



Manly Council

Code of Meeting Practice

November 2010

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1. INTRODUCTION

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

The object of this Code is to provide for the convening and conduct of meetings of Manly Council and of Committees of Council. The provisions of this Code are based on the provisions of the Act, the Regulation, and supplementary provisions adopted by Council.

Council and all Committees of Council of which all members are Councillors must conduct their meetings in accordance with this Code (*section 360 of the Act*).

2. PRELIMINARY

2.1 Citation

This Code may be cited as the "Manly Council Code of Meeting Practice".

2.2 Commencement

This Code commenced after being adopted by Council on 12 October, 1993. It has been the subject of reviews and amendments over the ensuing period.

2.3 Definitions

In this Code:

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

Chairperson:

- (a) in relation to a meeting of Council - means the person presiding at the meeting as provided by section 369 of the Act (*see clause 6.2 of this Code*); and
- (b) in relation to a meeting of a Committee of Council - means the person presiding at the meeting as provided by clause 267 of the Local Government (General) Regulation 2005 (*see clause 8.6 of this Code*);

Committee, in relation to Council, means a Committee appointed or elected by Council in accordance with clause 260(1) of the Local Government (General) Regulation 2005 (*see clause 8.2 of this Code*) or Council when it has resolved itself into Committee of the Whole;

Councillor, is a person elected or appointed to civic office as a member of the governing body of Council and includes the Mayor;

General Manager, is the General Manager of Council;

quorum, for a meeting of Council or a Committee is a majority of the Councillors of Council who hold office for the time being and who are not suspended from office, or members of the Committee, as appropriate;



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 Council and, in particular, includes the minutes of meetings of Council or of a Committee of Council;

the Act, means the Local Government Act 1993.

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

Note:

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

3. CONVENING COUNCIL MEETINGS

3.1 Ordinary meetings of Council

- (1) Council is required to meet at least 10 times each year, each time in a different month. (*section 365*)
- (2) Ordinary meetings will be held in the Council Chambers, unless Council has decided to meet in another location.

3.2 Convening a meeting

- (1) A meeting cannot be held unless due notice in writing has been given to all members and a quorum is present (*see clauses 3.5 and 5.1 of this Code*).

By the minister in certain cases

- (2) Whenever an area is constituted or reconstituted, the Minister is required :
 - (a) to convene the first meeting of the council of the area, and
 - (b) to nominate the business to be transacted at the meeting, and
 - (c) to give the councillors notice of the meeting.
- (3) The meeting must transact the business nominated by the Minister for a meeting convened under this Clause.

3.3 Calling of extraordinary meetings

By the Mayor or General Manager

- (1) The Mayor may call an extraordinary meeting of the Council upon receipt of a written request from at least one other councillor, on any matter or matters considered necessary. The Mayor cannot call an extra-ordinary meeting by him or herself.



Upon request by Councillors

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

(section 366)

- (3) If the Mayor fails to call an extraordinary meeting pursuant to subsection 2, after receiving a request signed by at least 2 Councillors, such Councillors may, in writing, request the General Manager to call the meeting. *The General Manager* shall call the meeting as soon as practicable within the period specified in subsection 2.
- (4) Extraordinary meetings are not only held in “extraordinary” circumstances. They may deal with special business or where there is so much business to be dealt with that an additional meeting is required.

3.4 Public notice of meetings

- (1) This clause prescribes the manner in which the requirements outlined in section 9(1) of the Act are to be complied with.
- (2) A notice of a meeting of a council or of a committee of which all the members are Councillors must be published in a newspaper circulating in the area before the meeting takes place.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause does not apply to an extraordinary meeting of a council or a committee.
- (6) Council and each such Committee must have available for the public at Council's offices and at each meeting copies (for inspection or taking away by any person) of the business paper for the meeting. This requirement does not apply to a business paper for a matter that, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public.
- (7) The copies of the business paper are to be available to the public as nearly as possible to the time they are available to Councillors.
- (8) The copies are to be available free of charge.

(section 9)

3.5 Notice of meetings

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

- (a) The Business Papers are delivered to Councillors on Thursday and are available to the community on a Friday morning at either the Library or the Council Chambers.
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.
(section 367)
- (3) Proceedings at a meeting of Council or a Committee are not invalidated because of a failure to give notice of the meeting to any Councillor or Committee member.
(section 374)

4. BUSINESS PAPERS

4.1 Business papers for Council meetings

- (1) The General Manager must ensure that the business paper for a meeting of Council states:
 - (a) All matters to be dealt with arising out of the proceedings of former meetings of Council;
 - (b) If the Mayor is the Chairperson - any business that the Mayor may decide to put before the meeting without notice; and
 - (c) any business of which due notice has been given.
- (2) The General Manager must cause the business paper for a meeting of Council or a Committee to be prepared as soon as practicable before the meeting.
- (3) If, in the opinion of the General Manager, business to be transacted at a meeting of Council or of a Committee is a kind of business referred to in section 10A(2) of the Act (*see clause 5.5(2) of this Code*), the business may be included in a confidential business paper or in a report marked confidential and circulated separately. All other business to be transacted at the meeting must be included in an ordinary business paper.
- (4) If a confidential business paper or report is prepared for a kind of business referred to in section 10A(2) of the Act (*see clause 5.5(2) of this Code*), the business must be referred to in the ordinary business paper prepared for the same meeting.
(clause 240)
- (5) Copies of business papers for Council and Committee meetings (not being confidential business papers) will be available at Council's offices and at each meeting, for inspection or taking away by any persons free of charge. The copies are to be available to the public as nearby as possible to the time they are available to Councillors.



(section 9)

4.2 Business papers for extraordinary meeting

- (1) The General Manager must ensure that the business paper for an extraordinary meeting of Council deals only with the matters stated in the notice of the meeting.
- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to councillors. However, this can 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.

- (3) Despite clause 6.14 of this Code, only the mover of a motion referred to in subclause (2) above can speak to the motion before it is put.

(clause 242)

5. ATTENDANCE AT COUNCIL MEETINGS

5.1 What happens when a quorum is not present

- (1) A meeting of Council must be adjourned if a quorum (*see definition at clause 2.3 of this Code*) is not present:
 - (a) within half an hour after the time designated for holding 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 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 Council, together with the names of the Councillors present.

(clause 233)

5.2 Presence at Council meetings

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



(clause 235)

5.3 Departure From Meeting Prior to Closure

If a Councillor is required to leave a Council Meeting for the entire evening once it has commenced, a formal apology shall be given to the General Manager and the General Manager shall inform the Chairperson who in turn shall formally advise Councillors and the public at an appropriate time during the meeting. The departure of the Councillor shall be duly noted in the minutes.

5.4 Attendance of General Manager at meetings

- (1) The General Manager is entitled to attend, but not to vote at, any meeting of Council or any meeting of a Committee of Council of which all the members are Councillors.
- (2) The General Manager is entitled to attend a meeting of any other Committee of Council and may, if a member of the Committee, exercise a vote.
- (3) However, the General Manager may be excluded from a meeting of Council or a Committee while 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.

(section 376)

5.5 Who is entitled to attend meetings

General public

- (1) Everyone is entitled to attend a meeting of Council and those of its Committees of which all the members are Councillors, except as provided by this clause.

Exclusion of the public

- (2) Council, or a Committee of which all the members are Councillors, may close to the 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;
 - (c) commercial information the disclosure of which would be likely:
 - to prejudice the commercial position of the person who supplied it;
 - to confer a commercial advantage on a competitor of the Council; and
 - to reveal a trade secret;
 - (d) proposals for:
 - the sale or purchase of land;
 - the rezoning of land;
 - entering into contracts of any kind,



if prior knowledge of those proposals could confer an unfair financial advantage on any person;

- (e) information that is subject to legal obligations of confidence;
 - (f) the receipt and consideration of legal advice concerning litigation;
 - (g) information the disclosure of which would prejudice the maintenance of the law;
 - (h) matters affecting the security of Council, Councillors, Council staff or Council property; and
 - (i) a motion to close the meeting to the public.
- (3) The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
- (4) A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.

(section 10)

5.6 Public Addresses at Meetings of Council or its Principal Committees

- (1) Written applications may be made to the General Manager by an applicant, objector or interested person in respect of an item on the Business Paper for the meeting to address the meeting of Council or Principal Committees. Applications must be received prior to 12.00 noon on the day of the meeting.
- (2) The number of people permitted to address shall be limited to one person per item in support of the proposal and one person opposed to the proposal or in the case of Development Applications and Building Applications, the applicant (or representative) and an objector. The Council will not be responsible for advising other parties or seeking to find a speaker in opposition to that speaker who addresses Council. However, prior to a matter being dealt with by Council, a speaker in opposition will be permitted to address Council if he/she so requests even if no prior arrangement has been made to do so.
- (3) Where a number of persons are seeking to address a meeting on an item before the meeting, selection will be on the basis of first application received unless a spokesperson is nominated.
- (4) The person addressing Council shall:
 - (a) Read the report in the Agenda prior to the meeting.
 - (b) Keep their remarks relevant to the application with those remarks best directed towards amplifying the report rather than repeating information already included.

Each address will take the course of comment and concern by the addressee, followed by questions from the Councillors. Questions from Councillors which put forward matters which would otherwise be dealt with in debate are to be rejected by the Chairperson as out of order.



- (c) Confine their address to a maximum of three (3) minutes.
 - (d) Acknowledge that information is not permitted to be circulated at the meeting. Such must be received by 12.00 noon on the day of the meeting and shall be distributed at the discretion of the General Manager.
- (5) At the conclusion of the address the addressee will return to the Public Gallery prior to Council determining the matter.

5.7 Public Forum at Meetings of Council

- 1. There is an opportunity for the public to speak on any matter relevant to Council.
- 2. The Public Forum be held at the commencement of Ordinary Meetings and intending speakers can participate by raising their hands.
- 3. The Forum is for a maximum of fifteen (15) minutes on matters that **are not listed on the Agenda of the Meeting**.
- 4. A maximum of five (5) people may address Council for three (3) minutes each.
- 5. Councillors are not permitted to ask the speakers questions.
- 6. A written response be sent to all Public Forum addressees responding to and providing clarification on the issues raised in the Public Forum.

6. PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

6.1 What is the role of the Mayor

The role of the Mayor includes presiding at meetings of Council.

(section 226)

6.2 Who presides at meetings of 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 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 Council.

(section 369)

- (3) If no Chairperson is present at a meeting of 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.
- (4) The election must be conducted;
 - (a) by the General Manager or, in his or her absence, an employee of Council designated by the General Manager to conduct the election; or



- (b) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- (5) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- (6) For the purposes of subclause (5), the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (7) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

(clause 236)

6.3 Chairperson to have precedence

When the Chairperson rises during a meeting of Council:

- (a) any Councillor then speaking or seeking to speak must immediately resume his or her seat; and
- (b) every Councillor present must be silent to enable the Chairperson to be heard without interruption.

(clause 237)

6.4 Chairperson's duty with respect to motions

- (1) It is the duty of the Chairperson at a meeting of 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) Subject to clause 6.12 of this Code, any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

(clause 238)

6.5 Order of business

- (1) At an ordinary meeting of Council the general order of business (except as provided by the Regulation) is as fixed by this code. The general order of business shall be:
 - Opening prayer
 - Apologies and requests for leave of absence
 - Declarations of Interest



- Confirmation of Minutes
 - Public Forum
 - Public Addresses (An endeavour shall be made to give priority in determining matters the subject of public addresses and matter for which the public are specifically in attendance.)
 - Mayoral Minutes
 - Rescission Motions
 - Motions of Which Due Notice Has Been Given
 - Items for Brief Mention
 - Reports from:
 - General Manager's Division
 - Environmental Services Division
 - Corporate Planning & Strategy Division
 - Human Services & Facilities Division
 - Corporate Services Division
 - Civic & Urban Services Division
 - Questions Without Notice
 - Matters of Urgency
 - Matters referred to Closed Session
- (2) The order of business fixed under subclause (1) above may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- (3) Despite clause 6.14 of this Code only the mover of a motion referred to in subclause (2) above may speak to the motion before it is put.

(clause 239)

6.6 Giving notice of business

- (1) Council must not transact business at a meeting of Council:
- (a) unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by resolution of Council or, if there is no such resolution, within 3 days before the meeting; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.5 of this Code.
- (2) Subclause (1) above does not apply to the consideration of business at a meeting if the business:
- (a) Is already before, or directly relates to a matter that is already before, the council, or
 - (b) Is the election of a chairperson to preside at the meeting as provided by clause 6.2, or
 - (c) Is a matter or topic put to the meeting by the chairperson in accordance with clause 6.8, or
 - (d) Is a motion for the adoption of recommendations of a committee of council.



- (3) Despite subclause (1) above, business may be transacted at a meeting of Council when due notice of the business has not been given to Councillors. However, this can only happen if:
- (b) 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 6.14 of this Code, only the mover of a motion referred to in subclause (3) above can speak to the motion before it is put.

(clause 241)

6.7 Disclosure of interests

Pecuniary interests

- (1) The first item on the agenda for all Council meetings shall be the declaring of pecuniary interests and/or conflict of interests.
- (2) 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.
- (3) 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.

(section 451)

Disclosures to be recorded

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

(section 453)

6.8 Official (Mayoral) Minutes

- (1) If the Mayor is the chairperson at a meeting of Council, the chairperson is, by minute signed by the chairperson, is entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of Council or of which Council has official knowledge.



- (2) Such a minute, when put to the meeting, takes precedence over all business on Council's business paper for the meeting. The Chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by Council, a resolution of Council.

(clause 243)

6.9 Notices of motion

Form of lodgement and content

- (1) All Notices of Motion intended for consideration at any meeting are to be delivered to or posted to the General Manager so as to be received no later than **12.00 noon** on the **Tuesday preceding** an Ordinary Meeting of the Council.

(clause 241)

- (2) The General Manager, may exclude from the business paper any Notice of Motion which in his or her opinion is out of order, or the General Manager may on his or her own initiative make such alterations, corrections or amendments as will put such Notice of Motion into appropriate form (without changing its substance). In either such event the General Manager shall, as soon as is practicable, inform the author of the Notice of Motion of the action which the General Manager has taken and the reasons for that action.

(clause 240(2))

Order of Notices of Motion

- (3) All Notices of Motion shall be dated and numbered as received and shall be entered by the General Manager upon the business paper in the order in which they are received. Except by permission of Council, in accordance with clause 6.5 of this Code, all such Notices of Motion shall be taken and considered in the order in which they appear on the business paper.
- (4) A Councillor may withdraw a notice of motion before it is placed on the agenda.

Absence of Mover

- (5) In the absence of a Councillor who has placed a notice of motion on the business paper for a meeting of 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 Council at which the motion can be considered.

(clause 245)

6.10 Motions to be seconded



A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 6.8 and 6.14(5) of this Code.

(clause 246)

6.11 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 Council at any one time.

(clause 247)

6.12 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 business paper and proceed with it in due course.
- (3) Despite clause 6.14, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

(clause 248)

6.13 Questions may be put to Councillors and Council employees

- (1) A Councillor:
 - (a) may, through the Chairperson, put a question to another Councillor; and
 - (c) may, through the Chairperson and the General Manager, put a question to a Council employee; and
 - (d) may submit a question without notice to the General Manager, which question will be taken as read providing the question and answers are recorded in the Minutes of the meeting and posted to Council's website by the Friday immediately following the Council Meeting.
- (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.
- (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) Questions without notice will be received in writing from Councillors by the General Manager at the agenda item "Questions Without Notice" in the order of business, with the following requirements:
- a. No arguments or opinions shall be expressed in questions;
 - b. Questions and answers shall be recorded in the Minutes of Council as provided in sub-clause 1(c);
 - c. The questions and answers shall be recorded in a Register of Questions Without Notice.

(clause 249)

6.14 Limitation as to number of speeches

- (1) A Councillor who, during a debate at a meeting of 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 Council, speak more than once on an item, or for longer than 3 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 3 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 the motion or 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.(4)

(clause 250)

6.15 Mode of addressing Council

A Councillor shall, on all occasions when in a Council meeting:



- (a) address and refer to other Councillors by their official designations (ie. Mayor, Chairperson or Councillor, as the case may be); and
- (b) with the exception of the Chairperson, (except when prevented by bodily infirmity) rise in his or her place and stand while speaking.

6.16 Interruption of speaker

Subject to clause 6.3, a speaker shall not be interrupted except on a point of order.

6.17 Voting entitlements of Councillors

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

(section 370)

6.18 Voting at Council meetings

- (1) A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. This subclause does not apply to a councillor who does not vote because he or she has a pecuniary interest in the subject-matter of the motion.
- (2) 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.
- (5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for Mayor and deputy Mayor is to be by secret ballot.

(clause 251)

6.19 Resolutions passed at closed meetings to be made public

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

(clause 253)

6.20 What constitutes a decision of Council

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



(section 371)

6.21 Rescinding or altering resolutions

- (1) A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code (*see clause 6.6(1)*).
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (3) If a motion has been negated by Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code (*see clause 6.6(1)*).
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which this clause applies may be moved on the report of a Committee of Council and any such report must be recorded in the minutes.
- (7) The provisions of this clause concerning negated motions do not apply to motions of adjournment.

(section 372)

6.22 Certain circumstances do not invalidate Council's decision

Proceedings at a meeting of Council or a Committee are not invalidated because of:

- (1) a vacancy in a civic office; or
- (2) a failure to give notice of the meeting to any Councillor or Committee member; or
- (3) any defect in the election or appointment of a Councillor or Committee member; or
- (4) a failure of a Councillor or a Committee member to disclose a pecuniary interest at a Council or Committee meeting in accordance with section 451 of the Act; or
- (5) a failure to comply with this Code.

(section 374)



6.23 Matters to be included in the minutes of a council meeting

The General Manager must ensure that the following matters are recorded in the council's minutes:

- (a) Details of each motion moved at a council meeting and of any amendments moved to it,
- (b) The names of the mover and seconder of the motion or amendment,
- (c) Whether the motion or amendment is passed or lost,
- (d) The names of Councillors voting for each motion and against each motion.

(clause 254)

6.24 Report of a Departmental representation to be tabled at council meeting

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

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

(clause 244)

6.25 Representations by members of the public – closure of part of meeting

- (1) A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by this Code or (if the Code 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.

6.26 Council and Committee Meetings – Length of Meetings

In view of the lateness of Council's meetings, Council require:

- 1. That the Mayor or Committee Chairperson of any Council or Committee Meeting adjourn discussions on any business at 11.30pm.
- 2. That discussions on any unfinished agenda items be regulated by the means of Council's Code of Meeting Practice.



7. KEEPING ORDER AT MEETINGS

7.1 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.

(clause 255)

- (5) Upon a question of order being raised, the Councillor called to order shall resume his or her seat.

7.2 Acts of disorder

- (1) A Councillor commits an act of disorder if the Councillor, at a meeting of Council:
 - (a) contravenes the Act or any regulation in force under the Act;
 - (b) assaults or threatens to assault another Councillor or person present at the meeting;
 - (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 Council, or addresses or attempts to address Council on such a motion, amendment or matter;
 - (d) insults or makes personal reflections on or imputes improper motives to any other Councillor; or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council into contempt;

(Clause 256)

 - (f) Brings up matters which are irrelevant to the item being debated, of a superfluous nature, or being tedious repetition.
 - (g) Converses aloud, or makes any noise or disturbance whilst any Councillor is speaking.
- (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) above;



- (b) to withdraw a motion or an amendment referred to in subclause (1)(c) above 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),(e),(f) or (g) above.
- (3) A Councillor may, as provided by Section 10 (2)(a) or (b) of the Act be expelled from a Meeting of a Council for having to comply with a requirement under clause 7.2(2) of this Code. The expulsion of a Councillor from the Meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

(clause 256)

7.3 How disorder at a meeting may be dealt with

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

(clause 257)

7.4 Power to remove persons from meeting after expulsion resolution

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

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

A Police Officer or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place. *(clause 258)*



8. COUNCIL COMMITTEES

8.1 Committee of the Whole

- (1) Council may resolve itself into a Committee of the whole to consider any matter before Council.
(section 373)
- (2) All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council when in 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 Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- (4) Council must ensure that a report of the proceedings (including any Recommendations of the Committee) is recorded in the Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.
(clause 259)
- (5) The General Manager when reporting on the recommendations of the Closed Session of the Committee-of-the-Whole, record the names of the Mover and Seconder and the voting pattern for the adopted recommendation.
- (6) A Committee of the Whole, or a Committee of which all members are Councillors, shall not communicate with any outside person or authority except through the General Manager or his or her delegate, as the employee of Council duly authorised for the purpose.
- (7) Any report in Closed Session of Council are Confidential unless Council resolves to release details of the report.

8.2 Council may establish and wind up Committees

- (1) Council may, by resolution, establish such Committees as it considers necessary and may wind up such Committees.
- (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 majority of the members of the Committee.
(clause 256)
- (4) The Principal Committee of Council is the Corporate Planning & Strategy Committee.
- (5) The Corporate Planning & Strategy Committee, for all intents and purposes, meets as the Council. (EOM 23.8.04)



8.3 Functions of Committees

- (1) 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.

(clause 257)

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

(Section 49(6), Interpretation Act 1987)

8.4 Notice of Committee meetings to be given

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

(clause 262)

8.5 Non members entitled to attend Committee meetings

- (1) A Councillor who is not a member of a Committee is entitled to attend and speak at, but is not entitled to vote 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

(clause 263)

8.6 Chairperson and Deputy Chairperson of Committees

- (1) The Chairperson of each Committee must be:
 - (a) the Mayor; or
 - (b) if the Mayor does not wish to be the Chairperson of that Committee, a member of the Committee elected by Council; or
 - (c) if Council does not elect such a member, a member of the Committee elected by the Committee.



- (2) Council may elect a member of a Committee as Deputy Chairperson of the Committee. If 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 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. 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 to 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.

(clause 267)

8.7 Absence from Committee meetings

- (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 immediate preceding year (being the period beginning 1 July and ending 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 the members of Council are members of the Committee.

(clause 268)

8.8 Procedure in Committees

The procedure of each Committee is to be, so far as is practicable, in accordance with this Code.

8.9 Disclosure of Interests

Pecuniary interests

- (1) The first item on the agenda for all Committee meetings (after apologies and requests for leave of absence) shall be the declaring of pecuniary interests.
- (3) A member of a Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- (4) The member must not be present at, or in sight of, the meeting of the Committee:



- a) at any time during which the matter is being considered or discussed by the Committee, or
 - b) at any time during which the Committee is voting on any question in relation to the matter.
- (5) For the removal of doubt, a member of a Committee is not prevented 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 member has an interest in the matter of a kind referred to in section 448 of the Act.

(section 451)

Disclosures to be recorded

- (5) A disclosure made at a meeting of a Committee must be recorded in the minutes of the meeting.

(section 453)

Powers of Council in relation to meetings

- (6) A member of a Committee must not, if the Council so resolves, attend a meeting of the Committee while it has under consideration a matter in which the member has an interest required to be disclosed under Chapter 14 of the Act (see subclause (2) above).

8.10 Voting at Committee meetings

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

(clause 265)

8.11 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 council meeting and of any amendments moved to it,
 - (b) The names of the mover and seconder of the motion or amendment,
 - (c) Whether the motion or amendment is passed or lost,
 - (d) The names of Councillors voting for each motion and against each motion.



- (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.

8.12 Reports of Committees

- (1) If in a report of a Committee distinct recommendations are made, the decision of Council may be made separately on each recommendation.
- (2) The recommendations of a Committee are, so far as adopted by Council, resolutions of 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. *(clause 269)*

8.13 Disorder at Committee meetings

The provisions of the Act and of 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. *(refer to clauses 7.1 – 7.4).*
(clause 270)

8.14 Committee may expel certain persons from its meetings

- (1) A Councillor may, as provided by Section (10)(2)(a) or (b) of the Act be expelled from a Meeting of a Council or Committee for having to comply with a requirement of Clause 271 of the Local Government Regulation. 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.
- (2) A member of the public may, as provided Section 10(2)(a) or (b) of the Act be expelled from a Meeting of a Committee for engaging in or having engaged in disorderly conduct at the Meeting.
- (3) If a Meeting or part of a Meeting of a Committee of a Council is closed to the public in accordance with Section 10(2) of the Act, any person who is not a Councillor may be expelled from the Meeting as provided by Section 10(2)(a) or (b) of the Act.
- (4) 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 is necessary, remove the first mentioned person from that place, and, if necessary, restrain that person from re-entering, that place.

(clause 271)



9. INFORMATION FROM COUNCIL MEETINGS

9.1 Minutes

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

(section 375)

- (3) The minutes of Council meetings shall record:
 - (a) all motions and resolutions (including the grounds on which a meeting is closed to the public);
 - (b) successful and unsuccessful amendments;
 - (c) attendance of Councillors;
 - (d) declarations of interest by Councillors;
 - (e) the names of Councillors voting for and against each motion;
 - (f) the names of Councillors moving and seconding each resolution; and
 - (g) circumstances relating to the absence of a quorum at or arising during a meeting, together with the names of the Councillors present.
- (4) On each sheet of the Council minute book there will be placed a heading setting out:
 - (a) the nature of the meeting;
 - (b) the date of the meeting; and
 - (c) the page number.
- (5) Immediately after the conclusion of the last minute of a meeting, there shall be placed a certificate signed by the Chairperson of the meeting at which the minutes are confirmed in or to the following effect:

"This is the final page of the minutes of the meeting of the Council/Committee held on".
- (6) After entries in the minute book have been confirmed, though subsequently proved to be incorrect, they must not be altered or erased. Any mistake or omission shall be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.

9.2 Information relating to proceedings at closed meetings not to be disclosed



- (1) If a meeting or part of a meeting of Council or a Committee is closed to the public in accordance with section 10A(2) of the Act (*see clause 5.5(2) of this Code*), a person must not, without the authority of Council or the Committee, disclose, otherwise than to Council or to a Councillor, information with respect to the discussion at, or the business of, the meeting.
- (2) This clause does not apply:
 - (a) to the report of a Committee when presented to Council; or
 - (b) to the disclosure of information referred to in subclause (1) by a Councillor or employee of Council in the course of the Councillor's or employee's duties.

9.3 Public access to correspondence and reports

- (1) 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.

(section 11)

9.4 Inspection of the minutes of a council or committee

- (1) An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council as delegated 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.

(Clause 272)
- (3) The General Manager shall facilitate the inspection of any record of Council that a Councillor requests to see unless the General Manager has reason to believe that there may be a potential conflict of interest or pecuniary interest.
- (4) If the General Manager refuses to allow a Councillor to inspect any such record, the Councillor may, at a meeting of Council, move for the production of the document. However, the Councillor must give notice of intention to move the motion.
- (5) If Council passes a motion for the production of a Council record, the General Manager must ensure that the record:



- (a) is produced immediately and laid on the table for inspection by all Councillors; and
- (b) is made available for inspection by any Councillor on reasonable notice to the General Manager during Council's ordinary office hours on any day that is within 1 month after the passing of the motion.

9.5 Disclosure and misuse of information – prescribed circumstances

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

(clause 412)

9.6 Tape recording/video recording of meetings of Council or a Committee prohibited without permission

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

(clause 273)

10. MISCELLANEOUS

10.1 Common 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.

(clause 400)

10.2 Automatic Amendments Following Changes to the Local Government Act and regulations made under that Act with respect to meetings.

This Meeting Code is automatically amended as a result of any changes to the Local Government Act 1993 or the Local Government (General) Regulation 2005, it being noted that the Act and Regulations take precedent over the Council's Code. This Code also includes the requirements of the Division of Local Government Meeting Practice Note (Practice Note 16).



POLICY HISTORY

Date of Council Resolution	Details	Report / Source	Minute No	Author
12 October, 1993	Adopted			
17 May, 1994	Amended			
24 January, 1995	Amended			
14 March, 1995	Amended			
13 February, 1996	Amended			
11 June, 1996	Amended			
30 August, 1997	Amended			
1 September, 1999	(New LG (Meetings) Regulation 1999)			
13 March, 2000	Amended			
23 April 2001	Amended			
20 May 2002	Amended			
19 August 2002	Amended			
23 March 2004	Amended			
21 February 2005	Amended			
10 May 2007	Amended			
2 March 2009	LUM Consequential Amendments			
7 June 2010	Changes Rejected – OM	CSD Report No 18	PS 63/10	
8 November 2010	Amended	CSD Report No 40	OM 215/10	DGM - PPI