



PARKES SHIRE COUNCIL

CODE

OF

MEETING PRACTICE

02 November 2004

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PARKES SHIRE COUNCIL CODE OF MEETING PRACTICE

PART 1 - PRELIMINARY

Citation

- 1 This Code may be cited as the Parkes Shire Council Code of Meeting Practice.

Definitions

- 2 (1) In this Code:

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 43 of this Code;

committee means a Committee appointed or elected by the Council and may comprise members who are Councillors and/or other persons.

record means a document (including any written or printed materials) 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.

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

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

the Act means the Local Government Act 1993;

the Code means the Parkes Shire Council Code of Meeting Practice; and the Regulation means the Local Government (Meetings) Regulation 1999 as amended.

- (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 Local Government (Meetings) Regulation 1999 and the Local Government Act 1993.
- (3) In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

Notes 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 2 - CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETING

Frequency of Meeting of the Council

- 5
- (1) The Council shall meet twice each month, except in January, or where Council decides to abandon a meeting.
 - (2) The Council shall meet at 1.30 pm on the 1st Tuesday of each month and 1.30 pm on the 3rd Tuesday of each month usually at the Council Chambers, 2 Cecile Street, Parkes. Any change from the time, day or venue will be by resolution of the Council or, in emergency circumstances, by the authorisation of the Mayor.
 - (3) It is intended that two meetings each year will be held in villages within the Shire.

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 2 Councillors, the Mayor must call an extraordinary Meeting of the Council to be held as soon as practicable but in any event within 14 working days after the receipt of the 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 notices 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 of the Council must send to each Councillor, at least 3 days before each Meeting of the Council, a notice specifying the time and place at which and the date on which the Meeting is to be held and the business proposed to be transacted at the Meeting.
 - (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 1 day be given.

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; or
 - b) at any time during the Meeting.
- (2) In either case, the Meeting must be adjourned to a time, date and place fixed:
- a) by the chairperson; or
 - b) in his or her absence - by the majority of the Councillors present; or
 - c) failing that, by the General Manager.
- (3) The General Manager must record in 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 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

Chairperson of Council Meetings

- 11
- (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides 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 presides 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 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.

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.

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 attached 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.
 - (3) Despite clause 27, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

Agenda for Council Meetings

- 16
- (1) The General Manager must ensure that the agenda 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 the Deputy Mayor if acting for the Mayor) is the chairperson - any business that the chairperson may decide to put before the Meeting without notice; and
 - (c) any business of which due notice has been given.

- (2) The General Manager must cause the business paper for a Meeting of the Council to be prepared as soon as practicable before the Meeting.
- (3) 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 55, 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.
- (4) If a confidential business paper is prepared for a kind of business referred to in clause 55, 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 10.00 am of the Thursday immediately preceding the Meeting; and
 - (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 (Section 367).
- (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 motion is one that can be moved without notice; and
 - (c) 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 great urgency.
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- (4) Despite subclause (1), the chairperson may allow questions and matters of urgency to be raised at Meetings of Council and its Committees.

Agenda for Extraordinary Meeting

- 18 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.

Official Minutes

- 19 (1) If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the chairperson at a Meeting of Council, the chairperson is, by minute signed by the chairperson, entitled to put to the Meeting any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- (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 that 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 on 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 for the motion to be seconded. This clause is subject to clauses 19(2) and 27(5).
- (2) The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

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 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 moved.

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 27, 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.

Questions May be Put to Councillors and Council Employees

- 25 (1) 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.
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- (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 must be 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.

Limitation as to Number of Speeches

- 26
- (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 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), a Councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - (b) if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
 - (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
 - (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
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- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

Motions Put Without Debate

- 27 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

- 28
- (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.
 - (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 rise and demand a division.
 - (6) 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.

Resolutions at Closed Meetings to be Made Public:

- 28A. 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.

Decisions of the Council

- 29 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

- 30
- (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 of rescission or alteration has been dealt with; or
 - (b) 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.
 - (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 negatived 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 negatived 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 negatived, as the case may be.
 - (7) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.
 - (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 negatived motions do not apply to motions of adjournment.
-

Motions of adjournment

- 31
- (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 been specified.

PART 4 - KEEPING ORDER AT MEETINGS**Questions of Order**

- 32
- (1) The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
 - (2) A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
 - (3) The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
 - (4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Acts of Disorder

- 33
- (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, any regulation in force under the Act or 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 without reservation for an act of disorder referred to in subclause (1)(a) or (b); or
 - (b) to withdraw a motion or an amendment referred to in subclause (1)(c) and, where appropriate, to apologise without reservation; or
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1)(d) or (e).
- (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

- 34 (1) If disorder occurs at a Meeting of the Council or Committee of the Council, the chairperson may adjourn the Meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well a disorder arising from the conduct of Councillors.
- (2) The Council or Committee may, by resolution, expel a member of the public from a Council or Committee Meeting on the ground that the member is engaging in or has, at the Meeting, engaged in disorderly conduct.

Power to Remove Persons from Meeting After Expulsion Resolution

- 35 If 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 33 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 5 - COUNCIL COMMITTEES

Council May Appoint Committees

- 36 (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 as the Council decides. Non Council Members may also be appointed to Committees.
- (3) The quorum for a Meeting of such a Committee is to be:
- (a) such number of members as the Council decides; or
 - (b) if the Council has not decided a number - a majority of the members of the Committee.

Functions of Committees

- 37 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

- 38 (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 agenda of Committee Meetings in the same manner as they apply to the agenda of Meetings of the Council.

Non-members Entitled to Attend Committee Meetings

- 39 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 vote at, a Meeting of the Committee.

Procedure in Committees

- 40 (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.

Committees to Keep Minutes

- 41 (1) Each Committee of a Council must ensure that full and accurate minutes of the proceedings of its Meetings are kept.
- (2) 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.

Chairperson and Deputy Chairperson of Committees

- 42 (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 - a 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.
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Absence from Committee Meetings

- 43 (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 year without having given to the Committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply if all of the members of the Council are members of the Committee.

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

Reports of Committees

- 44 (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

- 45 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

- 46 (1) If a Meeting or part of a Meeting of a Committee of the Council is closed to the public in accordance with clause 56(2), the Committee may, by resolution, expel from the place where the Meeting is being held any person who is not a Councillor.
- (2) 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.

PART 6 - PECUNIARY INTERESTS

Pecuniary Interest

- 47 (1) For the purposes of this Part, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in clause 49.
- (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 50.

Persons Who Have a Pecuniary Interest

- 48 (1) For the purposes 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.

Interests That Need Not be Declared

49 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 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.
- 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).

Disclosure and Participation in Meetings

- 50 (1) 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.
- (2) The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
- (a) at any time during which the matter is being considered or discussed by the Council or Committee, or

- (b) at any time during which the Council or Committee is voting on any question in relation to the matter.
- (3) A general notice of disclosure made pursuant to section 454 of the Act fulfils the requirements of subclause (1).
- (4) 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.
- (5) 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.

Disclosure to be Recorded

- 51 A disclosure made at a Meeting of the Council or Council Committee must be recorded in the Minutes of the Meeting.

Powers of the Council in Relation to Meetings

- 52 A Councillor or member of a Council Committee must not, if the Council or Committee so resolves, attend a Meeting of the Council or Committee while it has under consideration a matter in which the Councillor or member has an interest required to be disclosed under this Part.

General Disclosure

- 53 A general notice given to the General Manager in writing by a Councillor or a member of a Council Committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is:

(a) a member, or in the employment, of a specified company or other body,
or

(b) a partner, or in the employment, of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council Committee after the date of the notice

PART 7 - PRESS AND PUBLIC**Public Notice of Meetings**

- 54 (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. This does not apply to an extraordinary meeting of Council or a Committee.
- (2) (a) The Council and each such Committee must have available for the press and public at its offices and at each Meeting copies (for inspection and taking away by persons) of the business paper for the Meeting.
- (2) (b) In the case of a Meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the Meeting is closed to the public:
- (i) the agenda for the Meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
 - (ii) the requirements of subsection 2(a) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the 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 the Council and Committees

- 55 (1) A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its Meeting as comprises the receipt or discussion of information of the following:
- (a) personnel matters concerning particular individuals.
 - (b) the personal hardship of any resident or ratepayers.
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
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- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it; or
 - (ii) confer a commercial advantage on a competitor of the Council; or
 - (iii) reveal a trade secret.
 - (e) information that would, if disclosed, prejudice the maintenance of law;
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property.
 - (g) advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - (h) information concerning the nature and location of a place of Aboriginal significance on community land
- (2) 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.
- (3) Members of the public may be allowed 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.

The following is the procedure in which this may be done:

- After a motion to close part of a Meeting to the public has been moved and seconded, the Chairperson is to ask the General Manager if there are any written representations from the public on the proposed closure;
- The General Manager would read out any written representations;
- The Chairperson will then ask if any persons wish to make verbal representations;
- The opportunity to speak would be given to each person who wishes to comment;
- Each person addressing the Council or Committee will be allowed to speak for the maximum period of two (2) minutes;
- Each person who wishes to speak may do so, chosen in random order by the Chairman.
- The Council or Committee could then close the Meeting to consider whether part of the Meeting should be closed to the public to consider the subject item.

- (4) A Meeting is not to remain closed during the discussion of anything referred to in section 55(1):
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- (5) A Meeting is not to be closed during the receipt and consideration of information or advice referred to in 55(1)(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Council or Committee is involved; and
 - (b) are clearly identified in the advice; and
 - (c) are fully discussed in that advice.
- (6) If a Meeting is closed during the discussion of a motion to close another part of the Meeting to the public (as referred to in 55(2)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in 55(1)).
- (7) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion; or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or Committee.
- (8) Part of a Meeting of a Council, or of a Committee of the Council of which all the members are Councillors, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the Meeting as a matter that is likely to be considered when the Meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 55(1); and

- (b) the Council or Committee, after considering any representations made under section 55(3) resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the Meeting that is closed to the public.
- (9) The grounds on which part of a Meeting is closed must be stated in the decision to close that part of the Meeting and must be recorded in the Minutes of the Meeting.

The grounds must specify the following:

- (a) the relevant provision of section 55(1);
 - (b) the matter that is to be discussed during the closed part of the Meeting;
 - (c) the reasons why the part of the Meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- (10) (a) If a Council or a Committee of the Council of which all the members are Councillors closes any part of a Meeting, for reasons of confidentiality, privilege or security, it is not required to give access to the business papers for, and the minutes of, that part of the meeting;

Public access to correspondence and reports

- 56 (1) Subject to Clause 55, 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 Meetings, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the Meeting.

PART 8 - MISCELLANEOUS**Inspection of the Minutes of the Council of a Committee**

- 57
- (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) 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.

Access to Records

- 58
- (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:
 - (a) is produced immediately and laid on the table for inspection by the Councillors; and
 - (b) is made available for inspection by an 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

- 59
- (1) A person may use a tape recorder to record the proceedings of a Meeting of the Council or a Committee of Council only with the 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.
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- (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

- 60 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 of Code

- 61 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 Prayer.
- 2 Apologies.
- 3 Confirmation of Minutes of previous Meetings.
- 4 Declarations of Interest.
- 5 Mayoral Minutes.
- 6 Motions of which notice has been given.
- 7 Councillors' Reports.
- 8 Inward Correspondence.
- 9 Staff Reports.
- 10 Consideration of Committee Minutes
- 11 Questions and Matters of Urgency.
- 12 Consideration of business in closed session.