

Kyogle Council

DRAFT Code of Meeting Practice-

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Code of Meeting Practice

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PART 1 - PRELIMINARY

1.1 Citation

This Code may be cited as the Kyogle Council ***Code of Meeting Practice***.

1.2 Validity

The Code gains validity from: Resolution Number 081214/09

1.3 Objective

This Code of Meeting Practice has been established by Council in accordance with the provisions of the Local Government Act 1993, together with other provisions of the Act, Local Government (General) Regulation 2005, Department of Local Government Meetings Practice Note and Council policies.

The objective of the Code is to provide procedures and standards for the proper conduct of business by Council and Committees of the Council, ensuring maximum openness of all Council and Committee meetings and opportunity for public input and participation.

The Code contains notes, which are provided as references to help with interpretation of the document. The notes are shown in italic style and in brackets.

Where references are made to the Act and Regulations, the sections referred to may not include the full wording of the Act or Regulations.

1.4 Definitions In this Code:

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

Chairperson

- (a) in relation to a meeting of a Council means the person presiding at the meeting as provided by Section 369 of the Act; and
- (b) in relation to a meeting of a Committee of a Council means the person presiding at the meeting as provided by Clause 34 of this Code;
- (c) in relation to a meeting other than a meeting of Council means a person elected from those present to preside at the meeting

Code - Code of Meeting Practice.

Committee - in relation to a Council, means a Committee appointed or elected by the Council in accordance with Clause 29(1) or the Council when it has resolved itself into a Committee of the Whole;

Councillor- includes a member of a governing body of a county council;

Policy - Council Policy.

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

The Act - means the Local Government Act 1993

"Council" - Kyogle Council

"Regulations" - Local Government (General) Regulation 2005.

PART 2 - CONVENING OF, AND ATTENDANCE AT COUNCIL MEETINGS

2.1 How often does Council meet?

Ordinary Council Meetings are to be held on a regular basis, as decided by Council. The Council is required to meet at least 10 times each year, each time in a different month. (s365 Act)

Meetings are normally held in the Council Chambers, Administration Centre, 1 Stratheden Street, Kyogle. However, Council may determine to meet at other locations throughout the Council area from time to time and will advertise these details as required by the code. (Council Policy)

2.2 Date and times (Council Policy)

At a Council Meeting held in September each year, Council decides on the dates and times for meetings of Council and Committees for the succeeding twelve month period.

2.3 Calling of extraordinary meeting on request by Councillors

At least two (2) Councillors can make a written request to the Mayor to hold an extraordinary Council Meeting. The Mayor can be one of the two Councillors but the Mayor cannot call extraordinary meetings by him or herself without having a written request with another Councillors signature. The Mayor must then "call" the meeting, which is to be held as soon as practical but within fourteen (14) days after the request is made. (s366 Act)

Council may resolve to hold extraordinary meetings as and when required, subject to the provisions of this Code. (Council Policy).

The Mayor, in consultation with the General Manager, may call an extraordinary meeting to complete Council business or deal with an item of urgency. (Council Policy).

2.4 Notice of meetings

The General Manager of a Council must send to each Councillor, at least 3 days (weekends will be counted as days of notice) 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; (s367 Act)

Notice of less than 3 days may be given of an Extraordinary Meeting called in an emergency. (s367 Act)

A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business paper in that form and prior arrangements have been made to receive documents in that form. (s367 Act and Council Policy)

2.5 Public notice of meetings (s9 Act)

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

A Council and each such Committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the

business paper for the meeting. This requirement does not apply to a business paper for a matter that, in the opinion of the General Manager, is likely to be considered when the Meeting is closed to the public.

The copies are to be available to the public as nearly as possible to the time they are available to the Councillors.

The copies are to be available free of charge.

2.6 Notice of Meetings (CI232 Regulation)

This clause prescribes the manner in which the requirements outlined in Section 9(1) of the Act are to be complied with.

A notice of a meeting of a Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place. Although no time period has been set between giving public notice and holding the meeting, it is expected that enough notice would be given so that the public can find out when and where the meeting council is meeting.

The notice must specify the time and place of the meeting.

Notice of more than one meeting may be given in the same notice.

This clause does not apply to an Extraordinary meeting of a Council or Committee.

PART 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

3.1 Who presides at Meetings of the Council? (s369 Act)

The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of Council.

If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors.

3.2 Councillor to be elected to preside at certain Meetings (CI236 Regulation)

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.

Note: Section 369(2) of the Act provides for a Councillor to be elected to chair a meeting of a Council when the Mayor and Deputy Mayor are absent.

The election must be conducted:

- (a) by the General Manager or, in his or her absence an employee of the Council designated by the General Manager to conduct the election: or
- (b) if neither of them is present at the meeting or there is no General Manager or designated employee by the person who called the meeting or a person acting on his or her behalf.

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 chosen by lot.

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.

The candidate whose name is on the drawn slip is the candidate who is the chairperson.

3.3 Chairperson to have precedence (CI237 Regulation)

When the Chairperson rises during a meeting of a 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.

3.4 Chairperson's duty with respect to Motions (CI238 Regulation)

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

3.5 What is the Quorum for a Meeting? (s368 Act)

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.

(The Quorum for Kyogle Council is 5).

3.6 What happens when a quorum is not present? (CI233 Regulation)

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

3.7 Minister to convene Meetings in certain cases (CI234 Regulation)

- 1 Whenever an area is constituted or reconstituted, the Minister if required:
 - (a) to convene the first meeting of the Council of the area; and
 - (b) to nominate the business to be transacted at the meeting; and
 - (c) to give the Councillors notice of the meeting.
- 2 If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
- 3 The Council must transact the business nominated by the Minister for a meeting convened under this clause.

3.8 Council Meeting Completion Times (Council Policy)

All meetings of council must be promptly adjourned by 10.30 p.m. The Meeting may be extended by resolution for one (1) extension of thirty (30) minutes. Any business not concluded will be deferred to a meeting date to be set at that meeting.

PART 4 – ATTENDANCE AT MEETINGS

4.1 Presence at Council Meetings (CI235 Regulation)

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

4.2 Apology Required if Unable to attend meetings

Councillors are required to tender an apology to the Mayor if unable to attend any meeting of Council. (Council Policy)

Apologies may be communicated verbally to the Mayor, meeting Chairperson or the General Manager(Council Policy)

Council's Policy is such that annual fees payable to a Councillor under the Local Government Act, 1993 will not be reduced for non-attendance at meetings (up to 3 months non-attendance). (Council Policy)

However, if a Councillor is absent, with or without leave of the Council, from ordinary meetings of the Council for any period of more than 3 months, Council must not pay any annual fee or part of an annual fee, to that Councillor that relates to the period of absence that is in excess of 3 months. (s254A Act)

4.3 Leave of Absence

Should a Councillor know a period of pending absence from meetings due to ill health, business, annual leave or the like, a request for leave of absence stating the period of absence should be submitted to Council for approval. (Council Policy)

(Note: Section 234 of the Act provides, inter alia, that a civic office becomes vacant if the holder is absent without prior leave of the Council from 3 consecutive ordinary meetings of the Council.)"

A Councillor applying for a leave of absence from a Council meeting or meetings does not need to make the application in person and the Council may grant the leave in the absence of that Councillor. In this instance verbal advice is to be provided to the General Manager prior to the meeting. The General Manager will advise the meeting of any absences. (s234 Act)

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. (s234 Act)

This does not prevent the council from granting further leave of absence in respect of any future council meeting. (s234 Act)

4.3 Attendance of General Manager at meetings (s376 Act)

- i) 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.
- ii) 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.

- iii) 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.

4.4 Who is entitled to attend? (s10 Act)

- i) Everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors, except as provided in this Code.
- ii) Council must ensure that all meetings of the Council and of such Committees are open to the public.
- iii) However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such committee if expelled from the meeting:
 - a) by 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.
- iv) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the Regulations.

PART 5 – AGENDA AND BUSINESS PAPERS FOR COUNCIL MEETINGS

5.1 Agenda and Business Paper for Council meetings (CI240 Regulation)

1. The General Manager must ensure that the agenda for a Meeting of the Council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of Council: and
 - (b) if the Mayor is the Chairperson - any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the Meeting; and
 - (c) any business of which due notice has been given.
- 2 The General Manager must cause the agenda for a Meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.
- 3 The General Manager must ensure that the details of any item of business to which Section 9(2A) of the Act applies are included in a business paper for the meeting concerned.
- 4 Nothing in this clause limits the powers of the Chairperson under Clause 15.

5.1.1 Availability of Business Paper (Council Policy)

- (a) The General Manager must provide the agenda for an Ordinary Meeting of the Council five days prior to the meeting. This is to enable Councillors sufficient time to ask appropriate questions and request additional documentation.
- (b) Business Papers are to be made available at public places in the same format as is distributed to Council with the exclusion of Confidential Business Papers.
- (c) Back copies of the Business Paper except for Confidential Business Papers will be made available at the Council Offices to any person.

5.1.2 Officers Reports (Council Policy)

Council insists upon receiving a Report by the General Manager or his/her nominee on each subject matter coming before Council in the Business Paper. Recommended courses of action are to be included for consideration by Council.

5.1.3 Delegates Reports (Council Policy)

Delegates from meetings may speak to the Minutes of those meetings when presented to Council, as required or submit a written delegates report as part of the Business Paper.

5.2 Giving notice of business(CI241 Regulation)

- 1 A Council must not transact business at a Meeting of the Council:
 - (a) unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by the Council's Code of Meeting Practice under section 5.1.1(a) or; if the Council does not have a Code of Meeting Practice or its Code of Meeting Practice does not fix that time as is fixed by resolution of the Council, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Section 387 of the Act.
- 2 Subclause 1 does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before the Council;, or
 - (b) is the election of a Chairperson to preside at the meeting as provided by Clause 8(1); or
 - (c) is a matter or topic put to the meeting by the Chairperson in accordance with Clause 15; or
 - (d) is a motion for the adoption of recommendations of a committee of the Council.
- 3 Despite Subclause 1, business may be transacted at a Meeting of a Council even though due notice of the business has not been given to 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.
- 4 Despite Clause 250 of the Regulations, only the mover of a motion referred to in Subclause 3 can speak to the motion before it is put.

5.3 Business Paper for Extraordinary Meeting (CI242 Regulation)

- 1 The General Manager must ensure that the agenda for an Extraordinary Meeting of a Council deals only with the matters stated in the notice of the Meeting.
- 2 Despite Subclause 1, business may be transacted at an Extraordinary Meeting of a 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) either: all the Councillors (disregarding any casual vacancies) are present at the meeting; or the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

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

- 3 Despite Clause 22 of the Regulations, only the mover of a motion referred to in subclause 2 can speak to the motion before it is put.

5.4 Order of Business (CI239 Regulation)

- 1 At a meeting of a Council (other than an extraordinary meeting), the general order of business is (except as provided by this Code) such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, in accordance with any Code of Meeting Practice that Council has adopted.
- 2 The order of business fixed under Subclause 1 may be altered if a motion to that effect is carried, such a motion can be moved without notice.
- 3 Despite Clause 22 of the Regulations, only the mover of a motion referred to in Subclause 11.2 may speak to the motion before it is put.
- 4 Ordinary meetings of Council (Council Policy)
The Order of Business shall be as follows:
 - Apologies
 - Opening Prayer
 - Traditional Lands Acknowledgement
 - Declaration of Interests
 - Question Time
 - Public Access
 - Matters determined without further debate
 - Confirmation of Minutes
 - Mayoral Minute(s)
 - Notices of Motion
 - Questions with Notice from Councillors
 - Delegates reports
 - Information Papers
 - Report(s) from General Manager
 - Urgent Business without Notice
 - Questions for the next Ordinary Meeting
 - Confidential Business Paper
- 5 At the ordinary meeting held in September each year, and at the first meeting following any election of Council, the following business should take place following the Traditional Lands Acknowledgement as set out above (Council Policy)
 - Election of Mayor
 - Election of Deputy Mayor
 - Determination of Committees of the Council
 - Appointment of Council Delegates

5.5 Council Prayer (Council Policy)

The Mayor or Chairperson leads the Council Meeting in Prayer at the start of the first meeting of the day.

Note: Those Members of Council not wishing to participate in the Prayer need not be present at that stage of the meeting.

5.6.1 Traditional Lands Acknowledgement (Council Policy)

The Mayor or Chairperson acknowledges that the meeting is being held on the Traditional Lands of the Bundjalung people and acknowledge Elders, both past and present.

5.7 Question Time (Council Policy)

A public Question Time session is scheduled following the Declaration of Interests as part of the Ordinary Meeting. This session allows residents to ask questions of Councillors or Management on any issue without prior notice.

Each speaker has a maximum allowable time of 5 minutes.

If a response to a question is not able to be provided during question time, the speaker should be requested to put their question in writing and a written response will be provided in due course and attached to the Minutes for that particular Council meeting.

The Chair has the right to refuse any question, to refuse to take any further questions from an individual or to cut short the session.

Speakers are not to debate answers but may respond to questions from the Chair or may request permission from the Chair to clarify a point.

Speakers are not to make any insulting or defamatory statements, and to take care when discussing other people's personal information (without their consent).

The maximum duration of this session is 30 minutes.

5.8 Public Access (Council Policy)

Public Access is to be scheduled for all Ordinary Meetings of Council.

A maximum of 30 minutes is allowed for the Public Access segment.

Individual residents concerned about a particular issue may make application for public access and are required to register with the General Manager by phone or in writing by the close of business on the working day preceding the meeting day; and include the subject matter of the matter proposed for discussion.

The General Manager, in consultation with the Mayor will consider each application for public access on its merit.

Residents will not be granted more than one public access request each calendar year (except where the subsequent request(s) directly relate to an item on the agenda for the meeting at which public access is requested) or unless approved by Council.

No more than two speakers for a subject will be permitted at any meeting.

If granted Public Access by the General Manager, the individual resident will be allowed five (5) minutes to address Council with an extension of five (5) minutes for Councillors to direct questions to the speaker.

Applicants who submit an application outside the above times will generally be refused, however, where unusual circumstances exist, the Mayor may at his/her discretion, advise the Council that a public access application has been received and Council has the option to grant public access.

5.9 Matters determined without further debate (Council Policy)

This agenda item allows Council to determine those matters that will be adopted “en globo”. This is intended to assist Council meetings to operate smoothly and to avoid any undue delays where Councillors agree with the staff recommendations.

A motion under this agenda item is to be worded as follows:

1. That Council identify those items to be dealt with by the exception method:
2. That the remaining matters be adopted

5.10 Mayoral Minute (CI 243 Regulation)

The Mayor may put to a meeting (without notice) any matter which the Council is allowed to deal with or which the Council officially knows about. This power recognises the special role of the Mayor. A Mayoral Minute overrides all business on the agenda for the meeting, and the Mayor may move that the minute be adopted without the motion being seconded.

5.11 Notices of Motion (CI243 Regulation + Council Policy)

Every Notice of Motion relating to any new subject or matter not already before the Council, distinctly stating the precise object proposed, shall be submitted in writing to the General Manager duly signed by the member of the Council by 12:00 noon on the Monday of the week prior to the meeting at which the matter is to be taken into consideration.

All Notices of Motion shall be dated and numbered as received and shall be entered by the General Manager, subject to Local Government (General) Regulation 2005, Clause 240(2), upon the agenda paper in the order in which they are received and except by the permission of the Council, all such Notices of Motion shall be taken and considered in the order in which they appear on the agenda paper. The Mayor may call over the Notices of Motion on the business paper in the order in which they appear thereon; and if objection not be taken to a Motion being taken as a formal Motion, it may, without discussion, be put to the vote.

If a lawful Notice of Motion is lodged in the prescribed form for inclusion in the ordinary meeting agenda, the Mayor may nevertheless determine in the first instance to refer that Notice of Motion to a Committee of Council for subsequent report and recommendation to Council.

5.12 Questions With Notice from Councillors (Council Policy)

Questions with notice from Councillors shall be submitted in writing to the General Manager duly signed by the member of the Council by 12:00 noon on the Monday of the week prior to the meeting at which the matter is to be taken into consideration.

All Questions with notice shall be dated and numbered as received and shall be entered by the General Manager, subject to Local Government (General) Regulation 2005, Clause 240(2), upon the agenda paper in the order in which they are received and except by the permission of the Council, all such questions with notice shall be taken and considered in the order in which they appear on the agenda paper.

Written responses will be tabled at the meeting.

5.13 Questions for the next Ordinary Meeting (Council Policy)

The Division of Local Government considers that it is acceptable for a council to adopt a practice of allowing councillors, just prior to the end of the meeting, to raise questions on the understanding that the answers will be provided at the following meeting. (DLG circular 10-10).

Such questions are to be recorded in the minutes of the meeting. This constitutes a means of giving notice of the question for the following meeting, provided there is sufficient time between the two meetings to meet the notice requirements of clause 241 of the Regulation. When such questions are listed, there is nothing preventing an answer being given straight away, if it makes sense to do so.

Councillors are limited to a maximum of two questions per meeting.

This segment of the meeting is limited to questions only and Councillors are not to use it as a means for avoiding the necessity to vote on matters e.g. the calling of a staff report on a particular matter.

5.14 Citizenship Ceremonies

1 Normal Ceremonies

Residents taking the citizenship pledge will be given the option of an informal ceremony at a time mutually convenient to the Mayor and the recipient. Or a formal ceremony as part of the Ordinary Council Meeting with the formal ceremonies be held at the 5.30 p.m. time slot at any Ordinary Meeting of Council. Where meetings are held at venues outside Kyogle, ceremonies be held at the 2.00 p.m. time slot.

2 Australia Day Ceremonies

Where Certificates for Citizenship are received in the months of December or January, the new citizen may request that the Citizenship Ceremonies be conducted as a part of the Australia Day activities.

PART 6 – PARTICIPATION AT MEETINGS

6.1 Notice of Motion - Absence of Mover(CI245 Regulation)

In the absence of a Councillor who has placed a notice of motion on the Business Paper for a Meeting of a 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.

6.2 Motions to be Seconded (CI246 Regulation)

A motion or an amendment cannot be debated unless or until it has been seconded. This Clause is subject to Clauses 15(2) and 22(5) of the Regulations.

6.3 How Subsequent Amendments may be Moved (CI247 Regulation)

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

6.4 Motions of Dissent (CI248 Regulation)

- 1 A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 2 If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 3 Despite Clause 22 of the Regulations, only the mover of a motion of dissent and the Chairperson can speak to a motion before it is put. The mover of the motion does not have a right to general reply.

6.5 Questions may be put to Councillors and Council employees (CI249 Regulation)

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

6.6 Limitation as to Number of Speeches (CI250 Regulation)

- 1 A Councillor who, during a debate at a Meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.

- 2 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 3 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood, to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 4 Despite Subclauses 1 and 2, a Councillor may move that the question be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - (b) if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- 5 The Chairperson must immediately put to the vote, without debate, a motion moved under Subclause 4. A seconder is not required for such a motion.
- 6 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under Subclause 1
- 7 If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or amendment to be resumed.

6.7 What are the voting entitlements of Councillors? (s370 Act)

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

6.8 Voting at Council Meetings (CI251 Regulation)

- 1 A Councillor who is present at a Meeting of a Council but who fails to vote on a motion put to the Meeting is taken to have voted against the motion. This Subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.
- 2 If a Councillor who has voted against a motion put at a Council Meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 3 The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division.
- 4 When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.
- 5 Voting at a Council Meeting, including voting in an election at such a meeting is to be by open means (such as on the voices or by show of hands). However, the

Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

(Note: The Local Government (General) Regulation 2005 provides that a Council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting.)

6.9 Recommittal of Business (Council Policy)

- 1 Where a motion from the floor is lost the matter may be further discussed at the same meeting on the resolution of Council that the matter be recommitted, having regard to Section 372 of the Act (Rescinding or Altering Resolutions - Ref. Clause 3.20 of this Code).
- 2 A matter may only be recommitted if no substantive motion has been carried by Council.
 - (i) For the purposes of this Code, a "substantive motion" is defined as a motion that either requires an action to be taken, or prevents any action from being carried out.
 - (ii) The failure of Council to make a "substantive motion" has the effect that no action is possible on the subject under consideration.
- 3 A motion for recommittal of an item can only be accepted by the Chairperson if those members present when the matter was first discussed are present to consider the motion for recommittal.
- 4 Items recommitted for further discussion will be dealt with at the conclusion of regular business as contained in the Business Paper.
- 5 No motion for recommittal will be necessary if a second or subsequent motion on the matter is received by the Chairperson before any further business is transacted at the Meeting.

6.10 Community Meetings (Council Policy)

As a measure to ensure the concerns of the public are considered by Council in determining Policy direction and to present Council's viewpoint to the community, Councillors and/or Management may attend any public meeting called by the Kyogle Council Area community. Attendance at the meetings will be conditional upon the following:

- reasonable notice being given of the meeting;
- an agenda being provided of matters to be discussed;
- a neutral chairperson being engaged; and
- the attendance of those Councillors and Staff representing Council's view be endorsed by Council.

6.11 Press Statements (Council Policy)

- 1 That Council Policy be for the Mayor and/or General Manager to issue press statements on behalf of Council.
- 2 Policy Extension - Technical Issues
That where issues relating to technical issues are the subject of press statements, the Directors of each Department, or Councillors may issue press statements, but only with the approval of the General Manager.
- 3 Reference should be made to Council's Media Policy for additional information in relation to press statements.

PART 7 - CLOSED MEETINGS

7.1 Introduction (s10A(2) Act)

A Council or Committee has the discretion to close part of a meeting to the public to consider a motion to close another part of the meeting. However, consideration should be limited to the motion to close the other part of the meeting and should not be used for discussion of the substantive matter.

Parts of Council and Committee meetings should be closed to the public only in the circumstances provided by the legislation.

Councils and Committees should not close part of a meeting to discuss non-confidential issues. The only exception will be if any of these issues have features (eg personal hardship) which come under Section 10A(2) of the Local Government Act.

The test for closure must always be "is it in the public interest?" and closure can only occur in the circumstances provided by the legislation as set out below.

7.2 Reasons for closing parts of meetings (s10A(2) Act)

7.2.1 Personnel matters concerning particular individuals

Parts of meetings can be closed to the public to consider personnel matters concerning particular individuals such as their income, health and work performance but the name of the individual should not be shown in the agenda. As personnel matters are generally a management responsibility, it is unlikely that many matters of this nature would come before Councils. They would be more appropriately dealt with under delegation by the Council to the General Manager or under sub-delegations by the General Manager to staff.

Personnel matters of a more general nature, involving a section of staff or all staff, are not matters for which parts of a meeting can be closed.

7.2.2 Personal hardship of any resident or ratepayer

Parts of meetings can be closed to consider personal hardship, particularly circumstances preventing a resident or ratepayer paying rates or charges, or requesting financial assistance. Hardship for residents and ratepayers can also relate to circumstances such as child care concessions, building permit fees after bushfires, car parking offences, recreation ground fees for people with disabilities and library fees. Note in particular the waiving or reduction of fees under Section 610A.

Again such matters could be handled under delegation to prevent the agenda and the meeting time being overloaded with ratepayers' personal affairs.

7.2.3 Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business or proposes to conduct business

This provision replaces the former provisions covering proposals for Council selling or purchasing land or other property.

A Council or Committee may close part of a meeting to consider confidential matters such as a reserve price for the auction of Council land or surplus equipment, or the price it would be prepared to pay to purchase an article or property.

7.2.4 Commercial Information of a confidential nature

A Council or Committee may close part of a meeting to prevent the disclosure of 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.

It is stressed that this provision applies only to commercial information that is of a confidential nature. This provision does not apply to information that is not commercial or is not confidential. For example, it cannot be used to prevent the consideration of a development application at an open meeting solely on the basis that it is a controversial matter. Nor does it prevent the open consideration of tenders/contracts.

Where a Council is considering entering into a contract, it should consider the inclusion in tender documentation for potential tenderers advice to the effect that commercial confidential detail provided by the tenderer will be included in a confidential business paper and not be made available to the public until after the tendering process has concluded. This would not preclude all other aspects and details of a tender/contract from being discussed openly.

Councils have the same protection for their confidential commercial activities as that applying to other persons.

7.2.5 Information that would, if disclosed, prejudice the maintenance of law

This provision covers circumstances such as the discussion of any confidential information passed to the council by the Police Service.

7.2.6 Matters affecting the security of the Council, Councillors, Council staff or Council property

This provision covers circumstances such as the discussion of matters affecting the safety of Councillors or the protection of Council property.

7.2.7 Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Councils and Committees may close parts of meetings to receive and consider advice concerning litigation or any advice which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This power does not permit a part of a meeting to be closed to the public merely because the legal advice relates to a matter that may go to Court. A meeting is not to be closed to receive and consider legal advice, unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the Council or Committee is involved; and
- (b) are clearly identified in the advice; and
- (c) are fully discussed in that advice.

Legal advice providing less than these 3 minimum requirements would not provide an adequate basis for a Council or Committee to consider the legal ramifications of an issue in which it is involved and therefore would not justify the closure of part of the meeting to the public.

Councils should inform their various legal advisers of the new requirements so that the drafting of legal advice can conform to these requirements.

7.3 Other information sought to be kept confidential by applicants etc.

Councils may be requested by applicants to keep confidential certain information that would not come within Section 10(2) of the Act. In these cases the Council would still be required to comply with the legislation and not agree to such requests. To avoid these potentially embarrassing situations occurring, Councils should forewarn applicants that the contents of any documents, such as tenders, submitted to them could become public knowledge unless covered under Section 10A(2) of the Act and that documentation should be prepared accordingly.

If confidential information is necessary to support an application, it should be possible for an applicant to satisfy the Council that a proposal is appropriate, possibly through reports by independent consultants, without having to reveal the details of confidential matters.

7.4 Performance reviews of General Managers

The types of matters listed in Section 10A(2) in respect of which a Council can close a meeting, provide scope for Councils to close a meeting for the purpose of considering a General Manager's performance agreement where Council considers it appropriate to do so. The performance review ought to be a time of full and frank discussions and review of performance between parties, endeavouring to build a continuing harmonious relationship between the General Manager and Councillors.

While experience has shown that such full and frank discussions are best achieved in closed parts of meetings, Councils are encouraged to hold them in open meetings where practicable. The outcome of the performance review should be announced in an open part of the meeting.

7.5 Reasons for closing meetings - public interest (s10B(4) Act)

Any proposal to close part of a meeting should be subjected by the Council or Committee to an overriding public interest test. The Council or Committee must be convinced that disclosure of the information to be considered at a closed part of a meeting would, on balance, be contrary to the public interest before it closes the part of the meeting. However, the public interest test is not necessary where the matter being considered is one of personal hardship, personnel matters concerning particular individuals or a trade secret. The confidentiality aspect of these matters overrides any public interest considerations.

The criteria for the public interest test provided in Section 10B(4) of the Local Government Act is in similar terms to the qualification contained in Section 59A of the Freedom of Information Act 1989 (FOI Act), ie that 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 person may misinterpret or misunderstand the discussion or that the discussion may cause embarrassment or a loss of confidence in the Council, the Committee, Councillors or Council employees.

7.6 Representations by members of the public - closure of part of meeting (CI252 Regulation)

1. A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- 2 That period is as fixed by the Council's Code of Meeting Practice (if the Council does not have a Code of Meeting Practice or its Code of Meeting Practice does not fix that period) as fixed by resolution of the Council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

7.7 Resolutions passed at closed meetings to be made public (CI 253 Regulation)

If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

7.8 Public to be advised that part of a meeting is likely to be closed to public (s9 Act)

Only part of a Council or Committee meeting can be closed to the public.

Councils must continue to give prior public notice in the agenda of the intention to debate a matter in closed session. The decision on how to arrange items of business in the agenda would best be made by the General Manager as an operational issue, and this could be confirmed in Council's Code of Meeting Practice.

Advance notice of items of business to be considered in closed parts of meetings gives the community the ability to make known its views about such closure, and such views assist the Council or the Committee in dealing whether or not and why parts of the meeting will be closed for the specified items.

If the Council or Committee decides to disagree with the General Manager's recommendation that an item be discussed in closed session (as shown on the agenda), the Council or Committee should announce that public representation on the item will not be needed.

The agenda should provide sufficient general information for an item *of business of a closed part of a meeting* to be identified, eg "Auction *of* land at 25 Civic Street, Hometown" or "Personnel matter - outdoor staff", but should not give details involving confidentiality, privilege or security, eg. the reserve price of land to be auctioned by Council or the name of the person the subject of a personnel item of business.

Details of items of business involving confidentiality, privilege or security, including notices of motion relating to such matters, should be included in a confidential business paper. Such a business paper need not be included among the papers made available to the public prior to or at a meeting. Where such items are included in a confidential business paper, the claim that such items involve confidentiality, privilege or security must be sustainable.

7.9 Public may address Council on whether part of a meeting should be closed (s10(A)(4) & S23AA Act)

Members of the public may be allowed to make representations to or at a Council or Committee meeting, before a part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Where the Council or Committee decides to allow members of the public to make representations on a proposed closure, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make such representations.

The period of time during which a member of the public is allowed to make such verbal representations is to be fixed by the Council's Code of Meeting Practice or, if the Council does not have a Code or its Code does not fix the period, it is to be fixed by Council resolution. Different periods can be fixed for different types of matters. The insertion of a period or periods in the code will require the Code to be amended in accordance with Section 363 of the Act.

This Code adopted the following procedure:

After a motion to close part of a meeting to the public has been moved and seconded, the Chairperson asks the General Manager if there are any written representations from the public on the proposed closure;

- The General Manager reads out any written representations;
- The Chairperson asks if any persons wish to make verbal representations:
- The opportunity to speak is then given to:
 - Each person who wishes to comment, chosen in random order;
 - OR
 - Each person alternating on a "for" and "against" basis; OR
 - representative persons chosen by the public gallery, speaking for or against the motion; depending on whatever option or options are adopted in the Council's Code;

Each person addressing the Council is allowed to speak for the maximum period, of 2 minutes per person.

The Council or Committee then closes the meeting under Section 10A(3) to consider whether part of the meeting should be closed to the public to consider the subject item.

The residents debate need not be uninformed because they will be aware of the item by seeing it on the agenda and may have sufficient background information to comment usefully on the item.

Where the Council or Committee decides to allow members of the public to make representations on a proposed closure, it should allow such number of members of the public to make representations on the proposed closure as is sufficient to enable the Council or Committee to gauge the views of the members of the public present. All views, including those received before the meeting, should be taken into account by the Council or Committee when deciding whether to close that part of the meeting to the public.

This Code permits that the public may make representations to or at a meeting concerning the closure of part of the meeting to the public for all types of business or only certain types of business. However, the Code also provides the Council or Committee with the flexibility to decide whether to allow representations at the relevant meeting or that the public is not entitled to make such representations at any meeting.

7.10 Closing parts of meetings in urgent cases (s10C Act)

A Council or Committee may close a part of a meeting to the public without prior notice where it becomes apparent during the course of debate that a matter should be considered in a closed meeting, and the matter is decided, by a resolution of the council or Committee, to be too urgent to be deferred. The resolution to close the meeting should not be put to the vote until the public has been allowed to make verbal representations, where allowing representations is the Council's policy.

7.11 Meetings should be closed only to consider confidential parts of items (s10B Act)

A Council or a Committee may close part of a meeting only for such portion of the debate on an item as is necessary to preserve confidentiality, privilege or security.

7.12 Specifying reasons for closing part of a meeting (s10D Act)

The Council or Committee must specify the grounds for closing part of a meeting and this must be recorded in the minutes. In particular, it must specify:

- the relevant provision of Section 10A(2) of the Act under which the part is being closed;
- the matter to be discussed-during the closed part of the meeting; and
- the reasons why it is being closed, including an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

It is important that Councils ensure that the members of the public have sufficient information to understand why they have been excluded from the meeting. Where the details of the matter to be discussed are generalised to preserve confidentiality, privilege or security, the degree of generalisation must be such that members of the public have sufficient information to clearly understand why they have been excluded.

Some Councils have relied on more than one of the relevant provisions to justify the exclusion of the public. This suggests that there might have been insufficient grounds under one particular provision to justify the Council's action. Meetings should not be closed on such a basis and Councils should ensure that the circumstances for the closure are justified under Section 10A(2) of the Act.

PART 8 – WHAT CONSTITUTES A DECISION OF COUNCIL

8.1 What constitutes a decision of the Council? (s371 Act)

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.

8.2 Rescinding or Altering Resolutions (s372 Act)

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

8.3 Official Minutes (CI243 Regulation)

- 1 If the Mayor is the Chairperson at a Meeting of a Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the Meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- 2 Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the Meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- 3 A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

8.4 Inspection of the Minutes of a Council or Committee (CI272 Regulation)

- 1 An inspection of the minutes of a Council or Committee of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.

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

Note: Section 12 -of the Act confers the right to inspect the minutes of a Council or Committee of a Council.

8.5 Minutes (s375 Act)

- 1 The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
- 2 The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

8.6 Recording of Votes (Policy)

For each decision made at a council or committee meeting, the minutes will include the names of councillors who supported the decision and those who opposed the decision.

8.7 Access to Records

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

PART 9 – KEEPING ORDER AT MEETINGS

9.1 Questions of Order (CI255 Regulation)

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

9.2 Acts of Disorder (CI256 Regulation)

- 1 A Councillor commits an act of disorder if the Councillor, at a meeting of a Council or a Committee of a Council:
 - (a) contravenes the Act or any Regulation in force under the Act; or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting; or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter; or
 - (d) insults or makes personal reflections on or imputes improper motives to any other Councillor; or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.
- 2 The Chairperson may require a Councillor.
 - (a) to apologise without reservation for an act of disorder referred to in Subclause 25.1 (a) or (b); or
 - (b) to withdraw a motion or an amendment referred to in Subclause 25.1 (c) and, where appropriate, to apologise without reservation; or
 - (c) to retract and apologise without reservation for an act of disorder referred to in Subclause 25.1 (d) or (e).
- 3 A Councillor may, as provided by Section 10(2)(a) or (b) of the Act, be expelled from a meeting of Council for having failed to comply with a requirement under Subclause 25.2. 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.

(Note: This procedure has been delegated to the Mayor).

9.3 How Disorder at a Meeting may be Dealt With(CI257 Regulation)

- 1 If disorder occurs at a Meeting of a Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. The Council on reassembling, must, on a question put from the Chair, decide without debate whether the business is to be proceeded with or not. This Subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
- 2 A member of the public may, as provided by Section 10(2)(a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.

(Note: This procedure has been delegated to the Mayor).

9.4 Power to remove persons from meeting after expulsion (CI258 Regulation)

If a Councillor or member of the public fails to leave the place where a meeting of 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 other 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.

(Note: This procedure has been delegated to the Mayor).

PART 10 – COUNCIL COMMITTEES

10.1 Committee of Council (s373 Act)

- 1 A Council may resolve itself into a Committee to consider any matter before the Council.
- 2 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, the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

10.2 Committee of the Whole (CI 259 Regulation)

- 1 All the provisions of this Regulation relating to Meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provision limiting the number and duration of speeches.
- 2 The General Manager, or in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 3 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.

10.3 Disclosure of Information an Offence (s664 Act)

- 1 A person must not disclose any information obtained in connection with the administration of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained; or
 - (b) in connection with the administration or execution of this Act; or
 - (c) for the purposes of legal proceedings arising out of this Act; or of any report of such proceedings; or
 - (d) in accordance with a requirement imposed under the Ombudsman Act, 1974 or the Freedom of Information Act, 1989; or
 - (e) with other lawful excuse.
- 2 In particular, if the meeting or part of the meeting of a Council or a Committee of a Council is closed to the public in accordance with Section 10(2), a person must not, without the authority of the Council or Committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or business of, the meeting.

10.4 Council may Establish Committees (CI260 Regulation)

- 1 A Council may, by resolution, establish such Committees as it considers necessary.
- 2 A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 3 The quorum for a Meeting of a Committees 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.

10.5 Functions of Committees (CI261 Regulation)

A Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.

10.6 Notice of Committee meetings to be given (CI262 Regulation)

- 1 The General Manager of a 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.
- 2 However, notice of less than 3 days may be given of a Committee Meeting called in an emergency.

10.7 Non-members entitled to attend Committee meetings (CI263 Regulation)

- 1 A Councillor who is not a member of a Committee of a Council is entitled to attend, and speak at, a meeting of the Committee.
- 2 However, the Councillor is not entitled to:
 - (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.

10.8 Representations by members of the public - closure of part of meeting (CI264 Regulation)

- 1 A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- 2 That period is as fixed by the Council's Code of Meeting Practice or (if the Council does not have a Code of Meeting Practice or its Code of Meeting Practice does not fix that period) as fixed by resolution of the Council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

10.9 Procedure in Committees (CI265 Regulation)

- 1 Subject to subclause (3), each Committee of a Council may regulate its own procedure.
- 2 Without limiting Subclause 33.1, a Committee of a Council may decide that, whenever the voting on a motion put to a meeting of the Council is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote.
- 3 Voting at a Committee is to be by open means (such as on the voices or by show of hands).

10.10 Committees to Keep Minutes (CI266 Regulation)

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

10.11 Chairperson and Deputy Chairperson of Committees (CI267 Regulation)

- 1 The Chairperson of each Committee of the Council, must be:
 - (a) the Mayor, or
 - (b) if the Mayor does not wish to be the Chairperson of a Committee - a member of the Committee elected by the Council, or
 - (c) if the Council does not elect such a member: a member of the Committee elected by the Committee.
- 2 A Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.
- 3 If neither the Chairperson nor the Deputy Chairperson of Committee of a Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.
- 4 The Chairperson is to preside at a meeting of a Committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the Meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the Meeting.

10.12 Absence from Committee Meetings (CI268 Regulation)

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

- 2 Subclause 35.1 does not apply if all of the members of the Council are members of the Committee.

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

10.13 Reports of Committees (CI269 Regulation)

- 1 If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
- 2 The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- 3 If a Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or 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 Council.

10.14 Disorder in Committee Meetings (CI270 Regulation)

The provisions of the Act and of this Regulation relating to the maintenance of order in Council Meetings apply to meetings of Committees of the Council in the same way as they apply to Meetings of the Council.

10.15 Certain persons may be expelled from Council Committee (CI271 Regulation)

- 1 If a Meeting or part of a Meeting of a Committee of a Council is closed to the public in accordance with Section 10(A) of the Act, any person who is not a Councillor may be expelled from a meeting as provided by Section 10(2) (a) or (b).
- 2 if any such person, after being notified of such 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 person 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 the person from re-entering that place.

PART 11 – RECORDING COUNCIL/COMMITTEE MEETINGS

11.1 Tape Recording of Meeting of Council or Committee is prohibited without permission (CI273 Regulation)

- 1 A person may use a tape recorder to record proceedings of a Meeting of a Council or a Committee of a Council only with the authority of the Council or Committee.
- 2 A person may, as provided by Section 10(2)(a) or (b) of the Act be expelled from a meeting of a Council or Committee of a Council for using or having used a tape recorder in contravention of this clause.
- 3 If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may by using only such force as is necessary, remove the first mentioned person from the place and if necessary, restrain that person from re-entering that place.
- 4 In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

11.2 Tape Recording (Council Policy)

1. The unofficial tape recording of all meetings be prohibited without the express permission of council.
2. An official audio recording will be taken of all Ordinary, Closed and Extraordinary Meetings of council.
3. These audio recordings(with the exception of recordings of Closed Meetings) will be made available upon request to:
 - Councillors
 - Council staff
 - The public (a minimal charge to cover the cost of CD may apply)

PART 12 – TABLING OF DOCUMENTS

Any document tabled at a Council meeting forms part of the business paper. As such the document will be available to members of the public, for inspection, free of charge in accordance with Section 12 of the Local Government.
(Confidential sessions excepted)

Documents to be tabled at a meeting of the Council must be delivered to the Minute taker before the meeting.

When a document has been presented to a meeting of a Council, the General Manager or his/her delegate, will announce the document and ensure it is laid on the table at that meeting.

The minute taker will record in the minutes the title of the document tabled and record on the document the corresponding minute number. The document is then to be registered in Council's records system.