



BYRON SHIRE COUNCIL

POLICY NO. 14/004

CODE OF MEETING PRACTICE

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(INTERNAL USE ONLY)**

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Further Document Information and Relationships

Related Legislation	Local Government Act 1993 (see relevant Sections Annexure 1) or for most recent version visit Web Page Link to Local Government Act Local Government (General) Regulation 2005 (see Annexure 2) or for most recent version visit Web Page Link to Local Government (General) Regulation 2005
Related Policies	Code of Conduct Public Access
Related Procedures/ Protocols, Statements, documents	Guidelines for Lodging a Petition (#DM665761) Department of Local Government 'Meetings Practice Note' Webpage Link to DLG Practice Note No 16

NB: This administrative part of this Policy and any cross-references within the Policy may be amended without referral to Council, as procedures, policies, legislation etc are developed, reviewed or updated etc, to ensure ongoing administrative accuracy.

See website www.legislation.nsw.gov.au/ for current Acts, Regulations and Environmental Planning Instruments.

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POLICY TITLE	CODE OF MEETING PRACTICE
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1. OBJECTIVES

This Policy governs the conduct of Council Meetings.

2. POLICY STATEMENT

- 2.1 One of Council's core governance aims is to maintain a sustainable organisation and good stewardship, through effective leadership and ethical and accountable decision making.
- 2.2 Efficient and effective management of Council meetings is important to achieving that aim.
- 2.3 Well run meetings reflect an effective partnership between the governing body of Council and Council administration.

3. DEFINITIONS

The Act means Local Government Act 1993

LG Regs means Local Government (General) Regulation 2005

PART A BEFORE COUNCIL MEETINGS

4. FREQUENCY OF ORDINARY MEETINGS OF COUNCIL

- 4.1 Ordinary Meetings will be held on a three weekly meeting cycle excluding July and January each year.
- 4.2 The Council will by resolution, set the time, date and place of Ordinary meetings of the Council.
- 4.3 The scheduling of Ordinary meetings of Council may be changed by resolution of Council.
- 4.4 Unless determined to the contrary Special Purpose Committee meetings of Council are to be held according to Schedule B.

See Also [Section 365 of The Act](#) "How often does a council meet"

5. NOTICE OF ORDINARY MEETINGS

- 5.1 The General Manager of the Council must send to each Councillor, at least nine days before each Ordinary 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.
- 5.2 Notification of an item of Late Business shall be by email with only the words "Late Business for Meeting <date>" in the subject line. If the notification is sent inside two

working days before a meeting day, the email must be highlighted by a phone message as well.

See Also [Clause 232 LG Regs](#) "Notice of Meetings"
[Section 9 of The Act](#) "Public Notice of Meetings"
[Section 367 of The Act](#) "Notice of Meetings"

6. ORDER OF BUSINESS

6.1 At an Ordinary meeting of the Council the order of business is as per Schedule A attached.

See Also [Clause 239 LG Regs](#) "Order of Business"

7. BUSINESS PAPERS FOR COUNCIL MEETINGS

7.1 The General Manager shall cause the business paper for a meeting of the Council or a Committee of the Council to:

- (a) be prepared as soon as practicable before the meeting, and
- (b) to be made available to Councillors by midday nine days prior to the meeting.

7.2 The deadline for lodging correspondence, reports, notices of motion and questions for inclusion on the business paper for consideration at any meeting of the Council, shall be 5pm on the twelfth working day before the meeting (eg. Close will be at 5pm on the Tuesday of the second week before a Thursday meeting, or earlier if there are public holidays in that period). See also clause 7.6 below.

7.3 Councillors lodging notices of motion shall submit the notice in the format provided at Schedule C. [06-624 & 11-979]

7.4 If, in the opinion of the General Manager, business to be transacted at a meeting of the Council is a kind of business referred to in Section 10A(2) of the Act, the business may be included in a confidential business paper. All other business to be transacted at the meeting must be included in an Ordinary business paper.

7.5 If a confidential business paper is prepared for a kind of business referred to in Section 10A(2) of the Act, the business must be identified in the Agenda index paper prepared for the same meeting.

7.6 No late reports or substantive new information from staff are to be distributed to Councillors at any meeting unless the Mayor or the General Manager deem the circumstances to be exceptional and grant approval to the late report or new information. Exceptional circumstances include, but are not limited to, circumstances where:

- (a) emergency funding is required due to flood, fire, failed asset report or some other unforeseen circumstance;
- (b) there would be substantial financial risk to Council without an urgent determination.

See Also [Clause 240 LG Regs](#) "Agenda and business papers for council meetings"

8. MAYORAL MINUTE AND STAFF REPORTS

8.1 The Mayor is encouraged, in the interest of sound decision-making, to circulate to fellow Councillors a copy or a draft of the intended Mayoral Minute. This could be as late as 24

hours beforehand, thus providing fellow Councillors with warning of urgent matters as well as with opportunity to seek further information on the matter prior to debate.

8.2 The Chairperson, but only if the Chairperson is the Mayor, may move the adoption of the minute without the motion being seconded.

8.3 Mayoral Minute is a motion before the Council and may be amended.

See Also [Clauses 241 "Giving Notice of Business" & 243 "Official Minutes" LG Regs](#) "

PART B DURING COUNCIL MEETINGS

9. RECORDING OF COUNCIL MEETINGS

9.1 The General Manager shall arrange for audio recordings of Council meetings and any Committee meeting as resolved by Council.

9.2 The purpose of the recording is to verify the accuracy of the minutes of the meeting to assist with their adoption.

9.3 Signage that meetings will be recorded will be displayed at the public entrance to the meeting.

9.4 Audio recordings will be stored until the minutes of meeting at which recording was made have been adopted by Council, in accordance with State Records General Disposal Authority (GDA 39) Local Government Records.

See Also [Section 375 of The Act](#) "Minutes"

10. MATTERS TO BE INCLUDED IN MINUTES OF COUNCIL MEETINGS

10.1 The General Manager must ensure that matters recorded in the minutes of Council meetings include the individual votes of Councillors voting against motions and amendments.

10.2 In relation to decisions on planning matters as defined in s375A of The Act:

- (a) movers and seconders of motions and amendments shall be deemed to have called a Division for the purposes of s375A of the Act; and
- (b) the General Manager must ensure that matters recorded in the Council's minutes include the individual votes of Councillors voting for the motions or amendments, as well as those voting against the motions or amendments.

See Also [Section 375 of The Act](#) "Minutes"

[Clause 254 LG Regs](#) "Matters to be included in minutes of council meeting"

10.3 The Minutes of the meeting shall indicate when a casting vote has been employed.

See Also [Section 370 of The Act](#) "What are the voting entitlements of councillors?"

[Section 375 of The Act](#) "Minutes"

[Clause 251 LG Regs](#) "Voting at Council Meetings"

11. RESERVATION OF ITEMS

- 11.1 If a Councillor having reserved an item, is not present when the item is to be dealt with then another Councillor may claim the item and Council may thus deal with it.

12. TABLING OF PETITIONS

- 12.1 The Mayor and Councillors may table petitions at Ordinary Meetings of Council.
- 12.2 Petitions are to be dealt with in accordance with the adopted "Guidelines for Lodging a Petition" (#DM665761).

13. TABLING OF REPORTS OF A DEPARTMENTAL REPRESENTATIVE

- 13.1 When a report, made by the Ombudsman under Section 26 of the Ombudsman Act 1974, concerning the conduct of the Council has been ordered under Section 434A of the Act by the Minister to be tabled at a Council meeting, the report subject to the direction shall be tabled at the next Ordinary Meeting of the Council occurring after the order is made.
- 13.2 The direction from the Minister under Section 434A shall also be tabled at the meeting at which the report from the Ombudsman has been tabled.

See Also [Clause 244 LG Regs](#) "Report of a Departmental representative to be tabled at council meeting"

14. MOTIONS TO BE PROPOSED AND SECONDED

- 14.1 With regard to a motion:
- (a) a motion cannot be debated unless or until it has been proposed and seconded;
 - (b) it is permissible during the debate on a motion for a further motion to be foreshadowed;
 - (c) a foreshadowed motion must be foreshadowed prior to the right of reply being taken;
 - (d) a foreshadowed motion shall not be debated until the motion before the meeting has been dealt with;
 - (e) foreshadowed motions shall be considered in the order they have been foreshadowed;
 - (f) the seconder or mover of a motion may not move or second an amendment to that motion;
 - (g) the seconder or mover of a motion may make minor modifications to their motion, whereby the fundamental intent of the motion is unaltered, subject to the approval of the mover or seconder.

See Also [Clause 246 LG Regs](#) "Motions to be seconded"

15. AMENDMENTS MAY BE MOVED

- 15.1 A motion may be subject to an amendment.

15.2 An amendment cannot be debated unless or until it has been proposed and seconded.

15.3 With regard to an amendment:

- (a) the seconder or mover of a motion may not move or second an amendment to that motion;
- (b) amendments are to be debated and voted on in the order they have been proposed and seconded;
- (c) no more than one motion and one amendment can be debated before the Council at any one time;
- (d) it is permissible during the debate on an amendment for a further amendment to be foreshadowed;
- (e) a foreshadowed amendment shall not be debated until the amendment before the meeting has been dealt with;
- (f) a foreshadowed amendment must be foreshadowed prior to the right of reply being taken;
- (g) foreshadowed amendments shall be considered in the order they have been foreshadowed;
- (h) the seconder or mover of an amendment may make minor modifications to their amendment, whereby the fundamental intent of the amendment is unaltered, subject to the approval of the mover or seconder.

See Also [Clause 247 LG Regs](#) "How subsequent amendments may be moved"

16. ACCEPTANCE OF MOTIONS AND AMENDMENTS

16.1 The Chairperson shall not accept a motion that is:

- (a) unlawful or ultra vires for a Council; or
- (b) inconsistent with a resolution already adopted by Council at that meeting; or
- (c) seeks to re-introduce a matter already subject to a motion considered earlier in the meeting, except if undertaken as a recommitted item.

16.2 The Chairperson shall not accept an amendment that:

- (a) would alter the motion so as to render the motion radically different from the original Notice of Motion; or
- (b) would render the motion unlawful or ultra vires for a Council; or
- (c) is inconsistent with an amendment already adopted by Council at that meeting;
or
- (d) seeks to re-introduce a matter already subject to an amendment considered earlier in the debate on the motion; or
- (e) is the direct opposite of the intent of the motion.

16.3 The Chairperson may be requested on a point of order by a Councillor to rule on the acceptance or refusal on a motion or an amendment.

16.4 Under Clause 15.3 a ruling of the Chairperson shall not, other than through a motion of dissension, be subject of debate.

17. THE MATTER REST ON THE TABLE

17.1 The motion that the *matter rest on the table* is a Procedural Motion.

17.2 It must be proposed and need not be seconded.

17.3 A Councillor who has already addressed the Council on the motion which is the subject of the Procedural Motion to let the matter lie on the table cannot move or second the Procedural Motion.

17.4 A Procedural Motion to let the matter rest on the table may not be moved while a Councillor is addressing the Council.

17.5 The Chairperson shall give precedence to the Procedural Motion.

17.6 No debate or amendments shall be permitted on the Procedural Motion.

17.7 If a Procedural Motion to let the matter rest on the table is not supported by the majority of Councillors entitled to vote on it then it may not be re-introduced.

18. THE MATTER BE RECOMMENDED

18.1 The motion that the *matter be recommended* is a Procedural Motion.

18.2 It must be proposed and need not be seconded.

18.3 It must be raised at the same meeting that has considered the matter that is the subject of the recommended motion.

18.4 Resolutions that arise from the *matter being recommended* are taken to replace any resolution made earlier in the meeting on the matter.

19. RESCINDING OR ALTERING RESOLUTIONS

19.1 If during a meeting a notice of a rescission motion has been received Council shall consider the matter at the next Ordinary meeting of Council unless it decides to make other arrangements.

19.2 At any time after a meeting at which the resolution is carried, if notice of a rescission motion has been delivered to the General Manager no further action to carry the resolution into effect shall be taken until the motion of rescission has been resolved.

19.3 In 19.2 “no further action” does not include a measures necessary to ensure the safety of staff and the public.

See Also [Section 372 of The Act](#) “[Rescinding](#) or altering resolutions”

20. MOTION TO ADJOURN THE MEETING

- 20.1 A motion to adjourn the meeting is a Procedural Motion.
- 20.2 It must be proposed and need not be seconded.
- 20.3 A Councillor who has already addressed the Council on a motion under debate cannot move a Procedural Motion to adjourn the meeting until the motion is dealt with.
- 20.4 A Procedural Motion to adjourn the meeting may not be moved while a Councillor is addressing the Council.
- 20.5 The Chairperson shall give precedence to the Procedural Motion.
- 20.6 No debate or amendments shall be permitted on the Procedural Motion to adjourn other than to specify proposed details as to the re-convening of the meeting.
- 20.7 If a Procedural Motion to adjourn the meeting is not supported by the majority of Councillors entitled to vote on it then it may not be re-introduced until 30 minutes has elapsed from the vote on the adjournment motion.

21. DURATION OF MEETINGS

- 21.1 Council meetings will generally commence 9:00am and conclude no later than 6.00pm however meeting times can be varied by notice or resolution if the circumstances warrant it.
- 21.2 A motion to extend the meeting for up to an extra 60 minutes may be considered by Council.
- 21.3 Under normal circumstances only one motion for extension may be considered by Council.
- 21.4 In circumstances deemed by the Chairperson to be exceptional, additional extensions may be considered by the meeting.
- 21.5 A motion to extend the meeting is a Procedural Motion. It must be proposed and need not be seconded.
- 21.6 The Chairperson shall give precedence to the Procedural Motion.
- 21.7 No debate or amendments shall be permitted on the Procedural Motion.
- 21.8 If a Procedural Motion to extend is not supported by the majority of Councillors entitled to vote on it then it may not be re-introduced.
- 21.9 Matters listed on the business papers and not determined at the conclusion of the meeting shall be carried forward to the next Ordinary meeting of Council or as otherwise decided by Council.

22. PUBLIC ACCESS

- 22.1 The first hour of each meeting will be allocated to Public Access to allow people to make submissions on matters listed on the Agenda for that meeting.
- 22.2 If, after all scheduled submissions on items on the Agenda, time remains within the first hour of the meeting, at the discretion of the Chairperson the meeting can commence or the Public Access session can continue for submissions on items that are not on the Agenda.

- 22.3 It is possible that not all requests to make submissions on items on the Agenda will always be able to be accommodated within the Public Access part of the meeting. Members of the public are encouraged to make their submissions in writing before the Council meeting in case there is insufficient time on the day of the meeting to accommodate all requests for Public Access.
- 22.4 A motion to extend the Public Access part of the meeting for an extra 30mins for scheduled submissions on items on the Agenda for that meeting may be considered by Council.
- 22.5 Only one Procedural Motion for extension to the Public Access part of the meeting for submissions on items on that Agenda may be considered at a meeting. In circumstances deemed by the Chairperson to be exceptional, additional extensions may be considered.
- 22.6 A motion to extend the Public Access part of the meeting is a Procedural Motion. It must be proposed and need not be seconded.
- 22.7 The Chairperson shall give precedence to the Procedural Motion.
- 22.8 No debate or amendments shall be permitted on the Procedural Motion.
- 22.9 If a Procedural Motion to extend the Public Access part of the meeting is not supported by the majority of Councillors entitled to vote on it then it may not be re-introduced.

23. QUORUM

- 23.1 A Councillor who has made a declaration of a pecuniary interest in a matter before Council cannot be counted as part of the quorum with regard to that matter irrespective if the Councillor is in the Chamber or not in the Chamber.

See Also [Section 368 of The Act](#) "What is the quorum for a meeting?"

24. ADDRESSING COUNCIL

- 24.1 Councillors may insist that other Councillors address them by their official designation, as Mayor or Councillor, as the case may be.
- 24.2 Councillors shall refrain from the use of offensive or inappropriate language, especially in reference to other Councillor.
- 24.3 Councillors shall not make imputations of improper motives or personal reflections on Councillors or staff.
- 24.4 Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to matters under discussion at a meeting.

25. CONDUCTING THE DEBATE

- 25.1 A Councillor shall not, without consent of the Council, speak for longer than **three minutes** at any one time.
- 25.2 The seconder of a motion may reserve the right to speak later in the debate.
- 25.3 Speakers speak for or against the motion. Once an amendment has been moved, speakers then speak for or against the amendment (unless the amendment is withdrawn).

- 25.4 The Chairperson will call for Councillors to speak on a for and against basis.
- 25.5 Once the Chairperson has called for speeches against the motion or amendment without responses:
- (a) if the seconder has reserved their right to speak, they shall now do so;
 - (b) if not (or else after the seconder has spoken) no further speeches are to be called and the Chairperson shall call for a reply from the mover;
- and then put the matter to the vote.
- 25.6 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.
- 25.7 Under Clause 24.6 speakers shall not speak for more one minute and shall be restricted to clarifying the misrepresentation or misunderstanding.
- 25.8 The Council Administration will provide and operate a timer to ensure that speakers stay within the time limits as outlined in this Code.
- 25.9 A verbal delegate's reports shall be limited to two minutes per delegate.

See Also [Clause 250 LG Regs](#) "Limitations to number of speeches"

26. ENSURING ORDER AT MEETINGS - QUESTIONS OF ORDER

- 26.1 The Chairperson has the discretion to reject a motion, amendment or other matter which is, in the opinion of the Chairperson, out-of-order.
- 26.2 Notwithstanding clause 25.1, a Motion of Dissent may be moved against such a ruling.

See Also [Clause 255 LG Regs](#) "Questions of Order"

27. ENSURING ORDER AT MEETINGS - ACTS OF DISORDER

- 27.1 A motion for the expulsion of a Councillor from a meeting is a Procedural Motion and:
- (a) may be moved from the Chair or the floor;
 - (b) shall take precedence;
 - (c) shall not be subject to debate;
 - (d) takes effect immediately if passed.
- 27.2 The expulsion of a Councillor is only for the meeting at which the Procedural Motion has been passed.
- 27.3 A Councillor shall not be required to face further expulsion for behaviour or statements which may have occurred at an earlier meeting.
- 27.4 The expulsion of a Councillor from the meeting does not prevent other action from being taken against the Councillor for the act of disorder concerned.

See Also [Clause 256 LG Regs](#) "Acts of disorder" and Section 10(2) of the LG Act "Who is entitled to attend meetings?"

PART C COUNCIL COMMITTEES

28. PROCEDURES IN COMMITTEES

- 27.1 Committees which have delegated authority to determine matters and consist of all Councillors shall abide by the protocols of this Code of Meeting Practice, the Act and the Regulations.
- 27.2 In the absence of specific procedures being adopted by Resolution of Council for a Committee and clause 27.1 not applying, the following general provisions of this Code apply to meetings of Committees:
- (a) The Chairperson of the Committee is to have a casting vote as well as an original vote
 - (b) Voting at a Committee meeting is to be by open means (such as on voices or by show of hands);
 - (c) The Chairperson of each Committee of the Council must be, unless stated to the contrary, the Mayor;
 - (d) The Council may elect a member of a Committee of the Council as deputy Chairperson of the Committee;
 - (e) If the Council does not elect a deputy Chairperson of such a Committee, the Committee may elect from the nominated members of the Committee a deputy chairperson;
 - (f) If neither the Chairperson nor the deputy Chairperson of a Committee of the Council is in attendance, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.

See Also [Clause 265 LG Regs](#) "Procedure in committees" & [Clause 267 LG Regs](#) "Chairperson and deputy chairperson of committees"

29. ABSENCE FROM COMMITTEE MEETINGS

- 28.1 On application from a Councillor by a vote of Councillors present a Councillor may be granted leave of absence from Committee meetings.

See Also [Clause 268 LG Regs](#) "Absence from committee meetings"

30. STANDING AND SPECIAL PURPOSE COMMITTEES - DETAILS

- 29.1 Details of each standing and special purpose Committee are identified in Schedule B.

31. REPORTS OF COMMITTEES

- 30.1 Minutes and recommendations of Committees outside those identified in this Code and excluding those listed in Schedule B will be circulated to Councillors and the public, via means other than the Ordinary meeting business paper. However where a Committee's deliberations require a Council resolution, then the Committee Chairperson and/or staff

member servicing that Committee is to ensure the matter is brought before Council either as a separate report, or through the inclusion of the minutes in the business paper.

- 30.2 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.
- 30.3 The recommendations of a Committee of the Council are in so far as they are adopted by the Council, wholly or in part, resolutions of the Council.
- 30.4 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 shall make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended.

See Also [Clause 269 LG Regs](#) *"Reports of committees"*

SCHEDULE A ORDER OF BUSINESS

General Order of Business - Ordinary Meetings

The general order of business of the Ordinary meetings of Council shall be listed in the following order:

1. Public Access*
2. Apologies
3. Requests for Leave of Absence
4. Declaration of Interests – Pecuniary and Non-Pecuniary
5. Tabling of Pecuniary Interest Returns (s450A Local Government Act 1993)
6. Adoption of Minutes from Previous Meetings
7. Reservation of Items for Debate and Order of Business
8. Mayoral Minute (if any)
9. Notices of Motion
10. Petitions
11. Submissions and Grants
12. Delegates' Reports
13. Staff Reports
14. Reports of Committees
15. Councillor Questions with Notice (for answers in minutes)**
16. Confidential Reports

Note: In accordance with Council Res No. 14-593 the Ordinary Meetings will commence at 9.00am and conclude at 6.00pm unless otherwise resolved by Council. Morning tea break to be scheduled at 10.15am and lunch at 1.00pm, an afternoon tea break may be scheduled at any time depending on the length of the meeting.

***Public Access** relating to items on this Agenda, general submissions or questions to Councillors can be made between 9.00am and 10:00am on the day of the meeting, an extension of 15 minutes may be permitted if resolved by Council.

1. Public Access on an item on the Agenda: People wanting to speak to items on the Agenda will be listed for public access in the same order the items appear on the Agenda. People can request up to three speeches each with additional speeches by the same organisation/speaker being accommodated if time permits. Requests must make clear whether the speaker is speaking generally in favour of, or against the recommended action(s). Time allowed is five minutes for and five minutes against each item. If there is more than one speaker the time allocated is to be shared.
2. Representations by members of the public under Section 10A(4) of the Local Government Act, regarding a recommendation for the closure of a part of meeting for the consideration of a confidential item/s, will be included as a Public Access matter on the related item listed in the Agenda. Members of the public may address the meeting on the closure. Time allowed is five minutes per item.
3. Submissions from members of the public: Time allowed is two minutes per submission. A person is only permitted one submission per meeting.
4. Questions from members of the public to Councillors. Time allowed is one minute per question and one question per meeting.

Note: Questions are to be on current agenda items or current issues before Council.

5. Councillors may ask questions of people speaking to items on the Agenda, making a submission or asking a question.
6. Responses to questions not provide at the meeting but taken on notice will be tabled in the next agenda papers.

Requests for public access on an item on the Agenda, a submission or a question should be made to the General Manager or the Mayor no later than 12.00 noon on the day before the Meeting on-line at www.byron.nsw.gov.au/public-access-sessions-and-submissions.

It is possible that not all requests for Public Access will always be able to be accommodated within the Public Access part of the meeting. Members of the public are encouraged to make their submissions/questions in writing before the Council meeting in case there is insufficient time on the day of the meeting to accommodate all requests for Public Access.

If time allows consideration may be given to persons who have registered to have a further submission or question to the one allowable above in points 3. and 4.

****Councillor Questions with Notice:** Notice of which is given in accordance with clause 7 of the Code of Meeting Practice.

SCHEDULE B SPECIAL PURPOSE COMMITTEES

NB In addition to the below, Council has various Advisory Committees each governed by its own Constitution.

Byron Shire Reserve Trust Committee

1. This committee will meet as required.
2. This committee has delegated authority to determine all matters relating to the Council management of Crown Reserves, where Council is the Reserve Trust Manager, and the Council owned and controlled caravan parks, other than those items a council cannot delegate as listed in section 377(1) of the Local Government Act.
3. The Committee will be comprised of all Councillors.
4. The Chairperson is provided with a casting vote.
5. The Committee can determine rescission motions where the resolution being rescinded arose from a Byron Shire Reserve Trust Committee Meeting.

Planning Review Committee

1. Meetings are to be held regularly within the three-weekly meeting cycle of Council.
2. All Councillors and the General Manager or nominated delegate are members of this Committee, with any staff member to be non-voting delegate. The Committee is to consist of a quorum of at least three Councillors. A nominated delegate attending shall not be an assessing officer for an application before the Committee
3. The purpose of the Committee is to view, prior to determination, those development applications which have been nominated by Councillors or staff and could be determined under delegated authority. Having viewed the applications, the Committee will decide if the development application would be more appropriately determined by the elected Council.
4. The decision that a development application would be more appropriately determined by the elected Council, must be based on one or more of the following guidelines:
 - (a) The number of public submissions received;
 - (b) The validity of the matters raised in the public submissions received;
 - (c) The extent of variation to Council policies proposed;
 - (d) The lack of policy to direct determination of the application; or
 - (e) The perceived public significance of the application.
5. The decision of the Committee is to be that the application is or is not to be dealt with under delegated authority. No directions are to be given, formally or informally, as to the evaluation of the development application. Where the Committee determines that an application is to be dealt with under delegated authority that application may be determined at any time after the Committee meeting.
6. Councillors are to advise the General Manager or nominated delegate of any development application they wish to discuss at the next Planning Review Committee by 12 noon 3 days prior to the meeting. Notwithstanding the above, Councillors are encouraged to advise as early as possible.

7. The agenda is to be prepared and distributed to Councillors at least two working days before the meeting and is to include the dates of exhibition of the DA. Late items may be included in exceptional circumstances (deemed so by the General Manager).
8. A Development application can only be called to the Planning Review Committee once, except in exceptional circumstances or if the DA's exhibition period closed less than three days before the day the Committee considers it. A matter should stay on the agenda for no longer than until the next Committee meeting or until three working days after the exhibition period closed.
9. Any development application called to Planning Review Committee, which is outside of the Executive Manager's/General Manager's delegation, will not be placed on the agenda, as the elected Council will determine such applications anyway. The Councillor calling the application will be notified where this occurs.
10. Councillors are to receive a weekly list of development applications once their level of exhibition has been determined and advised of the exhibition period.
11. Councillors are to advise the General Manager or nominated delegate if they will attend the Planning Review Committee so that it can be established whether a quorum will be present.
12. Unless a quorum has been established by 30 minutes after the scheduled start of the meeting, the meeting will be cancelled.
13. Where the cancellation of a meeting due to a lack of a quorum would result in delay to the determination of an application, Councillors will be notified one week in advance that delegation will be assumed for that application.

SCHEDULE C TEMPLATE NOTICE OF MOTION

Notice of Motion No. ?

I move that

Signed: Cr

Councillor's Background Notes:

Definition of the project/task:

Recommended priority relative to other Management Plan tasks:

Source of Funds (if applicable):

[Note to Councillors: It is the Councillor's responsibility to:

- 1) *Clearly define the project or task;*
- 2) *Make sure the proposed resolution is complete and the wording is as the Councillor intends it to be.*
- 3) *Nominating the priority of the task relative to other, adopted Management Plan tasks or projects.*
- 4) *If funding is required, identify source of funding from one of the alternatives:*
 - a) *Re-allocate funds from within the budget or from a reserve (one-off funding only);*
 - b) *Refer the funding for consideration at the next quarterly budget review;*
 - c) *Refer the funding for consideration in the next draft management plan and draft budget.*
- 5) *If it is a new, major task not included in the management plan, either propose a priority relative to other projects already in the MP, or refer it for consideration in the next draft Management Plan and Budget.]*

Comments First Name Last Name, Position:

Clarification of project/task:

Director/Executive Manager responsible for task implementation:

Relationship to, priority of, and impact on other projects/tasks:

Financial and Resource Implications:

Legal and Policy Implications:

[Note to Management: Supporting notes and comments (from management) pertaining to Notices of Motion should not include a specific formatted recommendation per Res 11-979.]

ANNEXURE 1 EXTRACTS LOCAL GOVERNMENT ACT 1993

Last Updated July 2013

9 Public notice of meetings

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

10 Who is entitled to attend meetings?

- (1) Except as provided by this Part:
 - (a) everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and
 - (b) a council must ensure that all meetings of the council and of such committees are open to the public.
- (2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

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

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:

- (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (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.
- (5), (6) (Repealed)

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

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

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

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

10D Grounds for closing part of meeting to be specified

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A (2),
 - (b) the matter that is to be discussed during the closed part of the meeting,

- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

11 Public access to correspondence and reports

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

365 How often does the council meet?

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

366 Calling of extraordinary meeting on request by councillors

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.

367 Notice of meetings

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

368 What is the quorum for a meeting?

- (1) The quorum for a meeting of the council is a majority of the councillors of the council who hold office for the time being and are not suspended from office.
- (2) This section does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

369 Who presides at meetings of the council?

- (1) The 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.

370 What are the voting entitlements of councillors?

- (1) Each councillor is entitled to one vote.
- (2) However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

371 What constitutes a decision of the council?

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

372 Rescinding or altering resolutions

- (1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (3) If a motion has been 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 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 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.
- (5) 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.
- (6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
- (7) The provisions of this section concerning negatived motions do not apply to motions of adjournment.

373 Committee of council

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

374 Certain circumstances do not invalidate council decisions

Proceedings at a meeting of a council or a council committee are not invalidated because of:

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

375 Minutes

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

375A Recording of voting on planning matters

- (1) In this section, "**planning decision**" means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979*:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

376 Attendance of general manager at meetings

- (1) The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.
- (2) The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

- (3) However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.

441 Who are "designated persons"?

For the purposes of this Chapter, "**designated persons**" are:

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

442 What is a "pecuniary interest"?

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

443 Who has a pecuniary interest?

- (1) For the purposes of this Chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
- (a) the person, or
 - (b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
 - (c) a company or other body of which the person, or a nominee, partner or employer of the person, is a member.
- (2) (Repealed)
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1) (b) or (c):

- (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- (b) just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
- (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

444 What disclosures must be made by a councillor?

A councillor:

- (a) must prepare and submit written returns of interests in accordance with section 449, and
- (b) must disclose pecuniary interests in accordance with section 451.

445 What disclosures must be made by a designated person?

A designated person:

- (a) must prepare and submit written returns of interests in accordance with section 449, and
- (b) must disclose pecuniary interests in accordance with section 459.

446 What disclosures must be made by a member of a council committee?

A member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests in accordance with section 451.

447 What disclosures must be made by council advisers?

A person giving advice to the council at a council or council committee meeting must disclose pecuniary interests in accordance with section 456.

448 What interests do not have to be disclosed?

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

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is

as the holder of an office in the club or organisation (whether remunerated or not),

- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
 - (ii) security for damage to footpaths or roads,
 - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the 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.

DISCLOSURE OF INTERESTS						
How and when disclosed and nature of interests disclosed	Councillor	Member of council committee	Council advisor	General manager	Senior staff member	Staff member, delegate or committee member, holding "designated person" position (s 441)
• At meetings: Pecuniary interests (ss 451, 456)	✓	✓	✓	x	x	x
• In dealings with council matters: Pecuniary interests (s 459)	x	x	x	✓	✓	✓

PENALTIES FOR BREACH OF DISCLOSURE REQUIREMENTS (S 482)			
Councillor	Committee member	Council adviser	Council employee
<ul style="list-style-type: none"> • Counselling • Reprimand • Suspension from civic office for up to 6 months • Disqualification from civic office for up to 5 years 	<ul style="list-style-type: none"> • Counselling • Reprimand • Suspension from the committee for up to 6 months • Disqualification from membership of any council committee for up to 5 years 	<ul style="list-style-type: none"> • Counselling • Reprimand • Suspension as council advisor for up to 6 months • Disqualification as council advisor for up to 5 years 	<ul style="list-style-type: none"> • Counselling • Reprimand • Recommend taking of disciplinary action by the council • Recommend dismissal

449 Returns disclosing interests of councillors and designated persons

- (1) A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form prescribed by the regulations.
- (1A) A person must not lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- (2) A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in that year or the previous year or if the person ceases to be a councillor or designated person within the 3-month period.
- (3) A councillor or designated person holding that position at 30 June in any year must complete

and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations.

- (4) A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.
- (5) Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.
- (6) Nothing in this section or the regulations requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.

450A Register and tabling of returns

- (1) The general manager must keep a register of returns required to be lodged with the general manager under section 449.
- (2) Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council, being:
 - (a) in the case of a return lodged in accordance with section 449 (1)--the first meeting held after the last day for lodgement under that subsection, or
 - (b) in the case of a return lodged in accordance with section 449 (3)--the first meeting held after the last day for lodgement under that subsection, or
 - (c) in the case of a return otherwise lodged with the general manager--the first meeting after lodgement.

451 Disclosure and presence in meetings

- (1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.
- (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 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.

Note The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.

453 Disclosures to be recorded

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

454 General disclosure

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

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

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

456 Disclosure by adviser

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

457 Circumstances in which secs 451 and 456 are not breached

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

458 Powers of Minister in relation to meetings

The Minister may, conditionally or unconditionally, allow a councillor or a member of a council committee who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.

ANNEXURE 2 EXTRACTS LOCAL (GENERAL) REGULATIONS 2005

231 Definitions

In this Part:

"amendment", in relation to an original motion, means a motion moving an amendment to that motion.

"chairperson":

(a) in relation to a meeting of a council--means the person presiding at the meeting as provided by section 369 of the Act, and

(b) in relation to a meeting of a committee of a council--means the person presiding at the meeting as provided by clause 267.

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

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

232 Notice of meetings

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

233 What happens when a quorum is not present

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

234 Minister to convene meetings in certain cases

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

235 Presence at council meetings

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

235A Leave of absence

- (1) 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.
- (2) A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.

236 Councillor to be elected to preside at certain meetings

- (1) If no chairperson is present at a meeting of a council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting. Section 369 (2) of the Act provides for a councillor to be elected to chair a meeting of a council when the mayor and deputy mayor are absent.
- (2) The election must be conducted:
 - (a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) if neither of them is present at the meeting or there is no general manager or designated employee--by the person who called the meeting or a person acting on his or her behalf.
- (3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- (4) For the purposes of subclause (3), the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

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

237 Chairperson to have precedence

When the chairperson rises during a meeting of a council:

- (a) any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

238 Chairperson's duty with respect to motions

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

239 Order of business

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

240 Agenda and business papers for council meetings

- (1) The general manager must ensure that the agenda for a meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
 - (b) if the 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.

241 Giving notice of business

- (1) A council must not transact business at a meeting of the council:
 - (a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and
 - (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before, the council, or
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236 (1), or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or
 - (d) is a motion for the adoption of recommendations of a committee of the council.
- (3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

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

242 Agenda for extraordinary meetings

- (1) The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.
- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting, and

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

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

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

243 Official minutes

- (1) If the 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.

244 Report of a Departmental representative to be tabled at council meeting

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

- (a) is laid on the table at that meeting, and
- (b) is subsequently available for the information of councillors and members of the public at all reasonable times.

245 Notice of motion--absence of mover

In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of a council:

- (a) any other councillor may move the motion at the meeting, or
- (b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.

246 Motions to be seconded

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

247 How subsequent amendments may be moved

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

248 Motions of dissent

- (1) A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite clause 250, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

249 Questions may be put to councillors and council employees

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

250 Limitation as to number of speeches

- (1) A councillor who, during a debate at a meeting of a council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite subclauses (1) and (2), a councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.

- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

251 Voting at council meetings

- (1) A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- (2) If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.
- (4) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.
- (5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot. 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.

252 Representations by members of the public--closure of part of meeting

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

253 Resolutions passed at closed meetings to be made public

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

254 Matters to be included in minutes of council meeting

The general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment is passed or lost.

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

255 Questions of order

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

256 Acts of disorder

- (1) A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:
 - (a) contravenes the Act or any regulation in force under the Act, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other councillor, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.
- (2) The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or

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

257 How disorder at a meeting may be dealt with

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

258 Power to remove persons from meeting after expulsion

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

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

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

259 Committee of the whole

- (1) All the provisions of this Regulation relating to meetings of a council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches.
- (2) The general manager or, in the absence of the general manager, an employee of the council designated by the general manager is responsible for reporting to the council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (3) The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

260 Council may establish committees

- (1) A council may, by resolution, establish such committees as it considers necessary.

- (2) A committee is to consist of the 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.

261 Functions of committees

A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

262 Notice of committee meetings to be given

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

263 Non-members entitled to attend committee meetings

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

264 Representations by members of the public--closure of part of meeting

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

265 Procedure in committees

- (1) Subject to subclause (3), each committee of a council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the

voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.

- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

266 Committees to keep minutes

- (1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

267 Chairperson and deputy chairperson of committees

- (1) The chairperson of each committee of the council must be:
 - (a) the 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.

268 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 in respect of a committee that consists of all of the members of the council.

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

269 Reports of committees

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

270 Disorder in committee meetings

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

271 Certain persons may be expelled from council committee meetings

- (1) If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10A of the Act, any person who is not a councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.
- (2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

272 Inspection of the minutes of a council or committee

- (1) An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.
- (2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

Section 12 of the Act confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of a council or committee of a council.

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

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

400 Council seal

- (1) The seal of a council must be kept by the mayor or the general manager, as the council determines.
- (2) The seal of a council may be affixed to a document only in the presence of:
 - (a) the mayor and the general manager, or
 - (b) at least one councillor (other than the mayor) and the general manager, or
 - (c) the mayor and at least one other councillor, or
 - (d) at least 2 councillors other than the mayor.
- (3) The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.
- (4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- (5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.

412 Prescribed circumstances

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.