

BREWARRINA SHIRE COUNCIL

Agenda Submission for Ordinary Meeting held on 30 June 2011

TITLE:	Draft Code of Meeting Practice	DOC REF: Item 5 C13-5
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REPORT BY:	Glenda Tasker General Manager	DATE: 28 th March 2011
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ATTACHMENTS:

Draft Code of Meeting Practice Policy

EXECUTIVE SUMMARY:**Background**

In 2006, Council commenced public consultation with regard to the process for Council's Code of Meeting Practice to comply with the requirements of Section 360, 361 and 362 of the Local Government Act 1993 and in accordance with recommendations from the Public Inquiry.

Notices were placed as per Council policy, and a copy of the Code of Meeting Practice was provided for inspection and submissions invited. Council adopted its Code of Meeting Practice at the June 2006 Council meeting.

At the November 2010 Council meeting resolved to combine the Committee meetings into the General Council meeting for a trial period of four (4) months and to hold all Council meetings in Committee of the Whole.

Council determined at the April Council meeting - Resolution 88/11 - "That Council will hold only one formal ordinary council meeting per month and all business is held in that meeting."

To continue with this practice, Council will need to modify the current adopted Code of Meeting Practice to reflect these changes and comply with Section 10, Local Government (General) Regulation 2005.

Options

1. Council support the submitted changes and adopt the new draft as Brewarrina Shire Council's Code of Meeting Practice.
2. Make other changes if Council desires.

FINANCIAL IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Required to comply with the provisions of the Local Government Act 1993 and Local Government (General) Regulations 2005.

RECOMMENDATION:**That:**

1. Council support and adopt the Draft Code of Meeting Practice that integrates Part 10 of the Local Government (General) Regulation 2005.

Glenda Tasker
General Manager

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Code Of Meeting Practice Introduction

This code is prepared in accordance with the provisions of Section 360(2) of the Local Government Act 1993 and the Local Government (Meetings) Regulation 1999.

This code shall apply to the conduct of all meetings of Council and any committee of Council of which all the members are Councillors; and shall, where applicable, be applied to meetings of committees of Council of which some members are Councillors and other members are not.

Definitions

In this code (unless inconsistent with the context or subject matter):

"The Act"	means 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 section 369 of the Act; and (b) In relation to a meeting of a committee of the Council - means the person presiding at a meeting as provided by clause 34 of the Regulation.
"Committee"	means a committee appointed or elected by the Council or the Council when it has resolved itself into a committee of the whole.
"Council"	means the Brewarrina Shire Council
"Member"	means a Councillor or a person other than a Councillor who is part of a committee of Council.
"Present"	(at a meeting or discussion) means being within the Council Chamber during the meeting or discussion, as the case may be.
"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.
"Regulation"	means the Local Government (Meetings) Regulation 1999.

Proceedings Not Invalidated – Section 374

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 a meeting to any Councillor or committee member; or
- c) Any defect in the election or appointment of a Councillor or committee member; or
- d) A failure of a Councillor or a committee member to disclose a pecuniary interest at a Council or committee meeting in accordance with section 451 of the Act; or
- e) A failure to comply with this Code.

Public Notice of Council Meeting – Section 9

For the purposes of this Code, Public Notice means notice given for Council Meetings.

- a) Notice will state
 - i. Day, date and time of meeting.
 - ii. Location of the meeting place.

- b) Notice will be published in at least one of following papers
 - i. Western Herald
 - ii. Daily Liberal
 - iii. Brewarrina News
- c) Notice will be displayed at the following locations.
 - i. Weilmoringle Store/Post Office
 - ii. Goodooga Post Office.
 - iii. Brewarrina Library/Shire Office
 - iv. Brewarrina Shire Council Website www.breshire.com
- d) Minimum Public Notice time provisions for the Council Meetings are as follow
 - i. Ordinary Meeting of Council is 3 days.
 - ii. Extraordinary Meeting of Council is 3 days unless in case of emergency.
- e) Council and each such committee is to have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and associated business papers such as correspondence and reports for the meeting.
- f) 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 subclause (b) with respect to the availability of business papers do not apply to the business papers for that item of business.
- g) The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
- h) The copies are to be available free of charge.
- i) A notice given under Section 9 of the Act or a copy of an agenda or a business paper made available under subclause (e) above may in addition be given or made available in electronic form.

Who is Entitled to Attend Meetings? – Section 10

- i) Except as provided in Part 1 of the Act:-
 - (a) Everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors.
 - (b) Council must ensure that all meetings of the Council and such committees are open to the public.
- ii) However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such committee if expelled from the meeting:-
 - (a) By resolution of the meeting, or
 - (b) By the person presiding at the meeting if the Council has by resolution, authorised the person presiding to exercise the power of expulsion.
- iii) A person may be expelled from a meeting only on the grounds specified in or the circumstances prescribed by, the regulations.

Which Parts of a Meeting Can be Closed to the Public – Section 10

- i) 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:-
 - (a) The discussion of any of the matters listed in subclause (ii), or
 - (b) The receipt or discussion of any of the information so listed;
- ii) The matters and information are the following:-
 - (a) Personnel matters concerning particular individuals (other than Councillors);
 - (b) The personal hardship of any resident or ratepayer;
 - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - (d) Commercial information of a confidential nature that would, if disclosed:-
 - (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, prejudices 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 or an item of Aboriginal significance on community land.
- iii) 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;
 - iv) Council or a Committee of Council does not allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed to the public to consider any of the matters or information listed in sub-clause (ii) or (iii) above.

Further Limitations Relating To Closure Of Parts Of Meetings To Public – Section 10B

- i) A meeting is not to remain closed during the discussion of anything referred to in Section 10A(2):-
 - (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.
- ii) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(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.
- iii) 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 section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).
- iv) 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.
- f) In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must have regard to any relevant guidelines issued by the Director-General.

Notice Of Likelihood Of Closure Not Required In Urgent Cases – Section 10C

- i) Part of a meeting of the Council, or of a committee of the Council of which all the members are Councillors, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:-
 - (a) It becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2), and
 - (b) The Council or committee 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.

Grounds for Closing Part of Meeting to be Specified – Section 10D

- i) 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.
- ii) The grounds must specify the following:-
 - (a) The relevant provision of section 10A(2),
 - (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.

Attendance of General Manager – Section 376

- a) The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all the members are Councillors.
- b) The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.
- c) However, the General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

Public Access to Correspondence and Reports – Section 11

- a) The Council and a committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect the correspondence and reports laid on the table at, or submitted to, the meeting.
- b) This closure does not apply if the correspondence or reports:
 - (i) Relate to a matter that was received or discussed; or
 - (ii) Were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- c) This section does not apply if the Council or committee resolves at the meeting, when open to the public, that the Correspondence or reports, because they relate to a matter specified in section 10A(2) are to be treated as confidential.

Ordinary Meetings – Section 365

The ordinary meetings of Council shall be held on the fourth Friday of February to November, at the Council Chambers, Brewarrina (except the May meeting which will be held in Weilmoringle and the October meeting which will be held in Goodooga) and the third Friday of December, each commencing at 09:00am Meeting dates will be determined each September by Council

Extraordinary Meetings – Section 366 and Regulation Clause 14

- a) The Mayor may call an extraordinary meeting; and, if he/she receives a request in writing signed by at least two Councillors he/she must call an extraordinary meeting of Council to be held as soon as practicable but in any event within 14 days after receipt of the request. If he/she refuses or delays to call an extraordinary meeting after receiving a requisition signed by at least two Councillors, such members may in writing request the General Manager to call such meeting, and shall at the same time state the object thereof. The General Manager shall thereupon call such meeting (subject to Clause 24 of this Code).
- b) The General Manager must ensure that the business paper for an extraordinary meeting of Council deals with only matters stated in the notice of meeting.
- c) Despite sub-clause (b), business may be transacted at an extra-ordinary meeting of Council even though due notice of the business has not been given to Councillors.

However this can happen only if:-

- (i) A motion is passed to have the business transacted at the meeting;

(ii) Either:-

- All the Councillors (disregarding any casual vacancies) are present at the meeting; or
- The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

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

- d) Despite clause 35 of this Code, only the mover of a motion referred to in sub-clause (c) can speak to the motion before it is put.
- e) Extraordinary meetings of Council shall be held in the Council Chambers.

Quorum – Section 368

- a) A 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.
- b) The provisions of subclause (a) shall also apply to a meeting of the committee of the whole.

When a Quorum is Not Present – Regulation Clause 5

- a) A meeting of the Council must be adjourned if a quorum is not present;
 - Within half an hour after the time designated for the holding of a meeting; or
 - At any time during the meeting.
- b) In either case, the meeting must be adjourned to a time, date and place fixed.
 - By the chairperson; or
 - In his or her absence - by the majority of the Councillors present; or
 - Failing that, by the General Manager.
- c) The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

Presence at Meetings – Regulation Clause 7

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

Presentation of Petitions to the Council

- a) For the purposes of this Code, a petition consists of a minimum of ten (10) signatories with a proven connection to Brewarrina Shire, with each page of a petition requiring a suitable heading identifying the subject matter of the petition.
- b) All petitions received by the Mayor, Councillors or General Manager will be tabled at the Council Meeting with reading of heading.
- c) The Chairperson must not permit any discussion on the petition but may permit reading of the petition.
- d) The petition will be referred to the General Manager for appropriate action or referral to a future meeting of the Council.

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Deputations

- a) In order to receive any deputation, Council may suspend Standing Orders at such time as it determines on any meeting day.
- b) No deputation shall be granted permission to address Council meetings unless the subject matter together with the names of the persons comprising the deputation are advised to Council at least one week prior to the Council meeting.
- c) Speakers to address Council from any deputation shall be limited to a maximum of four.

PRESIDING AT MEETINGS OF COUNCIL – Section 369 and Regulation Clause 8

Ordinary and Extraordinary Meetings of Council

- a) The Mayor or, at the request of or in the absence of the Mayor, the deputy Mayor (if any) shall preside at meetings of the Council.

- b) If the Mayor and deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present shall preside at a meeting of the Council.
- c) If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- d) The election must be conducted:-
 - (i) By the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election; or
 - (ii) If neither of them is present at the meeting or if there is no General Manager or designated employee, by the person who called the meeting or a person acting on his or her behalf?
- e) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- f) For the purposes of sub-clause (e), the person conducting the election must:-
 - (i) Arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - (ii) Then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- g) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

Precedence of Chairperson – Regulation Clause 9

When the chairperson rises during a meeting of Council:

- a) Any Councillor then speaking or seeking to speak must if standing, 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 – Regulation Clause 10

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

BUSINESS

Order of Business at Ordinary Council Meeting – Regulation Clause 11

- a) The order of business at an ordinary meeting shall be:-
 - Prayer and Welcome to Country
 - Present
 - Apologies / Leave of Absence
 - Declaration of Pecuniary / Non-pecuniary Interest
 - Confirmation of previous Council Meeting Minutes
 - Confirmation of Minutes of Advisory Committees
 - Status Report
 - Mayoral Minutes
 - Notice of Rescission Motion
 - Notice of Motion
 - Request to Address Council in a public forum
 - Petition if Tabled
 - Motion for which due notice has been given
 - Reports
 - Correspondence for Information
 - Correspondence for Action

Questions for next meeting
Late Urgent Items
Closed Session
Delegates
Close of Meeting

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

Business Papers for Council Meetings – Regulation Clause 12

The Council shall cause the business paper for a meeting of the Council, the committee of the whole or a committee of the Council, as the case may be, to be prepared as soon as practicable before that meeting.

Report Due Date

All typed reports must be with Executive Assistant by 12 noon on the third Tuesday of each month. (In December it is the first Tuesday)

Supplementary Reports

Reports received after the 12 noon cut off time will go to the next meeting or if sufficient reason will be included as supplementary on approval of the General Manager or delegate.

All supplementary reports must begin with a statement as to why the report is supplementary
For example – *this report is presented as a supplementary report as the owner wishes to commence building this week.*

Reports

All reports must have a recommendation.

Heading of report needs to be precise but not too long.

All reports are to be signed off by the General Manager prior to being included in the business paper.

Attachments to Reports

Attachments to reports must also be with Executive Assistant by 12 noon on the third Tuesday of each month, so correct page numbering can be done. Any late attachments must be given to Executive Assistant to format and number correctly for inclusion in the original bound copy of the business paper.

Attendance at Meetings

All persons invited to address the Council meeting must be referred to Executive Assistant or General Manager so a time can be allocated and reference made on the agenda page. This will also alleviate double bookings.

Late Items

Any matters requiring presentation to Council on the day of the meeting as late items will be presented through the General Manager.

Closed Meetings & Confidential Reports

Section 10 of the Local Government Act 1993 deals with closed meetings.

When writing a confidential report, the reason for it being confidential must be noted.
For example - *This report is presented in confidence as it deals with personal matters relating to particular individuals.*

Under the Act, the business paper agenda and minutes must record what items are to take place at a closed meeting.

The meeting may only be closed to discuss matters in confidence for the following reasons:-

- a) Personnel matters concerning particular individuals.
- b) The personal hardship of any resident or ratepayer.
- c) information that would, if disclosed, confer a commercial advantage on a person whom the Council is conducting (or proposed to conduct) business.
- d) Commercial information of a confidential nature that would, if disclosed.
 - i. prejudice the commercial position of the person who supplied it, or
 - ii. confer a commercial advantage on a competitor of Council, or
 - 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.

Display of Business Paper

A business paper (not being a confidential business paper prepared under subclause (b)) shall be displayed in the office of the Council, and in such other places, if any as the Council may decide, as soon as practicable before the meeting for which it is prepared.

Nothing under this clause limits the powers of the Chairperson under Clause 26 of this code.

Giving Notice of Business – Regulation Clause 13

- a) The Council must not transact business at a meeting of the Council except by this Code otherwise provided. Any other business other than business arising out of matters already before the Council shall not be taken into consideration at any meeting of the Council unless notice thereof in writing, signed by a Councillor, has been delivered to or posted to the General Manager so as to reach him/her at least three (3) days clear before the meeting, and business shall not be brought before the Council unless notice of such business has been posted or given to the Councillors within the time prescribed by the Council.
- b) Subclause (a) does not apply to the consideration of business at a meeting if the business:-
 - (i) In the General Manager's opinion any business of which due notice has been given; is unlawful or its implementation would be unlawful; in which case the General Manager must report any exclusion to the next meeting.
 - (ii) Is already before, or directly relates to a matter that is directly before, the Council.
 - (iii) Is the election of a chairperson to preside at the meeting in accordance with Clause 19 of this Code?
 - (iv) Is a matter or topic put to the meeting by the chairperson in accordance with Clause 26 of this code?
 - (v) Is a motion for the adoption of recommendations of a committee of the Council?
- c) Despite subclause (a), business may be transacted at a meeting of the Council even though due notice of the business has not been given to Councillors. However this can only happen if:-
 - (i) A motion is passed to have the business transacted at the meeting; or
 - (ii) Either:-
 - All the Councillors (disregarding any casual vacancies) are present at the meeting;
 - or
 - The business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.
- d) Notwithstanding any other provision of this code only the mover of a motion referred to in subclause (c) can speak to the motion before it is put.

Public Forum

Members of the public shall have the opportunity to address the Council on any local government issue at the commencement of the Council meeting. The following procedures shall apply in relation to the Public Forum:

1. Persons interested in addressing Council are to make a formal (refer Appendix A) request stating:
 - o Their name, address and contact telephone number;
 - o Organisation or group they are representing (if applicable);
 - o Details of the issue to be addressed and the item number of the report in the Business Paper (if applicable) or the question(s) to be presented to the meeting;
 - o Whether they are opposing or supporting the issue or matter (if applicable);
 - o The interest of the speaker (eg affected person, neighbour, applicant, applicant's spokesperson, interested citizen etc).
2. Each presentation shall be limited to three (3) minutes, and the Council may resolve to extend the presentation by one further three (3) minutes if considered appropriate.
3. Should there be more than one person wishing to address Council on an issue, then those persons are to nominate one person to represent the group.
4. The Chairperson may ask staff to comment on an issue, or if investigation is required, a report to a subsequent meeting may be required.
5. No motions or resolutions are moved during open forum time.
6. Questions are directed to the Chairperson who only shall respond, however, staff may be requested by the Chairperson to respond on his/her behalf.
7. Written material submitted during the open forum session is to be tabled only and used for subsequent report if necessary.
8. Any person making use of Open Forum is required to observe the same standards required of a Councillor. Specifically he or she must:
 - (a) obey the directions of the Chairperson;
 - (b) not use any behaviour or language inconsistent with good order and decorum;
 - (c) not make personal reflections or impute improper motives to Councillors or staff.

Confirmation Of Minutes

The correctness of the minutes of every preceding meeting, ordinary or extraordinary, not previously confirmed shall be taken into consideration as the first business (after the election of a chairperson, where necessary) at every ordinary meeting of the Council, in order that such minutes may be confirmed, and a motion or discussion shall not be in order with respect to such minutes except with regard to their accuracy as a record of the proceedings. Minutes may be confirmed at any extraordinary meeting.

Official Minutes – Regulation Clause 15

- a) If the Mayor is the chairperson at a meeting of the Council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- b) Such a minute, when put to the meeting; take precedence over all business on the Council's business paper for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- c) A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.
- d) Minutes are to be recorded by Council staff appointed to do so by the General Manager. No resolution is to be passed unless one or the other employee or General Manager is present to record it.
- e) Minutes are to be bound and stored in the strong room at the Council Chambers.

Report of a Departmental Representative to be Tabled at Council Meeting – Regulation Clause 16

When a report of Departmental representative has been presented to a meeting of 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 and members of the public at all reasonable times.

Notice of Motion – Absence Of Mover – Regulation Clause 17

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 – Regulation Clause 18

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 29(b) and 36(v) of this code.

How Subsequent Amendments May be Moved – Regulation Clause 19

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

Motions of Dissent – Regulation Clause 20

- a) A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- b) If a motion of dissent is carried, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order the chairperson must restore the motion or business to the business paper and proceed with it in due course.
- c) Notwithstanding any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover does not have a right of general reply.

Motions For Adjournment Of Council Meeting

Discussions shall not be permitted upon any motion for adjournment of the Council meeting. If upon the question being put on any such motion the same is negatived, the subject then under consideration, or next on the business paper, shall be discussed; and it shall not be competent for any member again to move a motion for adjournment of the Council meeting until half an hour has elapsed from the time of moving the one that has been negatived.

Rescinding or Altering Resolutions – Section 372

- a) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code.
- b) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried such resolution must not be carried into effect until the motion of rescission has been dealt with.
- c) If the Council has negatived a motion, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.
- d) 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 three Councillors if less than three months has elapsed since the resolution was passed, or the motion negatived, as the case may be.

- e) 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 three months. This provision may not be evaded by substituting a motion differently worded, but in principle the same.
- f) A motion to which this clause applies may be moved on the report of a committee of the Council, and such report must be recorded in the minutes.
- g) The provisions of this clause concerning negatived motions do not apply to motions of adjournment.

Questions May be Put to Councillors and Council Employees – Regulation Clause 21

- a) A Councillor:
 - (i) May, through the chairperson, put a question to another Councillor; and
 - (ii) May, through the General Manager, put a question to a Council employee.
- b) However, a Councillor or a Council employee, to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- c) The Councillor must put every such question directly, succinctly and without argument.
- d) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

Limitation as To Number of Speeches – Section 376 and Regulation Clause 22

- i) A Councillor who, during a debate at a meeting of a 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 any amendment to it, as well as the right to speak on any such amendment.
- ii) 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.
- iii) A Councillor must not, without consent of Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- iv) Despite subclauses (a) and (b), a Councillor may move that a motion or an amendment be now put:-
 - (i) If the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - (ii) If at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- v) The chairperson must immediately put to the vote, without debate, a motion under subclause (d). A seconder is not required for such a motion.
- vi) If a motion that the original motion or 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 (a).
- vii) 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.
- viii) The General Manager shall have the same right as a Councillor to speak on motions but shall not have any right to vote, except as a member of a Committee as provided by section 376 of the Act.

VOTING ENTITLEMENTS

Ordinary and Extraordinary Meetings of Council – Section 370

- a) Each Councillor is entitled to one vote.
- b) However the person presiding at a meeting of the Council, has in the event of an equality of votes, a second or casting vote.

Decision of the Council – Section 371

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

Voting at Council Meetings – Regulation Clause 23

- a) 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.
- b) If a Councillor who has voted against a motion put to a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- c) The decision of the chairperson as to the result of the vote is final, unless the decision is immediately challenged and no fewer than 2 Councillors rise and demand a division.
- d) 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.
- e) Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Resolutions Passed at Closed Meetings to be Made Public – Regulation Clause 23

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 has ended.

Mode of Addressing Council

- a) A member shall on all occasions when in the Council, address and speak of the other members by their official designation, as Mayor, Chairperson, or Councillor, as the case may be.
- b) With the exception of the chairperson, a member shall (except when prevented by bodily infirmity) rise in his/her place and stand while speaking.
- c) The chairperson, in his/her absolute discretion, may permit waiver of the requirement of subclause (b) provided that all members present at the meeting are given prior advice of such waiver.

Correspondence

- a) Correspondence with the Council shall be addressed to the Mayor or the General Manager.
- b) Letters shall not be presented or read by Councillors at meetings of the Council.
- c) Complaints about Council staff shall not be considered by the Council unless made in writing and signed. Mp anonymous complaints will be considered.

KEEPING ORDER AT MEETINGS

Questions of Order – Regulation Clause 24

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

Acts of Disorder – Regulation Clause 25

- a) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a committee of a Council:
 - i) Contravenes the Act or any regulation in force under the Act; or
 - ii) Assaults or threatens to assault another Councillor or person present at the meeting; or
 - iii) 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
 - iv) Insults or makes personal reflections on or imputes improper motives to any other Councillor; or
 - v) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt.
- b) The chairperson may require a Councillor:
 - (i) To apologise for an act of disorder referred to in subclause (a)(i) or (ii); or
 - (ii) To withdraw a motion or an amendment referred to in subclause (a)(iii) and, where appropriate, to apologise without reservation; or
 - (iii) To retract and apologise for an act of disorder referred to in subclause (a)(iv) or (v).
- c) A Councillor may, as provided by Section 10(2) (a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under the subclause
- (b) The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

How Disorder at a Meeting May be Dealt With – Regulation Clause 26

- a) If disorder occurs at a meeting 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.
- b) A member of the public may, as provided by Section 10(2) (a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.

Power to Remove Persons From Meeting After Expulsion Resolution – Regulation Clause 27

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

- i) Immediately after the Council has passed a resolution expelling the Councillor or member from the meeting;
- ii) Where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting; a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

COMMITTEES

Committee of the Whole – Regulation Clause 28

- a) 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 the Council when in the committee of the whole, except the provision limiting the number and duration of speeches.
- b) The General Manager or in the absence of the General Manager, an employee designated by the General Manager is responsible for reporting to the Council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

- c) The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

Council May Establish Committees – Regulation Clause 29 and section 373

- a) The Council may by resolution establish such committees, as it considers necessary.
- b) A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- c) The quorum for a meeting of a committee is to be:
 - (i) Such a number of members as the Council decides, or
 - (ii) If the Council has not decided a number – a majority of the members of the committee.

Functions Of Committees – Regulation Clause 30

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

Notice of Committee Meetings to be Given – Regulation Clause 31

- a) The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of a committee, a notice specifying:
 - (i) The time and place at which and the date on which the meeting is to be held; and
 - (ii) The business proposed to be transacted at the meeting.
- b) However, notice of less than 3 days may be given of a committee meeting called in an emergency.

Non-Members Entitled to Attend Committee Meetings – Regulation Clause 32

- a) 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.
- b) However, the Councillor is not entitled:-
 - (i) To give notice of business for inclusion in the business paper for the meeting, or
 - (ii) To move or second a motion at the meeting.
 - (iii) To vote at the meeting.

Procedures in Committees – Regulation Clause 33

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

Committees to Keep Minutes – Regulation Clause 33

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

Chairperson and Deputy Chairperson of Committees – Regulation Clause 34

- a) The chairperson of each committee of the Council, must be:
 - (i) The Mayor; or
 - (ii) If the Mayor does not wish to be the chairperson of a committee – a member of the committee elected by the Council; or
 - (iii) If the Council does not elect such a member – a member of the committee elected by the committee.

- b) The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- c) If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- d) The chairperson is to preside at a meeting of a committee of the Council. If a 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.

Absence from Committee Meetings – Regulation Clause 35

- a) A member ceases to be a member of a committee if the member (other than the Mayor):
 - (i) Has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
 - (ii) Has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- b) Subclause (a) does not apply if all of the members of the Council are members of the committee.

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

Reports of Committees – Regulation Clause 36

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

Disorder in Committee Meetings – Regulation Clause 37

The provisions of the Act and of the Regulation 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 – Regulation Clause 38

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

Minutes of Meetings – Section 375

- a) The Council shall ensure that full and accurate minutes are kept of the proceedings of each meeting of the Council;
- b) The minutes must, when they have been confirmed at a subsequent meeting of Council be signed by the chairperson of that subsequent meeting.
- c) The minutes of Council meetings should record:-

- (i) All motions and resolutions (including the grounds on which a meeting is closed to the public);
 - (ii) Successful and unsuccessful amendments;
 - (iii) Attendance of Councillors;
 - (iv) Declarations of interests by Councillors;
 - (v) Votes on divisions, and dissenting votes when requested by a Councillor and;
 - (vi) Circumstances relating to the absence of a quorum at or arising during a meeting, together with the names of the Councillors present.
- d) On each sheet of a minute book kept according to a loose leaf system there shall be placed:
- (i) A heading setting out the nature of the meeting and the date of the meeting to which the minutes refer;
 - (ii) Immediately after the conclusion of the last minute on the sheet, a certificate signed by the chairperson of the meeting at which the minutes are confirmed and by the General Manager. The certificate shall be in or to the following effect:
This is the page number.... Of the minutes of the.... Meeting of the Council held on...
 - (iii) Immediately after the conclusion of the last minute of a meeting, there shall be placed a certificate signed by the Chairperson of the meeting at which the minutes are confirmed, as follows:-
"This is the final page of the minutes of the meeting of the Council held on..."
 - (iv) After entries in the minute book have been confirmed, though subsequently proved to be incorrect, they must not be altered or erased. Any mistake or omission shall be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.
- e) The sheets of such minute book shall be kept in chronological order.

The Press

Every meeting of the Council that is open to the public shall be open to the press for whom reasonable accommodation and facilities to report the proceedings shall be provided by the Council. A copy of the business paper (but not including confidential business papers referred to in clause 23(b) of this code) shall be furnished to the press at or before the opening of the meeting; and during or at the close of the meeting the press shall be allowed reasonable access to the correspondence and reports on the table or submitted to the meeting - provided that such access may be withheld in any case where the Council by resolution so decides on the ground that publication may prejudice the Council's interest in threatened or pending litigation.

Public Attendance at Council Meetings

- a) Part of the Council Chamber shall be made available for the accommodation of the public, and such number as can reasonably be accommodated shall be permitted to attend every meeting of Council, except any meeting or part of a meeting closed to the public in accordance with Section 10A(1) of the Act.
- b) Copies of the business paper (but not including confidential business papers referred to in clause 23 (b) of this code) shall be furnished to the public at or before the opening of the meeting of Council.

Information Relating to Proceedings at Closed Meetings Not to be Disclosed – Section 664 and Regulation clause 39

A person must not disclose any information obtained in connection with the administration or execution of the Act unless that disclosure is made:

- (a) With the consent of the person from whom the information was obtained; or
- (b) In connection with the administration or execution of the Act; or
- (c) For the purposes of any legal proceedings arising out of the Act or of any report of any such proceedings; or
- (d) In accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989; or
- (e) With other lawful excuse.

1A In particular, if a meeting or part of a meeting of a Council or a committee of a Council is closed to the public in accordance with section 10A(1), of the Act, a person must not, without the authority of the Council or the committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.

1B Clause (1A) of this code does not apply to:

- (a) The report of a committee of a Council after it has been presented to the Council; or
 - (b) Disclosure made in any of the circumstances referred to in subsection (1)(a)-(e) of Section 10A of the Act;
 - (c) Disclosure made in circumstances prescribed by the regulations.
2. A person acting in the administration or execution of the Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known but if generally known might reasonably be expected to affect materially the market value or price of any land, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person.
 3. A person acting in the administration or execution of the Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) The determination of an application for an approval; or
 - (b) The giving of an order.
 4. For the purpose of section 664 (1B (c) of the Act, any disclosure made with the intention of enabling the Minister or Director General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.

Inspection of the Minutes of a Council or Committee – Section 12 and Regulation Clause 40

- a) 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.
- b) The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorized person is allowed to interfere with them.

Access to Records – Regulation Clause 41

- a) The General Manager may allow or refuse to allow any Councillor to inspect any record of the Council that the Councillor requests to see.
- b) If the General Manager refuses to allow a Councillor to inspect such record, the Councillor may, at a meeting of the Council, move for the production of the document. However, the Councillor must give notice of intention to move the motion.
- c) If the Council passes a motion for the production of a Council record, the Council must ensure that the record:
 - (i) Is produced immediately and laid on the table for inspection by the Councillors: and
 - (ii) Is made available for inspection by any Councillor on reasonable notice to the General Manager during the Council's ordinary office hours on any day that is within 1 month after the passing of the motion.

Tape Recording of Meeting of Council or Committee – Regulation Clause 42

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

- d) In this clause, tape recorder includes a video camera any electronic device capable of recording speech, whether a magnetic tape is used to record or not.
- e) This clause shall not apply to the official recording of Council meetings.

Disclosure of Pecuniary Interests at Meetings – Section 451

- (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 nature of the interest to the meeting as soon as practicable.
- (2) The Councillor or member must not be present at, or 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.

Disclosures to be Recorded – Section 453

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

General Disclosure – Section 454

A general notice given to the General Manager 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 the 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.

Disclosure by Adviser – Section 456

- a) A person who, at the request or with the consent of the Council or committee of the Council, 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.
- b) The person is not required to disclose the person's interest as an advisor.

Circumstances in Which Sections 451 and 456 are Not Breached – Section 457

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

Powers of the Minister in Relation to Meetings – Section 458

The Minister may, conditionally or unconditionally, allow a Councillor or a member of a Council committee to vote on a matter on which the Councillor or member would otherwise be disqualified from voting if the Minister is of the opinion:

- a) That the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
- b) That it is in the interest of the electors for the area to do so.

Council Seal – Clause 43

The General Manager must keep the seal of Council.

The seal may be affixed to a document only in the presence of:-

- (a) The Mayor and General Manager; or
- (b) At least 1 Councillor (other than the Mayor) and the General Manager; or

- (c) The Mayor and at least 1 other Councillor; or
- (d) At least 2 Councillors other than the Mayor.

The affixing of a Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.

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

For the purpose of sub-clause (4) a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council.

APPENDIX A:



REQUEST TO ADDRESS COUNCIL IN PUBLIC FORUM

DATE OF COUNCIL MEETING:

NAME:

ADDRESS:

.....

TELEPHONE NO:

GROUP REPRESENTED:

(if applicable).....

.....

DO YOU WISH TO:

Make a statement Ask a question Address agenda item no.

please provide details of matter to be discussed:

.....

.....

.....

.....

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NOTE:

The proceedings of all Council Meetings, unless closed to the public in special circumstances as per the Local Government Act 1993 requirements, are public sessions. Any member of the public can be present to listen or take notes. Speakers do not have absolute privilege (parliamentary privilege) in respect of anything said or any material presented to the Meeting.

All requests to be made to the General Manager prior to the meeting by phoning 02 6830 5100 or emailing breshire@brewarrina.nsw.gov.au.

Speakers to register with the Administration Manager prior to the commencement of the meeting.

Council Meeting commences at 9.00am.

Please refer to guidelines

REQUEST TO ADDRESS COUNCIL IN PUBLIC FORUM – GUIDELINES

Applications to Address Council

- Any person may make a request to submit a question to, or address the Council in Public Forum on any issue having relevance to the responsibilities of Brewarrina Shire Council.
- The proceedings of all Council Meetings, unless closed to the public in special circumstances as per the Local Government Act 1993 requirements, are public session. Any member of the public can present to listen or take notes. Speakers do not have absolute privilege (parliamentary privilege) in respect of anything said or any material presented to the Meeting.
- All requests to be made to the General Manager prior to the meeting by phoning 02 6830 5100 or emailing breshire@brewarrina.nsw.gov.au. Speakers to register with the Administration Manager prior to the commencement of the meeting.
- Applicants shall state:
 - Their name, address and contact telephone number;
 - Organisation or group they are representing (if applicable);
 - Details of the issue to be addressed and the item number of the report in the Business Paper (if applicable) or the question(s) to be presented to the meeting;
 - Whether they are opposing or supporting the issue or matter (if applicable);
 - The interest of the speaker (eg affected person, neighbour, applicant, applicant's spokesperson, interested citizen etc).
- Where the applicant has previously addressed Council further applications to address Council will only be accepted if new issues are to be introduced. Issues previously raised are not to be re-canvassed.
- This will not preclude residents addressing Council for the first time on a matter that has previously been the subject of a public forum presentation, question or statement albeit that they intend to raise issues that were previously raised in the public forum.
- Where an address relates to an item on the Council meeting Agenda that evening, the speaker shall be heard when the Council considers the item.

Presentation to Council

- Each presentation shall be limited to five (5) minutes, and the Council may resolve to extend the presentation by one further three (3) minutes if considered appropriate.
- Speakers shall conduct themselves with due respect to the Council and observe the Code of Conduct and Code of Meeting Practice, i.e. not to disrupt the conduct of the meeting and to treat all people with respect, courtesy, compassion and sensitivity and not insult, denigrate or make defamatory or personal reflections on or impute improper motives to the Council, staff or other members of the public.
- Groups should nominate a representative to make the presentation to the Council on behalf of the Group.

Replies to Speakers

- Where an address relates to an issue of general interest, the Mayor, Councillor or General Manager may provide a reply to the speaker at the conclusion of the address.
- If a formal reply or research is required, the General Manager shall respond in writing to the speaker.