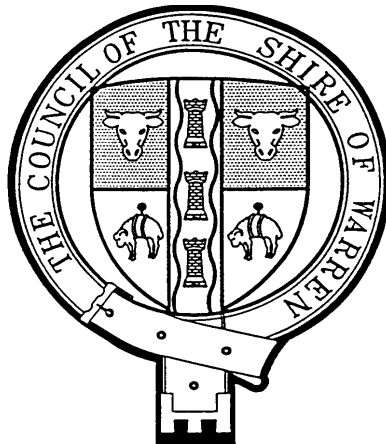


Warren Shire Council



CODE OF MEETING PRACTICE

Reviewed: 22nd September 2005 (Minute No. 239.9.05)
Adopted: 15th April 2004 (Minute No. 90.4.04)

Table of Provisions

PART I PRELIMINARY

1. Citation
2. Definitions
3. Act and Regulation
4. Notes to Text

PART II CONVENING OF AND ATTENDANCE AT COUNCIL MEETINGS

5. Frequency of meetings of the Council
6. Extraordinary meeting
7. Notice of meetings
8. Quorum
9. What happens when a quorum is not present
10. Presence at Council meetings

PART III PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

11. Chairperson of Council meetings
12. Chairperson to have precedence
13. Chairperson's duty with respect to motions
14. Confirmation of Minutes
15. Order of Business
16. Business papers for Council meetings
17. Giving notice of business
18. Business paper of Extraordinary meeting
19. Official Minutes
20. Report of a Departmental representative to be tabled at Council meeting
21. Notice of motion - Absence of Mover
22. Motions to be seconded
23. How subsequent amendments may be moved
24. Motions of dissent
25. Petitions may be presented to the Council
26. Questions may be put to Councillors and Council employees
27. Mode of address
28. Limitation as to number of speeches
29. Motions put without debate
30. Voting at Council meetings
31. Decisions of the Council
32. Rescinding or altering resolutions
33. Motions of adjournment

PART IV KEEPING ORDER AT MEETINGS

34. Questions of Order
35. Acts of disorder
36. How disorder at a meeting may be dealt with
37. Power to remove persons from meeting after expulsion resolution

PART V COUNCIL COMMITTEES

38. Committees of the Whole
39. Council may appoint Committees
40. Functions of Committee
41. Notice of Committee meetings to be given
42. Non-members entitled to attend Committee meetings
43. Procedure in Committees
44. Chairperson and Deputy Chairperson of Committees
45. Absence from Committee meetings
46. Reports of Committee
47. Disorder in Committee meetings
48. Committee may expel certain persons from its meetings.

PART VI PECUNIARY INTERESTS

49. Pecuniary Interest
50. Persons who have a pecuniary interest
51. Interests that need not be declared
- 51A. Conflict of Interests
52. Disclosure and participation in meetings
53. Vacant
54. Disclosures to be recorded
55. Vacant

PART VII PRESS AND PUBLIC

56. Public notice of meetings
57. Attendance at meetings of the Council
58. Public access to correspondence and reports

PART VIII MISCELLANEOUS

59. Information relating to proceedings at closed meetings not to be disclosed
60. Inspection of the Minutes of the Council or Committee
61. Access to records

62. Tape recording of meeting of Council or Committee prohibited without permission
63. Certain circumstances do not invalidate Council decisions
64. Amendment of Code

SCHEDULE GENERAL ORDER OF BUSINESS

PART I PRELIMINARY

CITATION

1. This document may be cited as the Warren Shire Council Code of Meeting Practice.

DEFINITIONS

2. (1) In this Code:
act refers to the Local Government Act, 1993;

amendment, in relation to an original motion, means a motion moving an amendment to that motion;

chairperson,

- (a) in relation to a meeting of the Council - means the person presiding at the meeting as provided by Clause 11 of this Code; and
- (b) in relation to a meeting of a committee - means the person presiding at the meeting as provided by Clause 44 of this Code;

committee means a committee appointed or elected by the Council in accordance with Clause 39 of the Code when Council 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 employee of the Council and, in particular, includes the minutes of meetings of the Council or of a committee of the Council;

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 de facto partner of the person referred to in paragraph (a) above

the Code means the Warren Shire Council Code of Meeting Practice; and the **Regulation** means the Local Government (General) Regulation 2005..

- (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.

ACT AND REGULATION

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

NOTE TO TEXT

4. 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 II CONVEYING OF AND ATTENDANCE AT COUNCIL MEETINGS**FREQUENCY OF COUNCIL MEETINGS**

5. (1) The Council is required to meet at least 10 times each year, each time in a different month.
- (2) The Council shall, by resolution, set the time, date and place of ordinary meetings of the Council.

EXTRAORDINARY MEETINGS

6. (1) The Mayor may call extraordinary meetings of the Council.
- (2) If the Mayor receives a request in writing signed by at least 3 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 8 working days after the receipt of the written request.
- (3) If the Mayor fails, within 4 working days of receipt of a request pursuant to subsection (2), to give a direction to the General Manager for the sending of notice to Councillors for an extraordinary meeting to be held within the period specified in subsection (2), the General Manager must send a notice to each Councillor specifying that the meeting be held on the eighth working day following the date of receipt of the request.
- (4) For the purpose of subsections (2) and (3), a working day is a day that is not a Saturday, Sunday or public holiday.

NOTICE OF MEETINGS

7. (1) The General Manager 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 that meeting.
- (2) Notice of less than 3 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.
- (3) A notice of a meeting of a Council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.

QUORUM

8. 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.

WHAT HAPPENS WHEN A QUORUM IS NOT PRESENT

9. (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; and
 - (b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the Chairperson; or
 - (b) in his or her absence - by majority of the Councillors present; or
 - (c) failing that, by the General Manager.
- (3) The General Manager must record in the Council's Minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

PRESENCE AT COUNCIL MEETINGS

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

PART III PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

CHAIRPERSON OF COUNCIL MEETINGS

11. (1) The Mayor, or in the absence of the Mayor, the Deputy Mayor shall preside at meetings of the Council.
- (2) If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present will preside at a meeting of the Council.
- (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.
- (4) The election must be conducted:
- (a) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
 - (b) if neither of them are present at the meeting or there is no General Manager or designated employee then the election will be conducted by the person who called the meeting or a person acting on his or her behalf.

CHAIRPERSON TO HAVE PRECEDENCE

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

CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS

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

MINUTES

14. (1) The Council must ensure that full and accurate Minutes are kept of proceedings of the Council.
- (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.
- (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.
- (4) Minutes may be confirmed at an extraordinary meeting of the Council.
- (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.
- (6) The General Manager must ensure that the following matters are recorded in the Council's Minutes:
 - (a) details of each motion moved at a council meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.

ORDER OF BUSINESS

15. (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 the Schedule.
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect which can be moved without notice is carried. Only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

BUSINESS PAPERS FOR COUNCIL MEETINGS

16. (1) The General Manager must ensure that the business paper for a meeting of the Council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council; and

-
- (b) if the Mayor (or Deputy Mayor if acting for the Mayor) is the Chairperson - any business that the Chairperson may decide to put before the meeting at the time the business paper is being prepared; and
 - (c) any business of which due notice has been given.
- (2) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
 - (3) The General Manager must ensure that the business paper for a meeting of the Council is prepared as soon as practicable before the meeting.
 - (4) 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 56(2), 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 business paper.
 - (5) If a confidential business paper is prepared for a kind of business referred to in clause 57(2) of this code, the business must be referred to in the ordinary business paper prepared for the same meeting.

GIVING NOTICE OF BUSINESS

- 17. (1) The Council must not transact business at a meeting of the Council:
 - (a) unless a Councillor has given notice of the business in writing by noon of the seventh working day preceding the meeting;
 - (b) 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.
- (2) Subclause (1) does not apply to:
 - (a) reports of Committees of the Council;
 - (b) reports from officers which in the opinion of the Chairperson or the General Manager are urgent; and
 - (c) reports from officers placed on the business pursuant to a decision of a Committee that additional information be provided to the Council in relation to a matter before the Committee.

-
- (3) Despite subclause (1), business may be transacted at a meeting of the Council when due notice of the business has not been given to Councillors, but only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency; and
 - (c) such a motion can be moved without notice; and
 - (d) only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

BUSINESS PAPER FOR EXTRAORDINARY MEETING

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

OFFICIAL MINUTES

19. (1) If the Mayor (or Deputy Mayor if acting for the Mayor) is the Chairperson at a meeting of a Council, the Chairperson is, by minutes signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the Council's 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.
- (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 employee is, so far as adopted by the Council, a resolution of the Council.

REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING

20. When a report of a Departmental 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:
- (a) is laid on the table at the meeting; and
 - (b) is subsequently available for the information of Councillors at all reasonable times.

NOTICE OF MOTION - ABSENCE OF MOVER

21. In the absence of a Councillor who has placed a notice of motion in the business paper for a meeting of the Council:
- (a) any other Councillor may move the motion at the meeting; or
 - (b) the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

MOTIONS TO BE SECONDED

22. (1) 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 of the motion to be seconded. This is subject to clauses 19(2) and 28(5).
- (2) The seconder of a motion or of an amendment may reserve the right to speak later in the debate.
- (3) A motion or amendment, once seconded may only be changed by the mover of such motion or amendment with the agreement of the seconder.

HOW SUBSEQUENT AMENDMENTS MAY BE MOVED

23. (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), and so on, but no more than one motion and one proposed amendment can be put before the Council at any one time.
- (2) It is permissible to debate the motion and an amendment concurrently.
- (3) 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.

MOTIONS OF DISSENT

24. (1) A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the business paper and proceed with it in due course.
- (3) Despite clause 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.

PETITIONS MAY BE PRESENTED TO COUNCIL

25. (1) A Councillor may present a petition to the Council.
- (2) The Chairperson must not permit discussion on the petition.

QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES

26. (1) At an ordinary or extraordinary meeting of Council a Councillor:
- (a) may, through the Chairperson, put a question to another Councillor; and
- (b) may, through the Chairperson and the General Manager, put a question to a Council employee.
- (2) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) Any such question if so ruled by the Chairperson may be required to be put in writing and must put directly, succinctly, and without argument.
- (4) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.
- (5) Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.

MODE OF ADDRESS

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

LIMITATION AS TO NUMBER OF SPEECHES

28. (1) A Councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite subclauses (1) and (2), if at least 2 Councillors have spoken in favour of a motion or an amendment and at least 2 Councillors have spoken against the motion or amendment, any Councillor may move that the motion or amendment be now put.
- (5) The Chairperson must immediately put to the vote a motion that the motion or amendment be now put without the motion being seconded and without debate.
- (6) If a motion that the original motion or an amendment be now put is passed, the Chairperson must, after the mover of the motion has exercised his or her right of reply under subclause (1), immediately put the question to the vote without further debate.
- (7) If a motion that the original motion or amendment be now put is rejected, the Chairperson must resume the debate on the original motion or amendment.

MOTIONS PUT WITHOUT DEBATE

29. 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.

VOTING AT COUNCIL MEETINGS

30. (1) Each Councillor is entitled to one vote.
- (2) However, the Chairperson has, in the event of an equality of votes, a second or casting vote.
- (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. 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.
- (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.
- (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 request a division.
- (6) When a division on a motion is requested, 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.

DECISIONS OF THE COUNCIL

31. 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.

RESCINDING OR ALTERING RESOLUTIONS

32. (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.
- (2) 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.

-
- (3) If a notice of motion to rescind or alter a resolution is given:
- (a) at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion or rescission or alteration has been dealt with; or
 - (b) at any time after the meeting at which 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.
- (4) In the case of a motion of alteration, subclause (3) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- (5) 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 17.
- (6) 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.
- (7) 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, a 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.
- (8) 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.
- (9) The provisions of this clause concerning negated motions does not apply to motions of adjournment.
- (10) Notwithstanding the provisions of Subclause (1) of this Clause, Council may by resolution, re-commit a matter for further consideration at the same meeting at which the matter has been resolved, in which case it would not be necessary to rescind the resolution. However, recommittal will not be allowed if the meeting lapses for want of a quorum or is adjourned to another day.

MOTIONS OF ADJOURNMENT

33. (1) Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- (2) If a motion for adjournment is negatived, 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 negatived.
- (3) 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 be specified.

PART IV KEEPING ORDER AT MEETINGS**QUESTIONS OF ORDER**

34. (1) The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, if in the opinion of the Chairperson, it is necessary to do so.
- (2) A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
- (3) The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- (4) The Chairperson's ruling must be obeyed unless a motion against the ruling is passed.

ACTS OF DISORDER

35. (1) A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- (a) contravenes the Act, or any regulation in force under the Act of this Code; or
- (b) assaults or threatens to assault another Councillor or person present at the meeting; or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or committee, or addresses or attempts to address the Council or committee on such a motion, amendment or matter; or
- (d) insults or makes personal reflections on or imputes improper motives to any other Councillor; or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt; or
- (f) reads at length from any correspondence, report or other document, without the leave of the Council.

-
- (2) The Chairperson may require a Councillor:
- (a) to apologise for an act of disorder referred to in subclause (1) (a) or (b); or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation; or
 - (c) to retract and apologise for an act of disorder referred to in subclause (1) (d) or (e).
- (3) The Council or committee of the Council may, by resolution, expel from a meeting a Councillor who fails to comply with a requirement made under subclause (2). The expulsion of a Councillor under this subclause does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

HOW DISORDER AT A MEETING MAY BE DEALT WITH

36. (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 as disorder arising from the conduct of Councillors.
- (2) The Council or committee may, by resolution, expel a member of the public from a Council or committee meeting on the grounds that the member is engaging in or has, at the meeting, engaged in disorderly conduct.

POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION RESOLUTION

37. If at a meeting of the Council or committee of the Council resolves to expel from the meeting a Councillor for failing to comply with a requirement made under clause 35 or a member of the public for disorderly conduct and the Councillor or member of the public fails to leave the meeting immediately after the resolution is passed, a police officer, or any person authorised by the Council or committee for the purpose, may remove the person from the meeting and, if necessary, restrain the person from re-entering the place where the meeting is being held.

PART V COUNCIL COMMITTEES**COMMITTEE OF THE WHOLE**

38. (1) The Council may resolve itself into a committee of the whole to consider any matter before the Council.
- (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 of limiting the number and duration of speeches.
- (3) 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.
- (4) The Council must ensure that a report of the proceedings 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.

COUNCIL MAY APPOINT COMMITTEES

39. (1) The Council may appoint or elect such committees as it considers necessary.
- (2) Such a committee is to consist of such number of Councillors of the Council community members or Council employees as the Council decides.
- (3) In all instances, except where specifically resolved by Council, Council employees shall have no voting rights.
- (4) The quorum for a meeting of such a committee is to be:
- (a) such number of members as Council decides; or
- (b) if the Council has not decided a number - a majority of the members of the committee.

FUNCTIONS OF COMMITTEES

40. 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.

NOTICE OF COMMITTEE MEETINGS TO BE GIVEN

41. (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:
- (a) the time and place at which and the date on which the meeting is to be held; and
 - (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.
- (3) The provisions of clause 16(2) - (4) apply to the business papers of committee meetings in the same manner as they apply to the business papers of meetings of the Council.

NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS

42. (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.
- (2) However, the Councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting; or
 - (b) to move or second a motion at the meeting; or
 - (c) to vote at the meeting.
- (3) A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (4) That period is fixed by this code of meeting practice at 5 minutes. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

PROCEDURE IN COMMITTEES

43. (1) Each committee of the Council may regulate its own procedure.
- (2) Without limiting subclause (1), 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.

-
- (3) Voting at a committee meeting is to be by open means.

CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES

44. (1) The Chairperson of each committee of the Council, must be:
- (a) the Mayor; or
 - (b) if the Mayor does not wish to be the Chairperson of a committee - member of the committee elected by the Council; or
 - (c) if the Council does not elect such a member - a member of the committee elected by the committee.
- (2) 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.
- (3) 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.
- (4) The Chairperson is to preside at a meeting of a committee of the Council. If the Chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the deputy chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.
- (5) The Mayor is, by virtue of holding that office, a member of each committee of the Council.

ABSENCES FROM COMMITTEE MEETINGS

45. (1) A member ceases to be a member of a committee if the member (other than the Mayor):
- (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year¹ without having given to the committee acceptable reasons for the member's absences.

¹ NOTE: The expression "year" means the period beginning 1 July and ending the following 30 June

-
- (2) Subclause (1) does not apply if all of the members of the Council are members of the committee.

REPORTS OF COMMITTEES

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

DISORDER IN COMMITTEE MEETINGS

47. 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.

COMMITTEE MAY EXPEL CERTAIN PERSONS FROM ITS MEETINGS

48. (1) If a meeting or part of a meeting of a committee of the Council is closed to the public in accordance with clause 57(2), the committee may, by resolution, expel from the place where the meeting is being held any person who is not an appointed member of that committee.
- (2) If any such person, after being notified of such a resolution, fails to leave the place where the meetings 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.

PART VI PECUNIARY INTEREST**PECUNIARY INTEREST**

49. (1) For the purposes of this Part, a pecuniary interest is an interest that a person has in 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 50.
- (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 51.

PERSONS WHO HAVE A PECUNIARY INTEREST

50. (1) For the purpose of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
- (a) the person; or
 - (b) another person with whom the person is associated.
- (2) A person is taken to have a pecuniary interest in a matter if:
- (a) the person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter or;
 - (b) 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.
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2):
- (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body; or
 - (b) 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.

INTEREST THAT NEED NOT BE DECLARED

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

- An interest as an elector
- An interest as a ratepayer or a person liable to pay a charge
- 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
- 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)
- An interest as 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.
- 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:
 - (a) land in which the person has a pecuniary interest; or
 - (b) land adjoining, or adjacent to, land referred to in paragraph (a); or
 - (c) 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).

CONFLICT OF INTERESTS (NON PECUNIARY INTERESTS)

- 51A. (1) A councillor, Council officer, or a member of a Council committee who has a conflict of interest of a non pecuniary nature 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.
- (2) For the purposes of this section a conflict of interest would exist where a councillor or a member of a council committee has:
- (a) a personal interest that could lead them to be influenced in the way they carry out council work or public duties;
 - (b) a personal interest that could lead a fair person to think that they could be influenced in the way that they carry out their council work or public duties;

-
- (c) a family member, relative, friend, associate or anybody else close to them has an interest that could lead to them being influenced, or a fair person to think that they could be influenced, in the way that they carry out their council work or public duties.
- (3) The councillor or member of a council committee who has a non-pecuniary conflict of interest must determine how they will deal with the conflict of interest. One or more of the options detailed Clause 6.12 of the Model Code of Conduct for Local Councils in NSW must be used.

DISCLOSURE AND PARTICIPATION IN MEETINGS

52. (1) A Councillor or 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.
- (2) The councillor or member of a council committee must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the Council or committee, of (S451(2))
 - (b) at any time during which the council or committee is voting on any question in relation to the matter. (S451(2))
- (3) A person who, at the request or with the consent of the Council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. (S.456)
- (4) 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. (S457)
53. - **VACANT**

DISCLOSURES TO BE RECORDED

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

55. - **VACANT**

PART VII PRESS AND PUBLIC**PUBLIC NOTICE OF MEETINGS**

56. (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.
- (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 perusal) of the business paper for the meeting. This requirement does not apply to a business paper for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the press and public.
- (3) The copies are to be available to the press and public as nearly as possible to the time they are available to Councillors.
- (4) The copies are to be available free of charge.

ATTENDANCE AT MEETINGS OF COUNCIL

57. (1) The press and public are entitled to attend a meeting of the Council and those of its committees of which all its members are Councillors, except as provided by this clause..
- (2) The Council or such a committee may close to the press and public only so much of its meeting as comprises the receipt or discussion of any of the following:
- (a) personnel matters concerning particular individuals; (section 10A(2)(a))
 - (b) the personal hardship of any resident or ratepayer; (section 10A(2)(b))
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business or proposed to conduct business; (section 10A(2)(c))
 - (d) commercial information of a confidential nature where the disclosure of which would be likely:
 - * to prejudice the commercial position of the person who supplied it
 - * to confer a commercial advantage on a competitor of the Council
 - * to reveal a trade secret (section 10A(2)(d))

-
- (e) information that would, if disclosed, prejudice the maintenance of law; (section 10A(2)(e))
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property; (section 19A(2)(f))
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege; (section 10A(2)(g))
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land. (Section 10A(2)(g)).
- (3) 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.
 - (4) 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.
 - (5) 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.

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

PART VIII MISCELLANEOUS**INFORMATION RELATING TO PROCEEDINGS AT CLOSED MEETINGS NOT TO BE DISCLOSED**

59. (1) 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 57(2), 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.
- (2) This clause does not apply:
- (a) to the report of a committee of the Council when presented to the Council; or
 - (b) to the disclosure of information referred to in subclause (1) by a councillor or employee of the Council in the course of the Councillor's or employee's duties.

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 employee of the Council designated by the General Manager to supervise inspections of those minutes.²
- (2) The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and safe in custody and that no unauthorised person is allowed to interfere with them.

ACCESS TO RECORDS

61. (1) The Mayor or General Manager may allow or refuse to allow any Councillor to inspect any record of the Council that the Councillor requests to see.
- (2) If the Mayor or 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.
- (3) If the Council passes a motion for the production of a Council record, the Council must ensure that the record:

² NOTE: Section 12 of the Act confers a right to inspect the minutes of a Council or committee of a Council

-
- (a) is produced immediately and laid on the table for inspection by the Councillors; and
 - (b) 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.
- (4) 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.

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

62. (1) A person may use a tape recorder to record the proceedings of a meeting of the Council or a committee of the Council only with the prior authority of the Council or committee.
- (2) The Council or committee may, by resolution, expel from the place where it is holding a meeting any person who uses a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re-entering, that place.
- (4) In this clause, **tape recorder** includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

CERTAIN CIRCUMSTANCES DO NOT INVALIDATE COUNCIL DECISIONS

63. 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.

AMENDMENT CODE

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

SCHEDULE

GENERAL ORDER OF BUSINESS

1. Apologies
2. Confirmation of Minutes of previous meeting
3. Reports from Delegates
Reports from Committees
4. Policy reports
5. General Manager Reports
6. Manager Finance and Administration Reports
7. Manager Engineering Services Reports
8. Manager Health and Development Reports
9. Librarian Reports
10. Correspondence
11. Mayoral Minutes
12. Questions without Notice
13. Confidential Items