



1. INTENT OF POLICY

The Local Government Act, 1993 (NSW) (The Act) and Local Government Regulation 2005 (NSW) (The Regulations) set out the basic procedure that must be followed at council meetings.

The intent of this code is to adopt the relevant provisions of the Act and the Regulations as well as additional provisions that are consistent with them. It is also intended that the provisions match local cultural practices and priorities to achieve meeting procedures that contribute to good public decision-making and increase council's transparency and accountability to its community.

2. SCOPE OF POLICY

Section 360(3) of the Local Government Act 1993, requires that a Council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

3. RELEVANT STATUTORY REQUIREMENTS SPECIFIC TO THIS POLICY:

Local Government Act 1993 (NSW), Local Government Regulation 2005 (NSW)

4. OTHER NSW GOVERNMENT POLICY PROVISIONS RELEVANT TO THIS POLICY:

Model Code of Conduct for Local Councils in NSW, Department of Local Governments Meetings Practice Note 16.

Note: This Code has been prepared utilising the provisions of Meetings Practice Note 16, any unresolved clarification in this Code will refer back to the Practice Note 16 for confirmation.

Oberon Council policies relevant to this policy:

- Policy 1102 - Code of Conduct
- Policy 1114 - Section 355 Committees and Volunteers
- Policy 1115 - Communications Policy
- Management Manual - Section 355 Committees and Volunteers

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CONVEYING OF COUNCIL MEETINGS

5. WHEN DOES THE COUNCIL MEET?

Ordinary Meetings

The Council is required to meet at least 10 times each year, each time in a different month (see *Section 365 LGA*)

Council has resolved to hold its Ordinary Meeting on the 3rd Tuesday of each month (except January) commencing at 5:30 pm at the Council Chambers, 137 Oberon Street, Oberon. Any change from the time, day or venue of a Council meeting shall be by resolution of the Council or, in emergency circumstances, by the authorisation of the Mayor.

Extraordinary Meetings

Extraordinary Meetings of the Council may be convened at other times to deal with matters which cannot wait for the scheduled ordinary meeting or which need to be dealt with as a matter of urgency.

Extraordinary Meetings can be convened either:

- a. by the Council, by resolution; or
- b. by the Mayor; or
- c. at the request of at least 2 Councillors. In this case, if the Mayor receives a request in writing signed by at least two (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 the receipt of the request. (see *Section 366 LGA*)

6. NOTICE OF MEETINGS TO COUNCILLORS

Ordinary Meetings

The General Manager of the Council must send to each Councillor, at least three (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. (see *Section 367(1) LGA*)

Extraordinary Meetings

Notice of less than three (3) days may be given of an extraordinary meeting called in an emergency (see *Section 367(2) LGA*), however, notice shall be provided at least on the day prior to the date the meeting is scheduled.

General

Notice of meetings, and the agenda and business papers relating to those meetings 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. (see *Section 367(3) LGA*)

7. PUBLIC NOTICE OF MEETINGS

1. The Council must give notice to the press and public of the times, dates and places of its meetings and meetings of those of its Committees of which all the members are Councillors. (see *Section 9(1) LGA*)
2. The Council and each such Committee must have available for the press and public at its offices and at each meeting copies (for inspection and taking away by persons) of the agenda and associated business papers (such as correspondence and reports) for the meeting. (see *Section 9(2) LGA*)
3. 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 subclause (2) with respect to the availability of business papers do not apply to the business papers for that item of business. (see *Section 9(2A) LGA*)
4. The copies are to be available to the press and public as nearly as possible to the time they are available to Councillors. (see *Section 9(3) LGA*)
5. The copies are to be available free of charge. (see *Section 9(4) LGA*)
6. A notice given under this Clause or a copy of an agenda or of a business paper made available under this Clause may in addition be given or made available in electronic form. (see *Section 9(5) LGA*)
7. A notice of a meeting of the Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place. (see *Clause 232(2) LGGR*)
8. The notice must specify the time and place of the meeting. (see *Clause 232(3) LGGR*)

NOTE: Notice is given by placing an advertisement in the local media (Oberon Review) and on Council's website www.oberon.nsw.gov.au prior to the meeting.
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QUORUMS AND ATTENDANCE OF COUNCILLORS AND STAFF

8. WHO IS ENTITLED TO ATTEND MEETINGS?

Except as provided by this Code:

- a. everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and
- b. a council must ensure that all meetings of the council and of such committees are open to the public. (*see Section 10(1) LGA*)

9. WHAT IS A QUORUM FOR A MEETING?

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. (*see Section 368 LGA*)

10. WHAT HAPPENS WHEN A QUORUM IS NOT PRESENT?

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. (*see Clause 233(1) LGGR*)
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. (*see Clause 233(2) LGGR*)
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. (*see Clause 233(3) LGGR*)

11. MINISTER TO CONVENE MEETINGS IN CERTAIN CASES

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. (*see Clause 234(1) LGGR*)
2. If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present. (*see Clause 234(2) LGGR*)
3. The Council must transact the business nominated by the Minister for a meeting convened under this clause. (*see Clause 234(3) LGGR*)

12. CAN A COUNCILLOR PARTICIPATE IN A MEETING WHILE NOT IN ATTENDANCE?

A Councillor cannot participate in a meeting of the Council unless personally present at the meeting. (*see Clause 235 LGGR*)

13. CONTINUED ABSENCE OF COUNCILLOR FROM MEETINGS

In the case of a Councillor who is absent from 3 consecutive meetings of the Council (unless the Councillor is absent because he or she has been suspended from civic office under Section 482 or 482A) without:

- a. prior leave of the Council; or
- b. leave granted by Council at any of the meetings concerned;

the civic office of that Councillor is automatically vacant. (*see Section 234 (1) LGA*).

14. LEAVE OF ABSENCE

1. For the purposes of Clause 13, a Councillor applying for a leave of absence from a meeting of a Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor. (*see Section 234 (2) LGA*).
2. If the holder of a civic office attends a Council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future Council meeting. (*see Section 234 LGA*).
3. Subsection (2) does not prevent the Council from granting further leave of absence in respect of any future Council meeting. (*see Section 234 (4) LGA*).
4. A Councillor's application for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent. (*see Clause 235A (1) LGGR*).
5. A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days notice of his or her intention to attend. (*see Clause 235A (2) LGGR*).

15. CAN A PERSON BE EXPELLED FROM A MEETING?

1. A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or 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. (*see Section 10(2) LGA*)
2. A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations. (*see Section 10(3) LGA*)

16. ATTENDANCE OF GENERAL MANAGER AT MEETINGS

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. (*see Section 376(1) LGA*)
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. (*see Section 376(2) LGA*)

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.
(see Section 376(3) LGA)

17. WHICH COUNCIL STAFF ATTEND MEETINGS?

The General Manager shall determine which Council staff shall attend meetings in an official capacity.

PROCEDURES FOR CONDUCT OF COUNCIL MEETINGS

18. WHO PRESIDES AT MEETINGS OF THE COUNCIL?

1. The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor, presides at meetings of the Council. (see *Section 369(1) LGA*)
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 Council. (see *Section 369(2) LGA*)

Dress Code

Elected Members and Council staff are expected to afford respect to their official role at meetings, the people they represent and all ratepayers by maintaining a reasonable standard of dress when attending Council meetings.

A “reasonable standard of dress” is clothing that is neat, clean and well maintained and appropriate for the work environment.

19. COUNCILLOR TO PRESIDE AT CERTAIN MEETINGS

1. 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. (see *Clause 236(1) LGGR*)
2. The election must be conducted:
 - a. by the General Manager or, in his 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. (see *Clause 236(2) LGGR*)
3. 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. (see *Clause 236(3) LGGR*)
4. For the purposes of subclause (3), 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. (see *Clause 236(4) LGGR*)
5. The candidate whose name is on the drawn slip is the candidate who is to be the chairperson. (see *Clause 236(5) LGGR*)

20. CHAIRPERSON TO HAVE PRECEDENCE

When the Chairperson rises or speaks 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. (see *Clause 237 LGGR*)

21. CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS

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. (*see Clause 238(1) LGGR*)
2. The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful. (*see Clause 238(2) LGGR*)
3. Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected. (*see Clause 238(3) LGGR*)

22. ORDER OF BUSINESS

1. At a meeting of the Council (other than an extraordinary meeting), the general order of business shall be:
 - 1) Opening of Meeting
 - 2) Acknowledgement of Country
 - 3) Prayer
 - 4) Record of attendance
 - 5) Declarations of Interest (Pecuniary and Non-Pecuniary)
 - 6) Presentations
 - 7) Questions from the public
 - 8) Confirmation of Minutes
 - 9) Mayoral minute and report
 - 10) Notices of Motions
 - 11) Councillor and Delegates reports
 - 12) Committee reports
 - 13) Reports for decision
 - 14) Reports for information
 - 15) Urgent business
 - 16) Closed Session / Confidential Reports
 - 17) Closure of Meeting

unless varied by Council from time to time. (*see Clause 239(1) LGGR*)

2. The Mayor may bring forward an item of business from the business paper where it is established that a member of the public with an interest in that item is present in the public gallery, but only as provided by Subclause (3) below.
3. 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. (*see Clause 239(2) LGGR*)
4. Despite Clause 36 of this Code, only the mover of a motion referred to in subclause (3) may speak to the motion before it is put. (*see Clause 239(3) LGGR*)

Presentations

Council will at times allow presentations from groups or members of the community. Presentations from organisations or the community need to be provided to the General Manager no later than the Monday one week prior to the meeting. This is to enable any member of the public the opportunity to attend the presentation. Due to time requirements 30 minutes will be allocated to any presentation.

Questions from the Public

The community is to be given the opportunity to ask questions at the commencement of the council meeting, and the Mayor is to ask for questions from the gallery prior to the commencement of the ordinary meeting.

Members of the public wishing to address Council are permitted to do so provided the following guidelines are adhered to.

1. The person asking the question at the Council meeting must clearly state their name and in what capacity they are acting.
2. If the person asking the questions is acting as another person/organisation's agent they must advise Council if they have their prior consent/authority.

Questions from the public is not an opportunity for debate with elected representatives or staff, there are other forums to facilitate this; it is an opportunity for the community to ask a question in relation to an issue or put a point of view relating to an issue that may be causing interest or concern. Due to time constraints a time frame of three minutes per speaker is allocated. All questions and comments must be directed through the Mayor and in the instance of a question, if it cannot be answered it will be taken on notice and a response given within a reasonable period of time. This is the only opportunity for a community member to address Council during an Ordinary Meeting.

23. AGENDA AND BUSINESS PAPERS FOR COUNCIL MEETINGS

1. The General Manager must ensure 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 is the Chairperson - any matter or topic that the chairperson proposes, at the time when the business paper is prepared, to put to the meeting or the Deputy Mayor if acting for the Mayor; and
 - c. subject to Subclause (3), any business of which due notice has been given. (*see Clause 240(1) LGGR*)
2.
 - a. 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. (*see Clause 240(2) LGGR*)
 - b. (i) If a notice of motion (and/or accompanying background) is presented that prima facie would, if stated in the meeting, be an act of disorder under Clause 256 (1) of the Local Government (General) Regulation, the General Manager will bring this to the attention of the Mayor or the (Deputy Mayor if it concerns or originates from the Mayor);

(ii) Should, if after further consideration, they feel that this notice of motion (and/or accompanying background) would, if read at the meeting, breach Clause 256 (1) of the Local Government (General) Regulation it will be referred to Council's solicitor for advice;

(iii) Should Council's solicitor concur that the notice of motion (and/or accompanying background) would, if read at the meeting, breach Clause 256 (1) of the Local Government (General) Regulation, the notice of motion would not be included in the business paper.

(iv) If this occurs, the General Manager shall inform the Councillor from whom the notice of motion originated, providing the reasons for this decision.

(v) The General Manager must report (without giving details of the items of business) any such exclusion. The report would include the name of the Councillor proposing the motion and the reason for its exclusion.

3. The General Manager must cause the agenda for a meeting of the Council to be prepared as soon as practicable before the meeting. (*see Clause 240(3) LGGR*)
4. The General Manager must ensure that, in respect of matters, which will be considered in the absence of the press and public, the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of those items). (*see Section 9(2A) LGA & Clause 240(4) LGGR*)
5. Nothing in this clause limits the powers of the chairperson under Clause 27 of this Code. (*see Clause 240(5) LGGR*)

24. AGENDA FOR EXTRAORDINARY MEETING

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. (*see Clause 242(1) LGGR*)
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. (*see Clause 242(2) LGGR*)
3. Despite Clause 33 of this Code, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put. (*see Clause 242(3) LGGR*)

25. GIVING NOTICE OF BUSINESS

1. The Council must not transact business at a meeting of the Council:
 - a. unless a Councillor, by way of a Notice of Motion, has given notice of the business in writing by not later than the Monday one week before the meeting or as otherwise determined by the General Manager
 - b. unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (*see Section 367 LGA & Clause 241(1) LGGR*)
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 (*see Clause 241(2)(a) LGGR*); or

- b. is the election of a chairperson to preside at the meeting as provided by Clause 19(1) (*see Clause 241(2)(b) LGGR*); or
- c. is a matter or topic put to the meeting by the chairperson in accordance with Clause 27 (*see Clause 241(2)(c) LGGR*); or
- d. is a motion for the adoption of recommendations of a committee of the Council; (*see Clause 241(2)(d) LGGR*); or
- e. relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
- f. relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
- g. relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

26. BUSINESS WITHOUT NOTICE

1. Despite Clause 25 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors, however this can happen only if:
 - 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. (*see Clause 241(3) LGGR*)
2. Despite Clause 36 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (*see Clause 241(4) LGGR*)

27. MAYORAL MINUTES

1. If the Mayor (or the Deputy Mayor, if acting for 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. (*see Clause 243(1) LGGR*)
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, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded. (*see Clause 243(2) LGGR*)
3. A recommendation made in a minute of the Chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council. (*see Clause 243(3) LGGR*)

28. REPORT OF A DEPARTMENT OF LOCAL GOVERNMENT REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING

When a report of a Departmental representative has been presented to a meeting of a Council in accordance with Section 433 of the Act, the Council must ensure that the report:

- a. is laid on the table at that meeting; and
- b. is subsequently available for the information of Councillors and members of the public at all reasonable times. (*see Clause 244 LGGR*)

29. NOTICE OF MOTION – ABSENCE OF MOVER

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. (*see Clause 245 LGGR*)

30. MOTIONS AND AMENDMENTS TO BE SECONDED

1. A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 27(2) and 36(5) of this Code. (*see Clause 246 LGGR*)
2. The seconder of a motion or of an amendment may reserve the right to speak later in the debate.
3. An amendment must not be a direct negative of a motion.

31. HOW SUBSEQUENT AMENDMENTS MAY BE MOVED

1. If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but not more than one motion and one proposed amendment can be before the Council at any one time. (*see Clause 247 LGGR*)
2. It is permissible to debate the motion and an amendment concurrently.
3. It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment before the Chair is dealt with.

32. MOTIONS OF DISSENT

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. (*see Clause 248(1) LGGR*)
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. (*see Clause 248(2) LGGR*)
3. Despite Clause 36 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 of the motion does not have a right of general reply. (*see Clause 248(3) LGGR*)

33. PETITIONS MAY BE PRESENTED TO THE COUNCIL

1. A Councillor or a member of the public may present a petition to the Council.
2. The Chairperson must not permit discussion on the petition, unless it relates to an item on the agenda. Petitions shall be referred to the General Manager for report, reply or other appropriate action.

34. QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES

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. (*see Clause 249(1) LGGR*)
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. (*see Clause 249(2) LGGR*)
3. Any such question must be put directly, succinctly and without argument. (*see Clause 249(3) LGGR*)
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. (*see Clause 249(4) LGGR*)

Councillors Questions without Notice

Councillors should endeavour to ask questions on items on the business paper to the General Manager prior to the meeting.

Questions without notice at a Council meeting concerning items not on the business paper are to be submitted in writing and signed by the Councillor and directed to the Chairman who may choose to

1. Answer the question or
2. Refer it to another Councillor or staff member to answer or
3. Arrange for the question to be researched and the answer supplied at a later date.

35. MODE OF ADDRESS

1. At times Councillors and staff, other than the Chairperson, who are invited to speak at a Council meeting will stand to address Council, unless prevented from doing so by disability or injury;
2. When Councillors wish to address the Council, they shall indicate by raising their hand and await the invitation by the Chairperson to speak;
3. A Councillor will not be required to stand when moving or seconding a motion only;
4. When the Chairperson stands any Councillor and/or staff who are speaking shall cease speaking and resume their seats immediately;
5. Where the Chairperson, a Councillor or staff member is speaking, all others present in the Chamber shall remain silent unless raising a point of order;
6. In addressing the Council, Councillors, staff and other persons addressing the Council shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be;
7. Councillors shall at all times conduct themselves in accordance with the general conduct obligations contained in the Council's Code of Conduct and shall respect the right of their fellow Councillors to speak without interruption.

36. LIMITATION AS TO NUMBER OF SPEECHES

1. A Councillor who, during debate at a meeting of the Council, moves an original motion, has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment. (*see Clause 250(1) LGGR*)
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. (*see Clause 250(2) LGGR*)
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 five (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 five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding. (*see Clause 250(3) LGGR*)
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. (*see Clause 250(4) LGGR*)
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. (*see Clause 250(5) LGGR*)
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). (*see Clause 250(6) LGGR*)
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. (*see Clause 250(7) LGGR*)

37. CAN MOTIONS BE PUT WITHOUT DEBATE?

Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

38. VOTING AT COUNCIL MEETINGS

1. Each Councillor is entitled to one vote. (*see Section 370(1) LGA*)
2. The Chairperson has, in the event of an equality of votes, a second or casting vote and that vote shall be used at the absolute discretion of the Chairperson. (*see Section 370(2) LGA*)
3. A Councillor who is present at a meeting of the Council but who fails to vote on a motion or an amendment put to the meeting is taken to have voted against the motion or amendment as the case may be. (*see Clause 251(1) LGGR*)
4. If a Councillor who has voted against a motion put at a Council Meeting so requests, the General Manager must ensure that the Councillors dissenting vote is recorded in the minutes. (*see Clause 251(2) LGGR*)

5. The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not less than two (2) Councillors rise and demand a division. (see *Clause 251(3) LGGR*)
6. When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the minutes. (see *Clause 251(4) LGGR*)
7. Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as voice 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. (see *Clause 251(5) LGGR*)
8. Where a tie in voting occurs and the Chairperson chooses not to use his/her casting vote, the matter is referred to the next Council meeting.

39. MINUTES AND RECORD OF VOTING ON PLANNING MATTERS

1. The Council must ensure that full and accurate minutes are kept of proceedings of the Council. (see *Section 375(1) LGA*)
2. 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 and the way in which Councillors voted. (see *Clause 254 LGGR*)
 - d. (i) In this clause, a planning decision means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - b) not including the making of an order under Division 2A of Part 6 of that Act.
 - (ii) The General Manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
 - (iii) for the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
 - (iv) each division recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
 - (v) This clause extends to a meeting that is closed to the public. (see *Section 375A LGA*)
3. The correctness of the minutes of every proceeding meeting, including extraordinary meetings and resolutions of committees, not previously confirmed must be dealt with at every meeting of the Council, in order that such minutes may be confirmed.
4. A motion or discussion with respect to such minutes shall only relate to their accuracy as a true record of the proceedings.
5. Minutes may be confirmed at an extraordinary meeting of the Council.

6. The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed at that subsequent meeting by the person presiding at the meeting. (see *Section 375(2) LGA*)

40. WHAT CONSTITUTES A DECISION OF THE COUNCIL?

1. 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. (see *Section 371 LGA*)
2. Once a decision on a matter is made at a meeting of Council it will not be recommitted. The appropriate way for the decision to be revisited is by way of a motion as provided by Clause 41 of this Code.

41. HOW MAY DECISIONS BE RESCINDED OR ALTERED?

1. A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with Clause 25 of this Code. (see *Section 372(1) LGA*)
2. If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.
3. If a Notice of Motion to rescind or alter a resolution is given:
 - a. at the meeting at which the resolution is carried, the resolution must not be carried into effect until the Motion of Rescission or alteration has been dealt with (see *Section 372(2) LGA*); or
 - b. at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after the receipt of the Notice of Motion until the Motion of Rescission or alteration has been dealt with, unless at the time of lodgement of the Notice of Motion to Rescind or alter, suspension of further action is impracticable or action to implement the resolution to which the notice of motion relates has progressed to the point where suspension of further action is not possible.
4. In the case of a motion or alteration, subclause (3) applies only to the extent that the resolution of Council would be affected by the motion or alteration, if it were carried.
5. If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with Clause 25 of this Code. (see *Section 372(3) LGA*)
6. A Notice of Motion to alter or rescind a resolution and a Notice of Motion which has the same effect as a motion which has been negated by the Council, must be signed by at least three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was negated, as the case may be. (see *Section 372(4) LGA*)
7. If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three (3) months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same. (see *Section 372(5) LGA*)
8. A motion to which this clause applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes. (see *Section 372(6) LGA*)
9. The provisions of this clause concerning negated motions do not apply to motions of adjournment. (see *Section 372(7) LGA*)

Note:

1. A rescission motion is only valid if and when it has been signed by three (3) Councillors. Verbal advice or an unsigned written notice is insufficient to bring to a halt the decision that it proposes to rescind.
2. Rescission motions should be in written form of Annexure 1. This incorporates provision for notice of any proposed motion in the event that the Rescission Motion is carried.
3. Where a notice of motion to rescind or alter a resolution is given at the meeting at which the resolution is carried, action to implement the resolution shall not be carried into effect and the matter should be listed for consideration at the next meeting, unless it is decided that an Extraordinary Meeting be called to consider the notice of motion to rescind or alter.
4. Where a notice of motion to rescind or alter a resolution is lodged after the meeting at which the resolution is carried and:
 - where the decision has been carried into effect it cannot be rescinded. In such circumstances, the General Manager should report this to the next meeting of the Council; or
 - where action on the decision has not been commenced, action to do so shall cease immediately. In such circumstances, the matter should be listed for consideration at the next meeting unless it is decided that an Extraordinary Meeting should be called to consider the rescission motion, or
 - where the decision is in the process of being carried into effect and the General Manager determines that it is possible to cease action or work without disruption or cost then this should occur immediately. In such circumstances, the matter should be listed for consideration at the next meeting unless it is decided that an Extraordinary Meeting should be called to consider the rescission motion, or
 - where the decision is in the process of being carried into effect and the General Manager determines that the matter has reached a point where cessation of action or work cannot be accomplished without significant disruption to Council services or significant cost, the General Manager should immediately inform the Council that the decision cannot be rescinded.

NOTE: The general procedure for debate is as follows:

Where a motion is moved and seconded without an amendment being raised, it may be debated and upon conclusion of that debate is voted upon.

Where, following the moving (and seconding) of a motion, an amendment is moved and seconded, debate may ensue with speakers for and against both the motion and amendment. Following debate, a vote is taken on the amendment.

If the amendment is carried, it becomes the motion and a further vote is taken on this, as the motion. (The original motion no longer applying). If the amendment is lost and there are no further amendments brought before the chair, a vote is taken on the motion.

If a further amendment is moved and seconded, it may then be debated and upon conclusion of that debate it is voted upon in the same manner as above. This process continues until there are no amendments before the chair and only a motion remains.

Following the vote on the final motion before the chair, if the vote is in the affirmative, then this becomes a resolution of Council. If the vote is in the negative or the vote is tied, the motion is lost.

If at any time a Councillor moves that “The Question Be Put” the Chairperson must suspend debate and put to the vote that the question be put. If the question is in relation to a motion and if it is passed, the Chairperson must give the mover of the motion the right of reply and immediately thereafter, put the matter to the vote.

If the question is in relation to an amendment and if the question is passed, the mover of the motion has no right of reply and the Chairperson must immediately put the matter for the vote.

42. DETERMINATION OF ISSUES BY COUNCIL

1. Except as provided below, Council will not determine an issue at a meeting immediately following an address by an involved or interested party;
 - a. Where the address concerns a new issue not before the meeting, if this issue is deemed urgent and not requiring further advice, then a determination may be made at that meeting, otherwise the matter will be referred for a staff report as necessary; or
 - b. Where the address concerns a matter which is the subject of a staff report that is before the meeting:
 - if the issues raised are considered by staff to be of a minor nature then a determination of the staff report may be made at that meeting; otherwise
 - if the issues raised are considered by staff to be material then consideration of the matter be deferred for a further report.

A public presentation which is contrary to a staff recommendation is not necessarily material.

2. Where a person wishes to circulate material to a meeting of the Council or its Committees, this material is be provided to the General Manager in the first instance for determination as to whether or not the material may be circulated.

KEEPING ORDER AT MEETINGS

43. QUESTIONS OF ORDER

1. The Chairperson, without the intervention of any other Councillor, may call any Councillor or member of the public in attendance to order whenever, in the opinion of the Chairperson, it is necessary to do so. (see *Clause 255(1) LGGR*)
2. A Councillor who claims that another Councillor or member of the public in attendance has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter. (see *Clause 255(2) LGGR*)
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. (see *Clause 255(3) LGGR*)
4. The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed. (see *Clause 255(4) LGGR*)

44. ACT OF DISORDER

1. A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:
 - a. contravenes the Act, any regulation in force under the Act or this Code (see *Clause 256(1)(a) LGGR*); or
 - b. assaults or threatens to assault another Councillor or person present at the meeting (see *Clause 256(1)(b) LGGR*); 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 (see *Clause 255(1)(c) LGGR*); or
 - d. insults or makes personal reflections on or imputes improper motives to any other Councillor, or staff member (see *Clause 255(1)(d) LGGR*), or
 - e. says or does anything that is inconsistent with maintaining order at the meeting such as continually interjecting and denying a fellow Councillor, who has been given the call, the right to be heard or is likely to bring the Council or Committee into contempt; (see *Clause 255(1)(e) LGGR*); or
 - f. reads at length from any correspondence, report or other document without the leave of the Council.
2. A member of the public commits an act of disorder if that member of the public disrupts or attempts to disrupt the meeting of the Council.

45. HOW DISORDER AT A MEETING MAY BE DEALT WITH

1. If disorder occurs at a meeting of the Council or Committee of the Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. The Council or the committee, 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. (see *Clause 257(1) LGGR*)

Councillors:

1. The Chairperson may require a Councillor:
 - a. to apologise without reservation for an act of disorder referred to in Clause 44(1)(a) or (b) of this Code (*see Clause 256(2)(a) LGGR*); or
 - b. to withdraw a motion or an amendment referred to in Clause 41(1)(a) or (c) of this Code and, where appropriate, to apologise without reservation (*see Clause 256(2)(b) LGGR*);
 - c. to retract and apologise without reservation for an act of disorder referred to in Clause 44(1)(d) or (e) of this Code. (*see Clause 256(2)(c) LGGR*)
2. to refrain from any further reading and apologise for the act of disorder in Clause 44(1)(f) of this Code.
3. A Councillor may, as provided by Clause 15(1) of this Code, be expelled from a meeting of the 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. (*see Clause 256(3) LGGR*)

Members of the Public:

4. A member of the public may, as provided by Clause 15(1) of this Code, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting. (*see Clause 257(2) LGGR*)

46. POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION RESOLUTION

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

- a. immediately after the Council has passed a resolution expelling the Councillor or member of the public 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. (*see Clause 258 LGGR*)

COUNCIL COMMITTEES

47. COMMITTEES (GENERAL)

1. The Council may resolve itself into a Committee to consider any matter before the Council. (*see Section 373 LGA*)
2. All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of a Committee, except the provisions:
 - a. limiting the number and duration of speeches (*see Clause 259(1) LGGR*);
 - b. requiring Councillors to stand when speaking and
 - c. providing for the Chairperson to have a casting vote.
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 a Committee. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported. (*see Clause 259(2) LGGR*)
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. (*see Clause 259(3) LGGR*)

48. COUNCIL MAY ESTABLISH COMMITTEES

1. The Council may, by resolution, establish such Committees as it considers necessary. (*see Clause 260(1) LGGR*)
2. Such a Committee is to consist of the Mayor and such other Councillors of the Council as the Council decides. (*see Clause 260(2) LGGR*)
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. (*see Clause 260(3) LGGR*)

49. FUNCTIONS OF COMMITTEES

The Council must specify the functions and delegations of each of its Committees when the Committee is established, but may from time to time amend those functions and delegations. (*see Clause 261 LGGR*)

50. NOTICE OF COMMITTEE MEETINGS

1. The General Manager of the Council must send to each Councillor, at least three (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. (*see Clause 262(1) LGGR*)
2. However, notice of less than three (3) days may be given of a Committee meeting called in an emergency. (*see Clause 262(2) LGGR*)

3. Notice of meetings, and the agenda and business papers relating to those meetings 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. (see *Section 367(3) LGA*)
4. The provisions of Clause 23 (2)-(5) of this Code apply to the agendas of Committee meetings in the same manner as they apply to the agendas of Meetings of the Council.

51. NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS

1. A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at, a meeting of the Committee. (see *Clause 263(1) LGGR*)
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. (see *Clause 263(2) LGGR*)

52. PROCEDURE IN COMMITTEES

1. Subject to Subclause (3), each Committee of the Council may regulate its own procedure. (see *Clause 265 LGGR*)
2. Without limiting subclause (1), a Committee of the Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote. (see *Clause 265(2) LGGR*)
3. Voting at a committee meeting is to be by open means (such as on the voices or by show of hands). (see *Clause 265(3) LGGR*)

These procedures are covered in Council's Policy 1114, Volunteers and Section 355 Committees and Council's Management Manual - Section 355 Committees and Volunteers.

53. COMMITTEES TO KEEP MINUTES

1. Each Committee of the Council must ensure that full and accurate minutes of the proceedings of its meeting 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 the 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. (see *Clause 266(1) LGGR*)
 - d. (i) In this clause, a planning decision means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - b) not including the making of an order under Division 2A of Part 6 of that Act.
 - (ii) The General Manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
 - (iii) for the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
 - (iv) Each division recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.

(v) This clause extends to a meeting that is closed to the public. (see *Section 375A LGA*)

2. As soon as the minutes of a meeting of a Committee of the Council have been confirmed at a later meeting of the Council, the person presiding at the later meeting must sign the minutes of the earlier meeting. (see *Clause 266(2) LGGR*)

54. CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEE

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. (see *Clause 267(1) LGGR*)
2. The Council may elect a member of the Committee of the Council as Deputy Chairperson of the Committee. In the event that the Council does not do so, the Committee may elect a Deputy Chairperson. (see *Clause 267(2) LGGR*)
3. If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee. (see *Clause 267(3) LGGR*)
4. The Chairperson is to preside at a meeting of a Committee of the Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting. (see *Clause 267(4) LGGR*)

55. ABSENCE FROM COMMITTEE MEETINGS

1. A member ceases to be a member of a Committee if the member (other than the Mayor):
 - a. has been absent from three (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. (see *Clause 268(1) LGGR*)
2. Subclause (1) does not apply if all of the members of the Council are members of the Committee. (see *Clause 268(2) LGGR*)

56. REPORTS OF COMMITTEES

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. (see *Clause 269(1) LGGR*)
2. The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council. (see *Clause 269(2) LGGR*)
3. 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:
 - 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. (see *Clause 269(3) LGGR*)

57. DISORDER IN COMMITTEE MEETINGS

The provisions of the Act, the Regulation and this Code relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council. (see *Clause 270 LGGR*)

58. COMMITTEE MAY EXPEL CERTAIN PERSONS FROM ITS MEETINGS

1. If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with Clause 77(1) of this Code, any person who is not a Councillor may be expelled from the meeting as provided by Clause 15(3) of this Code. (see *Clause 271(1) LGGR*)
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. (see *Clause 271(2) LGGR*)

59. WORKING PARTIES

1. The Council may appoint a group of Councillors and staff members to a working party or sub-committee which reports to the Council or appropriate Committee.
2. The Council shall determine the terms of reference for the Working Party or sub-committee including the specific issues to be addressed
3. The minutes of Working Party or sub-committee meetings shall be reported to the appropriate Committee or to Council.
4. The Working Party or sub-committee shall be disbanded after the terms of reference have been completed.

60. COMMUNITY COMMITTEES and DELEGATES TO EXTERNAL ORGANISATIONS

1. The Council may appoint a group of Councillors, staff and community representatives to act as delegates to community committees and external organisations.
2. The Council delegate should provide a summary of the outcomes of the meeting and where appropriate minutes of the meeting to the next available Council Meeting.
3. Delegates to external organisations should not commit Council resources without the appropriate endorsement of Council.

WORKSHOPS AND BRIEFING SESSIONS

61. PURPOSE

1. Council will hold workshops & briefing sessions to provide background information to Councillors on issues that arise.
2. Workshops & briefing sessions are to facilitate the free and frank exchange of ideas and opinions and to ensure that Councillors are provided with all the information they require to make an informed decision when the issue is discussed at a Council or Committee Meeting.

62. ATTENDANCE

Workshops & briefing sessions may involve councillors, staff and invited participants but will not be open to the public. Attendance is not compulsory.

63. PROCEDURE

1. Workshops & briefing sessions do not have any decision making authority and will not be used for detailed or advanced discussions where agreement is reached and/or a (de-facto) decision is made. Any documents produced as a consequence will contain no recommended action. While providing an opportunity for the particular issue to be fully canvassed any decisions will occur at a Council or Committee Meeting.
2. The provisions of the Code of Meeting Practice will not apply during workshops and briefing sessions, however all participants will be required to comply with the Code of Conduct and should conduct themselves with an air of decorum at all times allowing all present to participate equally.
3. Discussion at workshops and briefing sessions will not necessarily be led by the Mayor but will generally be facilitated by a member of the senior staff of the Council.

HONESTY AND DISCLOSURE OF INTERESTS

64. CONDUCT OF COUNCILLORS, STAFF & DELEGATES

1. Every Councillor, member of staff of a Council and delegate of a Council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under the Act or any other Act. (see *Section 439(1) LGA*)
2. Although this Clause places certain duties on Councillors, members of staff of a Council and delegates of a Council, nothing in this Clause gives rise to, or can be taken into account in, any civil cause of action. (see *Section 439(2) LGA*)

65. WHO ARE DESIGNATED PERSONS?

Designated persons are

- the General Manager
- other senior staff of the Council
- a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions under the Act, or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest.
- a person (other than a member of the senior staff of the Council) who is a member of a committee of the Council identified by the Council as a committee whose members are designated persons because the functions of the committee involve the exercise of the Council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interests. (see *Section 441 LGA*)

66. WHAT IS A CONFLICT OF INTERESTS?

A conflict of interests exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty.

67. WHAT IS A PECUNIARY CONFLICT OF INTEREST?

1. For the purposes of this Code, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (see *Section 442(1) LGA*)
2. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Clause 70 of this Code. (see *Section 442(2) LGA*)

68. WHO HAS A PECUNIARY CONFLICT OF INTEREST?

1. For the purposes of this Code, 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 of which the person, or a nominee, partner or employer of the person, is a member. (see *Section 443(1) LGA*)
2. However, a person is not taken to have a pecuniary interest in a matter as referred to in subclause (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 is employed by, a Council or 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. (see *Section 443(3) LGA*)

69. WHAT IS A NON-PECUNIARY CONFLICT OF INTERESTS?

1. Non-pecuniary conflicts of interests are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the LGA. They commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature. (see *Clause 7.10 Code of Conduct*)
2. The matter of a report to Council from the conduct review committee/reviewer relates to the public duty of a councillor or the General Manager. Therefore there is no requirement for Councillors or the General Manager to disclose a conflict of interest in such a matter. (see *Clause 7.11 Code of Conduct*)
3. The political views of a Councillor do not constitute a private interest. (see *Clause 7.12 Code of Conduct*)
4. Where a non-pecuniary conflict of interests exists, which conflicts with a Council official's public duty, the official must disclose the interest fully and in writing, even if the interest is not significant. This must be completed as soon as practicable. (see *Clause 7.13 Code of Conduct*)
5. If a disclosure is made at a Council or Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of Clause 7.13 of the Code of Conduct. (see *Clause 7.14 Code of Conduct*)
6. Non-pecuniary conflicts of interests will be either significant or less than significant.
7. As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves
 - a. A relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b. Other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of the contact and the duration of the friendship or relationship
 - c. An affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong. (see *Clause 7.16 Code of Conduct*)
8. A less than significant non-pecuniary conflict of interests is any other conflict of interests which is neither a pecuniary conflict of interest or a significant non-pecuniary conflict of interests. Generally this would be one which the person has determined that the conflict would be of such a minor nature that it would not require further action. (see *Clause 7.18 Code of Conduct*).

70. WHAT INTERESTS DO NOT HAVE TO BE DECLARED?

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

- a. an interest as an elector,
- b. an interest as a ratepayer or 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 organisation or association, unless the interest is as the holder of an office in the club 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. (see Section 448 LGA)

71. IF I HAVE A CONFLICT OF INTERESTS AT A MEETING HOW DO I DISCLOSE IT?

1. A Councillor or a member of a Council Committee who has either a:

- Pecuniary conflict of interest;
- Significant Non-Pecuniary conflict of interests; or
- Less than significant Non-Pecuniary conflicts of interests

in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable. (see Section 451(1) LGA)

2. An item is included in the Agenda for the meeting at which Councillors and members of Council Committees can make such disclosures

3. In making the disclosure the Councillor or member of the Council Committee must clearly explain:

- i. Whether he or she is making a disclosure of a
 - Pecuniary conflict of interests;
 - Significant non-pecuniary conflict of interests; or
 - Less than significant non-pecuniary conflict of interests; and
- ii. The nature of that interest.

4. In the case of a:

- Pecuniary conflict of interest or a significant non-pecuniary conflict of interests, the Councillor or member of Council Committee must, when the Chairperson calls for discussion on the particular item in which the Councillor or member of the Council Committee has an interest, immediately declare the interest and leave the Council Chamber;
- Less than significant non-pecuniary conflict of interest, the Councillor or member of the Council Committee must, when the Chairperson calls for discussion on the particular item in which the Councillor or member of the Council Committee has an interest, immediately declare the interest and where that interest does not require further action and provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

5. Once the Councillor or member has declared an interest and left the Council Chamber, he or she 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. (see Section 451(2) LGA)

6. Upon disclosing an interest, the Councillor shall retire to the Committee Room while the matter, the subject of the disclosure, is discussed. During this time, the doors between the Council Chamber and the Committee Room shall remain closed.

7. For the removal of doubt, a Councillor or a member of a Council Committee is not prevented by this Clause from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or member has an interest in the matter of a kind referred to in Clause 70. (see Section 451(3) LGA)

72. DISCLOSURE BY ADVISOR

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 any pecuniary interest the person has in the matter to the meeting at the time the advice is given. (see *Section 456(1) LGA*)
2. The person is not required to disclose the person's interest as an advisor. (see *Section 456(2) LGA*)

73. CIRCUMSTANCES IN WHICH SECTIONS 451 AND 456 ARE NOT BREACHED

A person does not breach Sections 451 and 456 of the LGA 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 and. (see *Section 457 LGA*)

74. DISCLOSURES TO BE RECORDED

A disclosure made at a meeting of the Council or Council Committees must be recorded in the minutes of the meeting. (see *Section 453 LGA*)

75. POWERS OF THE MINISTER IN RELATION TO MEETINGS

The Minister may, conditionally or unconditionally, allow a Councillor or a members of a Council Committee who has a pecuniary interest in a matter with which the Council is concerned and who is present at a meeting of the Council or Committee to take part in the consideration or discussion of the matter and to vote on the matter 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 interests of the electors for the area to do so. (see *Section 458 LGA*)

PUBLIC ATTENDANCE AT MEETINGS

76. CAN THE PUBLIC ATTEND MEETINGS OF THE COUNCIL?

The press and public are entitled to attend a meeting of the Council and those of its Committees of which all its members are Councillors, except as provided by this Part. (see *Section 10(1) LGA*)

77. WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?

1. The Council or a Committee of the Council of which all of its members are Councillors may close to the press and public only so much of its meeting as comprises discussion or receipt of information related to any of 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.
 - i. Alleged contraventions of the council's code of conduct. (see *Section 10A(2) LGA*).
2. A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public. (see *Section 10A(3) LGA*)
3. Nothing in this Clause prevents any limitation being placed on the number of members of the public admitted to a meeting of the Council or a Committee of the Council, provided such limitation is for reason of safety or security.

78. CAN A MEMBER OF THE PUBLIC MAKE REPRESENTATIONS ABOUT THE CLOSURE OF PART OF MEETING?

1. A Council or a Committee of the Council may allow members of the public to make representations to or at a meeting (either in writing or verbally), before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. (see *Section 10A(4) LGA*)
2. A representation by a member of the public as to whether a part of a meeting should be closed may only be made immediately after a motion to close such meeting is moved and seconded, following which the Council or the Committee shall decide whether or not that part of the meeting shall be closed. (see *Clauses 252 & 264 LGGR*)

79. FURTHER LIMITATIONS RELATING TO CLOSURE OF PARTS OF MEETINGS TO THE PUBLIC

1. A meeting is not to remain closed during discussion of anything referred to in Clause 77(1) of this Code:

- 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. (see *Section 10B(1) LGA*)
2. A meeting is not to be closed during receipt and consideration of information or advice referred to in Clause 77(1)(g) of this Code 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 legal advice; and
 - c. are fully discussed in that advice. (see *Section 10B(2) LGA*)
 3. If a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in Clause 77(2) of this Code, 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 Clause 77(1) of this Code. (see *Section 10B(3) LGA*)
 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. (see *Section 10B(4) LGA*)
 5. 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. (see *Section 10(B)(5) LGA*)

80. NOTICE OF LIKELIHOOD OF CLOSURE NOT REQUIRED IN URGENT CASES

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 press and 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 Clause 77(1) of this Code; and
- b. the Council or Committee, after considering any representations made under Clause 78 of this Code, 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 press and public. (see *Clause 10C LGA*)

81. GROUNDS FOR CLOSING PART OF MEETING TO BE SPECIFIED

1. The grounds on which part of a meeting is closed must be stated in the decision to close part of the meeting and must be recorded in the minutes of the meeting. (see *Section 10D(1) LGA*)
2. The grounds must specify the following:
 - a. the relevant provision of the Act under which the meeting is closed;
 - b. the matter that is to be discussed during the closed part of the meeting;

- c. the reasons why 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. (see *Section 10D(2) LGA*)

82. RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC

If the 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. (see *Clause 253 LGGR*)

83. OPEN FORUM MEETINGS

1. The Council shall periodically hold information sessions at towns and villages to allow residents to raise matters of particular interest with Councillors and Senior Staff.
2. These meetings may be in the form of question and answer sessions.
3. The meetings dates and times will be set by Council in accordance with the Community Engagement Strategy.

84. PUBLIC ACCESS TO CORRESPONDENCE AND REPORTS

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. (see *Section 11(1) LGA*)
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. (see *Section 11(2) LGA*)
3. This Clause 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 *Clause 77(1)* of this Code, are to be treated as confidential. (see *Section 11(3) LGA*)

MISCELLANEOUS

85. DISCLOSURE AND MISUSE OF INFORMATION

1. A person must not disclose any information obtained in connection with the administration or execution of the Act unless that disclosure was 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 purpose 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 Government Information (Public Access) Act 2009; or
 - e. with other lawful excuse. (*see Section 664(1) LGA*)
2. In particular, if a meeting or part of a meeting of the Council or a Committee of the Council is closed to the public in accordance with Clause 77(1) of this Code, 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. (*see Section 664 (1A) LGA*)
3. Subsection (2) does not apply to:-
 - a. the report of a Committee of the 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); or
 - c. disclosure made in circumstances prescribed by the regulations; or
 - d. any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with the Government Information (Public Access) Act 2009. (*see Section 664(1B) LGA*)
3. 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. (*see Section 664(2) LGA*)
4. A person acting in the administration or execution of this 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. (*see Section 664(3) LGA*)

86. DISCLOSURE AND MISUSE OF INFORMATION - PRESCRIBED CIRCUMSTANCES

For the purposes of Clause 85(3)(c) of this Code, 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. (*see Clause 412 LGGR*)

87. INSPECTION OF THE MINUTES OF THE COUNCIL OR A COMMITTEE

1. An inspection of the Minutes of the Council or a 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. (*see Clause 272(1) LGGR*)

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. (see *Clause 272(2) LGGR*)

88. ACCESS TO RECORDS

Councillors may gain access to Council records under the Code of Conduct and Government Information (Public Access) Act 2009.

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

1. A person may use a tape recorder to record the proceedings of a Meeting of the Council or a Committee of the Council only with the authority of the Council or Committee. (see *Clause 273(1) LGGR*)
2. A person may, as provided by Clause 15(3) of this Code, 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. (see *Clause 273(2) LGGR*)
3. If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purposes, may remove the person from, and if necessary, restrain the person from re-entering that place. (see *Clause 273(3) LGGR*)
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. (see *Clause 273(4) LGGR*)

90. CERTAIN CIRCUMSTANCES DO NOT INVALIDATE COUNCIL DECISIONS

Proceedings at a Meeting of the Council or a Council Committee are not invalidated because of:-

- a. a vacancy in a civic office; or
- b. a failure to give notice of the Meeting to any Councillor or a Committee member; or
- c. any defect in the election or appointment of a Councillor or a Committee member; or
- d. a failure of a Councillor or a Committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter at a Council or a Committee meeting; or
- e. a failure to comply with this Code. (see *Section 374 LGA*)

91. COUNCIL SEAL

1. The Seal of the Council must be kept by the Mayor or the General Manager, as the Council determines. (see *Clause 400(1) LGGR*)
2. The Seal of the Council may be affixed to a document only in the presence of:-
 - a. the Mayor and the 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. (see *Clause 400(2) LGGR*)
3. The affixing of the 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 signature that the Seal was affixed in their presence. (see *Clause 400(3) LGGR*)

4. The Seal of the 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. (*see Clause 400(4) LGGR*)
5. For the purposes 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. (*see Clause 400(5) LGGR*)

92. AMENDMENT OF CODE

Subject to the provisions contained in Sections 361, 362 & 363 of the Act, this Code may be amended by the following means:-

- a. by resolution of Council, in cases where the amendments to the Code are the result of amendments to either the Act or the Regulation; or
- b. in accordance with the provisions of Division 1 of Part 2 of Chapter 12 of the Act, in cases where the amendments to the Code are the result of amendments or changes in Council policies.

ANNEXURE 1

RESCISSION MOTION

We, the undersigned Councillors, hereby give notice that the resolution of the Council Meeting held on

In relation to motion (outline resolution to be rescinded):

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be rescinded and request that the matter be re-considered at Council's Ordinary Meeting to be held on:

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Councillor

Councillor

Councillor

Date:_____

Date:_____

Date:_____

Approving Authority	Oberon Council
Contact	General Manager
Approval	Ordinary Meeting of 21 October 2008: Item B1 Minute Ordinary Meeting 21 September 2017 Item 13.04 Minute 18 210917
Next Review Date	September 2018
Issue Date to staff	November 2018
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