

### **54. Pecuniary interest**

- (a) 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 55.
- (b) 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 56.

### **55. Persons who have a pecuniary interest**

- (a) For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
  - (i) the person; or
  - (ii) another person with whom the person is associated.
- (b) A person is taken to have a pecuniary interest in a matter if:
  - (i) the person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter; or
  - (ii) 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.
- (c) However, a person is not taken to have a pecuniary interest in a matter as referred to in clause 55(b):
  - (i) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body; or
  - (ii) just because the person is a member of, or employed by, a Council or a statutory body or is a member of a company or other body that has a pecuniary interest in the matter if the person has no beneficial interest in any shares of the company or body.

### **56. Interests that need not be declared**

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

- (a) an interest as an elector
- (b) an interest as a ratepayer or a person liable to pay a charge

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

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

**57. Disclosure and participation in meetings**

- (a) 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 interest to the meeting as soon as practicable.
- (b) A general notice of disclosure made pursuant to section 454 of the Act fulfils the requirement of subclause 57(a).
- (c) The Councillor or member must not be present at, or in sight of, the meeting of the council or committee:
  - (i) At any time during which the matter is being considered or discussed by the council or committee, or
  - (ii) At any time during which the council or committee is voting on any question in relation to the matter.

The Councillor is not counted for the purpose of a quorum for that matter.

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

- (e) 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.

**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.

*Amended June 2006*

#### **58. Disclosures to be recorded**

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

*Amended May 2001 Clauses included (from Section 448 part (d), (h), (l), (j), (k), (l), (m), (n), (o) and (p) (Local Government Act)*

*Amended May 2001 Clauses included (from Section 451 part (2) (a) & (b) (Local Government Act)*

*Amended May 2001 56 Section (iii) (iv) (v), Section 57, also Section 59 (removed from ACC document, then renumbered).*

#### **59. Non-Pecuniary Conflict of Interest**

- (a) Where practical, Councillors should advise the Chairperson in writing of this conflict at the beginning of the meeting (a standard form is available).
- (b) If a conflict arises during a Council or Committee Meeting, Councillors must inform the meeting of the interest. Depending upon the nature of the conflict, the Councillor needs to decide whether or not to participate in consideration of, or voting, on the matter.
- (c) Where a Councillor decides not to vote on an issue because of a non-pecuniary conflict of interest, the Councillor must leave the room at the time the vote is taken, otherwise the Councillor will be taken as having voted against the motion.
- (d) the disclosure of a conflict must be recorded in the minutes of the meeting.

*Clause 59 Included June 2006*

## PART 7 – MEDIA AND PUBLIC

### 60. Public Notice of Meetings

- (a) The Council must give notice to the media 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.
- (b) The Council and each such committee must have available for the media and public at its offices and at each meeting copies (for inspection and taking away by persons) of the agenda for the meeting. This requirement does not apply to the agenda for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the media and public.
- (c) The copies are to be available to the media and public as nearly as possible to the time they are available to Councillors.
- (d) The copies are to be available free of charge.

*Clause 60 (ii) amended 7 September 1998*

*Amended June 2006*

### 61. Attendance at meetings of the Council

- (a) The **media** and public are entitled to attend Ordinary and Extraordinary Meetings of the Council and Meetings of Special Committees, except as provided by this clause.
- (b) The Council or such a committee may close to the media and public only so much of its meeting as comprises the receipt or discussion of any of the following:
  - (i) personnel matters concerning particular individuals (other than councillors);
  - (ii) the personal hardship of any resident or ratepayer;
  - (iii) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
  - (iv) 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
  - (v) advice concerning litigation; or advice which would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege;
  - (vi) information the disclosure of which would prejudice the maintenance of law;

- (vii) matters affecting the security of the Council, Councillors, Council staff or Council property;
- (viii) information concerning the nature and location of a place or an item of Aboriginal significance on community land;

A motion to close the meeting to the public is required.

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.

A Council, or a Committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

- (c) The grounds on which a meeting is closed must be specified in the decision to close the meeting and recorded in the minutes of the meeting. The grounds must specify the following:
  - (i) the relevant provision of clause 61 (b) (i-viii),
  - (ii) the matter that is to be discussed during the closed part of the meeting,
  - (iii) 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 the discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- (d) A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting:
  - (i) by a resolution of the meeting; or
  - (ii) by the person presiding at the meeting, if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (e) Nothing in this clause prevents any limitation being placed on the number of members of the public admitted to a meeting of the Council or a committee of the Council, provided such limitation is for reason of safety or security.

*Clause 61 (ii) (c) amended 7 September 1998*

*Clause 61 (ii) (d) amended 7 September 1998*

*Clause 61 (ii) (e) amended 7 September 1998*

*Amended June 2006*

*Clause 61 (b) (i) amended September 2009*

*Clause 61 (b) (viii) amended September 2009*

**62. Public access to correspondence and reports**

- (a) 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.
- (b) This clause does not apply if the correspondence or reports:
  - (i) relate to a matter that was received or discussed; or
  - (ii) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.

## **PART 8 – MISCELLANEOUS**

### **63. Information relating to proceedings at closed meetings not to be disclosed**

- (a) A person must not disclose any information obtained in connection with the administration or execution of the Local Government Act 1993 unless that disclosure is made:
  - (i) with the consent of the person from whom the information was obtained; or
  - (ii) in connection with the administration or execution of the Local Government Act 1993; or
  - (iii) for the purposes of any legal proceedings arising out of the Local Government Act 1993 or of any report of any such proceedings; or
  - (iv) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989; or
  - (v) with other lawful excuse.
- (b) If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with clause 61(b), a person must not, without the authority of the Council or the committee, disclose, otherwise than to the Council or to a Councillor, information with respect to the discussion at, or the business of, the meeting.
- (c) Subclause (b) does not apply to:
  - (i) the report of a committee of the Council when presented to the Council; or
  - (ii) disclosure made in any of the circumstances referred to in subclause (i);  
or
  - (iii) disclosure made in circumstances prescribed by the regulations.
- (d) For the purpose of subclause 63(c) (iii), any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Local Government Act 1993 is a prescribed circumstance.

### **64. Inspection of the minutes of the Council or a committee**

- (a) Any inspection of the minutes of the Council or committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.

- (b) 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.

**65. Access to records**

- (a) The General Manager may allow or refuse to allow any Councillor to inspect any record of the Council that the Councillor requests to see.
- (b) If the General Manager refuses to allow a Councillor to inspect any such record, the Councillor may, at a meeting of the Council, move for the production of the document. However, the Councillor must give notice of intention to move the motion.
- (c) If the Council passes a motion for the production of a Council record, the Council must ensure that the record:
  - (i) is produced immediately and laid on the table for inspection by the Councillors; and
  - (ii) is made available for inspection by any Councillor on reasonable notice to the General Manager during the Council's ordinary office hours on any day that is within 1 month after the passing of the motion.
- (d) Nothing in this clause derogates from the common law right of Councillors to inspect any record of the Council relating to any business before the Council, except where the Councillor requesting inspection has a pecuniary interest in the matter.

*Clause 65 (i) amended 7 September 1998*

*Clause 65 (ii) amended 7 September 1998*

**66. Recording of any meeting of the Council or a committee is prohibited without prior permission**

- (a) 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.
- (b) A person may, as provided by clause 61(d), 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.
- (c) If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re-entering, that place.

- (d) 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.
- (e) A person may use a camera to record still photographs of the proceedings of a meeting of the Council or a Committee of Council only with the authority of the Council or Committee.
- (f) Council will tape record all Council and Committee Meetings for its own records unless the Council resolves to not tape the proceedings. The Chair of the meeting will advise those present that the meeting is being taped for administrative purposes.

*Addition June 2006*

*Clause 66 (e) added September 2009*

**67. Certain circumstances do not invalidate Council decisions**

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

- (a) a vacancy in a civic office; or
- (b) a failure to give notice of the meeting to any Councillor or a committee member; or
- (c) any defect in the election or appointment of a Councillor or a committee member; or
- (d) a failure of a Councillor or a committee member to disclose a pecuniary interest at a Council or a committee meeting; or
- (e) a failure to comply with this Code.

**68. Amendment of Code**

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

**69. Matters without Notice**

- (a) At meetings of the Council the order of business shall include a provision for Councillors to raise matters of which no notice has been given in accordance with the other provisions of the Code.
- (b) Such business shall be limited to the following:-
  - (i) Requests for officers to prepare reports or provide information on a particular subject.
  - (ii) To inform the Council of specific matters and issues of importance.
- (c) In all cases a Councillor wishing to raise a matter without notice shall inform the Mayor to that effect prior to the meeting.

- (d) It is not intended that these matters will require consideration and/or resolution by Council. Such matters of urgency would be dealt with in accordance with Clause 17(c).

*Clause 69 added 15 March 1999*

**70. General order of business for Council and Committee Meetings**

1. Opening Prayer
2. Advise that the meeting is being taped for administrative purposes
3. Conflict of Interest Declarations received by the Chair
4. Declarations & Disclosures regarding political donations
5. Apologies
6. Mayoral Minute(s)
7. Action Plan (for Council Meetings only)
8. Confirmation of Minutes of Previous Meetings
9. Reports from Council Committees
10. Matters Arising from the Minutes (for Committee Meetings only)
11. Notices of Motion
12. Notices of Motion of Rescission
13. Presentations and Deputations
14. Reports/Minutes of Committees and Working Parties
15. Documents for Sealing
16. Officer's Reports for Consideration
17. Officer's Reports for Noting
18. Matters Without Notice
19. Confidential Matters (Committee of the Whole)

*Item 13 added 15 March 1999*

*Item 2 and 3 added and Items 6, 8, 12, 14 and 15 amended June 2006*

*Revised March 1999*

*Revised February 2000 in accordance with Section 361 of the Local Government Act 1993*

*Revised May 2001 in accordance with the Local Government Act*

*Revised June 2006 in accordance with the Local Government Act and the Department of Local Government Meetings Practice Note*

*Revised September 2007 – change of committee structure*

*Revised November 2008 – change of committee structure*

*Revised September 2009*

**Authorisation/Review Table**

<b>Status</b>	<b>Committee Name</b>	Draft Finance & Administration Committee Meeting on Monday 21 September 2009
	<b>Manex</b>	Manex – 15 July 2008
	<b>Council</b>	Ratified at the Council Meeting on October 2008 Ratified at the Council Meeting on 28 September 2009
<b>Owner</b>	Corporate Services - Governance	
<b>Compliance</b>	Mandatory	
<b>History</b>	<p>Adopted on 24 April 1995</p> <p><i>Revised March 1999</i></p> <p><i>Revised February 2000 - Adopted 17 April 2000</i></p> <p><i>Revised May 2001 – Adopted 12 June 2001</i></p> <p><i>Revised February 2004 – Adopted at ECM 7 February 2005</i></p> <p><i>Revised July 2006 – Adopted 9 October 2006</i></p> <p><i>Revised September 2007</i></p> <p><i>Revised October 2008</i></p> <p><i>Revised 23 March 2009 to accurately reflect the Local Government Act 1993</i></p> <p><i>Revised Draft to Finance &amp; Administration Committee Meeting – Monday 21 September 2009, changes adopted Council Meeting Monday 28 September 2009.</i></p>	
<b>Other</b>		
Last issued 29 September 2009		<b>Review</b> Code of Meeting Practice is reviewed within the first 12 months of a new Council, and also as required.