

Code of Meeting Practice

Pursuant to s.360(2) Local Government Act

As at 4 August 2009



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PREAMBLE

This Code is made under the Local Government Act 1993 and in accordance with the Local Government (General) Regulation 2005.

The object of this Code is to provide for the convening and orderly conduct of meetings of Strathfield Municipal Council and of the Committees of Council. The provisions of this Code are based on the Local Government Act, the Local Government (General) Regulation and the practices adopted by this Council (to the extent that they are not inconsistent with the Act or Regulation).

Council and all Committees of Council of which all members are Councillors, must conduct their meetings in accordance with this Code (Local Government Act Section 360 (3)).

This Code shall be automatically amended from time to time to accord with any changes to the Local Government Act and the Local Government (General) Regulation. These changes do not require public notification under sections 361 to 363 of the Act.

Any amendment to the additional provisions in its Meeting Code will require public notification.

Protocols

Councillors are reminded of the long standing convention that, during a meeting, the Chairperson is acknowledged on entering or leaving the Chamber for any reason.

Part 1 - Introduction

i. TITLE

This Code is titled the "*Strathfield Council Code of Meeting Practice*". This Code is made under s.360(2) of the Local Government Act 1993 and in accordance with the Local Government (General) Regulation 2005.

ii. AMENDMENT TO THE CODE

This Code shall be automatically amended from time to time to accord with any changes to the Local Government Act and the Local Government (General) Regulation. These changes do not require public notification under sections 361 to 363 of the Act.

Any amendment to the additional provisions in this Code will require public notification.

iii. DEFINITIONS

In this Code, the following definitions apply:

Act	means the Local Government Act 1993 unless specified
Amendment	in relation to the 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 (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 Local Government (General) Regulation 2005
Charter	in relation to the functioning of Committees established by Council, means a document setting out the purpose, membership, objectives and life of such a Committee.
Committee	in relation to Council, means a Committee established by Council in accordance with clause 260 of the Local Government (General) Regulation 2005.
Confidential Session	a meeting of Council or a Committee from which the media and the public has been excluded by a resolution carried in accordance with section 10(A) of the Act.
Council	means Strathfield Municipal Council
Council Chamber	for the purposes of this Code:

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	<ul style="list-style-type: none"> • A Councillor expelled, in accordance with section 10(2) of the Act, from a meeting, is the meeting room as defined in this clause, and includes the public gallery. • Another person expelled, in accordance with section 10(2) of the Act, from a meeting is the meeting room as defined in this clause, and includes the public gallery, the foyer areas on the ground floor and the first floor immediately adjacent to the meeting room and any room adjacent to the foyer areas. • For the purpose of sound or vision recording or televising the meeting room as defined in this clause, and includes the public gallery, the foyer areas on the ground floor and the first floor immediately adjacent to the meeting room and any room adjacent to the foyer areas.
Councillor	Includes a member of the governing body of Council
Deputy Mayor	<p>1) The Councillors may elect a person from among their number to be Deputy Mayor for the Mayoral term or a shorter term. (Section 231 of the Act)</p> <p>2) 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 the Mayor. (Section 231(3) of the Act)</p> <p>3) The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected. (Section 231(4) of the Act)</p>
General Manager	is the General Manager of Strathfield Municipal Council
Mayor	<p>The role of the Mayor (s. 226 of the Act) is:</p> <ul style="list-style-type: none"> • To exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council • To exercise such other functions of the Council as the Council determines • To preside at meetings of the Council • To carry out the civic and ceremonial functions of the mayoral office

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Misbehaviour	for the purposes of Local Government (General) Regulation means, any of the following: (a) a contravention by the Councillor of the Act or the regulations, (b) a failure by the Councillor to comply with an applicable requirement of a code of conduct as required under section 440(5) of the Act, (c) an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council, but does not include a contravention of the disclosure requirements.
Original motion	means the motion before the meeting at the time.
Quorum	In accordance with s.368 of the Act: <ul style="list-style-type: none">• for a meeting of Council and for any Extraordinary meetings of the Council, shall be a majority of the Councillors of Council who hold office for the time being and who are not suspended from office.• for a meeting of any Committee established by the Council under Clause 46 of this Code will be the number provided in the resolution of Council establishing that Committee.
Record	means a document including any written or printed material or object (including a sound recording, coded storage device, magnetic tape, compact or floppy disc, microfilm, photograph, film, map, plan or model of 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 Council and, in particular, includes the minutes of meetings of Council or of a Committee of Council.
Regulation	means the Local Government (General) Regulation 2005.
Urgency	in respect of motions, means a matter which calls for immediate action or attention which cannot be dealt with at a subsequent scheduled meeting of the Council.

iv. REFERENCES TO ACT AND REGULATION

The sections and clauses referred to in brackets after various paragraphs refer to sections of the Local Government Act, 1993 and clauses of the Local Government (General) Regulation 2005.

Part 2 – Convening of Council Meetings and Committees

1. FREQUENCY OF MEETINGS

Section 365

The Council is required to meet at least 10 times each year, each time in a different month.

2. LOCATION OF MEETINGS

Council Minute - 369/94

Meetings shall be held in the Council Chambers or in another location as determined by Council.

3. MEETING COMMENCEMENT TIME

Council Minute – 205/05 and Council Minute - 175/09 and 298/09

Ordinary Meetings of the Council will be held at 7.00pm on the first (1st) Tuesday of each month.

Planning Committee Meetings will be held at 6.00pm where scheduled.

Council Minute - 86/96

If it is not practicable to complete matters included on the meeting agenda, presentations or briefings etc may commence no earlier than 5.30pm.

4. FINISHING TIME

Council Minute - 492/96 and Council Minutes 175/09

- (1) The finishing time of Council and its Committees be 10.30pm but may be extended to 11.00pm by Council or its Committees if so approved.
- (2) Those matters not considered at all meetings be considered at the next Council meeting.
- (3) An Extraordinary Meeting may be called to consider any outstanding business. (Clause 6 of this Code)
- (4) If a meeting of the Council or Committee is adjourned prior to the finishing time the Council or Committee meeting is to be reconvened at a time, place and date determined by the Chairperson prior to the finishing time of the meeting. If a time, place and date is not determined prior to the close of the meeting, outstanding business will be considered in accordance with (2) (3) and/or (4) above.

5. NOTICE OF MEETING

Section 367 and Clause 232

- (1) The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the Council or Committee, 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.

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- (2) A notice of meeting of Council or of Council committee must be published in a newspaper circulating in Strathfield Municipality before the meeting takes place, specifying the time and place of meeting. This does not apply to extraordinary meeting of council or committee.
- (3) Notice of less than 3 days may be given of a extraordinary meeting called in an emergency.
- (4) 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.

Section 374 (3)

Proceedings at a meeting of Council or a Committee are not invalidated because of a failure to give notice of the meeting to any Councillor or Committee member.

6. CALLING OF EXTRAORDINARY MEETING

Section 366

- (1) If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request.

Council Minute 90/98

- (2) If the Mayor refuses or delays to call an Extraordinary Meeting after receiving a request signed by at least two Councillors, such Councillors may, in writing, request the General Manager to call such meeting. The General Manager shall call such meeting as soon as is practicable.
- (3) The Mayor or the General Manager (for matters relating to the administration of the Council) may call an Extraordinary meeting on any matter or matters considered necessary.

7. PUBLIC NOTIFICATION

Section 9

- (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.

Clause 232

- (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.

8. WHO IS ENTITLED TO ATTEND MEETINGS/CLOSURE TO PUBLIC

Section 10

- 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.

Section 10A

- (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,
 - (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.

Section 10B

- (1) A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (g) unless the advice concerns legal matters that:
 - (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A (3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A (2)).
- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee .

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

- (5) In deciding whether 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.

Section 10C

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.

Section 10D

- (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.

8A. REPRESENTATIONS BY MEMBERS OF THE PUBLIC - CLOSURE OF PART OF MEETING

Clause 252

- (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.

Council Minute 190/98

The fixed period of time referred to in subclause 1 shall be 5 minutes.

8B. RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC

Clause 253

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.

9. TAPE RECORDING OF MEETING OF COUNCIL OR COMMITTEE PROHIBITED WITHOUT PERMISSION

Clause 273

- (1) A person may use a tape recorder to record the proceedings of a meeting of a Council or 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 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.

10. ORDER OF BUSINESS - ORDINARY MEETINGS

Clause 239 and Council minutes 175/09

At a meeting of a Council (other than an extraordinary meeting), the general order of business is fixed by the Council's Code of Meeting practice or as fixed by resolution of the Council.

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.

Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

Delegated Decision 30.1.02 File 688 (Amended by Council Minute 175/09)

- (1) For all ordinary meetings of Council except the meeting held in September each year for the election of Mayor by the Councillors, the general order of business shall be:

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1. Prayer
2. Declarations of Pecuniary Interest/Conflict of
3. Confirmation of Minutes
4. Apologies
5. Matters DEFERRED/OUTSTANDING from previous meeting
6. Building and Development Matters
7. Mayoral Minute(s)
8. Councillor's Questions to the Mayor
9. Report(s) from Committee(s)
10. Motions Pursuant to Notice
11. General Business
12. Matters of Urgency
13. Closed Session

Council Minute PB.31/96

Priority will be given to considering reports on matters where there has been a written request to address Council in accordance with Council's policy and these matters will be dealt with in numerical order.

The remaining matters will be dealt with in numerical order after completion of those matters where there has been requests to address Council.

Where there are exceptional circumstances, the Council may by resolution agree to vary these procedures based on the merits in each particular case.

11. APOLOGIES FOR NON-ATTENDANCE BY COUNCILLORS

Where possible a Councillor shall submit an apology for non-attendance at any Council or Committee meeting

11A. PRESENCE AT COUNCIL MEETINGS

Clause 235

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

12. LEAVE OF ABSENCE BY COUNCILLORS

Section 234(d)

A civic office becomes vacant if the holder is absent from 3 consecutive ordinary meetings of the council (unless the holder is absent because he or she has been suspended from office under section 482) without either prior leave of the council or leave granted by the council at any of the meetings concerned.

Clause 235(A)

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

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 two (2) days' notice of his or her intention to attend.

13. DISCLOSURE OF PECUNIARY INTERESTS AT MEETINGS

Section 451

- (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 interest to the meeting as soon as practicable.
- (2) The Councillor or member must not take part in the consideration or discussion of the matter.
- (3) The Councillor or member must not vote on any question relating to the matter.

Section 453

- (4) A disclosure made at a meeting of Council must be recorded in the Minutes of the Meeting.

Section 454

A disclosure must be made 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.

14. DISCLOSURE AND MISUSE OF INFORMATION

Section 664

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or

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- (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the *Ombudsman Act 1974* or the *Freedom of Information Act 1989*, or
 - (e) with other lawful excuse.
- (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a Councillor of the council) information with respect to the discussion at, or the business of, the meeting.
- (1B) Subsection (1A) does not apply to:
- (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)–(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known but if generally known might reasonably be expected to affect materially the market value or price of any land, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
- (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units.

Clause 45

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

15. WHAT CONSTITUTES A DECISION OF THE COUNCIL?

Section 371

COUNCIL MEETINGS AND COMMITTEES

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.

16. MODE OF ADDRESSING COUNCIL

A Councillor shall on all occasions when in the council, address and speak of other Councillors by their official designations, as Mayor, Chairperson or Councillor, as the case may be; and, with the exception of the Chairperson, shall (except when prevented by disability or bodily infirmity) rise in his/her place and stand while speaking.

17. PUBLIC ADDRESSING COUNCIL OR COMMITTEE MEETINGS

Council Minute - 175/09

- (1) A member of the public may be granted leave to address a meeting of the Council or Committee where such a request is received by the General Manager, or the Mayor, or Chairperson of the Committee in writing prior to 4.30 pm on the night of the meeting.
- (2) Notwithstanding (1):
 - a) Speakers are limited to a maximum of four (4). Two (2) for and two (2) against however Council or the Committee may increase this number if it sees fit. Speakers have a time limit of 5 minutes each.
 - b) An extension of the 5 minute speaking time will only be made by adoption of a formal motion to that effect.
 - c) Members of the public addressing Council or Committee meetings shall speak alternately commencing with an objector to the matter followed by a supporter and so on.
 - d) Speakers to only address Council immediately prior to Councillors debating the issue.
 - e) Each speaker is allowed to address an item only once in the course of the meeting
 - f) Comments of speakers are taped.
 - g) Speakers are not permitted to ask questions Councillors or staff
 - h) Speakers are not to make personal comments concerning Councillors, Staff or other members of the public or commit any of the acts of disorder referred to in Clause 42 of this Code, or otherwise engage in disorderly conduct at a meeting.
 - i) If in the opinion of the Chairperson a speaker breaches this Code, the Chairperson may interrupt the speaker, request that the offending comments be withdrawn and that the speaker apologise unreservedly. The Chairperson may deny the speaker the opportunity of further address, and may expel the speaker from the meeting pursuant to Clause 43 of this Code.
- (3) Leave will not be granted for the public to address Council in respect of rescission or other procedural motions.

18. CERTAIN CIRCUMSTANCES DO NOT INVALIDATE COUNCIL DECISIONS

Section 374

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 at a Council or Committee meeting in accordance with section 451; or
- (e) of a failure to comply with the code of meeting practice

19. ATTENDANCE OF GENERAL MANAGER AT MEETINGS

Section 376

- (a) The General Manager is entitled to attend but not to vote at, meeting of the Council or a meeting of a committee of the Council of which all the members are Councillors.
- (b) 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.
- (c) 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 of the terms of the employment of the General Manager

20. PUBLIC ACCESS TO CORRESPONDENCE AND REPORTS

Section 11

- (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.

Part 3: Chairperson

21. CHAIRPERSON

Section 369

- (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 (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

Clause 236

- (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
- (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.

22. CHAIRPERSON TO HAVE PRECEDENCE

Clause 237

When the Chairperson rises during a meeting of Council (or Committee):

- (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

23. CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS

Clause 238

- (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.

Part 4: Quorum

24. QUORUM FOR A MEETING

Section 368

Business shall not be transacted at a meeting of Council unless a quorum, that is to say a majority of Councillors, is present.

The quorum for a meeting of the Council is a majority of the Councillors of the Council or Committee who hold office for a time being and are not suspended from office.

Clause 233

- (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 a 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.

Part 5: Agenda

25. AGENDA AND BUSINESS PAPERS FOR COUNCIL MEETINGS

Clause 240 and Council Minute 175/09

- (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 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.

Section 9

- (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.

AGENDA

(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.

Council Minute 505/93

The following procedure is to be observed in relation to the distribution of agendas:

- i. Agendas with confidential items included are to be distributed with notice of the meeting to the place of residence of each Councillor no later than Friday evening prior to the Ordinary or Committee meeting.
- ii. Agendas with confidential items included are to be distributed to all Department Heads and such other senior staff as determined by the General Manager.

Council Minute 175/09

- iii. The Agenda will be made to the public 3 days prior to Council or Committee meetings at Strathfield Council Customer Service Centre, Strathfield Library and Council's website (<http://www.strathfield.nsw.gov.au>). Councillors will have the right to provide copies of any part to any person subject only to confidentiality provisions.

25A. GIVING NOTICE OF BUSINESS

Clause 241 and Council Minute 175/09

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 as is fixed by resolution of the Council.
 - (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.

AGENDA

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

26. AGENDA FOR EXTRAORDINARY MEETING

Clause 242

- (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 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.

Part 6: Motions/Resolutions

27. NOTICES OF MOTION

Council Minute - 175/09

- (1) Notices of Motion from Councillors must be lodged with the General Manager of his/her nominee by no later than close of business one week prior to the meeting (eg close of business Tuesday prior to Tuesday meeting).

Council Minute - 90/98

- (2) All Notices of Motion shall be dated and numbered as received and shall be entered by the General Manager upon the business paper in the order in which they are received. Except by permission of Council, all such Notices of Motion will be taken and considered in the order in which they appear on the business paper

28. NOTICE OF MOTION - ABSENCE OF MOVER

Clause 245

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.

29. MOTIONS TO BE SECONDED

Clause 246

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 Local Government (General) Regulation 2005.

Clause 243(2)

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

Clause 250(5)

MOTIONS/RESOLUTIONS

- (5) The chairperson must immediately put to the vote a motion that the motion or amendment be now put without the motion being seconded and without debate.

29A. DEALING WITH MOTIONS

Council Minute 90/98

- (1) For each item of business the Chairperson shall, if not moving a motion from the Chair, invite a motion from the meeting. At the conclusion of any remarks by the mover, the Chairperson will ask for the motion to be seconded.
- (2) A Councillor seconding a motion may reserve the right to speak later in the debate. (Note: The right to speak may be lost if the Councillor moving the motion exercises the right of reply).
- (3) When a motion has been moved and seconded, the Chairperson may ask "Is there any objection to the motion before Council?" If no objection is signified, the Chairperson may declare the motion "carried" without any further delay, whereupon the meeting will proceed to the next item of business. If objection is signified, debate will proceed in accordance with this Code.

(Note: the indication of objection shall not constitute a speech for the purpose of this Code)

30. HOW SUBSEQUENT AMENDMENTS MAY BE MOVED

Clause 247

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

31. MOTIONS OF DISSENT

Clause 248

- (1) A Councillor can without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite Clause 250 of the Local Government (General) Regulation 2005, 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.

32. RESCINDING OR ALTERING RESOLUTIONS OF THE COUNCIL

Section 372

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

Council Minute 90/98

- (8) Unless otherwise resolved by Council a rescission motion will be dealt with at the first available Ordinary Meeting after receipt. (Note: This does not preclude an Extraordinary Meeting being called in accordance with Clause 6 of this Code.)
- (9) Rescission motions in respect of rezoning, development, subdivision and building matters must be duly signed and delivered to the General Manager no later than 12 noon on the day following the meeting at which the decision was made. Any rescission motion delivered after this time will be ruled out of order.
- (10) Rescission motions in respect of rezoning, development, subdivision and building matters will be dealt with as soon as possible, generally within one week of receipt, as follows:
 - (a) for matters arising from a meeting of the Planning Committee, at the next ordinary meeting of Council
 - (b) for motions arising from an ordinary or extraordinary meeting of Council, at an extraordinary meeting of the Council called for that purpose and held in conjunction with the next available meeting of Council's Planning Committee

A notice of rescission may be accompanied by a qualified motion outlining any alternative proposal.

33. RE-COMMITTED RESOLUTION

Council Minute 369/94

If a Councillor moves to have a matter re-committed prior to the next matter being dealt with, the Chairperson shall put such motion to the meeting.

34. BUSINESS WITHOUT NOTICE

Clause 241(3)

Despite subclause (1) of Clause 13, 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 a great urgency.

Such Motion can be moved without Notice.

34A. RESOLUTIONS CONTRARY TO MANAGEMENT PLAN

Council Minute 479/96

- (1) A copy of the most recent version of the Strathfield Municipal Council Management Plan shall be permanently placed on the Council table during Council and Committee meetings.
- (2) Resolutions of the Council which are contrary to or vary from the Strathfield Municipal Management Plan (particularly resolutions with respect to the voting of funds) must specify the reason(s) for the variation and the source of funding.

Part 7: Speeches

35. LIMITATION AND DURATION OF SPEECHES

Clause 250

- (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.

Council Minute 90/98

- (8) The mover of an amendment is not entitled to the right of reply.
- (9) If a motion moved under subclause (4) is carried no further changes are to be made to the motion or amendment before the Chair. Clarification is to be limited to the terms of the motion or amendment before the Chair.
- (10) A motion moved under subclause (4) may not be moved while another Councillor is speaking.

A warning will be given when 4 minutes have elapsed.

Council Minute 88/96, 89/96

A 5 minute clock/timer will be featured prominently in the Council Chamber indicating to Councillors, staff and members of the public the progress of time taken in addressing Councillors and the time taken by Councillors in debate.

An extension of 5 minute speaking time will only be made by adoption of a formal motion to that effect.

36. INTERRUPTION OF SPEAKER

Council Minute 369/94

A speaker shall not be interrupted except on a point of order.

Part 8: VOTING

37. VOTING ENTITLEMENTS OF COUNCILLORS

Section 370

- (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.

For the purposes of this section a meeting of the Council includes committees meeting as Committee of the Whole (Clause 259 Local Government (General) Regulation 2005)

If, when a matter is put to the vote the decision is not conclusive, a show of hands may be immediately called for to clarify the position.

38. VOTING

Clause 251

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

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

Part 9: Minutes

39. MINUTES OF MEETINGS

Section 375

- (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 the subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

Clause 254 (Council Meetings)

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

Clause 266 (Committee Meetings)

- (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.

Council Minute 90/98

To assist in assuring the accuracy of the minutes the proceedings of all meetings are taped and the tapes are destroyed following the expiration of 3 months.

Council Minute 190/98

The voting result (ie those voting for and against each item) will be recorded in the minutes of Council and Committee meetings.

Note: The method by which the voting result is recorded shall be as follows:

Upon the Chairperson putting a matter to the vote those Councillors voting in favour of the matter shall raise their hands and the Chairperson shall declare the names of those Councillors voting in favour of the matter which will be recorded in the Minutes. All other Councillors present shall be recorded as having voted against the matter. Where all

MINUTES

Councillors present vote in favour of a matter it shall be recorded that the matter was carried unanimously.

Clause 272

- 1) An inspection of the minutes of a Council or Committee 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 inspection of those minutes.
- 2) The General Manager must ensure that the minutes 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.

40. MAYORAL MINUTES

Clause 243

- (1) If the Mayor is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting 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 by the Chairperson (being the Mayor) or in a report by a Council employee is, so far as adopted by the Council, a resolution of the Council.

Part 10: Order at Meetings

41. QUESTIONS OF ORDER

Clause 255

- (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.

Council Minute 90/98

- (5) Upon a Point of Order being raised, the Councillor speaking shall resume his/her seat, until the question of order is dealt with.

Clause 270

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

42. ACTS OF DISORDER

Clause 256

- 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 a 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 Council or Committee into contempt.

ORDER AT MEETINGS

- (2) The Chairperson may require a Councillor:
 - a) to apologise without reservation for an act of disorder referred to in 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)
- (1) 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 other action from being taken against the Councillor for the act of disorder concerned.

Council Minute 90/98

- (4) The Chairperson may conclude that a Councillor commits an act of disorder pursuant to subclause (1) (e) if the Councillor
 - (i) insults or makes personal reflections on or imputes improper motives to any member of staff or member of the public
 - (ii) repeatedly ignores a request by the Chairperson to resume his/her seat
 - (iii) brings up matters which are irrelevant to the item being debated, of a superfluous nature, or engages in tedious repetition
 - (iv) converses aloud, or makes any noise or disturbance whilst any Councillor is speaking
 - (v) constantly raises points of order which in the opinion of the Chairperson, have no real substance.

43. HOW DISORDER AT A MEETING MAY BE DEALT WITH

Clause 257

- (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.

Section 10 (2)

- (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.

Section 10 (3)

- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

44. POWER TO REMOVE PERSONS AFTER EXPULSION RESOLUTION

Clause 258 (Council Meetings)

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 271 (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.

Council Minute 464/97

Pursuant to Section 10(4)(b) of the Local Government Act Council has authorised the person presiding at any meeting of the Council or its Committees to exercise the power of expulsion provided for in the Act and Meetings Regulations.

Part 11: Questions

45. QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES

Clause 249

- (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 a 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.

Council Minute 90/98

- (5) A Question to the Mayor should, in relation to an activity of Council, only be asked if:
 - (a) Prior contact with the General Manager or relevant Director has not resulted in the information being made available, or
 - (b) The subject matter of the question makes it inappropriate that the General Manager or Director be consulted

A written copy of all Councillors "Questions to the Mayor" shall be provided at the meeting for inclusion in the minutes.

Council Minute 499/95

Notwithstanding the above provisions the preferred method for Councillors seeking information from Officers or the Mayor is as follows:

- (1) To contact the General Manager at any time.
- (2) To contact the Directors of the relevant Department at any time.
- (3) To submit Questions to the General Manager arising from the Councillor's Booth.
- (4) To raise the matter with the Mayor direct.

If these options are considered unsatisfactory or inappropriate questions should be put in writing and be signed by the Councillor and may be submitted to the Mayor at Council or Committee Meetings.

Part 12: COMMITTEES

46. COMMITTEE OF COUNCIL (COMMITTEE OF THE WHOLE)

Section 373

A Council may resolve itself into a Committee of the Whole to consider any matter before the Council.

46A. PROCEDURE IN COMMITTEES

Clause 265

- (1) Subject to subclause (3) each Committee of a Council may regulate its own procedure.
- (2) Without limiting the 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).

Council Minute 90/98

- (4) The procedure to be followed by each Committee is to be, insofar as is practicable, in accordance with this Code.

47. COMMITTEE OF THE WHOLE

Clause 259

- (1) All provisions of this Regulation relating to meeting 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.

Council Minute 170/96

A Councillor must not, without the consent of the Committee, speak for longer than five (5) minutes at any one time.

It shall not be necessary for Councillors to stand in their place when debating matters in Closed Session.

47A. NOTICE OF COMMITTEE MEETINGS TO BE GIVEN

Clause 262

- (1) The General Manager of a Council must send to each Councillor at least three (3) days before each meeting of the Committee, a notice specifying:
 - (a) The time and the 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 three (3) days may be given in an emergency.

48. COUNCIL MAY ESTABLISH COMMITTEES

Clause 260

- (1) A Council may, by resolution, establish such Committees as it considers necessary.
- (2) A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- (3) The quorum for a meeting of such a Committee is to be:
 - (a) such number of members as the Council decides; or
 - (b) if the Council has not decided a number - a majority of the members of the Committee.

Council Minute 90/98

- (4) Council may, by resolution, abolish such committees as it considers necessary.

49. FUNCTIONS OF COMMITTEES

Clause 261

- (1) 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.

Council Minute 90/98

- (2) A Committee cannot act outside the extent of the functions granted by Council
- (3) If Council by resolution delegates authority to a Committee to make decisions, any decisions made by the Committee under such authority shall be decisions of Council.

49A. NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS

Clause 263

- (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

49B. REPRESENTATIONS BY MEMBERS OF THE PUBLIC - CLOSURE OF PART OF MEETING

Clause 264

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

Where the Council or Committee decides to allow members of the public to make representations as to whether a part of the meeting should be closed to the public such representations can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.

The fixed period of time referred to in subclause 1 shall be 5 minutes.

50. CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES

Clause 267

- (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.

Council Minute 136/95

If the Chairperson of any Committee is not prepared to chair the meeting on any item in his/her Committee they should give adequate warning to the Deputy Chairperson so that they can discuss the matter with the Chairperson and Department Head.

51. ABSENCE FROM COMMITTEE MEETINGS

Clause 268

- (1) A member ceases to be a member of a Committee if the member (other than the Mayor):
 - (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.

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- (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.

52. REPORTS OF COMMITTEES

Clause 269

- (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.

Part 13: PUBLIC PARTICIPATION

53. OPEN MEETINGS

Except as provided in this Code, all meetings of Council and its Committees shall be open to the public.

54. ADDRESSING COMMITTEE

Any person may address any Committee of Council in accordance with Item 17 of this code.

55. OPEN FORUM

Council Minute 406/92

Council conducts an Open Forum session at 7.00 pm each Tuesday prior to Council and Committee Meetings.

1. Open Forum should commence at 7.00 pm and finish no later than 8.00 pm
2. A person or persons may address Council on matters NOT contained in the evenings Business Papers.
3. Council has the flexibility to determine on the night, if Open Forum is to extend past the 8.00 pm deadline.
4. Speakers do not need to make prior arrangements but give notice on the night.
5. Speakers should give their names and address.
6. Speakers should be advised that their comments are being taped.
7. Speakers are not to ask questions of Councillors or Staff.
8. Five (5) minutes maximum per speaker, however Council can extend this time if it wishes.
9. Mayor may invite questions from Councillors, subject to speaker's concurrence.
10. On any major topic where a number of people are in the gallery, one speaker for, and one against, will only be permitted.

Council Minute 90/98

11. Speakers are not to make personal comments concerning Councillors, Staff or other members of the public or commit any of the acts of disorder referred to in Clause 42 of this Code, or otherwise engage in disorderly conduct at a meeting.
12. If in the opinion of the Chairperson a speaker breaches subclause 11, the Chairperson may interrupt the speaker, request that the offending comments be withdrawn and that the speaker apologise unreservedly. The Chairperson may

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deny the speaker the opportunity of further address, and may expel the speaker from the meeting pursuant to Clause 43 of this Code.

13. The provisions of this Code relating to Order (items 41-44 inclusive) apply during Open Forum.

Part 14: ACCESS TO RECORDS

56. REPORT OF A DEPARTMENTAL REPRESENTATIVE

Clause 244

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.

57. NEWS AND MEDIA RELEASES

Council Minute 369/94

The only official spokesman for contact with the media regarding the business conducted at Council and Committee Meetings shall be the Mayor or the General Manager or such other Councillor/Councillors or staff as determined by the Mayor or General Manager.

All official Council news media releases in respect of matters dealt with at a Council or Committee meeting shall be approved by the Mayor or General Manager before distribution.

APPENDIX

TABLE OF PERMISSIBLE MOTIONS

Motion	Notice Required	Seconder	Debate	Mover in Reply
General Motion (Clause 246 & 250 Regulation)	Yes	Yes	Yes	Yes
Amendment (Clause 247 - Code)	No	Yes	Yes	No
Mayoral Minute (Clause 243 Regulation)	No	No	Yes	Yes
Urgency (Clause 247 Regulation)	No	Yes	No	No
Rescission (S.372 -LGA)	Yes	Yes	Yes	Yes
Recommittal (Clause 33 - Code)	No	Yes	No	No
To alter order of business (Clause 239 - Meetings Regulation)	No	Yes	Mover only	No
Motion/Amendment be Put (Clause 250(5) - Regulation)	No	No	No	No
Dissent (Clause 248(1) Regulation)	No	Yes	Mover} Chairperson} only	No
Adjournment (Clause 4A-Code)	No	If not moved from Chair	If not moved from Chair	No
No Confidence (Clause 27 - Code)	Yes	Yes	Yes	Yes