



**Central  
Tablelands  
Water**

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**Code of Meeting Practice**

## DOCUMENT CONTROL

Document Title		Code of Meeting Practice			
Policy Number		CTW-PR003			
Responsible Officer		Director Finance and Corporate Services			
Reviewed by					
Date Adopted		October 2016			
Adopted by		Council			
Review Due Date		June 2020			
Revision Number		2			
Previous Versions	Date	Description of Amendments	Author	Review/ Sign Off	Minute No: (if relevant)
1	12/10/15				16/097

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## **Introduction**

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

## **Objective**

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The objective of the Code of Meeting Practice is to provide a model for the convening and conduct of Council and Committee meetings. It establishes policy and guidelines for Council and promotes accountability to the community.

## **Code of Meeting Practice**

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In addition to the following specific clauses, Council and Committee Meetings are to be conducted in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, which may be varied by legislation from time to time.

## **Additional Specific Clauses**

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### **Date, Time and Location of Council Meetings**

Council shall meet at 10.30am on the 2<sup>nd</sup> Wednesday of alternate months, commencing in February each year. The meetings shall alternate between the towns of Grenfell, Blayney and Molong. Meetings will be held in Cabonne Council Chambers Molong in June and December, Weddin Shire Council Chambers in Grenfell in August and February and Blayney Shire Council Chambers in April and October.

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 Chairman.

### **Close of Business Paper Agenda (Ordinary Meeting)**

Receipt of business paper reports and notice of business by a Councillor closes on the Friday week before the meeting or as otherwise determined by the General Manager.

### **Order of Business at (Ordinary) Council Meetings**

For all ordinary meetings of Council, except the meeting, which includes the election of the Chairman and Deputy Chairman, the general order of business shall be:

1. Public Forum
2. Apologies for non-attendance
3. Confirmation of Minutes of previous meeting(s)
4. Matters Arising from Minutes

5. Disclosure of Interests
6. Chairman's Minute
7. Notices of Motion & Rescision Motions
8. Reports of Staff
9. Committee Reports
10. Questions from Councillors
11. Committee of the Whole

At the ordinary meeting of Council, which includes the election of the Chairman and Deputy Chairman, the following items shall precede the above general order of business:

1. Election of Chairman
2. Election of Deputy Chairman
3. Fixation of Dates and Times for Ordinary Meetings of Council, for the following twelve months.

### **Business Paper to Councillors**

The business paper for Council meetings shall be delivered on the Wednesday prior to the meeting (envelopes to be sealed).

### **Availability of Business Paper**

The business paper shall be mailed to the three Constituent Councils and the Village Post Offices on the Thursday prior to the meeting and available to the public and media at the Council's Blayney Office and on Council's website on the Thursday prior to the meeting.

### **Public Notice of Meetings**

All meetings of Council, of which all members are Councillors, shall be advertised in a local paper, prior to the meeting.

### **Disclosures of Conflict of Interest**

A conflict of interest exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your duty.

Should a Councillor or member of staff have a "conflict of interest" over an item listed on the meeting's agenda, then that Councillor or member of staff shall disclose their interest on the prescribed "Declaration of Conflict of Interest Form" and state the nature of their interest.

Each completed form shall be handed to the Chairman, General Manager or Chairperson prior to the commencement of the meeting.

1. Disclosure of a Pecuniary Interest

A Councillor or member of staff disclosing a pecuniary interest in an item at a meeting shall leave the meeting for the duration of the consideration of the item.

The minutes shall record both the disclosure and the nature of the interest and that the Councillor or member of staff left the meeting.

## 2. Disclosure of a Non-Pecuniary Interest

A Councillor or member of staff disclosing a non-pecuniary interest in an item at a meeting may either:

- a. leave the meeting for the duration of the consideration of the item, or
- b. remain in the meeting and take part in the discussion, then leave the meeting prior to voting

The minutes shall record both the disclosure and the nature of the interest and the actions taken by the Councillor or member of staff.

## Questions from Councillors

That Council provide a question time at each meeting of Council for Councillors to ask questions subject to:

1. If possible, written notice of questions are to be given to the General Manager prior to the commencement of the Council Meeting;
2. Verbal questions will be permitted at the discretion of the Chairman;
3. Each Councillor may ask questions which he or she may speak to for a maximum of two (2) minutes in total;
4. Questions are to be directed to the Chairman who may choose to:
  - a. Answer the question;
  - b. Refer it to another Councillor or staff member to answer;
  - c. Arrange for the question to be researched and the answer supplied at a later date.

## Tabling of Correspondence

Letters submitted to Council requesting that they be tabled at a Council Meeting shall be tabled and a copy be included with the Business Paper for information.

## Tape Recording

Recording the proceedings of Council Meetings is permitted for the purpose of compiling minutes, provided that the recording is erased immediately the minutes are completed.

## Voluntary Participation on Committees



1. That Council Committees be authorised to invite persons or organisations to participate in Committee Meetings, on a voluntary basis without voting rights, for discussion and advice on items or issues within the Committee's responsibilities.
2. A Councillor who is not a member of a committee of Council is entitled to attend, and to speak at, a meeting of the committee.
3. 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.

### **Quorum**

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.

**Note:** Councillors who have declared a pecuniary interest, and are therefore precluded from voting, should still be counted for the purposes of calculating the quorum, because they continue to hold office and are not suspended from office.

### **Public Forum**

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

1. A person can address Council for a maximum period of five (5) minutes.
2. Members of the public may address Council on any issue, however, should there be an agenda item, there must be a direct link between the member of the public wishing to address Council and the substance of the agenda item.
3. Public Forum cannot be used to request reports from the Chairman, Councillors or staff, nor used to address matters in the Minutes of an earlier meeting or other matters already dealt with at the meeting.
4. Persons speaking in Public Forum may, with the permission of the Chair, use appropriate materials or documents to support their position, but may not table documents to be actioned.
5. Any person making use of the Public Forum is required to observe the same standards required of a Councillor. Specifically, the person shall:
  - a. obey the directions of the Chairperson, and
  - b. not use any behaviour or language inconsistent with good order and decorum, and

- c. not make personal reflections or impute improper motives to Councillors and/or staff.
6. The Chairperson may ask staff to comment on an issue, or if an investigation is required, request report to a subsequent meeting.
7. No motions or resolution can be moved during the Public Forum.
8. The duration of the Public Form must not exceed 15 minutes in total.
9. Should there be more than one person wishing to address Council on an issue, then those persons are to nominate one person to represent the group (**Note:** Only applies on those occasions where the total group time would exceed 15 minutes).

Members of the public wishing to address Council must notify the General Manager in writing prior to 12:00 noon on the 2nd Monday of the month.

### **Recision Motions**

The closing date and time for receipt of Recision Motions is 12:00 noon of the following day after the meeting. Recision Motions received after this time will be rejected and Council's decision implemented.

## **Local Government Act 1993**

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### **Chapter 4 – How can the community influence what a council does?**

## **Part 1: Open meetings**

### 9 Public notice of meetings

- (1) 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.
- (2) 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 agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (2a) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:
  - (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
  - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.

### 10 Who is entitled to attend meetings?

- (1) Except as provided by this Part:
  - (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.
- (2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:
  - (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

10A Which parts of a meeting can be closed to the public?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
  - (a) the discussion of any of the matters listed in subclause (2), or
  - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
- (5), (6) (Repealed)

10B Further limitations relating to closure of parts of meetings to public

- (1) A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):
  - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret—unless the council or committee concerned is satisfied that

discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (g) unless the advice concerns legal matters that:
  - (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.
- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A (3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A (2)).
- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
  - (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - (ii) cause a loss of confidence in the council or committee.
- (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 Departmental Chief Executive.

#### 10C Notice of likelihood of closure not required in urgent cases

Part of a meeting of a council, or of a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A (2), and
- (b) the council or committee, after considering any representations made under section 10A (4), resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

#### 10D 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 that part of the meeting and must be recorded in the minutes of the meeting.

- (2) The grounds must specify the following:
  - (a) the relevant provision of section 10A (2),
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### 10E (Repealed)

#### 11 Public access to correspondence and reports

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

## **Chapter 12 – How do councils operate?**

### **Part 2 How are decisions made?**

#### **Division 1 Code of meeting practice**

### 360 Conduct of meetings of councils and committees

- (1) The regulations may make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors.
- (2) A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.
- (3) 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.

### 361 Preparation, public notice and exhibition of draft code

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.
- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.
- (5) The council must publicly exhibit the draft code in accordance with its notice.

### 362 Adoption of draft code

- (1) After considering all submissions received by it concerning the draft code, the council may decide:
  - (a) to amend those provisions of its draft code that supplement the regulations made for the purposes of section 360, or
  - (b) to adopt the draft code as its code of meeting practice.
- (2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

### 363 Amendment of the code

A council may amend a code adopted under this Part by means only of a code so adopted.

### 364 Public availability of the code

- (1) The code of meeting practice adopted under this Division by a council must be available for public inspection free of charge at the office of the council during ordinary office hours.
- (2) Copies of the code must be available free of charge or, if the council determines, on payment of the approved fee.

### 365 How often does the County council meet?

A county council is required to meet at least 4 times each year.

## **Division 2 Other provisions concerning council meetings**

### 366 Calling of extraordinary meeting on request by councillors

If the Chairman receives a request in writing signed by at least 2 councillors, the Chairman must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request.

### 367 Notice of meetings

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.
- (3) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.

### 368 What is the quorum for a meeting?

- (1) 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.
- (2) This section does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

### 369 Who presides at meetings of the council?

- (1) The Chairman or, at the request of or in the absence of the Chairman, the deputy Chairman (if any) presides at meetings of the council.
- (2) If the Chairman and the deputy Chairman (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

### 370 What are the voting entitlements of councillors?

- (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.



### 371 What constitutes a decision of the council?

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.

### 372 Rescinding or altering resolutions

- (1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, 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 of the meeting of the council.
- (7) The provisions of this section concerning negated motions do not apply to motions of adjournment.

### 373 Committee of council

A council may resolve itself into a committee to consider any matter before the council.

### 374 Certain circumstances do not invalidate council decisions

Proceedings at a meeting of a 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 committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with section 451, or
- (e) a failure to comply with the code of meeting practice.

### 375 Minutes

- (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.

### 376 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.
- (2) The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- (3) However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.

## **Chapter 14 – Honesty and Disclosure of Interests**

### **Part 2 Duties of Disclosure**

#### **Division 1 Preliminary**

#### 442 What is a “pecuniary interest”?

- (1) For the purposes of this Chapter, 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.
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.

#### 443 Who has a pecuniary interest?

- (1) For the purposes of this Chapter, 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.

- (2) (Repealed)
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1) (b) or (c):
  - (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

#### 448 What interests do not have to be disclosed?

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

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

- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
  - (ii) security for damage to footpaths or roads,
  - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the Chairman and deputy Chairman),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the Chairman and deputy Chairman) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of Chairman arising from the fact that a fee for the following 12 months has been determined for the office of Chairman,
- (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.

### **Division 3 Disclosure of pecuniary interests at meetings**

#### **451 Disclosure and presence in meetings**

- (1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the

council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.

- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:
  - (a) at any time during which the matter is being considered or discussed by the council or committee, or
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- (3) For the removal of doubt a councillor or a member of a council committee is not prevented by this section 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 Section 448.

#### 452 (Repealed)

#### 453 Disclosures to be recorded

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

#### 454 General disclosure

A general notice given to the general manager in writing by a councillor or a member of a council committee to the effect that the councillor or member, or the councillor's or member's spouse, de facto partner or relative, is:

- (a) a member, or in the employment, of a specified company or other body, or
- (b) a partner, or in the employment, of a specified person,

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

#### 455 (Repealed)

#### 456 Disclosure by adviser

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

#### 457 Circumstances in which secs 451 and 456 are not breached

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

#### 458 Powers of Minister in relation to meetings

The Minister may, conditionally or unconditionally, allow a councillor or a member of a council committee who has a pecuniary interest in a matter with which the council is concerned to be 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.

### **Division 4 Disclosure of pecuniary interests in council dealings**

#### 459 Disclosure of pecuniary interests when dealing with council matters

- (1) A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing.
- (1A) However, subsection (1) does not require a designated person who is a member of staff of the council to disclose such a pecuniary interest if the interest relates only to the person's salary as such a member of staff or to his or her other conditions of employment or the like.
- (2) The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- (3) A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

## **LOCAL GOVERNMENT (GENERAL) REGULATION 2005**

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### **Part 10 Meetings**

## **Division 1 Preliminary**

### **231 Definitions**

In this Part:

**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 267.

**committee**, in relation to a council, means a committee established under clause 260 or the council when it has resolved itself into a committee of the whole.

**councillor** includes a member of the governing body of a county council.

## **Division 2 Convening of, and attendance at, council meetings**

### **232 Notice of meetings**

- (1) This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.
- (2) 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.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause does not apply to an extraordinary meeting of a council or committee.

### **233 What happens when a quorum is not present**

- (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 reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

### 234 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.
- (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.

### 235 Presence at council meetings

A councillor cannot participate in a meeting of a council unless personally present at the meeting.

#### 235 (a) Leave of Absence

- (1) A Councillor's application for leave of absence from council meetings should, if practicable, identify (by due date) the meetings from which the councillor intends to be absent
- (2) 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.

## **Division 3 Procedure for the conduct of council meetings**

### 236 Councillor to be elected to preside at certain meetings

- (1) If no chairperson is present at a meeting of a council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

**Note.** Section 369 (2) of the Act provides for a councillor to be elected to chair a meeting of a council when the Chairman and deputy Chairman are absent.

- (2) 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.
- (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.



- (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.
- (5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

#### 237 Chairperson to have precedence

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.

#### 238 Chairperson's duty with respect to motions

- (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.

#### 239 Order of business

- (1) At a meeting of a council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- (3) Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

#### 240 Agenda and business papers for council meetings

- (1) The general manager must ensure that the agenda for a meeting of the council states:

- (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
  - (b) if the Chairman is the chairperson—any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) subject to subclause (2), any business of which due notice has been given.
- (2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.
- (3) The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- (4) The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
- (5) Nothing in this clause limits the powers of the chairperson under clause 243.

#### 241 Giving notice of business

- (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 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 367 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 236 (1), or
  - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, 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 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.

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

#### 242 Agenda for extraordinary meetings

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

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.
- 3) Despite clause 250, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

#### 243 Official minutes

- (1) If the Chairman 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 Chairman) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the chairperson (being the Chairman) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.

#### 244 Report of a Departmental 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.

#### 245 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 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.

#### 246 Motions to be seconded

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

#### 247 How subsequent amendments may be moved

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.

#### 248 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.
- (2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite clause 250, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### 249 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 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.

#### 250 Limitation as to number of speeches

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

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

#### 251 Voting at council meetings

- (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.
- (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 Chairman or deputy Chairman is to be by secret ballot.

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

#### 252 Representations by members of the public—closure of part of meeting

- (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.

#### 253 Resolutions passed at closed meetings to be made public

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.

#### 254 Matters to be included in minutes of council meeting

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.

**Note.** Section 375 (1) of the Act requires a council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the council (other provisions of this Regulation and of the Act require particular matters to be recorded in a council's minutes).

### **Division 4 Keeping order at meetings**

#### 255 Questions of order

- (1) The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- (2) A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

- (3) The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- (4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

#### 256 Acts of disorder

- (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 (1) (a) or (b), or
  - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or
  - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).
- (3) A councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

#### 257 How disorder at a meeting may be dealt with

- (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.

## 258 Power to remove persons from meeting after expulsion

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

- (a) immediately after the council has passed a resolution expelling the councillor or member from the meeting, or
- (b) where the council has authorised the person presiding at the meeting to exercise the power of expulsion—immediately after being directed by the person presiding to leave the meeting,

a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

## Division 5 Council committees

### 259 Committee of the whole

- (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.

### 260 Council may establish committees

- (1) A council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the Chairman and such other councillors as are elected by the councillors or appointed by the council.
- (3) The quorum for a meeting of 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.

### 261 Functions of committees

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.



#### 262 Notice of committee meetings to be given

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:
  - (a) the time and place at which and the date on which the meeting is to be held, and
  - (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.

#### 263 Non-members entitled to attend committee meetings

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

#### 264 Representations by members of the public—closure of part of meeting

- (1) A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by 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.

#### 265 Procedure in committees

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

#### 266 Committees to keep minutes

- (1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

#### 267 Chairperson and deputy chairperson of committees

- (1) The chairperson of each committee of the council must be:
- (a) the Chairman, or
  - (b) if the Chairman 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 a committee of a council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- (4) The chairperson is to preside at a meeting of a committee of a council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### 268 Absence from committee meetings

- (1) A member ceases to be a member of a committee if the member (other than the Chairman):
- (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply if all of the members of the council are members of the committee.

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

## 269 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.
- (2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.
- (3) If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
  - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
  - (b) report the resolution or recommendation to the next meeting of the council.

## 270 Disorder in committee meetings

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.

## 271 Certain persons may be expelled from council committee meetings

- (1) If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10A of the Act, any person who is not a councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.
- (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.

## **Division 6 Miscellaneous**

### 272 Inspection of the minutes of a council or committee

- (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 a right (restricted in the case of closed parts of meetings) to inspect the minutes of a council or committee of a council.

273 Tape recording of meeting of council or committee prohibited without permission

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

## Appendices

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### Appendix A – Committee of the Whole – Announcements

#### For Going Into Closed Meeting

- Resolved:** That the meeting now be closed to the public in accordance with Section 10A(2) of the Local Government Act 1993 for consideration of the following matters:
- Details of the matter (Agenda Heading)
  - Relevant provision of Section 10A(2)
  - Reason why discussion in open Council would be contrary to the public interest.

#### For Going Out of Closed Meeting

- Resolved:** That as consideration of the matters referred to in the closed meeting have been concluded, the meeting now be opened to the public.

*(The General Manager then reports the recommendations of the closed meeting for consideration.)*

- Resolved:** That the recommendations of the closed meeting, being Minute Numbers XX to YY be received and adopted as resolutions of Council.

## Appendix B – Declaration of Conflict of Interest Form

<b>C11-4</b>	
<b>DECLARATION OF CONFLICT OF INTEREST FORM</b>	
To General Manager,	
Surname:	
Given Names:	
Nature of Meeting: <i>(Please tick)</i>	<input type="checkbox"/> Ordinary <input type="checkbox"/> Extraordinary <input type="checkbox"/> Other (Please Specify).....
Date of Meeting:	.../.../.....
<b><u>Report Item</u></b>	
Item No:	
Page No:	
Reason for the Interest:	
This conflict of interest has been identified as an: <i>(Please tick appropriate boxes)</i>	
<b>Actual</b> conflict of interest <input type="checkbox"/> <b>Perceived</b> conflict of interest <input type="checkbox"/> <b>Potential</b> conflict of interest <input type="checkbox"/>	<i>having a</i>
	<b>Pecuniary</b> Interest <input type="checkbox"/> <b>Non-pecuniary</b> Interest <input type="checkbox"/>
I hereby declare that the above details are correct to the best of my knowledge and I make this conflict declaration in good faith.	I hereby declare that I have received and appropriately noted this conflict of interest declaration.
Signature <i>(Councillor)</i>	Signature <i>(General Manager)</i>
Date: .../.../.....	Date: .../.../.....

## **Appendix C – Public Forum Speaker’s Request Form**

## Appendix D – Table of Code of Meeting Practice Amendments

Meeting Date	Minute Number