

CITY OF
CANADA BAY

CODE OF MEETING PRACTICE

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City of Canada Bay - Code of Meeting Practice

Introduction

A. Objectives

This Code of Meeting Practice has the following objectives:

- a. to ensure that all meetings of Council and its Committees are conducted in an orderly, consistent and efficient manner;
- b. to ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
- c. to ensure that all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
- d. to ensure that all Councillors fully understand their rights and obligations as participants in meetings of Council; and
- e. to ensure that proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.

B. General

1. This Code of Meeting Practice is made under the Local Government Act 1993, (as amended) and incorporates and supplements the Local Government (General) Regulation 2005, which commenced on 24 November 2005. Amendments to the Regulations will be automatically incorporated into this Code.
2. The object of this Code is to provide for the convening and conduct of meetings of the City of Canada Bay Council and of Standing Committees of the Council.
3. Council and any Committees of Council of which all members are Councillors must conduct their meetings in accordance with the Code (*Section 360, LGA*)

C. 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 Local Government Act 1993, and
- b. in relation to a meeting of a committee of a Council—means the person presiding at the meeting as provided by clause 267 of the Local Government (General) Regulation 2005.

Committee, in relation to a Council, means a committee established under clause 260 of the Reg or the Council when it has resolved itself into a committee of the whole (clause 259).

Confidential Session, is a meeting of Council or Committee from which the media and public have been excluded by a resolution carried in accordance with section 10 (A) of the Act.

Council Chambers, refers to the area comprising the formal meeting area, the public gallery area and those areas open to the public for use during the conduct of any Council or Committee meeting.

Councillor, refers to a person elected or appointed to civic office.

LGA, refers to the *Local Government Act 1993*.

Reg, refers to the *Local Government (General) Regulation 2005*.

Sec, refers to the section of the legislation that is being referred to.

The Act, refers to the *Local Government Act 1993*.

Part 1 - The Code of Meeting Practice

1.1 Application of the Code

Conduct of meetings of Council and committees

1. The regulations of the Local Government Act may make provision with respect to the conduct of meetings of Councils and committees of Councils of which all the members are Councillors.
2. A Council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplement those regulations with provisions that are not inconsistent with them.
3. A Council and a committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

LGA Sec 360

1.2 Preparation of the Code of Meeting Practice

Preparation, public notice and exhibition of draft code

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

LGA Sec 361

1.3 Adoption and Amendment of the Code

Adoption of draft code

1. After considering all submissions received concerning the draft code, the Council may decide:
 - a. to amend those provisions of its draft code that supplement the regulations made for the purposes of *Section 360 (Clause 1.1)*, or
 - b. to adopt the draft code as its code of meeting practice.
2. If the Council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division (Part 1 of this Code) or, if the Council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

LGA Sec 362

Amendment of the Code

A Council may amend a code adopted under this Part (Part 1 of this Code) by means only of a code so adopted.

LGA Sec 363

Revision of the Code

The Council authorises the General Manager to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advices from the NSW Department of Local Government.

1.4 Availability of the Code

Public availability of the code

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

LGA Sec 364

Part 2 - Convening of Council Meetings

2.1 How often does the Council Meet

1. The Council is required to meet at least 10 times each year, each time in a different month.
2. The City of Canada Bay Council has resolved to meet on the 1st and 3rd Tuesday of every month.
3. Meetings will commence at 6:00pm, with the doors opened to the public at approximately 5:15pm.
4. Meetings will conclude at 11:00pm with a half hour extension, if requested by one or more Councillors, to be granted on the majority vote of Council. All unfinished business at the conclusion of the half hour extension or at 11:00pm if no extension is granted will be concluded at an adjourned meeting which is to be convened within 24 hours of the adjournment, with the date, time and place to be fixed by Council.
5. Meetings will be held in the Council Chambers of the City of Canada Bay Council, 1 A Marlborough Street, Drummoyne on the date and time set out in this code unless Council resolves otherwise.

LGA Sec 365

2.2 Notice of Meetings to Councillors

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., however this notice will not be less than 1 day.
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.

LGA Sec 367

2.3 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.
3. 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.
4. The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
5. The copies are to be available free of charge.
6. 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.

LGA Sec 9

7. 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.
8. The notice must specify the time and place of the meeting.
9. Notice of more than one meeting may be given in the same notice.
10. This clause does not apply to an extraordinary meeting of a Council or committee.

Reg 232

2.4 Calling of Extraordinary Meetings 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.

LGA Sec 366

Part 3 - Quorums and Attendance

3.1 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.

LGA Sec 10 and Reg 256

3.2 What is a Quorum for a meeting

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

Note: There are 9 Councillors for the City of Canada Bay Council. Thus when 5 Councillors are present, a quorum is present.

LGA Sec 368

3.3 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.

Reg 233

3.4 Presence at Council Meetings

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

Reg 235

3.5 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.
3. When a Councillor attends a Council meeting despite being granted a leave of absence, the leave of absence is taken to have been rescinded as regards to any future meetings.

4. A Councillor applying for a leave of absence from a meeting of Council does not need to make the application in person and the Council may grant such leave in the absence of the Councillor.

LGA Sec 234

Note. The tendering of an apology does not amount to a grant of leave of absence.

Part 4 - Procedure for the Conduct of Council Meetings

4.1 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.

LGA Sec 369

4.2 Councillor 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.
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.

Reg 236

4.3 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.

Reg 237

4.4 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 or amendment that is brought before the meeting.
2. The chairperson must rule out of order any motion or amendment 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.

Reg 238

4.5 Order of Business

1. Council's Order of Business will be as follows:
 - i. Opening Prayer
 - ii. Apologies;
 - iii. Disclosures of Pecuniary and Non Pecuniary Interests
 - iv. Confirmation of Minutes of Previous Meetings
 - v. Public Forum
 - vi. Mayoral Minutes
 - vii. General Manager's Reports

viii. Notices of Motion

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 section 4.16 of Council's code of meeting practice, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

Reg 239

4.6 Agendas and Business Papers for Council Meetings

1. The General Manager must ensure that the agenda for a meeting of the Council states:
 - a. all matters to be dealt with arising out of the proceedings of former meetings of the Council, and
 - b. if the Mayor 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 *LGA Sec 9(2A)* applies are included in a business paper for the meeting concerned.
5. Nothing in this clause limits the powers of the chairperson under section 4.9 (official minutes).
6. Public Forum will be conducted in accordance with the Guidelines for addressing Council Meetings, which are attached to the back of this Code.

Reg 240

Note. Council staff should, when preparing business papers which will be open to inspection by the public, avoid including personal identifiers such as names and addresses unless such information is required by legislation. (Prac Note 1.4.2)

4.7 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 section 4.2 of this Code,
 - c. is a matter or topic put to the meeting by the chairperson in accordance with Reg 243.
 - 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.
4. Such a motion can be moved without notice.
5. Despite the provisions of Reg 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

Reg 241

4.8 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.
3. Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.
4. Despite Reg 250, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.
Reg 242

4.9 Official Minutes (Mayoral 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.

Reg 243

4.10 Report of a Departmental representative to be tabled at Council Meetings

When a report of a Departmental representative has been presented to a meeting of a Council in accordance with section 433 of LGA, 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.

Reg 244

4.11 Notice of Motion

A notice of motion shall be submitted in writing (including fax or email) to the General Manager, signed by the Councillor submitting the notice of motion, no later than 12 noon 7 days before the meeting of Council.

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.

Reg 245

4.12 Motions to be Seconded

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

Reg 246

4.13 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.

Reg 247

4.14 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 Reg 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.

Reg 248

4.15 Questions to 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.

Reg 249

4.16 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.

Reg 250

4.17 Voting at Council Meetings

Each Councillor is entitled to one vote, however, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

LGA Sec 370

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 the Mayor or deputy Mayor is to be by secret ballot.

Note. Part 11 of Local Government (General) Regulation 2005 provides that a Council is to resolve whether an election by the Councillors for Mayor or deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (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.

Reg 251

4.18 What constitutes a decision of 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.

LGA Sec 371

Note. Circular to Councils No 08-37 " Council Decision-making prior to Ordinary Elections outlines that Council's are expected to assume a "caretaker" role during election periods to ensure that major decisions are not made which limit the actions of an incoming Council.

4.19 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 or up to 12 noon on the working day following the meeting, 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.

LGA Sec 372

4.20 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 Part 8 of this Code, or
- e. a failure to comply with the code of meeting practice.

LGA Sec 374

4.21 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.

LGA Sec 376

4.22 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.

Reg 255

4.23 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 LGA Sec 10 and Reg 256, 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.

Reg 256

4.24 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 LGA Sec 10 and Reg 256, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.

Reg 257

4.25 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.

Reg 258

4.26 Mode of Addressing Council

A Councillor shall on all occasions when in a Council meeting, address and speak of other Councillors by their official designations.

Part 5 - Closure of Council Meetings

5.1 Closure of meetings to the public

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

LGA Sec 10A

5.2 Limitation on closure of meetings to the public

1. A meeting is not to remain closed during the discussion of anything referred to in LGA Sec 10A:
 - 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 LGA Sec 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 LGA Sec 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 LGA Sec 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.

LGA Sec 10B

5.3 Closure of meetings to the public in urgent cases

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

- a. it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in LGA Sec 10A(2), and
- b. the Council or committee, after considering any representations made under LGA Sec 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.

LGA Sec 10C

5.4 Grounds for closure 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 LGA Sec 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.

LGA Sec 10D

5.5 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 LGA Sec 10A(2), are to be treated as confidential.

LGA Sec 11

5.6 Representations made by member 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.

Reg 252

5.7 Resolutions passed at closed meetings

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.

Reg 253

Part 6 - Minutes

6.1 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.

LGA Sec 375

6.2 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; *Reg 254*
- b. the names of the mover and seconder of the motion or amendment; *Reg 254*
- c. whether the motion or amendment is passed or lost; *Reg 254*
- d. the circumstances and reason relating to the absence of a quorum together with the names of the Councillors present; *Reg 233(3)*
- e. the dissenting vote of a Councillor, if requested; *Reg 251(2)*
- f. the names of the Councillors who voted for a motion in a division and those who voted against it including all planning decisions, and this information will be recorded in Council's Register of Planning Decisions; *Reg 251(4) and LGA Sec 375A*
- g. a report of the proceedings of the Committee of the Whole, including any recommendations of the Committee; *Reg 259(3)*
- h. the grounds for closing part of a meeting to the public; *LGA Sec 10D*
- i. the disclosure to a meeting by a Councillor of pecuniary interests; *LGA Sec 453*

6.3 Inspection of Minutes

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.

Reg 272

6.4 Evidence - Minutes

Every entry in the minutes of the business transacted at a meeting of the Council and purporting to be signed by the person presiding at a subsequent meeting of the Council is, until the contrary is proved, evidence:

- a. that the business as recorded in the minutes was transacted at the meeting, and
- b. that the meeting was duly convened and held.

LGA Sec 703

Part 7 - Committees of Council

7.1 Committee of Council

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

LGA Sec 373

7.2 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.

Reg 259

Note. Recommendations made while Council is in Committee of the Whole must then be passed as a Council resolution.

7.3 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.

Reg 260

7.4 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.

Reg 261

7.5 Notice of committee meetings

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.

Reg 262

7.6 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.

Reg 263

7.7 Representations by members of the public - closure of part of meetings

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.

Reg 264

7.8 Procedures 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).

Reg 265

7.9 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 each motion or amendment is passed or lost;
 - d. the name of the Councillor who voted for a motion for a planning decision and those who voted against it, by way of division;
 - e. the grounds for closing part of a meeting to the public;
 - f. the disclosure to a meeting by a Councillor of pecuniary interest.
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.

Reg 266

7.10 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.

Reg 267

7.11 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.

Reg 268

7.12 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.

Reg 269

7.13 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.

Reg 270

7.14 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 and B of the LGA.
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.

Reg 271

Part 8 - Conflict of Interests

8.1 What is Pecuniary Conflict of Interest

1. For the purposes of this Code, 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 LGA Sec 448.

LGA Sec 442

8.2 Who has a Pecuniary Conflict of Interest

1. For the purposes of this Code, 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. 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.

LGA Sec 443

What is a non Pecuniary Conflict of Interest

1. A conflict of interests exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out your public duty.
2. Non-pecuniary interests are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
3. The matter of a report to Council from the conduct review committee/reviewer relates to the public duty of a Councillor or the General Manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interests in such a matter.
4. The political views of a Councillor do not constitute a private interest.
5. Where a non-pecuniary interest exists, which conflicts with a Council official's public duty, the official must disclose the interest fully and in writing, even if the conflict is not significant. This must be completed as soon as practicable.
6. If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes a disclosure in writing for the purposes of clause 7.13 of Council's Code of Conduct.
7. As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
 - a. a relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b. other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship

- c. an affiliation between the Council official and an organisation, sporting body, club, corporation or association that is particularly strong.
8. If you are a Council official, other than a member of staff of Council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
 - a. remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official
 - b. have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply
9. If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
10. Despite clause 8(b), a Councillor who has disclosed that a significant non pecuniary conflict of interests exists may participate in a decision to delegate Council's decision-making role to Council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not Council would be deprived of a quorum if one or more Councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 8(b) above.
11. Councillors should note that matters before Council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
12. Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, Councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the *Election Funding Act 1981*) that directly benefit their election campaign.
13. Where a Councillor or the Councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the *Election Funding Act 1981* exceeding \$1,000 which directly benefit their campaign:
 - a. from a political or campaign donor or related entity in the previous four years; and
 - b. where the political or campaign donor or related entity has a matter before Council, then the Councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 8(b).
14. Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
15. If a Councillor has received a donation of the kind referred to in clause 13, that Councillor is not prevented from participating in a decision to delegate Council's decision-making role to Council staff or appointing another person or body to make the decision in accordance with the law (see clause 10 above).

Council Code Of Conduct - Sec 7

8.3 What interests do not have to be disclosed

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

- 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.

LGA Sec 448

8.4 Disclosure of pecuniary interests at 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, or present in the Council Chambers:
 - 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 of the Act.

LGA Sec 451

8.5 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 and must include the interest and nature of the interest.

LGA Sec 453

8.6 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.

LGA Sec 454

8.7 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.

LGA Sec 456

8.8 Circumstances in which sections 451 and 456 are not breached

A person does not breach section 451 and 456 of the LGA 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.

LGA Sec 457

8.9 Power 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.

LGA Sec 458

Part 9 - Council Seal

9.1 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.

Reg 400

Part 10 - Miscellaneous

10.1 Tape Recording 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) subclauses (a) and (b) of the LGA, 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.

Reg 273

10.2 Suspension of Councillors

1. The Director-General may by order in writing suspend a Councillor from civic office for a period not exceeding one month:
 - a. if the Director-General has considered a departmental report into the matters concerned and is satisfied that grounds exist that warrant the Councillor's suspension, or
 - b. if the Independent Commission Against Corruption or the Ombudsman states in a report that the Commission or Ombudsman is satisfied that grounds exist that warrant the Councillor's suspension.
2. A copy of the order must be served on the Councillor.
3. A Councillor, while suspended from civic office under this section:
 - a. is not entitled to exercise any of the functions of the civic office, and
 - b. is not entitled to any fee or other remuneration to which he or she would otherwise be entitled as the holder of the civic office.

LGA Sec 440K

1. The Pecuniary Interest and Disciplinary Tribunal may, if it finds a complaint against a Councillor is proved:
 - a. counsel the Councillor, or
 - b. reprimand the Councillor, or
 - c. suspend the Councillor from civic office for a period not exceeding 6 months, or
 - d. disqualify the Councillor from holding civic office for a period not exceeding 5 years, or
 - e. suspend the Councillor's right to be paid any fee or other remuneration, to which the Councillor would otherwise be entitled as the holder of the civic office, in respect of a period not exceeding 6 months (without suspending the Councillor from civic office for that period).
2. If it finds a complaint against an employee of the Council is proved, the Pecuniary Interest and Disciplinary Tribunal may:
 - a. counsel the employee, or
 - b. reprimand the employee, or
 - c. recommend that the Council take specified disciplinary action against the employee (including counselling or reprimanding the employee), or
 - d. recommend dismissal of the employee.
3. The Pecuniary Interest and Disciplinary Tribunal may, if it finds a complaint against a member of a Council committee is proved:
 - a. counsel the member, or
 - b. reprimand the member, or
 - c. suspend the member from office as member of the committee for a period not exceeding 6 months, or

- d. disqualify the member from holding office as a member of any committee of that Council for a period not exceeding 5 years.
4. The Pecuniary Interest and Disciplinary Tribunal may, if it finds a complaint against an adviser to a Council is proved:
- a. counsel the adviser, or
 - b. reprimand the adviser, or
 - c. suspend the adviser from office as adviser for a period not exceeding 6 months, or
 - d. disqualify the adviser from holding office as an adviser to that Council for a period not exceeding 5 years.

LGA Sec 482

1. This section applies where a matter has been referred to the Pecuniary Interest and Disciplinary Tribunal under section 440N.
2. The Tribunal may, if it finds that the behaviour concerned warrants action under this section:
 - a. counsel the Councillor, or
 - b. reprimand the Councillor, or
 - c. suspend the Councillor from civic office for a period not exceeding 6 months, or
 - d. suspend the Councillor's right to be paid any fee or other remuneration, to which the Councillor would otherwise be entitled as the holder of the civic office, in respect of a period not exceeding 6 months (without suspending the Councillor from civic office for that period).

LGA Sec 482A

REQUEST TO ADDRESS COUNCIL MEETING FREQUENTLY ASKED QUESTIONS



The City of Canada Bay welcomes public input at Council Meetings

1. Who can speak at a Council Meeting?

You may speak if you are a resident or a ratepayer of the City of Canada Bay, or you can have someone else speak on your behalf. You can also speak as a representative of a local community organization or authority.

2. Are there any restrictions on what I can speak about?

You may only speak on matters listed on the agenda of the meeting at which you wish to speak.

To be fair to everyone, you can only speak once at a meeting.

3. Are there any rules for speaking at the meeting?

Each speaker has five (5) minutes – when your time reaches four (4) minutes, you will be advised that there is only one (1) minute remaining.

Again for fairness to everyone, no extensions of time are given.

You may use and distribute printed information; sketches etc, subject to the Mayor's agreement, but Council cannot accommodate audio-visual equipment **such as mobile phones, tablets (iPads, Android, etc), laptops or USB devices.**

The order of speakers is allocated on a first-come first-served basis.

4. How do I arrange to speak at a meeting?

Simply complete the Request to Address Council Meeting Application form over page and email to council@canadabay.nsw.gov.au by 3pm on the day of the meeting.

Need more information?

Should you have any enquiries relating to addressing the Council meeting, please phone Council's Manager, Governance and Risk, Bob Pigott on 9911 6530.

The City of Canada Bay thanks you for your interest in participating in a Council Meeting.

Council Details

Address: City of Canada Bay Civic Centre
1A Marlborough Street, Drummoyne NSW 2047
Locked Bag 1470, Drummoyne NSW 1470

Website: www.canadabay.nsw.gov.au
Email: council@canadabay.nsw.gov.au
Telephone: 9911 6555

REQUEST TO ADDRESS COUNCIL MEETING APPLICATION FORM



Applicant Details

Surname:	<input type="text"/>	First Name:	<input type="text"/>
Address:	<input type="text"/>		
Suburb:	<input type="text"/>	Postcode:	<input type="text"/>
Phone (h):	<input type="text"/>	Phone (w):	<input type="text"/>
Phone (m):	<input type="text"/>	Fax:	<input type="text"/>
Email:	<input type="text"/>		

If you are representing someone else or an organisation, state who are you representing?

Details of Proposed Council Address

Date of Council meeting at which you wish to speak:

Please indicate the item on the agenda you are planning to speak about:

Please give a brief outline of your planned address below:

NOTE:- You may use and distribute printed information; sketches etc. but Council cannot accommodate audio-visual equipment such as mobile phones, tablets (iPads, Android, etc), laptops or USB devices.

Consent

I agree that my name will be printed in the Council Meeting Minutes

Signed: Date:

Please return this form by 3.00pm on the day of the meeting by emailing to council@canadabay.nsw.gov.au

Council Details

Address:	City of Canada Bay Civic Centre 1A Marlborough Street, Drummoyne NSW 2047 Locked Bag 1470, Drummoyne NSW 1470	Website:	www.canadabay.nsw.gov.au
		Email:	council@canadabay.nsw.gov.au
		Telephone:	9911 6555

