



**COOTAMUNDRA-
GUNDAGAI REGIONAL
COUNCIL**

Code of Meeting Practice



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COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL CODE OF MEETING PRACTICE

PART 1 – PRELIMINARY

1.1 Citation

This Code has been developed in accordance with the Local Government Act, 1993 and the Local Government (General) Regulation 2005 and may be cited as the Code of Meeting Practice. Where there is any inconsistency between the Code and the Regulation or Act, the Regulation or Act prevails.

This Code governs the conduct of meetings of Council and its Committees.

1.2 Definitions

In this Code:

Administrator: means an administrator of a Council appointed under the Local Government Act 1993 other than an administrator appointed under section 66

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

Note: An amendment is an endeavour to change a motion by a Councillor who is not content to vote for or against it in the form in which it was originally moved. It must be relevant to the motion. The amendment may propose that some words be omitted from the original motion or that some words be added but it must not contradict the original motion. It would be unacceptable that the word “not” be inserted or omitted.

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 or the Administrator; 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 of the Regulation;

Committee: in relation to a Council, means a Committee established under clause 260 of the Regulation or the Council when it has resolved itself into a Committee of the Whole;

Council: means Cootamundra-Gundagai Regional Council and where there is an Administrator, the Administrator;

Councillor: means a person elected to civic office and includes the Mayor.

Deputy Mayor: means the Deputy Mayor of Cootamundra-Gundagai Regional Council.

Note: Under section 231 (3) of the Act the Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

Employee: means an employee of Cootamundra-Gundagai Regional Council.

General Manager: means the General Manager of Cootamundra-Gundagai Regional Council or, in the absence of that person, the employee designated to act for the General Manager of Cootamundra-Gundagai Regional Council.

Mayor: means the Mayor of Cootamundra-Gundagai Regional Council

Motion: means a proposed resolution before it is adopted (ie passed or carried) by voting of the meeting.

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

Resolution: means a formal determination of a motion at a meeting. A resolution is made by a decision of Council.

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

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

- a. the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse or de facto partner;
- b. the spouse or de facto partner of the person or of a person referred to in paragraph (a). [LGA Act Dictionary]

Tabled: means a document or material physically presented to a meeting for it to be added to the records of the Council and for it to be accessible to the Councillors, press and public.

The Act: means the Local Government Act 1993.

“The Code” or “This Code” means the Code of Meeting Practice of Cootamundra-Gundagai Regional Council.

1.3 Notes in the Text

Notes in the text of the Code of Meeting Practice are explanatory notes and do not form part of the Code. They are provided to assist understanding.

PART 2 – BEFORE THE MEETING

2.1 Frequency of Meetings of the Council

1. The Council is required to meet at least 10 times each year, each time in a different month. [S.365]
2. The Council shall, generally, meet at 6.00pm on the last Tuesday of each month, alternating between Cootamundra and Gundagai with the exception of the December meeting which will be held on the 2nd Tuesday of that month.
3. If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request. [S.366]
4. The Mayor may also call an Extraordinary Meeting on his/her own determination in an emergency.
5. The General Manager may call an Extraordinary Meeting for any specific purpose.

2.2 Notice of Meetings

Notice to Councillors

1. The General Manager of the 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 the business paper in that form. [S.367]

Notice to the Public

4. 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) 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.
 - (b) The notice must specify the time and place of the meeting.
 - (c) Notice of more than one meeting may be given in the same notice.
 - (d) This clause does not apply to an Extraordinary Meeting of the Council or Committee.
 - (e) Public notice must be given of the time and place of Extraordinary Council and Committee meetings, but this does not have to be by publication in a local newspaper [S.9, Clause 232]. Public notice of an Extraordinary Meeting is to be given on Council's website

2.3 Agendas 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 Mayor (or the Deputy Mayor if acting for the Mayor) is the Chairperson — any matter or topic that the Chairperson proposes, at the time when the business paper is prepared, to put to the meeting; and
 - (c) subject to Subclause (2), any other 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 (matters likely to be considered in closed session) are included in a business paper for the meeting concerned.
 5. Nothing in this clause limits the powers of the Chairperson under Clause 243 of the Regulation (Clause 3.9 of this Code) [Clause 240].

2.4 Agenda and Business Paper for Extraordinary Meeting

1. The General Manager must ensure that the business paper for an Extraordinary Meeting of the Council deals only with the matters stated in the notice of the meeting.
2. Despite subclause (1), business may be transacted at an Extraordinary Meeting of 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 business paper for the meeting has been completed.

3. Despite clause 250 of the Regulation (Clause 3.10 of this Code), only the mover of a motion referred to in subclause (2) can speak to the motion before it is put. [Clause 242]

2.5 Order of Business

1. At a meeting of Council (other than an Extraordinary Meeting), the general order of business is (except as provided by the Regulation) as fixed by this Code of Meeting Practice.
2. The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.
3. Despite clause 250 of the Regulation [Clause 3.10 of this Code], only the mover of a motion referred to in subclause (2) may speak to the motion before it is put. [Clause 239]

4. The Order of Business for meetings of the Council shall be:
 - i. Open Forum
 - ii. Acknowledgement of Country
 - iii. Apologies
 - iv. Disclosures of Interest
 - v. Confirmation of Minutes of Previous Meeting(s)
 - vi. Mayoral Minute
 - vii. Reports from Committees
 - viii. General Manager's Report
 - ix. Motions of which Notice has been Given
 - x. Questions with Notice
 - xi. Consideration of Business in Closed Session (Confidential Matters)

2.6 Notices of Motion

1. Any Councillor may give notice of any motion for consideration by the Council by providing the proposed motion in writing to the General Manager by 3pm on the Wednesday immediately preceding the meeting.
2. When a Councillor gives notice that they intend to move a motion, they may ask that a short precis of their argument be included for publication in the business paper to give Councillors and the public some background to the argument prior to the debate occurring.

2.7 Public Access to Agendas and Business Papers

1. Council and each Committee of which all members are Councillors 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.
2. 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 clause (1) 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. [S.9]

PART 3 – AT THE MEETING

3.1 Who is Entitled to Attend Meetings?

1. Except as provided by this Part (Chapter 4, Part 1 of the Act):
 - (a) everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors, and
 - (b) 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 Committee if expelled from the meeting. [S.10]

3.2 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. [S.376]

3.3 Mode of Address

1. Councillors shall, at all times, address other Councillors by their official designation, as Mayor or Councillor, as the case may be.
2. A Councillor shall address all remarks or questions, either through or to the Chairperson.

3.4 Chairperson of Council Meetings

1. The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.
2. If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.
3. If no Chairperson is present at a meeting of a Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting. [S.369]
4. The election must be conducted:
 - (a) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
 - (b) if neither of them is present at the meeting or there is no General Manager or designated employee — by the person who called the meeting or a person acting on his or her behalf.

5. If, at an election of a Chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
6. For the purposes of subclause (5), the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
7. The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson. [Clause 236]

3.5 Chairperson to Have Precedence

1. When the Chairperson rises (or speaks) during a meeting of the Council:
 - (a) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
 - (b) every Councillor present must be silent to enable the Chairperson to be heard without interruption. [Clause 237]

3.6 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. [Clause 238]

3.7 Giving Notice of Business

1. The Council must not transact business at a meeting of the Council:
 - 5.1 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; and
 - 5.2 unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act. In the event of an Extraordinary Meeting, notice of less than 3 days may be given. [S367, Clause 241]
2. Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before, the Council; or
 - (b) is the election of a Chairperson to preside at the meeting as provided by clause 236(1) of the Regulation (Clause 3.4 of this Code); or
 - (c) is a matter or topic put to the meeting by the Chairperson in accordance with clause 243 of the Regulation (Clause 3.9 of this Code); 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 of the Regulation (Clause 3.10 of this Code), only the mover of a motion referred to in subclause (3) can speak to the motion before it is put. [Clause 241]

3.8 Open Forum

1. Open forums shall be held under the following guidelines:
 - i. Open Forums shall be held at each ordinary Council meeting.
 - ii. Members of the public are invited to address Council on any local government issue.
 - iii. Persons interested in addressing Council are to be in the meeting room 15 minutes prior to the commencement of the meeting and must convey to the General Manager their wish to address Council, and on what particular issue.
 - iv. Addresses are to be a maximum of 3 minutes in length with the total time allowed for the open forum session being 30 minutes.
 - v. Should there be more than 1 person wishing to address Council on an issue, then those persons are to nominate 1 person to represent the group.
 - vi. The Chairperson may ask staff to comment on an issue, or if investigation is required, a report to a subsequent meeting may be required.
 - vii. No motions or resolutions are to be moved during open forum time.
 - viii. The Chairperson only shall respond, however staff may be requested by the Chairperson to respond on his/her behalf.
 - ix. No written material is to be submitted during the open forum session.

3.9 Mayoral Reports

1. If the Mayor is the Chairperson at a meeting of the Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
2. Such a minute, when put to the meeting, takes precedence over all business on the Council's business paper for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
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. [Clause 243]
4. Mayoral minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the councillors before coming to a decision. [OLG Meetings Practice Note 2.7.1]

3.10 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 (5). 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. [Clause 250]

3.11 Questions may be put to Councillors and Council Employees

1. A Councillor:
 - (a) may, through the Chairperson, put a question to another Councillor; and
 - (b) may, through (the Chairperson and) the General Manager, put a question to a Council employee.
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. [Clause 249]

3.12 Voting at Council Meetings

1. Each Councillor is entitled to one vote.
2. However, the Chairperson presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote. [S.370]
3. A Councillor who is present at a meeting of a Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
4. 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.
5. The decision of the Chairperson as to the result of a vote is final, unless:
 - (a) in the case where a vote has been declared on the voices, a Councillor immediately requests a show of hands; or
 - (b) the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division.
6. When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.
7. When a planning decision is determined by Council, the Chairperson must ensure that the Planning Decision Voting Record 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 and the Planning Decision Voting Record Register.
8. Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot. [Clause 251]

3.13 Recommittal for Discussion

1. If one or more Councillors wish to re-consider a resolution passed earlier in the meeting, the Chairperson may recommit the matter for further discussion for a fixed period.
2. If, after discussion, the original resolution is no longer supported then a Notice of Motion must be put to either rescind, replace or alter it.

3.14 Length of Meeting

1. Meetings of the Council, or a Committee of the Council, shall not continue beyond 11:00 p.m. without the approval of the majority of Councillors present. A new time limit must be established before taking a vote to extend the meeting.

3.15 Webcasting of Meetings

1. The proceedings, including all debate, of all ordinary and extraordinary meetings held in the council chamber excluding those parts of the meeting which are held in confidential session or those parts of the meeting closed to the public as provided by section 10(A) of the Local Government Act 1993, shall be recorded and webcast. Council is not responsible for defamatory statements made by members of the public at a Council or Committee meeting, whether published by the Council or not.

2. Reproductions of these proceedings shall be available via Council's website up until confirmation of the minutes at a subsequent meeting.
3. Written transcriptions of such proceedings shall not be made available.

3.16 Recording of Meeting of the Council 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.[Clause 273]

* Note. The phrase "electronic device" in this Clause also includes audio, video and still camera equipment or mobile phone.

3.17 Petitions and Correspondence may be Presented to the Council

1. A Councillor may present a petition and/or correspondence to a Council or Committee Meeting.
2. The Chairperson must not permit discussion on the petition or correspondence, unless it relates to an item on the business paper.
3. Any correspondence or other documentation proposed to be tabled by a member of the public must be presented to the Chairperson who is to be responsible for deciding whether the material is to be distributed at the meeting.

3.18 Report of a Departmental Representative to be Tabled at Council Meeting

1. When a report of a Departmental representative has been presented to a meeting of the Council in accordance with section 433 of the Act, the Council must ensure that the report:
 - (a) is tabled at that meeting; and
 - (b) is subsequently available for the information of Councillors and members of the public at all reasonable times. [Clause 244]

PART 4 - CONFLICTS OF INTEREST

4.1 Pecuniary Interest

1. For the purposes of this Part (Chapter 14 of the Act), 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. [S.442]

4.2 Non-Pecuniary Interest

1. Non-pecuniary interests are private or personal interests a Councillor has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family or personal relationships or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
2. Non-pecuniary conflicts of interests must be disclosed and managed in accordance with the relevant provisions of this Code.
3. Where a non-pecuniary interest has been declared by a Councillor in a matter at a Council or Committee Meeting and that non-pecuniary conflict of interest is considered by the Councillor to be:
 - (a) significant, the Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter.
 - (b) less than significant and not requiring further action, the Councillor should provide an explanation of why he/ she believes the conflict requires no further action in the circumstances. The Councillor is therefore not required to leave the meeting and may participate in discussions and voting on the item.

4.3 Political Donations

1. If a Councillor or a Councillor's official agent has received political contributions or donations within the meaning of the Election Funding Act (1981) which directly benefit their campaign from a political or campaign donor or related entity in the previous four years and where the political or campaign donor or related entity has a matter before Council; must disclose the interest accordingly (refer Clauses 4.20 – 4.24 of the Code of Conduct and Election Funding Act 1981 s86).

4.4 Persons Who Have a Pecuniary Interest

1. For the purposes of this Part (Chapter 14 of the Act), a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - (a) the person; or
 - (b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
 - (c) a company or other body which the person, or a nominee, partner or employer of the person, is a member.
2. 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. [S.443]
3. It is the responsibility of each individual to determine whether or not he or she has a pecuniary interest and if necessary to obtain legal advice. It is not the role of the Chairperson or the General Manager to rule on any question of pecuniary interest.

4.5 Interests that Do Not Have to be Disclosed

1. The following interests do not have to be disclosed for the purposes of this Part (Chapter 14 of the Act):
- (a) an interest as an elector,
 - (b) an interest as a ratepayer or a 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) with whom the person is associated 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 persons company or body referred to in Section 443(1)(b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
 - (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
 - (i) an interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the Committee) of the association or is a partner of the partnership,
 - (j) an interest of a person arising from the making by the Council of a contract or agreement

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

- i) the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation,
- ii) security for damage to footpaths or roads,
- iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council or by or under any contract,
- (k) an interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council Committee,
- (p) an interest arising from appointment of a Councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate. (S.448)

4.6 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 the 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.
4. Subsections (1) and (2) do not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:
 - (a) the matter is a proposal relating to:
 - i. the making of a principal environmental planning instrument applying to the whole or a significant part of the Council's area, or
 - ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the Council's area, and
 - (b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's

principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person’s principal place of residence, and

- (c) the Councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.
5. The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and must:
 - (a) be in the form prescribed by the regulations, and
 - (b) contain the information required by the regulations. [S.451]
 6. A person does not breach this clause 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.[S.457]
 7. Section 458 of the Act provides that the Minister may, in certain circumstances allow a Councillor or a member of a Council Committee who has a pecuniary interest to take part in the consideration or discussion of a matter or vote on a matter.
 8. Disclosures made at the meeting should be stated and acted upon as follows:

Disclosure	What to say	Action to take
Pecuniary Interest	I declare a pecuniary interest in Item XX, due to (detail reason of the conflict)	<i>Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)</i> Code of Meeting Practice CI 3.5(2)
Significant, non-pecuniary interest	I declare a significant, non-pecuniary interest in Item XX, due to (detail reason of the conflict)	<i>Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter</i> Code of Meeting Practice CI 3.2(3)(a)
Less than significant non-pecuniary interest	I declare a less than significant, non-pecuniary interest in Item XX due to (detail reason of the conflict and explanation of why the conflict requires no further action)	<i>No action needed, Councillor can remain at the meeting, partake in discussions and vote on the matter.</i> Code of Meeting Practice CI 3.2(3)(b)

4.7 Disclosures to be Recorded

1. A disclosure made at a meeting of a Council or Council Committee must be recorded in the minutes of the meeting. [S.453]

4.8 General Disclosures

1. A General notice given to the General Manager in writing by a Councillor or a member of a Council Committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is:
 - (a) a member, or in the employment, of a specified company or other body; or
 - (b) a partner, or in the employment, of a specified person,

is, unless, and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council Committee after the date of the notice.[S454]

4.9 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. (S.456)

PART 5 – QUORUM AND ATTENDANCE

5.3 Presence at Council Meetings

1. A Councillor cannot participate in a meeting of a Council unless personally present at the meeting. [Clause 235]

5.4 Quorum

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. [S.368]
2. Where apologies have been received for a majority of Councillors, the meeting will immediately be adjourned to a date and time to be specified by the Chairperson.
3. A meeting of the Council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting; or
 - (b) at any time during the meeting.
4. 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.
5. 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. [Clause 233]

PART 6 – MOTIONS AND AMENDMENTS

6.1 Notice of Motion - Absence of Mover

1. 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. [Clause 245]

6.2 Motions to be Seconded

1. A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5) of the Regulation (Clauses 3.9 and 3.10 of this Code respectively) [Clause 246]
2. Providing there is no objection from any Councillor present, any motion may be put to the vote without discussion or debate.

6.3 How Subsequent Amendments may be Moved

1. If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time. [Clause 247]
2. If, during discussion, one motion and one amendment are already before the Council, any further amendments can only be foreshadowed and cannot be considered by the Council until the amendment before the Council has been determined.
3. When the vote on the amendment has been taken, debate is resumed on the motion either in the original form (if the amendment was rejected) or in the amended form (if the amendment was carried).

6.4 Procedural Motions

1. A procedural motion is a motion that refers to the conduct of a meeting and has precedence over substantive motions.
2. In general, a procedural motion requires a seconder and there is no debate on the item, unless specified in this Code.
3. Examples of procedural motions under the Act and Regulation are shown on the following table:-

Motion	Moved without Notice	Requires Secunder	Speakers/ Debate Permitted	Right of Reply
(i) Change the Order of Business	Yes	Yes	Mover of motion only	No
(ii) Business without Notice (matter of urgency)	Yes	Yes	Mover of motion only	No
(iii) Dissent from Chairperson's ruling on Point of Order)	Yes	Yes	Mover & Chairperson only may speak.	No

(iv) Adjournment of Meeting	Yes	Yes	No debate permitted	No
(v) Limitation to number of speakers (questions be now put)	Yes – after at least 2 speakers have spoken in favour of motion or amendment and at least 2 against motion or amendment.	No	No debate permitted. Question must be put immediately	No
(vi) Deferment of a Matter	Yes	Yes	Yes	Yes

6.5 Motions of Adjournment

1. Debate shall not be permitted on any motion of adjournment of a meeting of the Council.
2. If a motion for adjournment is lost, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being lost.
3. A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified.
4. If the meeting is adjourned to another day any decisions of Council prior to the adjournment of the meeting are to be acted upon by Council officers. The outstanding matters are to be resubmitted to the adjourned meeting for determination. Any new business brought to an adjourned meeting is not to be considered until the matters from the adjourned meeting are dealt with.

PART 7 – RESCISSION MOTIONS

7.1 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 of the Act and this Code.
2. If it is proposed to move a further motion in the event that a rescission motion is carried the required notice also should be given of the proposed further motion.
3. If Notice of Motion to rescind a resolution is given:
 - (a) at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with; or
 - (b) at any time after the close of the meeting at which the resolution is carried, no further action to carry the resolution into effect is to be taken after receipt of the notice of motion to rescind until that motion of rescission has been dealt with.
4. If the resolution has already been put into effect, the Rescission Motion must be rejected by the General Manager, unless it is a resolution capable of rescission. Where a notice of rescission is rejected by the General Manager, this will be reported to the next Council meeting.
5. If a motion has been negatived by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.
6. A Notice of Motion to alter or rescind a resolution, and a Notice of Motion which has the same effect as a motion which has been negatived 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 negatived, as the case may be.
7. If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
8. 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 Council. [S.372]
9. The provisions of this section concerning negatived motions do not apply to motions of adjournment.
10. A Notice of Motion to alter or rescind a resolution can be dealt with at the meeting at which it was received but only in accordance with clause 3.7 of this Code.

Note:

The existing resolution should first be formally rescinded. If, however, due to the passage of time or other reason, an inconsistent resolution is passed, the original resolution becomes void to the extent of the inconsistency. This is called rescission by implication or rescission by inference.

Section 372 of the Local Government Act contains two time restrictions on the lodging of rescission motions. The first, in Section 372(1), requires notice of a rescission motion to be duly given in accordance with the Council's Code of Meeting Practice. The Second restriction, in Section 372(5), prohibits a similar motion being brought forward within three months after a rescission motion has been negated.

In regard to the rescission of building and development approvals, there are provisions in both the Local Government Act and the Environmental Planning and Assessment Act to indicate that approvals have effect from the date of the written notification. It would be possible for a Council to rescind a resolution giving an approval if the applicant for the approval has not been formally advised of the approval. Once the applicant has been formally advised, the appropriate action (instead of rescission) would be to consider revocation or modification of the approval. If this occurs, there may be an entitlement to compensation from the Council.

A motion to recommit an agenda item previously considered during a Council or Committee meeting will not require a rescission motion.

PART 8 – CLOSED MEETINGS

8.1 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.
 - (i) Alleged contraventions of any code of conduct requirements applicable under section 440.
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. [S.10A]

8.2 Further Limitations to Closure of Parts of Meetings

1. A meeting is not to remain closed during the discussion of anything referred to in section 10A(2) of the Act:
 - (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) of the Act 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) of the Act), 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) of the Act).
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 Director-General. [S.10B]

Note: The provisions of sections 10A and 10B of the Act are summarised as follows.

Matter - Section 10A	Restrictions - Section 10B
(2)(a) personnel matters concerning particular individuals	
(2)(b) personal hardship of any resident or ratepayer	
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(d) commercial information of a confidential nature that would, if disclosed: <ul style="list-style-type: none"> (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of Council, or (iii) reveal a trade secret 	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest (except for trade secrets)
(2)(e) information that would, if disclosed, prejudice the maintenance of law	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(f) matters affecting the security of the Council, Councillors, Council staff or Council property	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest (2) advice must concern legal matters that: <ul style="list-style-type: none"> (a) are substantial issues relating to a matter in which the Council is involved

Matter - Section 10A	Restrictions - Section 10B
	(b) are clearly identified in the advice, and (c) are fully discussed in that advice
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(3) so much of its meeting as comprises a motion to close another part of the meeting	(3) must not include any consideration of the matter or information to be discussed

8.3 Grounds for Closing Part of a 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) of the Act
 - (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. [S.10D]

8.4 Notice of Likelihood of Closure Not Required in Urgent Cases

1. 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) of the Act, and
 - (b) the Council or Committee, after considering any representations made under section 10A(4) of the Act, 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. [S.10C]

8.5 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. [Clause 252]
2. The fixed period shall be the period between when the “closure motion” is moved and seconded and when the Chairperson declares the result of the voting on the motion.

8.6 Resolutions Passed at Closed Meetings to be Made Public

1. 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. [Clause 253]

PART 9 – ORDER AT MEETINGS

9.1 Acts of Disorder

1. A Councillor or member of the public commits an act of disorder if, at a meeting of a Council or a Committee of a Council, he or she:
 - (a) contravenes the Act or any regulation in force under the Act, or
 - (b) assaults or threatens to assault another 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 person, 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 person:
 - (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. [Clause 256]

4. A Councillor expelled from a meeting in accordance with Clause 256(3) of the Regulation shall leave the Chamber for the duration of the meeting.

5. The expulsion of a Councillor shall be recorded in the minutes of the meeting.

Note. The Chairperson may issue warnings to Councillors and the Public for Acts of Disorder. The Chairperson may warn any Councillor who:

- (a) interrupts a speaker except upon a point of order;
- (b) interrupts the Chairperson except on a point of dissent;
- (c) refuses to accept a ruling from the Chairperson.

These warnings will be recorded in the Minutes of the meeting. Any Councillor who is warned by the Chairperson three times in one meeting for disorder and fails to apologise for the disorder if requested to by the Chairperson may be expelled from the meeting for the evening by resolution of Council in accordance with clauses 255 and 256 of the Regulation.

9.2 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, by raising a 'point of order'.
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. [Clause 255]
5. Any ruling of the Chairperson on a point of order will be recorded in the minutes of the meeting.

9.3 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. [Clause 257]

9.4 Power to Remove Persons from Meeting After Expulsion Resolution

1. 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. [Clause 258]

9.5 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 carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the business paper and proceed with it in due course.
3. Despite Clause 250, (Clause 3.10 of this Code) only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply. [Clause 248]

PART 10 – COUNCIL COMMITTEES

10.1 Committee of the Whole

1. The Council may resolve itself into a Committee to consider any matter before the Council. [S.373]
2. All the provisions of this Code and Regulation relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provisions:
 - (a) limiting the number and duration of speeches
 - (b) requiring Councillors to stand when speaking.
3. The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
4. The Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed. [Clause 259]

10.2 Council May Establish Committees

1. The Council may, by resolution, establish such Committees as it considers necessary.
2. The 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 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. [Clause 260]

10.3 Functions of Committees

1. The Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions. [Clause 261]

10.4 Notice of Committee Meetings to be Given

1. The General Manager of the Council must send to each Councillor, at least 3 days before each meeting of the Committee, a notice specifying:
 - (a) the time and place at which and the date on which the meeting is to be held; and
 - (b) the business proposed to be transacted at the meeting.
2. However, notice of less than 3 days may be given of a Committee meeting called in an emergency. [Clause 262]

10.5 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 business paper for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting. [Clause 263]
 - (d) to take points of Order

10.6 Committee Members other than Councillors

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

10.7 Representations by Members of the Public – Closure of Part of Committee 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. [Clause 252]
2. The fixed period shall be the period between when the "closure motion" is moved and seconded and when the Chairperson declares the result of the voting on the motion

10.8 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 is to be by open means (such as on the voices or by show of hands). [Clause 265]
4. In the absence of specific procedures for any Committee being adopted, the general provisions of this Code apply to meetings of the Committee.

10.9 Committee Interviews

1. Any person with an interest in a matter before a Committee will be given the opportunity to make a presentation to the Committee.
2. All requests should be referred to the Committee Secretary who will liaise with the Chairperson and the applicant and make the necessary arrangements prior to the meeting.
3. The Chairperson will allow opposing views on the same issue to be put to the Committee without interruption.
4. As far as possible individuals with the same view should be encouraged to appoint a spokesperson to speak on their behalf.
5. All presenters are expected to answer questions put to them by Committee Members and the

Chairperson will not permit parties with opposing views to question each other.

10.10 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. Where a motion has been carried on the casting vote of the Chairperson, the Minutes will indicate accordingly.
3. 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. [Clause 266]

10.11 Chairperson and Deputy Chairperson of Committees

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 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. [Clause 267]

10.12 Absence from Committee Meetings

1. A member (other than the Mayor) ceases to be a member of a Committee if the member:
 - (a) has been absent from 3 consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
 - (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

2. Subclause (1) does not apply if all of the members of the Council are members of the Committee. [Clause 268]

Note: The expression **year** means the period beginning 1 July and ending the following 30 June.

10.13 Reports of Committees

1. Reports are to be kept and presented to Council for all meetings of Committees. Divisions are not recorded (in Committee reports other than for items relating to development matters and Committees of the Whole) but Councillors may request that their names be recorded as opposing the motion. See also clause 3.12 for recording of other divisions.
2. 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.
3. The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.
4. 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. [Clause 269]

10.14 Disorder in Committee Meetings

1. The provisions of the Act and of the Regulation relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council. [Clause 270]

10.15 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 10(A) 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. [Clause 271]

PART 11 – AFTER THE MEETING

11.1 Decisions of the Council

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

11.2 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 tabled 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 tabled 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) of the Act are to be treated as confidential. [S.11]

11.3 Certain Circumstances Do Not Invalidate Council Decisions

1. 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. [S.374]

PART 12 – MINUTES

12.1 Minutes of the Meeting

1. The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council and its Committees.
2. The minutes must, when they have been confirmed at a subsequent meeting of the Council or Committees of Council, be signed by the person presiding at the subsequent meeting. [S.375]
3. Recording full and accurate minutes of the proceedings of Council includes recording the mover and seconder of motions.

12.2 Confirmation of Minutes

1. The minutes of a meeting are “unconfirmed” until they are submitted for confirmation at a subsequent meeting. The minutes can be amended in terms of their accuracy by Council resolution at the meeting prior to their confirmation.

12.3 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 supervisor 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. [Clause 272]

Note: **Government Information (Public Access) legislation and regulations** confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of a Council or Committee of a Council.

PART 13 – CODE OF MEETING PRACTICE

13.1 Amendment of this Code

1. This Code may be amended only in accordance with the provisions of Chapter 12 Part 2 Division 1 of the Act.
2. Changes that are made to Act and Regulation will automatically be incorporated into this Code and such changes will not be advertised or reported to Council unless they are significant. Revised copies will be distributed to Councillors and placed on the website whenever changes are made.



**COOTAMUNDRA-
GUNDAGAI** REGIONAL
COUNCIL

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