



# **CODE OF MEETING PRACTICE**

## **For Councillors and Staff**

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## PART 1 PRELIMINARY

### Citation

1.1 This Code may be cited as the Greater Hume Shire Council Code of Meeting Practice.

### Definitions

1.2 (1) In this Code:

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

**Chairperson**,

(a) in relation to a meeting of the Council - means the person presiding at the meeting as provided by clause 3.2 of this Code; and

(b) in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 5.8 of this Code;

**committee** means a committee appointed or elected by the Council in accordance with clause 39(1) or the Council when it has resolved itself into a committee of the whole;

**motion** is a proposition placed before Council inviting the Council to determine a position with regard to the issue;

**procedural motion** is a motion directed at controlling the conduct of a meeting rather than at requiring or acknowledging the need for action;

**substantive motion** is a proposition that requires or acknowledges action that has to be done or has been done. It can also state a view or a preferred position on a particular issue;

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

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

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, direct descendant or adopted child of the person or of the person's spouse;

(b) the spouse or the de facto partner of the person or of a person referred to in paragraph (a).

**the Act** means the Local Government Act 1993, as amended;

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**the Regulation** means the Local Government (General) Regulation 2005; as amended;

**the Code** means the Greater Hume Shire Council Code of Meeting Practice;

- (2) Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.

### **Act and Regulation**

- 1.3 (1) This Code is made pursuant to section 360(2) of the Act, and amended pursuant to section 363.
- (2) It incorporates relevant provisions of the Regulation and the Act.
- (3) In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

### **Text in Italics**

- 1.4 Where italic text has been used in this Code it indicates that the content is additional to that prescribed in the Act and/or the Regulation.



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## **PART 2                    CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS**

### **Frequency of Meetings of the Council – LGA Section 365**

- 2.1     (1)     The Council is required to meet at least 10 times each year, each time in a different month. Ordinary meetings shall be held on the third Wednesday of each month commencing at 4.30pm unless otherwise determined by Council.
- A public forum may be held at the commencement of each ordinary meeting of Council.
- (2)     The Council shall, by resolution, set the time, date and place of ordinary meetings of the Council.

### **Extraordinary Meetings - LGA Section 366**

- 2.2     (1)     The Mayor may call extraordinary meetings of the Council; or
- (2)     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 calendar days after the receipt of the request.
- (3)     The General Manager must ensure that the agenda for an extraordinary meeting of Council deals with only matters stated in the notice of meeting.

### **Notice of Meetings – LGA Section 367 and General Regulation 232**

- 2.3     (1)     The General Manager of the Council must give to each Councillor, at least three (3) clear 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 three (3) clear days may be given of an extraordinary meeting called in an emergency (*but in no case shall notice of less than 24 hours be given*).
- (3)     The notice of a meeting of Council or of a Committee must be published in the local newspaper circulating in the area indicating the time and place of the meeting.
- (4)     *Notice of more than one meeting may be given at the same time.*
- (5)     Public notice must be given on the time and place of an extraordinary meeting of Council.

### **Quorum – LGA Section 368**

- 2.4     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.

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## What Happens When a Quorum is not Present – General Regulation Clause 233

- 2.5 (1) A meeting of the Council must be adjourned if a quorum is not present:
- a) within half an hour after the time designated for the holding of the meeting; or
  - b) at any time during the meeting.
- (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.

## Presence at Council Meetings – General Regulation Clause 235 + 235A

- 2.6 (1) A Councillor cannot participate in a meeting of the Council unless personally present at the meeting.
- (2) *Leave of absence may be granted to a Councillor who cannot attend a meeting. This may be granted prior to the meeting or at the meeting. Where practical, it would be wise to make the leave application in writing.*
- (3) *Leave of absence for 3 or more consecutive meetings may only be granted by Council resolution.*
- (4) *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.*

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## **PART 3 PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS**

### **Mobile Phones**

- 3.1 (1) *Any person in attendance at any meeting of Council shall ensure that all mobile phones are completely turned off or turned to silent during the course of the meeting.*

### **Chairperson of Council Meetings – LGA Section 369 and General Regulation 236**

- 3.2 (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of the Council.
- (2) If the Mayor and the Deputy Mayor are absent a Councillor elected to chair the meeting by the Councillors presides at a meeting of the Council.
- (3) *Clause 3.2(2) of this Code provides for a Councillor to be elected to chair a meeting of a Council when the Mayor and Deputy Mayor are absent.*
- (4) The election must be conducted:
- (a) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager; or
  - (b) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- (5) If, at an election of a Chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- (6) For the purposes of subclause (5), the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (7) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.
- (8) *In the event the Mayor should find it necessary to vacate the chair during the course of a meeting the Mayor should seek leave of the Council and invite the Deputy Mayor to take the chair, or in the absence of the Deputy Mayor, whomever a quorum of the Council may elect.*

### **Chairperson To Have Precedence – General Regulation 237**

- 3.3 (1) When the Chairperson rises during a meeting of a Council:

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- (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.

### Conduct of Debate

- 3.4 (1) *Speakers address the Chairperson and must keep to the particular matter then before the meeting, whether it be a motion, an amendment, a point of order or a personal explanation.*

### Chairperson's Duty with Respect to Motions – General Regulation 238

- 3.5 (1) It is the duty of the Chairperson at a meeting of the 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.

### Minutes – LGA Section 375 and General Regulation 254

- 3.6 (1) Council must ensure that full and accurate minutes are kept of proceedings of the Council. *The minutes should record the following:*
- (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 motions or amendments*
  - (c) *attendance of Councillors*
  - (d) *declarations of interest*
  - (e) *votes on divisions*
  - (f) *dissenting votes when requested by a Councillor*
  - (g) *circumstances relating to the absence of a quorum at or arising during a meeting, together with the names of the Councillors present*
  - (h) *any instances where the Chair's Casting Vote was used*
  - (i) *whether the motion or amendment is passed or lost.*
- (2) *The correctness of the minutes of every preceding meeting, including extraordinary meetings, not previously confirmed must be dealt with at every ordinary meeting of the Council, in order that such minutes may be confirmed.*

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- (3) *A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.*
  - (4) *Minutes may be confirmed at an extraordinary meeting of the Council.*
  - (5) 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.

### Recording of Voting on Planning Matters – LGA Section 375A

- 3.7 (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.

### Order of Business – General Regulation Clause 239

- 3.8 (1) At a meeting of the Council (other than an extraordinary meeting), the general order of business is (except as provided by this Code) such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, in accordance with the Schedule.
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect, which can be moved without notice, is carried.
- (3) Despite clause 3.21 of this Code, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

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## Agenda for Council Meetings – General Regulation Clause 240

- 3.9 (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 proceedings of former meetings of Council;
  - (b) if the Mayor (or the Deputy Mayor if acting for the Mayor) is the Chairperson - any business that the Chairperson proposes at the time the Agenda is prepared, to be put to the meeting;
  - (c) subject to subclause (2), any business 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 to be prepared as soon as practicable before the meeting, *but in any case so as to comply with the prescribed Notice of Meeting (Refer Schedule)*.
- (4) All reports to Council, which in the opinion of the General Manager are likely to be considered when the meeting is closed to the public or contain an attachment(s) which is (are) likely to be considered when the meeting is closed to the public, must contain a statement at the beginning of the report identifying:
- (a) that the report, or attachment(s) to the report should be dealt with in confidential session;
  - (b) the reason under section 10A of the Local Government Act why the matter is confidential including, where necessary, an explanation of why it would be contrary to the public interest to deal with the matter in open session; and
  - (c) any business of which due notice has been given.
- (5) Nothing in this clause limits the powers of the Chairperson under clause 3.12 of this Code.

## Giving Notice of Business – General Regulation Clause 241

- 3.10 (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing seven (7) clear calendar days before the meeting and any correspondence six (6) calendar days before the meeting; and
  - (b) unless notice of business has been given to the Councillors at least three (3) clear calendar days before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least 24 hours before the meeting.
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:

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- (a) is already before, or directly relates to a matter that is already before the Council, or
  - (b) the election of a Chairperson to preside at the meeting as provided by Clause 236(1); or
  - (c) 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 the Council when due notice of the business has not been given to Councillors, however, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice.

- (4) Despite clause 3.21 of this Code, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

### **Agenda for Extraordinary Meeting – General Regulation Clause 242**

- 3.11 (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 only happen 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 3.21 of this Code, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

### **Mayoral Minutes – General Regulation Clause 243**

- 3.12 (1) If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the Chairperson,

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entitled to put to the meeting any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

- (2) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor, or the Deputy Mayor, if acting for 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 Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

### **Report of a Departmental Representative to be Tabled at Council Meeting – General Regulation Clause 244**

- 3.13 (1) When a report of a Department of Local Government 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.

### **Notice of Motion - Absence of Mover – General Regulation Clause 245**

- 3.14 (1) In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the 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.

### **Motions To Be Seconded – General Regulation Clause 246**

- 3.15 (1) A motion or an amendment cannot be debated unless or until it has been seconded. *However, the mover of a motion may be allowed by the Chairperson to speak to the motion before calling for the motion to be seconded. This clause is subject to clauses 3.12(2) and 3.21(5) of this Code.*
- (2) The seconder of a motion may reserve the right to speak later in the debate.

### **How Subsequent Amendments Motion May Be Moved – General Regulation Clause 247**

- 3.16 (1) If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
- (2) *It is permissible to debate the motion and an amendment concurrently.*



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- (3) *It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.*

### **Motions of Dissent – General Regulation Clause 248**

- 3.17 (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 3.18 of this Code, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

### **Petitions May be Presented to the Council**

- 3.18 (1) *A Councillor may present a petition to the Council.*
- (2) *The Chairperson must not permit discussion on the petition.*
- (3) *The petition will be referred to the General Manager for appropriate action or referred to a future meeting of Council.*

### **Questions May be Put to Councillors and Council Employees – General Regulation Clause 249**

- 3.19 (1) A Councillor:
- (a) may, through the Chairperson, put a question to another Councillor; and
  - (b) may, through the Chairperson and the General Manager, put a question to a Council employee.
- (2) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.

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- (3) *Any such question must be put 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.
  - (5) *Nothing in this clause affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.*
  - (6) *Wherever possible Councillors should, prior to Meetings, seek answers from staff to questions which would otherwise arise at meetings.*

### **Mode of Address**

- 3.20 (1) *Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be.*

### **Limitation as to Number of Speeches – General Regulation Clause 250**

- 3.21 (1) A Councillor who, during a debate at a meeting of the 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; 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 further 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 amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment.
- (7) If a motion that the question be now put is rejected, the Chairperson must resume the debate on the original motion or amendment.

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## Motions Put Without Debate

3.22 *Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.*

## Voting at Council Meetings – LGA Section 370 and General Regulation Clause 251

- 3.23
- (1) Each Councillor is entitled to one vote.
  - (2) However, the Chairperson has, in the event of an equality of votes, a second or casting vote.
  - (3) A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. [This subclause does not apply to a Councillor who does not vote because he or she has declared a pecuniary interest in the motion being moved].
  - (4) If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
  - (5) The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division.
  - (6) When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.
  - (7) Voting at a Council meeting or Council committee meeting including voting in any election is to be by open means (in the case of Council, a show of hands). However, the Council may resolve that the voting in any election of Councillors for position of Mayor or Deputy Mayor is to be by secret ballot.

## Decisions of the Council – LGA Section 371

3.24 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.

## Rescinding or Altering Resolutions – LGA Section 372

- 3.25
- (1) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with clause 3.10 of this Code.
  - (2) If a notice of motion to rescind or alter 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 or alteration has been dealt with.
  - (3) *If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.*

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- (4) If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with clause 3.10 of this Code.
  - (5) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by at least 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
  - (6) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.
  - (7) A motion to which this clause 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 Council.
  - (8) The provisions of this clause concerning negated motions do not apply to motions of adjournment.

### Motions of Adjournment

- 3.26 (1) *Debate shall not be permitted on any motion for adjournment of a meeting of the Council.*
- (2) *If a motion for adjournment is negated, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.*
- (3) *A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified. An adjourned meeting is a continuation of the same meeting, not a new meeting.*

### Suspension of Standing Orders

- 3.27 (1) *A meeting may resolve to suspend any or all standing orders and resolve itself in a committee of the whole at any time during consideration of a motion or an amendment to a motion, or at any time during the course of a meeting.*
- (2) *The standing orders apply to the procedural motion to suspend any or all standing orders.*
- (3) *Upon completion of the necessary discussion or debate, a further motion is required to resume standing orders.*

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## PART 4            KEEPING ORDER AT MEETINGS

### Questions of Order – General Regulation Clause 255

- 4.1     (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.

### Acts of Disorder – General Regulation Clause 256

- 4.2     (1)     A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- (a)     contravenes the Act, any regulation in force under the Act or this Code; 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; or
- (2)     The Chairperson may require a Councillor:
- (a)     to apologise 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 for an act of disorder referred to in subclause (1) (d), (e);
- (3)     A Councillor may, as provided by Section 10(2) (a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under sub clause 2. The expulsion of a Councillor under this subclause does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

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### How Disorder at a Meeting May be Dealt With – General Regulation Clause 257

- 4.3 (1) If disorder occurs at a meeting of the Council or committee of the 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 a 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.

### Power to Remove Persons from Meeting after Expulsion Resolution – General Regulation Clause 258

- 4.4 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.

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## **PART 5                    COUNCIL COMMITTEES**

### **Confidential - Committee of the Whole – LGA Section 373 and General Regulation Clause 259**

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

### **Council May Appoint Committees – General Regulation Clause 260**

- 5.2     (1)     The 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 elected by the Councillors or appointed by the Council.
- (3)     The quorum for a meeting of such a committee is to be:
- (a)     such number of members as the Council decides; or
- (b)     if the Council has not decided a number - a majority of the members of the committee.

### **Functions of Committees – General Regulation Clause 261**

- 5.3     The Council must specify the functions of each of its committees when the committee is appointed or elected, but may from time to time amend those functions.

### **Notice of Committee Meetings to be Given – General Regulation Clause 262**

- 5.4     (1)     The General Manager of the Council must give to each Councillor, at least three (3) clear working 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 three (3) clear calendar days may be given of a committee meeting called in an emergency.

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## **Non-Members Entitled to Attend Committee Meetings – General Regulation Clause 263**

- 5.5 (1) A Councillor who is not a member of a Council committee is entitled to attend and speak at meetings of the committee.
- (2) The Councillor who is a non member is not entitled
- (a) to give notice of business for inclusion in the agenda for the meeting
  - (b) move or second a motion at the meeting or
  - (c) vote at the meeting.

## **Procedure in Committees – General Regulation Clause 265**

- 5.6 (1) Each committee of the Council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of the 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 a show of hands).

## **Committees To Keep Minutes – General Regulation Clause 266**

- 5.7 (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.

## **Chairperson and Deputy Chairperson of Committees – General Regulation Clause 267**

- 5.8 (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) The 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.



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- (3) If neither the Chairperson nor the deputy Chairperson of a committee of the 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 the 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.
  - (5) The Mayor is, by virtue of holding that office, a member of each committee of the Council.

### **Absence from Committee Meetings – General Regulation Clause 268**

- 5.9 (1) A member ceases to be a member of a committee if the member (other than the Mayor):
- (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year [ie: the period from 1 July to the following 30 June], without having given to the committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply if all of the members of the Council are members of the committee.

### **Reports of Committees – General Regulation Clause 269**

- 5.10 (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.

### **Disorder in Committee Meetings – General Regulation Clause 270**

- 5.11 The provisions of the Act, the Regulation and this Code 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.

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## Committee May Expel Certain Persons from its Meetings - General Regulation Clause 271

- 5.12 (1) If a meeting or part of a meeting of a committee of the Council is closed to the public in accordance with section 10 of the LGA, 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 such 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 necessary, remove the first mentioned person from, and if necessary, restrain the person from re-entering, that place.

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## PART 6 PRESS AND PUBLIC

### Public Notice of Meetings – LGA Section 9 and General Regulation Clause 232

- 6.1 (1) The Council must give notice to the press and public of the times, dates and places of its meetings and meetings of those of its committees of which all the members are Councillors (except for extraordinary meetings). The notice of a meeting is to be published monthly in the Border Mail and Eastern Riverina Chronicle newspapers.
- (2) The Council and each such committee must have available for the press and public at its offices and at each meeting copies (for inspection and taking away by persons) of the agenda for the meeting. This requirement does not apply to an agenda for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the press and public.
- (3) The copies are to be available to the press and public as nearly as possible to the time they are available to Councillors.
- (4) The copies are to be available free of charge.

### Attendance at Meetings of the Council – LGA Section 10

- 6.2 (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.

### Parts Of A Meeting Can Be Closed To The Public – LGA Section 10A

- 6.3 (1) The Council or such a committee may close to the press and public only so much of its meeting as comprises the receipt or discussion of any of the following:
- (a) personnel matters concerning particular individuals;
- (b) the personal hardship of any resident or ratepayer;

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- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business 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 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.
- (2) (a) The grounds on which 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.
- (b) The public are entitled to make representations to Council or a committee meeting as to whether part of the meeting should be closed.

### **Public Access to Correspondence and Reports – LGA Section 11**

- 6.4 (1) The 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) Subclause (1) of this clause 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 7.2 (2) are to be treated as confidential.

### **Representations By Members Of The Public – Closure Of Part Of Meeting – General Regulation 264**

- 6.5 (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 resolution of the Council.

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## Resolutions Passed At Closed Meetings To Be Made Public – General Regulation 253

- 6.5 If 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.

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## PART 7 MISCELLANEOUS

### Inspection of the Minutes of the Council or a Committee - General Regulation Clause 272

- 7.1 (1) An inspection of the minutes of the Council or committee of the 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.

### Access to Records

- 7.2 (1) *The General Manager may allow or refuse to allow any Councillor to inspect any record of the Council that the Councillor requests to see.*
- (2) *If the General Manager refuses to allow a Councillor to inspect any such record, the Councillor may, at a meeting of the Council, move for the production of the document. However, the Councillor must give notice of intention to move the motion.*
- (3) *If the Council passes a motion for the production of a Council record, the Council must ensure that the record:*
- (a) *is produced immediately and laid on the table for inspection by the Councillors; or*
- (b) *is made available for inspection by any Councillor on reasonable notice to the General Manager during the Council's ordinary office hours on any day that is within 1 month after the passing of the motion.*
- (4) *Nothing in this clause derogates from the common law right of Councillors to inspect any record of the Council relating to any business before the Council, except where the Councillor requesting inspection has a pecuniary interest in the matter.*

### Tape Recording of Meeting of the Council or a Committee Prohibited Without Permission – General Regulation Clause 273

- 7.3 (1) A person may use a tape recorder to record the proceedings of a meeting of the Council or a committee of a Council only with the authority of the Council or committee.
- (2) The Council or committee may, by resolution, expel from the place where it is holding a meeting any person who uses a tape recorder in contravention of this clause.

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- (3) If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the 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.

#### **Certain Circumstances Do Not Invalidate Council Decisions – LGA Section 374**

- 7.4 (1) Proceedings at a meeting of the 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 a committee member; or
  - (c) any defect in the election or appointment of a Councillor or a committee member; or
  - (d) a failure of a Councillor or a committee member to disclose a pecuniary interest at a Council or a committee meeting; or
  - (e) a failure to comply with this Code.

#### **Council Seal – General Regulation Clause 400**

- 7.5 (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.
- (6) In the event of any legislative change, those changes are to be incorporated into this Code without further public exhibition.

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## Questions On Notice

- 7.6 (1) *Councillors may submit questions to be included in the Agenda and will be listed after the Part C items. Questions on Notice must be received by Council 7 clear calendar days prior to the Council meeting, or can be raised at the Council meeting for listing on the agenda for the following meeting.*

## Disclosure Of Pecuniary Interests At Meetings – LGA Section 451

- 7.7 (1) A Councillor or 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 of the Act.

## Disclosures to be Recorded – LGA Section 453

- 7.8 (1) A disclosure made at a meeting of Council or Council committee must be recorded in the minutes of the meeting.

## Amendment of Code

- 7.9 (1) This Code may be amended only in accordance with the provisions of Division 1 of Part 2 of Chapter 12 of the Act.



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# SCHEDULE

## General Order of Business

1. Prayer
2. Declarations of Pecuniary Interest or Non Pecuniary Interest (Conflict of Interest)
3. Apologies
4. Confirmation Of Minutes Of Previous Meeting(s)
5. Action Report From The Minutes
6. Mayoral Minute(s)
7. Presentation Of Petition(s)
8. Motion(s) Of Which Due Notice Has Been Given
9. Officers' Reports – Part A For Determination
10. Officers' Reports – Part B For Information
11. Part C – Committee Reports
12. Matters Of Urgency
13. Questions Without Notice
14. Closing The Meeting (Confidential Section)
15. Committee Of The Whole
16. Ordinary Meeting Reconvened
17. Recommendation Of Closed Council (Committee Of The Whole)
18. Meeting Conclusion.