



WALGETT SHIRE COUNCIL
CODE OF MEETING PRACTICE

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PART 1 - PRELIMINARY

1. Citation and Aim

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

The aim of this Code is to achieve:

- a. Council and Committee meetings which are orderly, efficient and earn the respect of the Community.
- b. Council and Committee meetings, which display open government and allow access and participation by the community.
- c. Standards which promote and contribute to the democratic process.

2. Definitions

2. (1) In this Code:

Amendment, in relation to an original motion, means a motion moving an amendment to that motion. R231

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 (see clause 12 of this Code), and
- (b) in relation to a meeting of a Committee of a Council - means the person presiding at the meeting as provided by section 267 (see clause 52 of this Code); R231

Committee, in relation to a Council, means a Committee established under Clause 260 of the Regulation or the Council when it has resolved itself into a Committee of the Whole. (see clause 43 of this Code) R231

Councillor, includes a member of the governing body of a County Council. R231

Record, means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the Minutes of Meetings of the Council or of a Committee of the Council;

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

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;

- (b) the spouse or the de facto partner of the person or of a person referred to in paragraph (a). LGA Act Dictionary

the Act means the Local Government Act 1993;

the Code means the Walgett Shire Council Code of Meeting Practice; and

the Regulation means the Local Government (General) Regulation 2005.

- (2) 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.

3. Act and Regulation

3. (1) This Code is made pursuant to Section 360(2) of the Act, which states:

A Council may adopt a Code of Meeting Practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.

- (2) It incorporates relevant provisions of the Regulation and the Act.

- (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.

4. (1) Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding or to indicate supplementary or explanatory information.

- (2) Legislative references are shown in the following manner:

S369 - Section 369 Local Government Act 1993

R231- Clause 231 Local Government (General) Regulation 2005

- (3) The omission of any such reference generally indicates that the item is a non-statutory or discretionary provision.

PART 2 - CONVENING OF AND ATTENDANCE AT COUNCIL MEETINGS

5. Frequency of Meetings of the Council

5. (1) The Council is required to meet at least 10 times each year, each time in a different month. S365
- (2) The Council shall, by resolution, set the time, date and place of Ordinary Meetings of the Council.

6. Extraordinary Meetings

6. (1) The General Manager may call an Extraordinary Meeting of the Council for any specific purpose following consultation with the Mayor
- (2) If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request. S366

7. Notice of Meetings

a. Notice to Councillors

7. (1) The General Manager of a 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.
- (3) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business papers in that form. S367 (1) - (3)

b. Notice to the Public

A Council must give notice to the public of the times and places of its meetings and meetings of those of its Committees of which all the members are Councillors.

- (4) This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with, which states:

- (5) A notice of a meeting of a Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place.
- (6) The notice must specify the time and place of the meeting.
- (7) Notice of more than one meeting may be given in the same notice.
- (8) This clause does not apply to an extraordinary meeting of a Council or Committee. R232

8. 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. S368

9. 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. R233

10. Minister to convene meetings in certain cases

- 10. (1) Whenever an area is constituted or reconstituted, the Minister is required:
 - (a) to convene the first meeting of the Council of the area, and
 - (b) to nominate the business to be transacted at the meeting, and
 - (c) to give the Councillors notice of the meeting.
- (2) If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.

- (3) The Council must transact the business nominated by the Minister for a meeting convened under this clause. R234

11. Presence at Council Meetings

11. A Councillor cannot participate in a meeting of the Council unless personally present at the meeting. R235

NOTE: To be present a Councillor must be within the room in which the meeting is being held.

12. Attendance of General Manager at Meetings

12. (1) The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.
- (2) The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.
- (3) However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager. S376 (1)-(3)

PART 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

13. Chairperson of Council Meetings

13. (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. S369 (1)-(2)
- (3) If no chairperson is present at a meeting of a 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. R236
- NOTE:** Section 369 (2) of the Act provides for a Councillor to be elected to chair a meeting of a Council when the Mayor and Deputy Mayor are absent.
- (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.
- (5) 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.
- (6) For the purposes of subclause (5), the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (7) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson. R236

14. Chairperson to have Precedence

14. When the Chairperson rises (or speaks) during a meeting of the 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. R237

NOTE: It has been traditional for the Chairperson of this Council not to stand when speaking. Whilst the Clause of the Regulation states "rises", the practical effect of this is that when the Chairperson speaks, then precedence is taken over all other Councillors. The Chairperson will "stand" only when it is necessary to assert his or her authority or to take control.

15. Chairperson's Duty with Respect to Motions

- 15. (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. R238 (1)-(3)

16. Minutes

- 16. (1) The Council must ensure that full and accurate minutes are kept of proceedings of a meeting of the Council. S375 (1)
- (2) The name of Councillors present and Councillors absent must be recorded in the minutes. This includes the absence of a Councillor for any part of the meeting.
- (3) The General Manager must ensure that the following matters are recorded in the Council's minutes:
 - (a) details of each motion moved at a Council meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost. R254 (a-c)
- (4) The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at the subsequent meeting. S375 (2)
- (5) Every entry in the minutes of the business transacted at a meeting of the Council and purporting to be signed by the person presiding at a subsequent meeting of the Council is, until the contrary is proved, evidence:
 - (a) that the business as recorded in the minutes was transacted at the meeting, and

(b) that the meeting was duly convened and held.

S703

17. Order of Business

17. (1) At a meeting of a Council (other than an extraordinary meeting), the General order of business is (except as provided by this Regulation) as fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix the General order of business) as fixed by resolution of the Council.

NOTE: The adopted standing orders could be varied by resolution passed at any previous meeting. See attachment A Page 42

- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.
- (3) Despite Clause 250, of the regulations only the mover of a motion referred to in subclause (2) may speak to the motion before it is put. R239

18. Agendas and Business Papers for Council Meetings

18. (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 matter or topic that the chairperson proposes, at the time when the Agenda is prepared, to put to the meeting and
 - (c) subject to subclause (2) any business of which due notice has been given.
- (2) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- (3) The General Manager must cause the Agenda for a Meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.
- (4) The General Manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
- (5) Nothing in this clause limits the powers of the Chairperson under Clause 243.

19. Giving Notice of Business

19. (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 5.00pm on the fourth working day immediately preceding the meeting; and

NOTE: A working day is a day that is not a Saturday, Sunday or Public Holiday.

- (b) unless notice of business has been sent to the Councillors at least 3 days before the 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. In the event of an Extraordinary Meeting called in an emergency, notice of less than 3 days may be given.

S367,
R241(1)

- (c) The times specified in (a) may be varied with notice by the General Manager when a Public Holiday falls within the meeting cycle.

(2) Subclause (1) does not apply to the consideration of business at a meeting if the business:

- (a) is already before, or directly relates to a matter that is already before, the Council; or

- (b) is the election of a Chairperson to preside at the meeting as provided by Clause 236 (1) of the Regulation ;or

- (c) is a matter or topic put to the meeting by the Chairperson in accordance with Clause 243 of the Regulation; or

- (d) is a motion for the adoption of recommendations of a Committee of the Council.

R241 (2)

(3) Despite subclause (1), 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:

- (a) a motion is passed to have the business transacted at the meeting; and

- (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

R241 (3)

(4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

R241 (4)

20. Agenda for Extraordinary Meeting

20. (1) 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.
- (2) Despite subclause (1), business may be transacted at an Extraordinary Meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

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

- (3) Despite Clause 250, of the regulation only the mover of a motion referred to in subclause (2) can speak to the motion before it is put. R242 (1) - (3)

21. Mayoral Minutes

21. (1) 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.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda 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.
- (3) 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. R243 (1)-(3)

22. Report of a Departmental Representative to be tabled at Council Meeting

22. When a report of a Departmental Representative has been presented to a meeting of the Council in accordance with section 433 of the Act, the Council must ensure that the report:
- (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. R244

23. Notice of Motion - Absence of Mover

23. In the absence of a Councillor who has placed a notice of motion on the Agenda 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. R245

24. Motions to be Seconded

24. (1) A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to Clauses 243(2) and 250(5). R246

25. How Subsequent Amendments or Motions may be Moved

25. (1) 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. R247

26. Motions of Dissent

26. (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 passed, 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 agenda and proceed with it in due course.

(3) Despite Clause 250, 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 R248 (1-3)

27. Petitions and Correspondence may be presented to the Council

27. (1) A Councillor may present a petition and/or correspondence to the Council.

(2) The Chairperson will only permit discussion on the petition or correspondence if the subject matter is already on the agenda for that meeting or is a matter, which can be dealt with under Clause 19(3).

- (3) Any correspondence or other documentations proposed to be tabled by a member of the public must be presented to the Chairperson who is to be responsible for deciding whether the matter is to be distributed at the meeting or resubmitted to a future meeting.

28. Mode of Address

28. Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor.

29. Questions may be put to Councillors and Council Employees

29. (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.
- (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) The Councillor must put every such question 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. R249 (1)-(4)

30. Limitation as to Number of Speeches

30. (1) 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 to any amendment to it, as well as the right to speak on any such amendment.
- (2) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- (4) Despite subclauses (1) and (2), 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).
- (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. R250 (1)-(7)

31. Voting at Council Meetings

31. (1) Each Councillor is entitled to one vote.
- (2) However, the Chairperson presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote. S370 (1)-(2)
- (3) A Councillor who is present at a meeting of a Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. R251 (1)

NOTE: Failure to vote by any Councillor (including the Chairperson) is regarded as a vote against the motion or amendment. This subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.

- (4) The voting outcome on all matters is to be recorded in the minutes. The minutes must record when a resolution has been carried unanimously. In all other cases names must be recorded in relation to how a Councillor has voted.

NOTE: **Section 31 (4)** provides Council with a more robust record of the decisions of the council. It is in no way intended to alter the requirements of the Regulation (R251) but only to support them in being a matter of regular meeting practice..

- (5) 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.
- (6) The decision of the Chairperson as to the result of a vote is final, unless:
 - (a) In the cases where the vote is declared on voices, a Councillor requests a show of hands

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

- (7) 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. R251(2)-(4)
- (8) 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. R251(5)

NOTE: Part 11 of this Regulation provides that a Council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that *ballot* has its normal meaning of secret ballot.

32. Representations by members of the public - closure of part of meeting

32. (1) A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by resolution of the Council. Different periods can be fixed to the different types of matters to be discussed or received and discussed at closed parts of the meeting. R252 (1)-(2)

33. Resolutions passed at closed meetings to be made public

33. 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. R253

34. Decisions of the Council

34. 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. S371

35. Rescinding or Altering Resolutions

35. (1) A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 of the Act and, Clause 19(1)(a) of the Council's Code of Meeting Practice. S372 (1)

- (2) If a notice of motion to rescind 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 has been dealt with; or
 - (b) at any time after the close of the meeting at which the resolution is carried, no further action to carry the resolution into effect is to be taken after receipt of the notice of motion until that motion of rescission has been dealt with.
- (3) If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's Code of Meeting Practice. S372 (3)
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be. S372 (4)
- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same. S372 (5)
- (6) A motion to which this section applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the meeting of the Council. S372 (6)
- (7) The provisions of this section concerning negated motions do not apply to motions of adjournment. S372 (7)

36. Public Forum Presentations

36. (1) Members of the public may speak at Public Forum Presentations, prior to the Council meeting on any subject, not limited to agenda items.
- (2) Requests to speak should be in writing, addressed to the General Manager and considered by the Mayor.
- (3) Guidelines relating to an address by a member of the public together with expected behaviour are as expressed for a Councillor by this code.

37. Limit for Meetings

37. Council may by resolution set time limits for Council meetings and Committees

38. Adjournment

38. Council may by resolution adjourn a meeting for the conduct of an official function such as a naturalisation ceremony or civic reception.

PART 4 - KEEPING ORDER AT MEETINGS

39. Questions of Order

39. (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. R255 (1)-(4)

NOTE: This clause also applies to Committees. See Clause 55.

40. Acts of Disorder

40. (1) A Councillor commits an act of disorder if the Councillor, at a meeting of a Council or a Committee of a Council:
- (a) contravenes the Act or any Regulation in force under the Act, 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. R256(1)(a)-(e)
- (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) A Councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

R256 (2)-(3)

41. How Disorder at a Meeting may be dealt with

41. (1) If disorder occurs at a meeting of a Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

(2) 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.

R257 (1)-(2)

NOTE: The basic rationale for the need for “order” to be preserved is to give all persons entitled a reasonable opportunity of participating in the discussion and voting on matters before the meeting. It is the role of the chairperson to take care that the proceedings are conducted in a proper manner. Councillors are required by the Code of Meeting Practice to comply with rulings from the chair unless a motion of dissent is passed by Council.

42. Power to remove persons from meeting after expulsion

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

(a) immediately after the Council has passed a resolution expelling the Councillor or member from the meeting, or

(b) 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.

R258

PART 5 - COUNCIL COMMITTEES

43. Committee of the Whole

43. (1) The Council may resolve itself into a Committee to consider any matter before the Council. S373
- (2) All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provisions:
- (a) limiting the number and duration of speeches; and R259 (1)
(b) requiring Councillors to stand when speaking.
- (3) The General Manager or, in the absence of the General Manager, an employee of the Council 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. R259 (2)
- (4) The Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed. R259 (3)

44. Council May Establish Committees

44. (1) A Council may, by resolution, establish such Committees, as it considers necessary.
- (2) A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- (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. R260 (1)-(3)

45. Functions of Committees

45. The Council must specify the functions, terms of reference and membership of each of its Committees when the Committee is established, but may from time to time amend those functions.
R261

46. Notice of Committee Meetings to be Given

46. (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. R262 (1)-(2)

47. Committee Members other than Councillors

47. Reference to Councillors in this part is deemed to include members of a Committee who are not Councillors.

NOTE: The code will apply to Committees of which all the members are Councillors as well as Committees which include members other than Councillors.

48. Non-Members entitled to attend Committee Meetings

48. (1) A Councillor who is not a member of a Committee of a Council is entitled to attend, and to speak at, a meeting of the Committee.
- (2) However, the Councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting. R263 (1)-(2)

49. Representations by members of the public - closure of part of meeting

49. (1) A representation at a Committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by resolution of the Council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings. R252 (1)-(2)

50. Procedure in Committees

50. (1) Subject to subclause (3), each Committee of a Council may regulate its own procedure.
- (2) Without limiting subclause (1), a Committee of a Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the chairperson of the Committee is to have a casting vote as well as an original vote.
- (3) Voting at a Committee Meeting is to be by open means (such as on the voices or by show of hands). R265 (1)-(3)

51. Committees to keep Minutes

51. (1) Each Committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a Committee must ensure that the following matters are recorded in the Committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment is passed or lost.
- (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. R266 (1)-(2)

52. Chairperson and Deputy Chairperson of Committees

52. (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 a 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 a 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. R267 (1)-(4)

53. Absence from Committee Meetings

53. (1) A member (other than the Mayor) ceases to be a member of a Committee if the member:
- (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 in respect of a Committee that consists of all of the members of the Council. R268 (1)-(2)

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

54. Reports of Committees

54. (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. R269 (1)
- (2) The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council. R269 (2)
- (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. R269 (3)

55. Disorder in Committee Meetings

55. The provisions of the Act and of this 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. R270

56. Committee may expel certain persons from its Meetings

56. (1) If a meeting or part of a meeting of a Committee of a 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. R271(1)

NOTE: See Clause 47 - for members other than Councillors.

- (2) 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. R271 (2)

PART 6 - PECUNIARY INTEREST

See also Code of Conduct in relation to Conflict of Interest and Pecuniary Interest.

57. Pecuniary Interest

57. (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.
- (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 the matter or if the interest is of a kind specified in section 448 of the Act. S442 (1)-(2)

58. (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) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
- (c) a company or other body which the person, or a nominee, partner or employer of the person, is a member.

- (2) (Repealed).

- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection 1(b) or (c):

- (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or
- (b) just because the person is a member of, or employed by, a Council or a statutory body or is employed by the Crown; or
- (c) just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body. S443 (1)-(3)

59. What interests do not have to be disclosed?

59. The following interests do not have to be disclosed for the purposes of this Chapter:

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

- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a Council Committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the Committee member has been appointed to represent the organisation or group on the Committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) Land adjoining, adjacent to or in proximity to land referred to in subparagraph (i),

If the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (i) an interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the Committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the Council of a contract or agreement with a relative of the person for or in relation to any of the

following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:

- (i) The performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation,
 - (ii) Security for damage to footpaths or roads,
 - (iii) Any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council or by or under any contract,
- (k) an interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor),
 - (l) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under Section 252,
 - (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor,
 - (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
 - (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council Committee,
 - (p) an interest arising from appointment of a Councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate. S448

60. Disclosure and Participation in Meetings

- 60. (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 nature of 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. S451 (1)-(2)

NOTE: A General notice of disclosure made pursuant to Section 454 of the Act fulfils the requirement of clause 60 (1) unless and until the notice is withdrawn. (See Clause 62)

- (3) A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. S456(1)

NOTE: The word “person” used in clause 60 means a Councillor or a member of a Council Committee – See S451 (1)

- (4) The person is not required to disclose the person’s interest as an adviser.
- (5) 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 had a pecuniary interest. S457

61. Disclosures to be Recorded

61. A disclosure made at a Meeting of the Council or Council Committee must be recorded in the minutes of the meeting. S453

62. General Disclosures

62. 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. S454

63. Disclosure by Adviser

63. (1) A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- (2) The person is not required to disclose the person’s interest as an adviser. S456 (1)-(2)

PART 7 - OPEN MEETINGS

64. Public Notice of Meetings

64. (1) The Council must give notice to the public of the times, dates and places of its meetings and meetings of those of its Committees of which all the members are Councillors.
- (2) The Council and each such Committee must have available for the public at its offices and at each meeting copies (for inspection and taking away by persons) of the Agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (2A) 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:
- (a) 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
 - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an agenda or a business paper made available under this section may in addition be given or made available in electronic form. S9 (1)-(5)

NOTE: Public notice of the meetings is to be given by display of notices in accordance with council policy.

65. Who is entitled to attend Meetings?

65. (1) Except as provided by this Part:
- (a) everyone is entitled to attend a meeting of the Council and those of its Committee of which all the members are Councillors, and
 - (b) a Council must ensure that all meetings of the Council and of such Committee are open to the public.

- (2) However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting:
 - (a) by a 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.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations. S10 (1)-(3)

66. Which parts of a meeting can be closed to the public?

- 66. (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 herein after referred to as a “Closed (Public Excluded) Meeting”, as comprises:
 - (a) the discussion of any matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed, or new issues raised by Councillors which relate to matters and information listed in subclause (2).
- (2) 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, prejudice the maintenance of the 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.
- (3) 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 meetings as comprises a motion to close another part of the meeting to the public.
- (4) A Council, or a Committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. S10A(1)-(4)

67. Further Limitations Relating to Closure of Parts of Meetings to Public

- 67. (1) 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.
- (2) 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.
- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in 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)).
- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (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.

NOTE: Subsection (4) is in similar terms to section 59A (Public interest) of the Freedom of Information Act 1989.

- (5) In deciding whether a 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. S10B (1)-(5)

68. Notice of likelihood of closure not required in urgent cases

68. 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 10A (2), and
- (b) the Council or Committee, after considering any representations made under section 10A (4), 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.

S10C

69. Grounds for closing part of meeting to be specified

69. (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant position of the 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.

S10D (1)-(2)

70. Public Access to Correspondence and Reports

70. (1) The Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- (2) This clause does not apply if the correspondence or reports:
- (a) relate to a matter that was received or discussed; or
 - (b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- (3) 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.

S11 (1)-(3)

71. Address by Public - Council and Committee Meetings

71. Residents, ratepayers, applicants, consultants or other persons may apply to address Council or a Committee in relation to any matter which is listed for consideration on a Council or Committee Agenda, or any matter which may be included under clause 19(3). A person will be permitted to address the meeting of the Council or Committee, if the Council or Committee so resolves. Council or the Committee may limit the number of speakers, which are to be heard.

Members of the public will not be permitted to address Council on matters, which are submitted in the form of Notices of Motion to rescind or alter unless Council so resolves due to extenuating circumstances.

The Guidelines which apply are:

1. A time limit of five (5) minutes per speaker or such shorter period as resolved by Council.
2. Must relate to items listed within the business paper.
3. A limit of two speakers, speaking for the item and two speakers, speaking against the item being considered.
4. Debate will not be permitted.
5. A speaker cannot speak more than once on the subject, without the consent of Council.

6. A speaker cannot address Council if they have previously addressed a Committee of Council or a Council Meeting on the same subject, without the consent of Council.
7. Allegations against any resident, staff member or councillor are inappropriate and will not be allowed. Any allegation or complaint must be in writing, addressed to the General Manager and shall be dealt under Councils Code of Conduct.

The provisions of Clause 40(1)(a), (b), (d), (e) and 2(a) and (c) of this Code apply to Members of the Public addressing Council or a Committee.

PART 8 - MISCELLANEOUS

72. Disclosure and misuse of information – prescribed circumstances

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

R412

73. Inspection of the Minutes of the Council or a Committee

73. (1) An inspection of the minutes of a Council or Committee of a 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.

R272 (1)-(2)

NOTE: Section 12 of the Act confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of a Council or Committee of a Council.

74. Access to Records

74. Councillors now have access to Council records under sections 12 and 12A of the Local Government Act and under the Freedom of Information Act 1989.

75. Tape recording of Meeting of the Council or a Committee prohibited without permission

75. (1) A person may use a tape recorder to record the proceedings of a meeting of a Council or a Committee of a Council only with the authority of the Council or Committee.
- (2) A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council or a Committee of a Council for using or having used a tape recorder in contravention of this clause.
- (3) 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 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.

- (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.

R273 (1)-(4)

76. Council Seal

76. (1) The Seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.
- (2) The Seal of a Council may be affixed to a document only in the presence of:
- (a) the Mayor and the General Manager; or
 - (b) at least one (1) Councillor (other than the Mayor) and the General Manager; or
 - (c) the Mayor and at least one (1) other Councillor; or
 - (d) at least 2 Councillors other than the Mayor.
- (3) 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.
- (4) The Seal of a 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.
- (5) For the purpose of subclause (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.

R400 (1)-(5)

77. Certain Circumstances do not Invalidate Council Decisions

77. 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, or to refrain from the consideration or discussion of, or vote on,

the relevant matter, at a Council or Committee meeting in accordance with Section 451, or

(e) a failure to comply with this Code.

S374 (a)-(e)

78. Amendment of Code

78. (1) This Code may be amended only in accordance with the provisions of Chapter 12 Part 2 Division 1 of the Act. S363
- (2) In the event of any legislative change, the code is to be revised to incorporate those changes without further public exhibition.

NOTE: The date of amendments or revision are shown on the foot of the cover and on the footer of each page.

ORDER OF BUSINESS

1. Opening of Meeting
2. Acknowledgement of Traditional Owners *(a)*
3. Apologies
4. Welcome to Visitors
5. Public Forum Presentations
6. Declaration of Pecuniary/Non Pecuniary Interests
7. Confirmation of Minutes
8. Reserve Trust Management Committee Reports
9. Mayoral Minutes
10. Motions of Which Notice Has Been Given
11. Presentation of Petitions
12. Councillor's Questions With Notice
13. Reports of Delegates and Representatives
14. Reservation of Items for Debate *(b)*
15. Reports of Officers
16. Reports of Committees
17. Questions Without Notice from Councillors
18. Confidential Reports/Closed Council Meeting
19. Close of Meeting

(a) Suggested wording is as follows:

"I would like to acknowledge the traditional owners of the lands within Walgett Shire and I would also like to acknowledge the Aboriginal and Torres Strait Islander people who now reside within this Shire"

(b) The opportunity should be provided for Councillors to identify only the items they wish to debate with the recommendations in respect of the remainder able to be moved together with a motion moved by the Chairperson as follows:

"That the recommendations for all items, with the exception of items (Reserved Items), be adopted."

Reservation of items takes place by the Chairperson moving around the table allowing each councillor to reserve one item at a time until no councillor wishes to reserve any further items.

The call in respect of a reserved item is given to the councillor who reserved the item.